**Final Site Plan PLPZ 2021 00325**

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**UPDATE:**
The application was left open at the last meeting to address Conservation comments. The applicant submitted a revised plan, which has been reviewed by Conservation, who offer the follow comments:

- The site plan shows the section of the fence which is not running along the subject section be removed to allow the wildlife to gain the full access to the proposed new area.
- The new area should be demarcated or clearly delineated to ensure no further encroachments are made.
- To compensate for the encroachment it is recommended the new area be slightly larger than the area encroached upon.

In response, the applicant amended the proposal to construct a new fence from the gate north to the property line of the town homes. Also to install 3 or 4 markers stating that the area is designated open space along the property line that runs to the east. The reason is that the area is thickly wooded and putting a fence there would be counterintuitive.

Lastly, the applicant made the argument that an equal area exchange is appropriate because the new area has more conservation value than the existing area in that it is wooded.

**Upon further review, Conservation accepted the proposal.**

**RECOMMENDATIONS:**

1) It is recommended that if the Commission moves this forward that any approval include at least these conditions:
   a. Final review of the Declaration of Restrictions by P&Z staff and the Law Department
   b. Reference in the Declaration to a revised map that includes the two changes – new fence and markers.

**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
If this is the last offer, we will take it!

Thank you!

From: DeLuca, Katie
Sent: Thursday, September 23, 2021 11:16 AM
To: Moch, Aleksandra <Aleksandra.Moch@greenwichct.org>
Subject: FW: 41 Sheephill Rd

Aleks —

Re: demarcation — would you accept if the fence went from the gate north to the property line and then along the property line that runs to the east they put up those conservation plaques? Maybe like 3 or 4 of them? That area is thickly wooded and putting a fence in there seems counterintuitive?

Also — the area of encroachment is all lawn and the new area is all wooded. So although it is the same size — it is of far better environmental quality because it is natural. Can you accept that argument?

Thanks, Katie

I recommend:

- The site plan shows the section of the fence which is not running along the subject section be removed to allow the wildlife gain the full access to the proposed new area.
- The new area should be demarcated or clearly delineated to ensure no further encroachments are made.
- To compensate for the encroachment it is recommended the new area be slightly larger than the area encroached upon.

Please feel free to call me if you have any questions (203) 550 9373

Regards,

Aleksandra Moch
Environmental Analyst
Conservation Commission
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830
Tel: 203 622 3822

From: Tom Heagney [mailto:theagney@hls248.com]
Sent: Wednesday, September 22, 2021 3:53 PM
To: Moch, Aleksandra <Aleksandra.Moch@greenwichct.org>
Subject: RE: 41 Sheephill Rd

[EXTERNAL]

Aleks,

Attached are the revised map for the substitute conservation area and my letter to Katie explaining how it addresses your earlier comments. Let me know if you have any questions regarding the revision.

Thanks,
MAP SHOWING CROSS EASEMENTS
FOR
FRANCINE M. CARDALI
ON PROPERTY OF
MEADOW PARK TOWN HOUSES
ASSOCIATION, INC.
A CONDOMINIUM
GREENWICH, CONN.