**APPLICATION SUMMARY:**

The applicant has owned property at 41 Sheep Hill Road since 1993 and has an adverse possession claim on conservation land created with the approval of the Meadowpark Town Houses, which was approved in 1976 as a conservation subdivision. The conservation area is shown on a map but there is no associated Declaration of Restrictions. The area of land in question totals 1,914 square feet, is bordered by a 6-foot-high chain link fence and is naturally vegetated and undisturbed.

Both parties believe that creating an easement for the 1,941 square feet in favor of 41 Sheephill so that they can continue to use the land in the same way they have for the last 28 years and creating a second easement at the rear of 41 Sheephill in favor of Meadowpark Town Houses will resolve the adverse possession claim. A Declaration of Restrictions is proposed.

The attached comments from the Conservation Department state that the proposal as currently configured is not acceptable. The applicant would like the opportunity to discuss alternatives with the Commission at the September 14 public hearing and then submit an agreed upon solution for review and approval at a subsequent meeting.

**ISSUES TO BE RESOLVED:**

The issue for the Commission to resolve is whether an easement over conservation land is permitted and further whether a new easement over land on a neighboring property is a suitable replacement for the land lost, so to speak.

**DEPARTMENT COMMENTS:**

Conservation – See attached

ZEO- See attached
Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: Cardali

LOCATION: 41 Sheephill Rd.

PLAN DATE:

ZONE: R-7

☐ Ok for Zoning Permit Sign-off with the following revisions:

☐ Resubmit the following prior to Site Plan/ Subdivision approval:

☒ The subject site plan/subdivision meets the requirements of the Building Zone Regulations, excluding sections 6-15 and 6-17, and is Ok for Zoning Permit Sign-off.

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
TO: Katie DeLuca, Deputy Director, Planning and Zoning / Assistant Town Planner
FROM: Aleksandra Moch, Environmental Analyst
DATE: September 6, 2021
RE: Francine M. Cardali, 41 Sheephill Road, PLPZ 2021 00325
Site survey by S.E. Minor & Co., Inc., dated November 9, 2018

I have reviewed the above-referenced plans and visited the site. The following comments are offered for your consideration:

1. Due to the exiting encroachments by the neighbor to the east, 10 Perna Lane; the proposed open space easement replacement area is not acceptable. The applicant should document all the encroachments and land disturbance on the survey and provide photographs. Also, a proper restoration plan should be provided prior any approvals. Exchanging disturbed open space area with another land affected by encroachments and disturbance is not a good policy.

2. Recent site inspection had revealed the area affected by the maintenance includes the entire length of area behind the chain link fence features on the Meadow Park Town Houses Association Inc. There is a concern of how the other area will be restored and brought to compliance?

3. The proposed replacement area event though wooded may not increase the environmental value of this site. The existing open space is a part of a larger area containing wetland with linear connections and gradual topography. The new rectangular parcel is located off the path over a steeper gradient and between two residences generating human impacts with noise, light and other activates.

4. The proposed Declaration of Restrictions should be revised. 6(g) does not apply to this site therefore should be eliminated and stronger language regarding invasive species management should be added. Also if the commission choses to approve this proposal a permanent demarcation feature should be installed along the boundaries of the new conservation easement.

cc: Conservation Commission
Ms. Katie DeLuca  
Town Planner  
Planning & Zoning Commission  
101 Field Point Road  
Greenwich, CT 06830

Re: 41 Sheephill Road, Riverside, CT 06878  
PLPZ 2021 00325

Dear Katie:

After reviewing other comments from the Conservation Commission, we are preparing a revised map which will provide for the replacement conservation area to be parallel to the existing conservation land of the association rather than perpendicular.

This application is a result of settlement discussions between my client and the condominium association regarding land that my client has been using as her side yard for the last 30 years. The condominium was approved by the Commission in 1976 which permitted the construction of 16 dwelling units and the set-aside of conservation land. Contrary to how such projects are dealt with today, there was no Declaration of Restrictions or other conditions placed on the use of the conservation area.

This proposed settlement would allow my client to continue to use the property while providing an equal amount of conservation area on a portion of her property that is wooded and undisturbed. Currently my client has an adverse possession case pending against the condominium association and this application would enable us to settle that in litigation without a trial. It would also provide an area equal to what my client has maintained as her yard for 30 years which is currently undisturbed and wooded.

Attached is the file of the approval of the condominium and the map showing the conservation area.

As soon as S.E. Minor has prepared the revised plan, I will forward it to you for review with the Commission. Thank you for your assistance.

Very truly yours,

Thomas J. Heagney

TJH/em
August 23, 1976

Mr. Thomas Har-__ch
Hirschberg, Pettengill, Strong & Nagle
P.O. Box 1250
Greenwich, Conn. 06830

Dear Mr. Hartch

Re: Subdivision Application # 654 - Sansone-Giancola Construction Corp.

At the Planning and Zoning Commission's meeting held on August 17, 1976 after studying your preliminary subdivision plan, it was decided to notify you of the following results:

The Commission reviewed the preliminary subdivision plan of this property as well as the conservation zone plan. The following sense of the Commission resolution was adopted:

RESOLVED that the Commission will consider conservation zoning for this property which has less than 10 acres because of the presence of viable wetlands.

The applicant was advised that the procedure would be a petition for rezoning to a conservation zone and site plan approval by the Commission for the single family attached units.

If you have any questions, please contact us.

Very truly yours,

Jeanne A. Shaffer
Planning Assistant
November 17, 1976

Mr. E. M. Crocco
E.M. Crocco Company, Ltd.
P.O. Box 136
Cos Cob, Conn.

RE: Site Plan #334 dated October 26, 1976

Dear Mr. Crocco:

in accordance with Section 25.1 of the Building Zone Regulations, the Planning and Zoning Commission reviewed your site plan of

Sansone-Giancola Construction Corp. on Sheephill Road

at a regular meeting held on November 16, 1976.

It was decided to notify you of the following results:

The site plan was approved subject to the following conditions:

a. The traffic island shown on the plan in the vicinity of dwelling units 8 and 11 shall be removed.

b. The sewer plan, the plan and computations for retention basin and terraced gravel retention bed, the driveway profile and typical section shall be approved by the Engineering Division prior to the issuance of a building permit.

c. The Engineering Division's comments #8, #9, #11, #12, #13, #14, and #15 shall be complied with.

d. Final architectural drawings shall be submitted to the Architectural Review Committee for review

The next meeting of the Architectural Review Committee is scheduled for December 6 at 8:15 in the Selectmen's Conference Room. Please submit one copy of revised architectural drawings to this office by December 1 if you wish this item to be on that agenda.

If you have any questions, please contact us.

Very truly yours,

Jeanne A. Shaffer
Planning Assistant

JAS/gss
Enc. Eng. Division Comments
TO: Maurice Roddy, Chief Building Inspector
FROM: Jeanne P. Shaffer, Planning Assistant
RS: Site Plan Review

In accordance with Section 25.1 of the Building Zone Regulations, the Planning and Zoning Commission reviewed Site Plan #334 of Sansone-Giancola Construction Corp. on Sheep Hill Road at a regular meeting held on November 16, 1976.

Comments:
The site plan was approved subject to the following conditions:

a. The traffic island shown on the plan in the vicinity of dwelling units 8 and 11 shall be removed.

b. The sewer plan, the plan and computations for retention basin and terraced gravel retention pad, the driveway profile and typical section shall be approved by the Engineering Division prior to the issuance of a building permit.

c. The Engineering Division's comments #6, #9, #11, #12, #13, and #15 shall be complied with.

d. Final architectural drawings shall be submitted to the Architectural Review Committee for review.

JAS/s
cc: Mr. Raymond Veillette
STATE OF CONNECTICUT
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Notice is hereby given that at a meeting held on November 16, 1976, the Planning and Zoning Commission considered Site Plans #324, #328 and #334, described below, and adopted the following resolutions:

RESOLVED, that Site Plan #324 of Flinn and Sammis (property of Estate of Gus Odiseos) dated November 11, 1976 is hereby approved with conditions.

RESOLVED, that Site Plan #328 of North Castle Partners, Inc. dated October 20, 1976 is hereby approved with conditions.

✓RESOLVED, that Site Plan #334 of Sansone-Giancola Construction Corp. dated October 26, 1976 is hereby approved with conditions.

Edward V. Nunes
Chairman

Haynes N. Johnson
Secretary

dated November 17, 1976
at Greenwich, Connecticut
10. Site Plan #334 - Sansone Giancola (Headowpark) Townhouses

Location: Sheephill Rd.
Zone: R-7
Use: 16 townhouses
Lot size: 4.35 acres
Floor area: 27,900 sq.ft. (gross)
25,200 sq.ft. (net)
No. of stories: 2
No. of parking spaces: 26 outdoor spaces; 6 garage spaces
Exterior building materials: Rough chestnut shakes with four inch siding - natural and earth colors with Williamsburg details

Preliminary acceptance granted with the understanding that the larger scale studies of the entrance be submitted with particular emphasis to the handling of the pediments and with elevations two to twelve giving a clearer picture of how they are to be delineated.

ARC:

It is the opinion of this department that the site plan dated October 20, 1976 meets the Building Zone Regulations relating to site plans and planting and screening.

The proposed use would be an RC-7 zone which permits this type of use. Although the area is not adequate for the 16th unit, the Planning and Zoning Board of Appeals varied this requirement and permitted the 16th unit. The parking within the 100 ft. setback has also been varied by the Planning and Zoning Board of Appeals.

The Inland Wetlands and Water Courses Agency has reviewed the proposed activities and issued permit 076-75 with conditions.

The Department of Public Works - Engineering Division should review and approve the proposed stormwater detention scheme.

A special wetland note should be attached to the record plan indicating that all activities in or immediately adjacent to the "wetland area" are subject to regulation by the Inland Wetlands and Water Courses Agency.

TRAFFIC ENGINEER:

To improve sight distances at the driveway entrance on Sheephill Rd. the existing privet hedge should be removed. The traffic island shown on the plan in the vicinity of dwelling units 8 and 11 should be removed.

ENGINEER INS DIV.

Comments are attached.
We are concerned about the driveway grade, drainage and the sewerage connection. It is recommended that the Commission postpone a decision so that necessary data can be submitted and reviewed by Engineering prior to the Commission's next meeting. The following recommendations should be complied with:

1. IWA comments
2. Traffic Engineer's comments
3. Final review and approval by ARC
4. Engineering Comments #1, 2, 3
5. The large tulip tree located on the edge of the wetlands in the approximate center of the property is not shown on the plan. Considering the size of the tree, it is strongly recommended that the tree be preserved. The site plan should be revised to show this tree and necessary steps taken to preserve it during and after construction on the site.

Conditional approval could be granted provided the sewer plan, the drainage plan and driveway profile and section be approved by Engineering prior to the issuance of a building permit.
APPLICATION FOR SITE PLAN APPROVAL
BY
PLANNING AND ZONING COMMISSION

NAME OF PROJECT Meadowpark Townhouses (a condominium)

STREET ADDRESS Sheephill Road

ZONE R-7

USE Residential

NAME OF PROPERTY OWNER Sansone-Giancola Construction Corporation

ADDRESS 760 Summer Street, Stamford, Connecticut, 06901

AUTHORIZED AGENT E.M.Crocco Company, Ltd.;

ADDRESS P.O. Box 136; Cos Cob, Connecticut, 06807

SIZE OF LOT 4.35 Acre

FLOOR AREA OF BUILDING: GROSS 27,900 sq.ft. USABLE 25,200 sq.ft.

NO. OF STORIES 2 Stories

NO. OF PARKING SPACES 26

EXTERIOR BUILDING MATERIALS Rough Chestnut Shakes with 4" siding

COLOR Natural and earth colors with Williamsburg details

An application for site plan approval in order to be considered complete for review by the Commission must include the following:

1. A signed survey (plot plan) by a professional architect, land surveyor or engineer licensed in the State of Connecticut showing location of building(s) on property, existing streets, curbs or edge of pavement, sidewalks, traffic lights and controls, public trees, catch basins, hydrants, telephone and light poles and other existing objects that may affect the site plan; drives, walks, canopies, grades, drainage facilities and retaining walls, fences, parking layouts (including individual employee and customer parking spaces), loading areas, exterior lighting. Site location will be shown on the plot plan or on a separate map including location of buildings on adjoining lots and nearest cross streets. Six copies shall be submitted at the time of application.

2. Architectural plans of all floors, all exterior elevations and such additional material necessary to show exterior building materials, color, roof line, height and bulk. (two copies)

3. Screening and planting on the site including location of existing trees and other plantings to be retained as well as proposed planting.

4. One 8½" x 11" reduction of the Site Plan.

5. Certification by the Building Department that the plan complies with the Building Zone Regulations.

Signed (owner or legal agent) E.M. Crocco Company, Ltd. - 869-2772

Phone October 28, 1976

Date
November 8, 1976

Mr. Schaefer, Pettegill, Strong and Nagle
Smith Bldg.
Greenwich, Conn.

Attention: Thomas Martin, Esq.

Gentlemen:

This will notify you that on November 6, 1976 the Planning and Zoning Board of Appeals of the Town of Greenwich (Present: William L. Jenkins, Chairman, Paul B. Lynch, Secretary, Douglas Soutar, Edward Fox, and A. Lincoln Hessler, Alternate for Matthew Steceno) rendered the following decision.

Appeal No. 5784 heard pursuant to due notice on October 27, 1976.

Appeal of Sansome-Ginacola Corporation for variance of area requirements to permit construction of 16 units, on the easterly side of Sheep Hill Road, Riverside, in the R-7 zone (proposed: R-1 zone).

It was unanimously RESOLVED that said appeal be granted on the following grounds:

If the traditional subdivision method is utilized here, the applicant would have more than sufficient land for the proposed 16 units. Because a conservancy zone is employed and because the requested variance is minimal and this is the only property in the neighborhood so situated, the Board finds undue hardship justifying the requested variance under Section 3.8.4. of the Building Zone Regulations.

Very truly yours,

Planning and Zoning Board of Appeals of Town of Greenwich

[Signature]

Secretary
October 12, 1976

Mr. McCarthy, Pettengill, Strong and Nagle
Smith Office
Greenwich, Conn.

Attention: Thomas March, Esq.

Gentlemen:

This will notify you that on October 12, 1976, the Planning and Zoning Board of Appeals of the Town of Greenwich (Present: William R. Jenkins, Chairman, Paul B. Lynch Secretary, Matthew J. Stacox, Edward C. Bloom and N. Lincoln Hadlander Alternate for Douglas Soutar) rendered the following decision:

Appeal No. 5765 heard pursuant to due notice on September 29, 1976.

Appeal of Sausone-Giancola Construction Corporation for variance of the conservation distance requirements to permit parking on proposed conservation land, on the easterly side of Sheephill Road, Riverside, in the R-7 zone (proposed NC-7 zone).

It was unanimously RESOLVED that said appeal be granted on the following grounds:

The board finds the off-street parking spaces proposed by applicant will be beneficial to the neighborhood and within the intent and spirit of Section 5.6.3, of the Building Code Regulations, and with the self-imposed conditions by applicant to eliminate parking spaces 3 through 11 and set to destroy any of the natural growth more than 10 feet beyond spaces 27 through 35 all as shown on the plot plan, and to provide additional screening abutting such parking spaces 27 through 35, will conform to the intent of said Section 5.6.3.6, and to deny the requested variance thereof as modified would impose a hardship on applicant.

Very truly yours,

PLANNING AND ZONING BOARD OF APPEALS OF TOWN OF GREENWICH

Site Plan 36
Page 44 of 47
Issued to:
Sansone-Giancola Construction Corporation
1076 East Putnam Avenue
Riverside, Connecticut 06878

Date Issued:
November 1, 1976

The Inland Wetlands & Water Courses Agency finds that the following proposed activities on the property of the Sansone-Giancola Construction Corporation on the east side of Sheep Hill Road are regulated activities not involving a significant impact or major effect on the inland wetlands or water courses as defined in Sections 2.18 and 2.19 of the Inland Wetlands & Water Courses regulations of the Town of Greenwich:


2. The construction of a stormwater drainage and detention system as shown on the above referenced drawing.

3. The construction of a retaining wall along the wetland edge and site grading as shown on the above referenced drawing.

After a full review of the considerations set forth in Sections 6.1d through 6.1h of the regulations and other pertinent factors, this permit is issued with the following conditions:
1. The Inland Wetlands Administrator will be notified in writing before the regulated activities commence and after completion.

2. The attached compliance statement will be signed by the contractor engaged to perform the regulated activities and then returned to the Agency office prior to the start of construction activities.

3. A permanent barrier will be installed along the entire edge of the wetland with the exception of those areas immediately adjacent to the proposed retention basin and terraced gravel retention bed. This barrier shall consist of either a constructed stone retaining wall or a chain link fence at least six feet in height. The barrier will be incorporated into a sedimentation and erosion control plan and the final barrier design shall be submitted to the Inland Wetlands Agency staff for review and written approval prior to the start of site clearing and grading and/or construction activities.

4. The area of the property on the northwestern side of the barrier noted in condition 3 shall be landscaped with species of plants that are attractive to wildlife. A detailed planting plan for this area shall be submitted to the Inland Wetlands Agency staff for review and written approval prior to the start of site clearing and grading and construction activities. The landscaping plan shall include Hemlock, Holly, Bittersweet, Winterberry, Red-osier Dogwood and Mulberry among the specified plantings.

5. Steps taken to control sedimentation and/or erosion shall include but need not be limited to:
   a. The stabilization of all disturbed earth surfaces with suitable ground cover and/or a spread hay mulch as required.
   b. The installation of a temporary snow fence along the wetlands boundary abutting the project area prior to the start of site clearing and grading and the use of anchored hay bales as sediment traps and filters.

6. The proposed stormwater detention scheme shall be reviewed and approved by the Greenwich Engineering Department. Confirmation of this approval shall be submitted to the Inland Wetlands Agency prior to the start of site clearing and grading and construction activities.

7. The design details of the proposed spillway from the detention pond shall be submitted to the Inland Wetlands Agency staff for review and written approval.
Inland Wetlands and Water Courses Agency
PERMIT #76-75

Failure to comply fully with each of the above conditions could result in the invalidation and/or revocation of this permit. The Inland Wetlands Agency staff is available to answer any questions.

* Note: This permit expires on May 1, 1978 unless an extension is requested and granted according to Section 13.5 of the Inland Wetlands and Water Courses regulations of Greenwich.

Jeanne M. Molte
Roland T. Bryan, Chairman
Jeanne M. Molte, Secretary

cc: Robert Kendra
Site Plan Application

Property Address: 41 Sheephill Road, Riverside, CT 06878

Property Owner: Francine M. Cardali

Email: ___________________________ Cell Phone: ___________________________ Other Phone: ___________________________

Applicant: Francine M. Cardali

Email: THeagney@HLS248.com

Address: 41 Sheephill Road, Riverside, CT 06878

Authorized Agent: Heagney, Lennon & Slane, LLP

Email: THeagney@HLS248.com

Address: 248 Greenwich Avenue, Greenwich, CT 06830

Other Phone: (203) 661-8400

Select One: ☐ Pre-Application ☒ Final

Zone(s): R-7

Lot Area: 12,590 sf

Please select all relevant items below:

☐ Special Permit – Complete special permit application form

☐ Coastal Overlay Zone

☐ Property is within 500 feet of a Municipal Boundary of ______________________ (for notification)

☐ Amendment to Building Zone Regulations – Section(s) ______________________

☐ Amendment to Building Zone Map – Zone(s) affected ______________________

☐ Health Department review needed

☐ Sewer Department review needed

☐ Architectural Review Committee Application attached or Review needed

☐ Planning & Zoning Board of Appeals review needed

☐ Inland Wetlands and Watercourses Agency Review / Approval Required

☐ Scenic Road Designation

To be completed by P&Z staff only:

Check # ___________________________ Check Amount: $ _____________

Application # ___________________________ pzSitePlanApp 2020
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pzSitePlanApp 2020
Application Signature Page

Property Address: 41 Sheephill Road, Riverside, CT 06878
Tax ID: 12-2245/S

Property Owner 1: Francine M. Cardali
Address: 41 Sheephill Road, Riverside, CT 06878
Email: 
Cell Phone: 
Other Phone: 
Signature: *See Authorization Letter
Date:

Property Owner 2:
Address:
Email: 
Cell Phone: 
Other Phone: 
Signature: 
Date:

Property Owner 3:
Address:
Email: 
Cell Phone: 
Other Phone: 
Signature: 
Date:

Property Owner 4:
Address:
Email: 
Cell Phone: 
Other Phone: 
Signature: 
Date:

Applicant: Francine M. Cardali
Address: 41 Sheephill Road, Riverside, CT 06878
Email: 
Cell Phone: 
Other Phone: 
Signature: *See Authorization Letter
Date:

Authorized Agent: Heagney, Lennon & Slane, LLP
Address: 248 Greenwich Avenue, Greenwich, CT 06830
Email: THeagney@HLS248.com
Cell Phone: 
Other Phone: (203) 661-8400
Signature: 
Date: 7/12/21

pzSignaturePage 2020
NARRATIVE

Applicant has owned property at 41 Sheep Hill Road since 1993. The adjacent property at 37 Sheep Hill Road is a condominium known as Meadowpark Town Houses. The Meadowpark townhouse development was approved by the Planning and Zoning Commission as a conservation zone in 1976. No Declaration of Restrictions was required for the conservation area shown on the site plan for the development. A portion of the conservation area abuts the applicant’s property.

Since 1994 the applicant has utilized as part of her yard a portion of the conservation area. This area totals 1,914 square feet and is bordered by a 6-foot-high chain link fence. The area is landscaped with lawn and shrubs. In lieu of proceeding with an adverse possession claim against the Meadowpark Town Houses Association, the parties are proposing an easement which would permit the applicant to continue to use what has been her yard over the last 28 years and substitute an area in the rear of her property of an equal size as replacement conservation easement area. This property is naturally vegetated and undisturbed.

This proposed conservation easement area is abutting the Meadowpark Town Houses conservation land and is shown on the map of the applicant’s property.

Applicant submits this site plan application to provide substituted conservation easement area in lieu of the adverse possession action.

Respectfully Submitted,
Thomas J. Heagney
Dated: July 13, 2021
DECLARATION OF RESTRICTIONS

WHEREAS, FRANCINE M. CARDALI, of Greenwich, Connecticut, (hereinafter referred to as the Grantor) is the owner of certain real property in the Town of Greenwich, County of Fairfield and State of Connecticut, described and shown on a certain map entitled, “Map Showing Easement for Francine M. Cardali on Property of Meadow Park Town Houses Association, Inc., a Condominium, Greenwich, Conn.”, prepared by S.E. Minor & Co. Inc., dated 2021, submitted to the Planning and Zoning Commission as a site plan of property located at 41 Sheephill Road, and filed in the Office of the Town Clerk of Greenwich as Number ______, said real property being composed a parcel designated “Conservation Easement Area Y.”

WHEREAS, said Grantor, in order to induce the Planning and Zoning Commission to approve proposed site plan of Grantor's real property as shown on said map, desire to create such covenants and restrictions as are necessary to protect Area Y.

NOW THEREFORE, the Grantor does hereby declare the following covenants and restrictions, which covenants and restrictions shall run with the land in perpetuity and shall be binding on the Grantor, his heirs, legal representatives and assigns and all future owners of any and all of the lots within the herein described subdivision.

1. The area designated on the Map as “Conservation Easement Area Y” shall be forever reserved, preserved, used and maintained by the Grantor, solely for Open Space purposes.

2. Grantor shall subject any conveyance of the lot to the burden of these covenants and restrictions and shall, in any instrument of conveyance, express and make specific reference to this declaration by book and page number in the Greenwich Land Records. Grantor, its successors and or assigns shall have the right and obligation to enter onto the “Open Space” for purposes of maintaining, pruning and replacing the trees, shrubs and plantings thereon.
3. The covenants and restrictions declared herein shall inure to the benefit of the Town of Greenwich and all property owners adjoining the property of the Grantor described herein above and will run with the land in perpetuity and be binding on all future owners of any and all lots within the subdivision. The Town may enforce any of such covenants or restrictions by appropriate court action.

4. The restrictive covenants and agreements herein declared may not be modified, altered, amended, changed, or released without the written approval of the Town of Greenwich acting jointly by its Planning and Zoning Commission or such municipal officer or agency as may have succeeded them.

5. The covenants and restrictions declared herein shall not be affected in any manner by change in zoning or land use subsequent to the final approval of the subdivision hereinbefore described.

6. “Conservation Easement Area” on the Map shall be forever reserved, preserved, used and maintained by the Owner, solely for Open Space subject to the following:

   a) No building or other structure or improvement, either temporary or permanent shall be erected or caused to be placed on any portion of the Conservation Easement Area.

   b) No topographic changes shall be made in any portion of the Conservation Easement Area, including, filling, grading, excavation or the altering of natural or existing drainage.

   c) No tree shall be removed from the Conservation Easement Area by the Owner unless, as a result of disease or death, said tree poses a threat to the residential use of the lot and the removal of said tree is approved in writing by the Planning and Zoning Commission or designee.
d) No refuse, trash, debris, garbage, waste matter, sewage, organic yard debris (grass clippings, leaves, branches, wood chips, etc.) or other like substance or offensive material shall be placed, caused to be placed or allowed to remain in or upon the Conservation Easement Area.

e) The Owner shall have the right to protect from erosion portions of the Conservation Area by planting trees, plants and shrubs where and to the extent necessary, or by other appropriate means after said planting(s) is approved in writing by the Planning and Zoning Commission or designee. Owner shall allow the area to naturalize.

f) Any new plantings in the Conservation Easement Area parcel will use only native species. All management of the Conservation Easement Area will be done as to encourage biodiversity and growth of native species and discourage the growth and spread of invasive species. Any work to prevent the spread of invasive species will be done in consultation with the Planning and Zoning Commission or designee, including but not limited to the Conservation Commission staff.

g) Portions of the Conservation Easement Area may be maintained by mowing of overgrown grass by no more than twice a growing season.

h) As part of the future management of the Conservation Easement Area, the Owner may through application to the appropriate Town agency address invasive/nuisance species.

7. NOTWITHSTANDING ANY OTHER REQUIREMENT CONCERNING MODIFICATION OF THIS INSTRUMENT, OR ANY DOCUMENT FILED PREVIOUSLY IN THE GREENWICH LAND RECORDS, NO MODIFICATION OR INSTRUMENT PURPORTING TO MODIFY ANY CONDITION, TERM OR PROVISION OF THIS DECLARATION OF RESTRICTIONS SHALL BE VALID UNLESS IT IS FILED ON THE GREENWICH LAND RECORDS AND APPROVED BY THE PLANNING AND ZONING
COMMISSION OF THE TOWN OF GREENWICH AND THE SIGNATURE OF THE
CHAIRMAN OF SUCH PLANNING AND ZONING COMMISSION APPEARS THEREON.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ___ day of July, 2021.

__________________________ FRANCINE M. CARDALI

__________________________

STATE OF CONNECTICUT )
COUNTY OF FAIRFIELD ) ss: Greenwich

On the ___ day of July, 2021, before me the undersigned, personally appeared FRANCINE M. CARDALI known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for purposes therein contained.

In witness whereof I hereunto set my hand.

__________________________
Notary Public
Site Plan Review Checklist

Property Address: 41 Sheephill Road, Riverside, CT 06878

Anticipated Type of Application: Site Plan

All applications for preliminary and final site plan approval shall be made on the appropriate forms as provided by the Planning Staff. The following items must also be provided with the application. If any of the following items are not filed at the time of application, the application may be returned to the applicant in order that it may be filed in the entirety at an appropriate future date. Required Items: (Sec. 6-14)

Please check the items submitted below:

1. Fifteen copies of a survey, folded to 9" x 12", showing existing conditions, including:
   - a. Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
   - b. Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of property immediately adjoining the subject parcel.
   - c. The location of all existing watercourses, intermittent streams wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops or a note indicating that none exist, with the sources of information listed.
   - d. The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
   - e. The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
   - f. Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
   - g. Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
   - h. Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations.

2. Fifteen sets of a detailed Site development plan, at a readable scale, folded to 9" x 12", prepared in accordance with all applicable Town standards including the roadway Design and Drainage Design Manuals, and signed by a professional architect, land surveyor, or engineer licensed in the State of Connecticut, showing:
   - a. Location, dimension, and elevation of all proposed buildings, structures, walls, fences.
   - b. Location dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
   - c. Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
   - d. Note specifying source of water supply and method of sewage disposal.
   - e. Existing and proposed contours at units of no more than a two-foot interval unless waived by the Commission’s staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
   - f. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
   - g. Any other similar information determined by the Commission staff to provide for the proper enforcement of the Building Zone Regulations.
   - h. Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking
Provided, Building Height, Building Footprint, and Area Devoted to Surface parking, Building and Drives.

☐ i. Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.

☐ j. Coastal Area Management Application for projects within the Coastal Overlay Zone.

☐ 3. Eight sets of architectural plans, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade changes. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the absolute building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations.

☐ 4. Three copies of Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission Staff for required format.

☐ 5. Three copies of "building coverage" computation sheets.

☐ 6. Three copies of "area devoted to surface parking, building, and drives" worksheets.

☐ 7. Five copies of site distance certification reports when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist.

☐ 8. Three copies of Volume calculations per 6-101.

☐ 9. Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report may be required.

☐ 10. Ten copies of completed application form signed by applicant or authorized agent, owners and contract purchasers, as applicable.

☐ 11. Ten copies of completed Special Permit form, if required by Building Zone Regulations.

☐ 12. Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendments(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing at 1" to 400' needs to be provided for affected areas(s).

☐ 13. Eight copies of reductions in, 11 x 17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

☐ 14. A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a) (5), signed by C.A.W.C.

☐ 15. An affidavit certifying that all abutting property owners have been notified, as evidenced by the submission of a certificate of mailing or certified or registered mail receipts about said application. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant to abutting owners two weeks prior to any scheduled hearing date of the Conservation Commission.

☐ 16. Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

☐ 17. A separate schematic plan at a scale no larger than 1"-100” indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.

☐ 18. Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of drainage exemption forms.

☐ 19. In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.

☐ 20. All applications for final site plans shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans Architectural and drainage plans are to be references by title, date(s) and sheet numbers.

☐ 21. Required fee submitted at time of application (see fee schedule).

☐ 22. "It is the belief of the PZC staff that this application is incomplete because of the failure of the applicant to provide the materials
referred to above. This application will be reviewed by the PZC and a decision made as to whether it is complete or incomplete at its public meeting to be held in the PZC office.

All applicants must make an appointment to submit this application with the Applications Coordinator, Peter Mangs, who can be reached by (email) Peter.Mangs@greenwichct.org or (phone) 203-622-7894.

NOTE: Any new documentation presented at Planning and Zoning Meetings shall be submitted to staff so that they can be made part of the record. Please ensure all documents can easily be removed from presentation boards.
TOWN OF GREENWICH

AFFIDAVIT OF NOTIFICATION OF SITE PLAN APPLICATION TO THE
PLANNING AND ZONING COMMISSION

STATE OF CONNECTICUT  )  ) ss:  Greenwich
COUNTY OF FAIRFIELD  )

I, JOHN HEAGNEY, being first duly sworn, do hereby certify that on June 22, 2021, I caused to be mailed, postage prepaid, evidenced by certificate of mailing, to those persons whose names are set forth on Exhibit A attached hereto, a copy of the notice Exhibit B. Said persons are the record owners, as of June 22, 2021, as shown on the Town Tax Assessor’s Office records of property abutting and across the street from the property located at 41 Sheephill Road, Riverside Connecticut for which an application requesting site plan approval has been filed with the Greenwich Planning and Zoning Commission.

[Signature]

JOHN HEAGNEY

Subscribed and sworn to before me this 22\textsuperscript{nd} day of June 2021

[Signature]

EMMA A. MUTINO
NOTARY PUBLIC

My Commission Expires Apr. 30, 2025
EXHIBIT A

Abutting property owners of 41 Sheephill Road, Riverside:

Joanne D’Andrea
50 Sheephill Road
Riverside, CT 06878
12-2020/S
12-2021/S

Nancy Fantin
10 Perna Lane
Riverside, CT 06878
12-2546/S

Francisco Jose Gomez
37 Sheephill Road Un #7
Riverside, CT 06878
12-3060/S

Valerie Matturro
37 Sheephill Road Un1
Riverside, CT 06878
12-1900/S

Elizabeth Mungai
37 Sheephill Road #6
Riverside, CT 06878
12-3059/S

Richard J. Scully
54 Sheephill Road
Riverside, CT 06878
12-1781/S

Jeffrey S. Whitehill
37 Sheephill Road Un 11
Riverside, CT 06878
12-3064/S

Joan S. Carter
37 Sheephill Road Un5
Riverside, CT 06878
12-3058/S
Andrew Derosa  
47 Sheep Hill Road  
Riverside, CT 06878  
12-2203/S

Donna L. Ferri  
37 Sheep Hill Road Un2  
Riverside, CT 06878  
12-3054/S

Yelena & Krcic Kleyn  
37 Sheep Hill Road Un3  
Riverside, CT 06878  
12-3056/S

Carlos Mena  
50 Forest Street #1708  
Stamford, CT 06901  
12-3066/S

Paul John Remesic  
37 Sheep Hill Road Un16  
Riverside, CT 06878  
12-3069/S

Gregory A. Toothill  
45 Sheep Hill Road  
Riverside, CT 06878  
12-1902/S

Robert S. & Lee Whitely  
264 Belltown Road  
Stamford, CT 06905  
12-3068/S

Joseph F. & Caitlyn D. Dunn  
37 Sheep Hill Road Unit 12  
Riverside, CT 06878  
12-3065/S

Chi D. & Meilee Fu  
11 Fox Hollow Lane  
Cos Cob, CT 06807  
12-3063/S
Jeung Lim & Sung Min Lim
37 Sheep Hill Road #17
Riverside, CT 06878
12-3270/S

Irina A. Mikheeva
37 Sheep Hill Road Unit 9
Riverside, CT 06878
12-3062/S

Domenica Mary Sarica
37 Sheep Hill Road Un8
Riverside, CT 06878
12-3061/S

Hong S. Wacker
37 Sheep Hill Road #14
Riverside, CT 06878
12-3067/S

Jocelyn F. Yuan & Riddle
37 Sheep Hill Road Un4
Riverside, CT 06878
12-3057/S
EXHIBIT B

June 22, 2021

To Whom It May Concern:

Notice is hereby given that Francine M. Cardali has filed an application with the Town of Greenwich Planning and Zoning Commission to request site plan approval to provide a substituted conservation easement area to the Town of Greenwich.

This easement area will be equal in size, 1914 sq. ft., to an area that she is acquiring as an exclusive, perpetual easement from conservation area owned by Meadowpark Townhouses Association, Inc. This is to settle an adverse possession action she has brought against the Condominium Association claiming that she acquired the easement area by adverse possession. The easement she is acquiring will be for the benefit of her property located at 41 Sheep Hill Road in Riverside, Connecticut. The conservation easement to the Town will be in the rear portion of 41 Sheep Hill Road.

Further information regarding this application may be obtained at the Planning and Zoning Commission or this office.

John Heagney

For information contact:
Planning and Zoning Commission
Town Hall, 101 Field Point Road
Greenwich, CT 06836
Tel: 203-622-7753
June 22, 2021

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[Signature]

John Heagney

For information contact:
Planning and Zoning Commission
Town Hall, 101 Field Point Road
Greenwich, CT 06836
Tel: 203-622-7753
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June 22, 2021

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: 41 Sheephill Road, Riverside, CT 06878

To Whom It May Concern:

I hereby authorize Heagney, Lennon & Slane, LLP to act as my agent to appear before the Town of Greenwich Planning and Zoning Commission or any other Town Municipal Board in connection with the filing of applications for the above captioned property.

Francine M. Cardall
RESIDENTIAL

VALUATION RECORD

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LAND DATA AND CALCULATIONS

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Legal Acres: 0.2890
### IMPROVEMENT DATA

#### PHYSICAL CHARACTERISTICS
- **Style**: Ranch
- **Occupancy**: Single family
- **Story Height**: 1.0
- **Finished Area**: 2332
- **Attic**: None
- **Basement**: 1/4

#### ROOFING
- **Material**: Asphalt shingles
- **Type**: Gable
- **Framing**: Std for Class
- **Pitch**: Not available

#### FLOORING
- **Slab**: B, L, 1.0
- **Base Allowance**: B, L, 1.0

#### EXTERIOR COVER
- **Concrete Block**: 1.0

#### INTERIOR FINISH
- **Normal for Class**: B, L, 1.0

#### ACCOMMODATIONS
- **Finished Rooms**: 7
- **Bedrooms**: 3
- **Fireplaces**: 2

#### HEATING AND AIR CONDITIONING
- **Primary Heat**: Forced hot air-gas
- **Lower / Bsmt**: Full Part

#### PLUMBING
- **Fixt. Baths**: 1 3
- **Kit Sink**: 1 1

#### REMODELING AND MODERNIZATION
- **Amount**: 4

---

### SUMMARY OF IMPROVEMENTS

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**Data Collector/Date**: VM 06/05/2018  
**Appraiser/Date**: TOG 10/01/2015  
**Neighborhood**: Neigh 130120  
**Supplemental Cards**: TOTAL IMPROVEMENT VALUE 200800