FINAL RE-SUBDIVISION

PLPZ 2022 00022
Dennis & Cynthia Ever

LOCATION: 359 North Street
EXISTING ZONING: RA-1 (1-acre minimum)
TOTAL AREA OF PROPERTY: 122,055 sq.ft. (2.8020-acres)
UTILITIES: Sewer and Public Water

For clarification and confirmation that regular mowing is permitted in Open Space Parcel P-1 up to the limit of lawn shown on the lot line revision map approved under PLPZ 2020 00294.

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EXISTING ZONING: RA-1 (1-acre minimum)
TOTAL AREA OF PROPERTY: 122,055 sq.ft. (2.8020-acres)
UTILITIES: Sewer and Public Water

Existing Condition

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>“P-1”</td>
<td>20,261 sq.ft.</td>
</tr>
<tr>
<td>“P-2”</td>
<td>5,657 sq.ft.</td>
</tr>
<tr>
<td>Open Space</td>
<td>25,918 (0.595-acres from FSB #764)</td>
</tr>
<tr>
<td>“A”</td>
<td>96,137 sq.ft.</td>
</tr>
<tr>
<td>Total Area of Property</td>
<td>122,055 sq.ft. (2.8020-acres)</td>
</tr>
</tbody>
</table>

UPDATE:
This application was opened together with PLPZ 2021 00494, which is for a Final Site Plan and Special Permit at the same 2.8-acre property, during the Commission’s Public Hearing that took place on 2/15/2022. Both applications were left open for the following to be addressed:

- For the applicant to update the proposed Declaration of Restrictions to incorporate the new maintenance schedule
- For DPW to review the neighbor’s engineering effort dated 2/15/2022 by Ahneman Kirby, LLC.
- For the applicant to develop a landscape plan.
  - The applicant provided:
    - Existing Tree Inventory Plan
    - Planting Plan
    - A point-by-point list of review comments from correspondence with the Town’s Conservation Staff and the design landscape architect, Wesley Stout Associates (WSA).
  - The landscape plan includes additional plantings in the P-1 Open Space Parcel and across the site.
  - The owner commits to Organic Lawn Care within both open space areas.
  - Tree Inventory shows 19 trees that are in decline or invasive are being replaced by 27 new trees selected in consultation with the Conservation staff.
  - Fall clean up:
    - In open space Parcel 2 will be restricted from leaf blowing to remove all leaf cover to bare soil.
    - In the upland Parcel 1 will require a higher level of cleanup within the planted border. The owner will commit to maintaining the planted border with a natural or organic mulch material.
- The applicant to review building materials for the monuments to delineate the open
Monuments delineating both open space areas (P-1 and P-2) will be made from either marble or precast concrete and set flush with grade.

- The retaining wall shall be moved out of the open space, and no grading within the open space.

It was noted by the applicant at the meeting that the drainage design for the site was done to ensure the development of a potential pool, but at this time no pool is proposed with this application.

THE BELOW IS AN UPDATED STAFF REPORT.

APPLICATION SUMMARY:
An application for final re-subdivision was submitted to the Planning & Zoning Commission requesting clarification and confirmation that regular mowing is permitted in Open Space Parcel P-1 up to the limit of lawn shown on the lot line revision map approved under PLPZ 2020 00294, pursuant to Section 6-261 of the Town of Greenwich Subdivision Regulations on a 2.8-acre property located at 359 North Street in the RA-1 Zone.

ISSUES / RECOMMENDATIONS:
1. On November 17, 2020 at a Public Hearing, the Commission found an application for final re-subdivision, PLPZ 2020 00294, to combine Lots 2 and 3 of a previously approved subdivision FSB #764, into one (1) 122,055 sq.ft. (2.802-acre) parcel and to reconfigure the approved “recreation area” as two (2) open space parcels “Parcel ‘P-1’” at 20,261 sq.ft. in size and “Parcel ‘P-2’” at 5,657 sq.ft. in size to not be a subdivision or re-subdivision. That decision letter is within the staff report.
2. Declaration of Restriction:
   - The original 1978 Declaration of Restrictions did not have a ban on mowing in the Open Space and permitted the installation of improvements, such as underground utilities and drains in the Open Space.
   - On November 17, 2020, the applicant submitted a proposed Declaration of Restrictions that states in Section 9(g): “Portions of the Open Space parcel may be maintained by mowing of overgrown grass by no more than twice a growing season.”
   - The current proposed language of Section 9(g) states: “Open Space Parcel P-1” may be regularly mowed up to the “Edge of Lawn” shown on Map.”
   - The Commission should determine if this change in language is acceptable.
3. The Inland Wetlands Agency issued a green sheet on 10/14/2020 and note that no action is required at this time as no construction is included with this request for final re-subdivision.
4. DPW issued updated comments on 2/23/2022 and notes concerns in the language of Open Space Parcel P-1, and comments that the existing survey map appears to show drainage pipes encroaching into it.
5. **Conservation** issued updated comments dated 2/24/2022 and notes that the current landscape plan addresses all their previous concerns and provides valuable directions for the future maintenance of the site.

6. **Open Space Demarcation.** Monuments delineating both open space areas (P-1 and P-2) will be made from either marble or precast concrete and set flush with grade. The placement of these monuments are noted on the current landscape plan by the design landscape architect, Wesley Stout Associates (WSA).

7. **Lot Shape and Area** – The Commission should note that the proposed lot shape meets the standards set forth in Section 6-205 of the Building Zone Regulations for both lot shape and lot area.

**DEPARTMENT COMMENTS:**

<table>
<thead>
<tr>
<th>Department</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>IWWA</td>
<td>- see attached green sheet dated 10/14/2020</td>
</tr>
<tr>
<td>DPW</td>
<td>- see attached memo of 2/23/2022</td>
</tr>
<tr>
<td>CONSERVATION</td>
<td>- see attached memo of 2/24/2022</td>
</tr>
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</table>

**PROPOSAL AND HISTORY:**

An application for final re-subdivision was submitted to the Planning & Zoning Commission requesting clarification and confirmation that regular mowing is permitted in Open Space Parcel P-1 up to the limit of lawn shown on the lot line revision map approved under PLPZ 2020 00294, pursuant to Section 6-261 of the Town of Greenwich Subdivision Regulations on a 2.8-acre property located at 359 North Street in the RA-1 Zone.

In August 1978 the Commission approved a three-lot subdivision, FSB #764. The original 1978 Declaration of Restrictions does not have a ban on mowing in the Open Space and permitted the installation of improvements, such as underground utilities and drains in the Open Space. The Subdivision Map was recorded as Map #5605 on the Greenwich Land Records and shows one lot fronting North Street (Lot #2), and two rear lots (Lots #1 and #3). Lots #1 and #3, the two rear lots, are developed with single family homes, and Lot #2 remained vacant.

On November 17, 2020 at a Public Hearing, the Commission found an application for final re-subdivision, PLPZ 2020 00294, to combine Lots 2 and 3 from subdivision FSB #764, into one (1) 122,055 sq.ft. (2.802-acre) parcel and to reconfigure the approved “recreation area” as two (2) open space parcels “Parcel ‘P-1’” at 20,261 sq.ft. in size and “Parcel ‘P-2’” at 5,657 sq.ft. in size to not be a subdivision or re-subdivision. That decision letter is within the staff report. On the day of the public hearing, the applicant submitted a proposed Declaration of Restrictions that states in Section 9(g): “Portions of the Open Space parcel may be maintained by mowing of overgrown grass by no more than twice a growing season.”

While the Applicant agreed to update the 1978 Declaration of Restrictions, they had intended to continue mowing up to the “Edge of Lawn” line in Open Space Parcel P-1 as shown on the approved lot line revision map. The applicant is working with a landscape architect and the Conservation Department to come to an agreeable solution for both parties. The applicant has agreed to organic lawn care and natural mulch, among other strategies to have the viability of these open spaces on the property.
EXISTING PROPERTY: The property is on the west side of North Street and improved with a single-family dwelling, driveway and landscaping with many mature trees across the property. According to the tax card, the dwelling was constructed in 1903.

359 North Street is bordered by single family homes that are within the RA-1 zone, and it is also within the RA-1 zone.

CONSERVATION: The Conservation Department issued an updated memorandum on 2/24/2022 and notes that the current landscape plan addresses all their previous concerns and provides valuable directions for the future maintenance of the site. They do request that the Declaration of Restrictions and supporting planting plans all be filed on the GLR so they are easy to find together in the future.

DPW: DPW issued updated comments on 2/23/2022 and notes concerns in the language of Open Space Parcel P-1, and comments that the existing survey map appears to show drainage pipes encroaching into it.

APPLICABLE REGULATIONS:
6-205 – Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings
6-258 – Authority for Regulations
6-261 – Definitions
6-269 – Record Sheets; Contents
6-270 – Construction Sheet; Contents
6-271 – Health Dept. Report; Sewage Disposal Facility
6-278 – Signing of Subdivision Plan
6-279 – Filing with Clerk
6-283 – Conformity with Plan of Development; Zoning Regulations.
6-296 – Natural Features; preservation.
6-297 – Parks and Playgrounds; standards.
6-298 – Ownership of Park and Playground or Open Space Land; Proof; Filing.
6-304 – Lot Dimensions
MEMORANDUM

To: Jacalyn Pruitt, Planner II

From: Aleksandra Moch, Environmental Analyst

Date: February 24, 2022

Re: Cynthia and Dennis Ever, 359 North Street, PLPZ 2022 00022
Landscape plan by Wesley Stout Associates, dated February 23, 2022

The Conservation Commission staff had reviewed this proposal and provided comments on February 8, 2022. The main issues raised included the open space demarcation and the maintenance of both open space parcels. The revised landscape plan addresses all of the concerns and provides valuable directions for the future maintenance.

1. The proposed monuments will serve well to demarcate parcel P-1. Placed at every corner and additional two along the longer stretch of the boundary will be easy to locate and helpful in future enforcement.

2. The revised language of the Declaration of Restrictions clarifies the allowed site maintenance and refers to the proposed restoration planting plan. It is recommended the plan be filed on the Land Records as well making them easier to access.

3. The proposed landscape/open space restoration plan was further revised to address more detailed comments provided by the Conservation Commission staff. As a result, the following items were added to the plan:
   • Mulch treatment was added to all planted bed areas within both open space parcels.
   • Both sides of the stream channel were stabilized with new native plantings.
   • Supplemental native plantings were added to both open space areas to provide a denser cover, enhance the wildlife habitat and protect the soil.
   • “Organic Lawn Care” note was added to the map referring to P-1 parcel
   • The invasive Norway maples will be replaced with native red oak and two red maples to diversify the tree composition
   • Declining in health, 18 hemlocks will be replaced with 16 native Eastern white cedars and 35 native shrubs helping with plant diversity and compensating for the loss.

The above landscape plan will improve the functions and ecological values of both open space areas and addresses all previously raised concerns.

cc: Conservation Commission
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

SITE DEVELOPMENT REVIEW

Engineering Project No. 21-5(66)  Department Project No.  PLPZ202100494 & 202200022  Submittal Received Date: 2/22/2022

Submittal Reviewed For: Planning and Zoning  Traffic Review Requested: No  Review Type: Final Site Plan

PLAN SET INFORMATION

Plan Title: Construction Site Plan Review Set  Project Address: 359 North Street

Engineering Firm: Rocco V. D'Andrea, Inc.  Original Plan Date: 9/10/2021  Latest Plan Revision Date: 2/1/2022

DRAINAGE SUMMARY REPORT INFORMATION

Engineering Firm: Rocco V. D'Andrea, Inc.  Original Report Date: 9/10/2021  Latest Report Revision Date: 2/1/2022

Reviews provided by the Engineering Division are for compliance with the Town’s “Roadway Design Manual and Standard Construction Details” and “Drainage Manual” as amended. Reviews are based upon the information and plans provided. Comments pertaining to the Town’s manuals are not all encompassing. Other reviewing entities may provide additional comments regarding consistency with these manuals in accordance with their jurisdictions. Review of sanitary sewer and septic systems are not reviewed by the Engineering Division.

All New Submittals for Commission Meetings must be received by the Engineering Division four weeks before scheduled Commission Meeting.

All Revised Submittals for Commission Meetings must be received by the Engineering Division three weeks before scheduled Commission Meeting.

Reviewed and Approved by: ____________________________ Date: 2/23/2022

Scott Marucci - Senior Civil Engineer

COMMENTS AND CONDITIONS OF APPROVAL:  

1. A revised Form SC-107 needs to be submitted.
2. P&Z is advised to review language of Open Space Parcel P-1; existing survey map appears to show drainage pipes encroaching into it.
3. The following information is for the Commission with regard to the letter from Ahneman Kirby dated February 15, 2022, for the site drainage as provided in the Drainage Summary Report from Rocco V. D’Andrea, Inc, date February 1, 2022, for Point of Concern A:
   a. The TOG DM 2012 (as amended) requires a zero increase in peak flow to all points of concern for the 2, 5, 10, and 25-year storm. The report shows a zero increase in peak flow to POC A for the 1, 2, 5, 10, and 25-year storms and an increase for the 50 and 100-year storms. A zero increase in peak flow for the 50 and 100-year storms is not required by the TOG DM 2012 (as amended).
   b. The TOG DM 2012 (as amended) requires that the increase in runoff reduction volume (RRV is only for 1-year storm) be provided. The report shows that the required RRV that needs to be provided is 883 CF (storage to infiltrate the runoff into the soil). The RRV provided by the design is approximately 1,008 CF during the 1-year storm to POC A.
   c. The TOG DM 2012 (as amended) does not require that the increase in runoff volume for the 2, 5, 10, 25, 50, and 100-years storms be provided.
d. The TOG DM 2012 (as amended) requires that all new and reconstructed impervious areas infiltrate or filter the water quality volume (WQV). The report shows that the required WQV that needs to be provided is 187 CF for the new addition to POC A.

e. The report shows three existing concrete galleries provide an existing total storage volume of 304 CF. The actual amount is less since the top if units is at elevation 102.30 and the yard drain grate is at elevation 101.40.

f. The design has directed some of the proposed addition that would be part of POC B into POC A. It appears this was done because of the roof gutter design. It may be possible to direct this area to POC B, but it would be directed to the three Cultec Systems that are currently designed to meet the LID BMP standards by receiving around 3,000 SF of impervious area. The Engineering Division would allow this additional area to be sent to the three Cultec Systems even though it will be above the required LID BMP standard if it helps with the potential concern from the neighboring property.

g. The design engineer is responsible for the project design and in this case as well as in most cases will design BMPs to exceed the required standards of the TOG DM 2012 (as amended).

h. Since the proposed design is meeting and exceeding some of the standards required by the TOG DM 2012 (as amended); the Engineering Division is acceptable in concept to the design since it meets the standards of the TOG DM 2012. The decision to decrease this runoff to only meet the TOG DM 2012 (as amended) RRV standard is at the discretion of the design engineer or as directed by the Commission based on the potential concern from the engineer representing the neighbor. Any consideration to further reduce the amount of RRV below the required standards of the TOG DM 2012 (as amended) will need to be agreed upon by the Commission, design engineer, and engineer representing the neighbor. This modification will require a legal document be created defining the agreement and it must be signed by all necessary parties as determined by the Law Department. The Engineering Division will not sign this document.

i. The design plans show the proposed level spreaders at the required minimum of 10-feet from the property line. The TOG DM 2012 (as amended) does not have a minimum required distance from a sewer easement.

j. It is recommended that the design engineer provide a response to the Commission with regard to the letter from Ahneman Kirby dated February 15, 2022.

4. The Drainage Summary Report is acceptable in concept for the proposed BMPs. The following revisions and additional information need to be submitted prior to zoning/building permit:

   a. If the proposed pool and patio are not proposed as part of this design, they need to be removed from the drainage analysis and design. The pool and patio will need to meet the standards of the Town of Greenwich Drainage Manual at the time of submittal.

   b. The existing discharge for Pond 34P: Ex. Galleries needs to be revised to 101.40 (grate).

   c. The routing for RS#1, RS#2, and RS#3 needs to be revised as follows:

      i. The routing in the report uses a 6’’ discharge from each retention system but the actual discharge is a single 8’’ with an invert elevation of 102.00. The routing should use a single pond with the three retention systems included and a single 8’’ discharge. Contact the Engineering Division if any questions.

   d. The routing for Pond 29P: RS#5 does not match between the plan and the report. Review and revise as needed so they match.

   e. The routing for Pond 36P: Ex. Cultecs needs to have the elevation for the pop-up emitters revised to match the elevation of the ground on the plan and also requires two pop-up emitters as shown on the plan.

   f. Based on USDA Web Soil Survey the proposed site work is within soil classification “C”, which requires that a saturated hydraulic conductivity test be completed in the location of DT#1, DT#3, DT#4, at the center of proposed RS#4 BMP, and at the center of proposed RS Footing Drain BMP.

   g. A deep test hole must be completed at the center of proposed RS#4 BMP and RS Footing Drain BMP.

   h. DT#4 must be excavated down to elevation 97.00 to verify the required 2-foot separation to a restrictive layer is met.

   i. Revise all other computations as needed.

5. The construction plan set needs to be revised as follows:

   a. Site Plan Sheets

      i. The required minimum 10-feet from the back of retaining wall to the stone face of the Cultec Systems on all sides must be met.

      ii. Show excavation and fill quantities in a table.

      iii. If a catch basin grate is used with the level spreader it needs to be placed in the center of the proposed level spreader. The grate must be .25-feet lower than the top of stone of the level spreader.
This will direct any overflow from the catch basin to be directed into the stone bed so any discharge from the level spreader is across the entire length.

6. The draft Operations and Maintenance Plan Report must be revised as follows:
   a. Exhibit A needs a maintenance item for Groundwater Pumping System added.

**Standard Conditions for Each Submittal**

1. The Engineering Division will no longer keep any records for the submittals. All records for the submittal shall be obtained from the Town of Greenwich Department/Division that has taken in applications and/or submittals. These documents are maintained within each office (e.g., P&Z, IWWA, and DPW Building and Highway Divisions).
2. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2014 as amended.
3. All revisions must be accompanied by a point-by-point written response to the Engineering Division’s comments.

**Standard Conditions of Approval**

1. The Operations and Maintenance Plan Report must include the following for the Certificate of Occupancy:
   b. The final completed Exhibit A, and B
   c. The Maintenance Declaration needs to be filed on the Town of Greenwich Land Records prior to a Certificate of Occupancy. A review of the documents above must be completed before filing on the Town of Greenwich Land Records.
2. The Town of Greenwich – Standard Construction Notes for Site and Subdivision Plans are conditions that must be met.
3. All requests for a Temporary Certificate of Occupancy (T.C.O.) or a Certificate of Occupancy (C.O.) shall be submitted one month before the T.C.O. or C.O. is required.
4. The submittal for a Temporary or Final Certificate of Occupancy must include the following:
   c. Field Inspection Record (All required photos) – Form SC-106 – Sealed and Signed by a Connecticut Licensed Professional Engineer.
   d. Bioretention Soil Testing Certification Sign-Off (as applicable with the bioretention soil gradation test and the phosphorous test for the mixed soil) – Form SC-104 – Sealed and Signed by a Connecticut Licensed Professional Engineer.
   h. A Letter discussing all the work that remains to be completed (Only for a Temporary Certificate of Occupancy Submittal).
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Inland Wetlands & Watercourse Agency ~ 203-622-7735 ~ Fax 203-622-7764

PERMIT-NEED QUESTIONNAIRE
This form is NOT an IWWA Application

Project Address: 359 North Street
Tax ID: 11-2962/S; 11-1732/S

Property Owner: John T. & M.C. Dillon, owners
Dennis & Cynthia Ever, Applicants
Address: 359 North Street, Greenwich, CT 06830

Contact information – Email or Cell Phone: ________________________________

Authorized Agent: Heagney, Lennon & Slane, LLP
Address: 248 Greenwich Ave, Greenwich CT 06830
Contact information – Email or Cell Phone: Thomas J. Heagney (203) 661-8400 THeagney@HLS248.com

Has there ever been an IWWA application for this site? YES ☐ NO ☑ Appl. # __________

ACTIVITY: [Check one] Addition ☐ Demolition ☐ Deck ☐ Garage ☐ Interior renovations ☐
New residence ☐ Tennis Court ☐ Pool ☐ Site Work/Landscaping ☐
Septic ☐ Generator ☐ Other (specify) Re-subdivision to combine
Will this activity require an addition to the septic system or a B100a? YES ☐ NO ☑ 2 lots & reconfigure open space
"No Construction"
FEE: $65 for reviews requiring a site visit

A PLOT PLAN IS REQUIRED SHOWING THE PROPOSED ACTIVITY.

IWWA staff will review the project proposal to determine if regulated activities are associated with the proposal and whether an IWWA permit is required. If an IWWA permit is required, the appropriate permit application packet will be provided.

Do not apply for a Building Permit until this review is complete.

No work may begin until an IWWA permit is issued and/or the "Building Permit Application Sign-Off Sheet" has been signed.

The issuance of a building permit alone does not constitute an authorization to proceed.

As the property owner ☐ or, authorized agent ☐ [check one] I believe the information I have submitted is correct.

Signature __________________________ Date 10/15/2020
THeagney@hls248.com

STAFF NOTES
Office Rev Date 10/15/2020 Field Inv Date 10/15/2020 WETLWC? YES ☐ NO ☐ TIDAL ☐
Action Required? YES ☑ NO ☐ If yes, DRO ☐ AA ☐ AR ☐ SIA ☐ Staff ☐
Soils Report Date / / Author / Author / Soils
Comments: No Construction. No permit required

IWWA Questionnaire Revised 3/24/2020

Revised
OCT 14, 2020
INLAND WETLANDS AND WATERCOURSES AGENCY
**359 North Street**

The following comments in red reflect revisions/additions that will be made by WSA to drawing titled “Planting Plan: Open Space Parcels” (drawing # SP-1.0) dated 2/23/2022.

**P-2 parcel**

- Tussock sedge should be replaced with either *Carex pensylvanica* or *Sesleria autumnalis* (autumn moon grass) or *Sporobolus heterolepis* (prairie dropseed). This area is too dry to support tussock sedge.
  - WSA is replacing the Tussock sedge with *Carex divulsa* (Grassland Sedge).
- The organic mulch is depicted along the north side of the stream, which is welcomed. However, this organic mulch should also encompass the P-2 open space area.
  - WSA has added notes that describe the mulch treatments for the various areas:
    - Open Space Parcel P-2
    - Area North of the Stone Channel and South of Open Space Parcel P-2
    - Planting Bed South of the Stone Channel
    - Planting Beds in Open Space Parcel P-1
- Although outside of Parcel P-2, herbaceous ground cover with deep root system is recommended along the northern side of the stream.
  - WSA has added herbaceous ground cover along the northern side of the stream.
- Supplemental plantings within the open space area will protect the soil, prevent the area from growing invasive species, and enhance the habitat.
  - WSA has added supplemental plantings as noted above.

**P-1 parcel**

- Two more monuments should be installed between M4 and M5. We are not in favor of steel rods with caps as they are difficult for observers to find without a metal detector. The monuments, being flush, will not pose a hazard.
  - WSA has added two more monuments to Open Space Parcel P-1.
- The commitment to maintain the planted bed along the property line with natural mulch cover should be placed on the plan. The map should also clearly identify areas where leaves will be left in place for mulch (P-2) and the area of natural mulch (P-1).
  - WSA has added notes to clearly identify the mulch treatments for the various areas. See response to bullet #2 under P-2 Parcel.
- Ten-foot spacing between **viburnums** proposed in the corner. More plants should be added to better cover the soil to limit erosion and prevent weeds from growing.
  - WSA has included (3) three additional viburnum shrubs and herbaceous groundcover to this area.
- In addition to the narrative, the map should indicate the commitment to organic land care within the open space areas and along their perimeters. The map should be filed on the land record and used as a reference for the future land maintenance.
  - WSA has included an “Organic Lawn Care” note on the Planting Plan and under item #2 in the Landscape Notes section.
• Replace the deciduous Norway maple and cherry trees with native maples and/or oaks rather than arborvitae and holly to better mimick the forest composition native to our area.
  
  o WSA has added (1) one Red Oak and (2) two Red Maples to diversify the tree composition.

**Site pictures**

**P-2 parcel**

![Site pictures for P-2 parcel](image1)

**P-1 parcel**

![Site pictures for P-1 parcel](image2)
REVISED DECLARATION OF RESTRICTIONS

WHEREAS, DENNIS EVER and CYNTHIA EVER 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, “Zoning Location Survey Depicting Revision of Lot Lines at 359 North Street, Greenwich, Connecticut Prepared for Dennis Ever, Cynthia Ever”, prepared by Rocco V. D’Andrea, Inc., dated November 22, 2021, submitted to the Planning and Zoning Commission as a re-subdivision map of property located at 359 North Street, and filed in the Office of the Town Clerk of Greenwich as Number ____, hereinafter referred to as Map, said real property being composed of lots designated “ Parcel A” and “Open Space Parcel P-1” and “Open Space Parcel P-2”.

WHEREAS, the property is shown as lots 2 & 3 and reserved for Park and Recreation Purposes on a three-lot subdivision map approved by the Greenwich Planning and Zoning Commission on August 4, 1978 recorded at Map 5605 in the Greenwich Land Records.

WHEREAS, Grantor is consolidating lots 2 & 3 on Map 5605 and reconfiguring the area designated as “Reserved for Park and Recreation Purposes” as “Open Space Area.”

WHEREAS, Grantor wishes to amend and replace the Declaration of Restrictions which was recorded as part of the original subdivision in Book 1093 at Page 129 of the Greenwich Land Records.

WHEREAS, said Grantor, in order to induce the Planning and Zoning Commission to approve proposed re-subdivision of Grantor’s real property as shown on said map, desire to create such covenants and restrictions as are necessary to comply with the provisions of the Subdivision Regulations of the Town of Greenwich adopted September 10, 1970, by the Planning and Zoning.
Commission and approved September 14, 1970, by the Representative Town Meeting.

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 areas designated on the Map as “Open Space Parcel P-1” and “Open Space Parcel P-2”, collectively the “Open Space” shall be forever reserved, preserved, used and maintained by the Grantor, or the association hereinafter provided for, as the case may be, solely for Open Space purposes.

2. Grantor shall subject any conveyance of either of the lots within the subdivision 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. At the time of conveying any one of the lots shown on the Map, Grantor shall create an unincorporated Connecticut non-profit association named “359 North Street Property Owners Association” of which the only members will be the owner, or owners, from time to time of said lots and the primary purpose of which shall be to own, reserve, preserve, maintain and keep in good order and condition said “Open Space”. Said association shall have no purpose and shall conduct no business which is or may become repugnant to the covenants and restrictions contained in this declaration. Said association shall have the power to assess its members equally for all
costs necessary to perform the association's obligations hereunder. The Grantee of each of the lots shall, by acceptance of the instrument of conveyance, be deemed to have agreed to become a member of the association and to have agreed to pay such share or such costs as shall be assessed against Grantee's lot for the purposes and obligations of the association as hereinbefore described. Said association shall, with the prior review and approval of the Planning and Zoning Commission or its authorized representative, adopt, maintain and enforce reasonable regulations for the preservation, maintenance and use of such area reserved as “Open Space.” If at any time the reservation, preservation, maintenance or use of the area reserved as “Open Space” does not comply with the purposes of such reserved area or with the regulations adopted by the association pursuant hereto, the Town of Greenwich may take any and all necessary action to assure proper compliance and may assess against the association all costs incurred by the Town, including reasonable attorney's fees, for such purposes. Any such assessment not paid within thirty days after demand therefore shall bear interest from the date of demand at the rate established by law for interest upon money judgments, and the Town may bring an action at law to collect such assessment and there shall be added to the amount of such assessment, in such event, all costs incurred by the Town for such collection, including reasonable attorney's fees.

4. All members of the association shall have access to the area reserved as “Open Space”.

5. In the event the Association mentioned in paragraph 3 herein fails, neglects or refuses to pay assessments made by the Town of Greenwich on the area entitled “Open Space”, the individual lot owners in the subdivision that is subject to these restrictions shall each be jointly and individually liable for any and all taxes and assessments made by the Town of Greenwich.

In the event that any tax or assessment is not paid within thirty (30) days after
demand therefore shall bear interest from the date of demand at the rate established by law and any penalties thereon, and the Town may bring an action at law to collect such assessments and there shall be added to the amount of such assessment, in such event, all costs incurred by the Town for such collection, including reasonable attorney's fees.

6. The covenants and restrictions declared herein shall inure to the benefit of the Town of Greenwich and all property owners adjoining the subdivided real property of the Grantors 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.

7. 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 and with the unanimous approval of all the property owners in the subdivision as shown on the map.

8. 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.

9. “Open Space Parcel P-1” and “Open Space Parcel P-2” on the Map designated as “Open Space” shall be forever reserved, preserved, used and maintained by the Owner or the association hereinafter provided for, 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 Open Space other than sunken boulder monument demarcation denoting the Open Space boundary.
b) No topographic changes shall be made in any portion of the Open Space without the prior written approval of the Planning and Zoning Commission or designee.

c) No tree shall be removed from the Open Space 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 Open Space Area.

e) The Owner shall have the right to protect from erosion portions of the Open Space 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 demarcate the Open Space parcel and allow the area to naturalize.

f) Owner shall install the plantings shown on a plan entitled, “Planting Plan: Open Space Parcels, Drawing #SP-1.0” prepared by Wesley Stout Associates, dated February 23, 2022, and on file in the Town of Greenwich Planning and Zoning Office under application PLPZ 2022 00022. Any additional new plantings in the Open Space parcel will use only native species. All management of the Open Space parcel 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) “Open Space Parcel P-1” may be regularly mowed up to the “Edge of Lawn” shown on Map.

h) As part of the future management of the Open Space parcel, the Owner shall abide the landscaping notes shown on a plan entitled, “Planting Plan: Open Space Parcels, Drawing #SP-1.0” prepared by Wesley Stout Associates, dated February 23, 2022, and on file in the Town of Greenwich Planning and Zoning Office under application PLPZ...
2022 00022. **Owner** will take steps necessary to control invasive species on the property, if significant removal of invasive species is needed the Owner will seek approvals of the Planning and Zoning Staff of a management plan.

10. **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.**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURES TO FOLLOW]
IN WITNESS WHEREOF, I have hereunto set my hand and seal this ___ day of
_________________, 2022.

__________________________         __________________________
DENNIS EVER

__________________________         __________________________
CYNTHIA EVER

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

On the ___ day of ______, 2022, before me the undersigned, personally appeared DENNIS
EVER known to me (or satisfactorily proven) to be the person whose name is subscribed to the
within instrument and acknowledged that he executed the same for purposes therein contained.

In witness whereof I hereunto set my hand.

________________________
Notary Public

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

On the ___ day of ______, 2022, before me the undersigned, personally appeared
CYNTHIA EVER 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
1. Tree locations outside of open space were field identified and roughly located by Wesley Stout Associates in the field on 2/16/2022.

Tree Removal Schedule:

<table>
<thead>
<tr>
<th>ID</th>
<th>Tree Type</th>
<th>Size</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T2</td>
<td>Hemlock</td>
<td>8&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T3</td>
<td>Hemlock</td>
<td>8&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T4</td>
<td>Hemlock</td>
<td>8&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T5</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T6</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T7</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T8</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T9</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T10</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T11</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T12</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T13</td>
<td>Hemlock</td>
<td>10&quot; CAL.</td>
<td>Dead and declining. Decimated by disease and strangulated by invasive ivy.</td>
</tr>
<tr>
<td>T14</td>
<td>Norway Maple</td>
<td>8&quot; CAL.</td>
<td>Invasive species. Competing with adjacent cedar tree.</td>
</tr>
<tr>
<td>T15</td>
<td>Cherry</td>
<td>10&quot; CAL.</td>
<td>Severely deformed. Promoting adjacent cedar tree and invasive species.</td>
</tr>
</tbody>
</table>

Landscape Note:

- Stockpile of recently transplanted plant material from house perimeter to be relocated in final landscape installation.
- Edge of existing area by driveway.
- Existing interior and exterior systems to remain.
- Open space area.
- Monuments.
- Property Line.
Proposed Plant Schedule

<table>
<thead>
<tr>
<th>Qty</th>
<th>Common Name</th>
<th>Size</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Mixed Perennials</td>
<td>3'-5'</td>
<td>Full, nicely shaped, natural character</td>
</tr>
<tr>
<td>10</td>
<td>Mixed Shrubs</td>
<td>3'-5'</td>
<td>Full, nicely shaped, natural character</td>
</tr>
<tr>
<td>10</td>
<td>Mixed Trees</td>
<td>8'-12'</td>
<td>Specimen, 3'-5' caliper</td>
</tr>
</tbody>
</table>

Landscape Notes

1. Tree locations outside of open space were field identified and roughly located by Wesley Stout Associates in the field on 3/10/22.

2. Demolition: The Owner agrees to demolition of the Open Space. As suggested, either native or ground concrete masonry set walls with grade will be provided at all corners on change of angle and two masonry leaders (3'-0" x 3'-0") shown on plan. Owner shall agree to connect to Artesian Linx Irrigation system for the Open Space areas.

3. Full Clean-up: All shrub plantings on Plan I will be removed prior to sod being removed at all points to take sod. Full clean-up on the plotted Plan I will require a minimum level of cleanup within the planter border. The Owner shall agree to maintain the trimmed border with a natural or organic material.

4. Tree Costs: Placement: The Existing Tree Inventory & Removals (drawing # SP-0.1) and Planting Plan: Open Space Parcels (drawing # SP-1.0) provide an inventory of the existing trees, their sizes, and their replacements' within Open Space Parcel P-1 and P-2.

5. Soil Management: A mix of new construction will require topsoil stripped and stock piled and replaced along with soil amendments including organic matter for proper soil health.
Good morning Scott-

We represent Dennis and Cynthia Ever owners of 359 North Street. Their proposal involves construction of additions to their home on a magnificent site. The home sits at the high point of the lot and the topo drops off to the west. The majority of the property is maintained as lawn or sparsely wooded.

I have attached a copy of your comments dated February 8, 2022. Those comments are minor and they are the same as those contained in your review memo dated December 30, 2021. We submitted responses to them on February 1, 2022, through P&Z under a cover letter addressed to Juan Paredes, PE.

The Ever application is currently pending before P&Z as a Special Permit due to volume.

On Tuesday a couple of hours before the recent P&Z hearing we received a copy of a letter dated February 15, 2022 that was addressed to Katie Deluca. The letter was unsigned, but based on the email from Jacalyn Pruitt from P&Z, in which we received the letter, it appears to have been prepared by a staff engineer from the Ahneman Kirby firm, Ida Gheisi.

In her letter, Ms. Gheisi indicated that she represents an adjacent down gradient property owner at 11 Sparrow Lane, Hugh B. Vanderbilt. According to Ms. Gheisi, Mr. Vanderbilt has five sump pumps in his basement. That appears to be an indication of an existing condition due to ground water influence not directly related to any, yet to be constructed, additions or drainage systems on the Ever property.

Prior to preparing our drainage design we made a field reconnaissance of the surrounding topography and noted the difference in elevation between the Ever property and the neighboring properties to the west. In response, we decided to be more conservative in our design and store the volume for the 25-year storm. The plan includes several modules of galleries spread out across the westerly flank of the property to disperse the runoff in accordance with the Drainage Manual. Filling a portion of the southwest section of the property will provide additional storage capacity.
The current design has also been sized to accommodate a pool, which is not included in the current construction set. The pool will be presented as a separate Building Permit application before the C.of O. request for the house is submitted. The reason for delaying the pool submission is that the construction of the pool would require relocation of the existing sewer lateral, and the review process for the sewer relocation did not mesh with the timing of the review for the additions by P&Z.

In her letter, Ms. Gheisi suggested relocating the level spreader farther south to reroute the potential runoff from the level spreader to another property. Our design maintains the existing drainage patterns and I advised the Commission that the suggestion by Ms. Gheisi to reroute runoff is not permitted. Ms. Gheisi also challenged the location of the level spreader, which I advised is located ten feet from the adjacent property line as required by the Town our Drainage Manual.

The purpose of this letter is to make you aware of the letter from Ms. Gheisi and request that you send a memo to P&Z reiterating your acceptance of our Drainage Summary Report and plans. In that memo, please note that we submitted a response to your current comments on February 1, 2022, and all of the current comments have been addressed in our report and on the plans dated February 1, 2022. As noted above, your comments Dated February 8, 2022 are the same as those dated December 30, 2021, which we have responded to in full.

Please advise Jacalyn Pruitt and Pat LaRow at P&Z that you are in receipt of complete responses to your comments and that your prior statement of acceptance of the design as presented remains valid. That accommodation would be appreciated and would enable the Commission to close the hearing at their next meeting.

Thank you for your consideration.

Tony

---------------------------------------------------------------------
Anthony L. D'Andrea PE&LS
Rocco V. D'Andrea, Inc.
6 Neil Lane, P.O.Box 549
Riverside, CT 06878
(203) 637-1779
ald@rvdi.com

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SUBDIVISION APPLICATION

Project Name: 359 North Street
Project Address: 359 North Street, Greenwich, CT 06830
Property Owner(s): Dennis & Cynthia Ever
Tax Account Number(s): 11-2962; 11-1732 Zone(s): RA-1 Lot Area: 122,055 sf

Please select all relevant items below:
☐ Preliminary
☐ Subdivision
☐ Coastal
☒ Resubdivision
☒ Final

No. of Lots:
Existing: 1
Proposed: 1 *

Total Area of Property (s.f. or acres): 122,055 sf *
Area of Land Reservation: 26,096 sf

☐ Property is within 500 feet of a Municipal Boundary of (for notification)
☐ 10 lots or 10 or more acres requires Environmental Assessment § 6-266 (19)

Reserved Land Area as Percent of Total Land Area: 21.2%

Previous SB #: PSB #749; FSB #764; PLPZ 2020 00294

GLR Map # of any previously filed subdivisions or surveys: GLR Map 5605

Check as applicable: ☐ septic ☐ well ☒ sewer ☒ public water

Health Permit needed and received? N/A

IWWA Permit received? Green Sheet IWWA Permit #: 

To be completed by P&Z staff only:
Check # Check Amount: $

Application # PZ Subdivision App 2018
PRELIMINARY SUBDIVISION CHECKLIST
(Per Section 6-265 and 6-266 of the Subdivision Regulations)

All requests for preliminary subdivision review by the Planning and Zoning Commission shall include all information indicated on this checklist and shall be submitted a minimum of 30 days prior to the date of the hearing at which the applicant desires to be heard. All materials shall be submitted in a single submission, including a list of submitted plans and a project narrative.

The preliminary layout shall be drawn on paper not more than that 40 inches wide or 30 inches high and shall be drawn at a scale of 20, 30, 40, 50, or 100 feet to one inch. If more than one drawing is required to show an entire tract, an index map shall be provided. Plans are to be prepared in accordance with the Town Roadway and Drainage Design manuals and Subdivision Regulations. The preliminary layout shall include the following items unless previously waived by the Planning Staff: Ten* copies of the plans are to be submitted. Plans must be folded to 9"x12".

CHECK ITEMS SUBMITTED:

☐ 1. Title of the sheet including the name of the subdivider, Town Project Number issued upon request by the Chief of the Engineering Division of the Department of Public Works. A graphic scale, north arrow, drawing and revision date(s) are to be shown.

☐ 2. Boundaries of the tract to be subdivided shall be shown by metes and bounds and total area is to be given. If the developer intends to develop only a portion of a tract the entire tract shall nevertheless be included in the preliminary layout, including any previous lots cut from the property in question from 1933 on.

☐ 3. A topographic survey showing ground contours within the tract to be subdivided at intervals of not more than five feet of elevation unless the Town Planner or a designee determines that two-foot contour interval is required in the interest of sound subdivision planning. Said survey shall include all pertinent topographic features within and adjoining the tract including watercourses, water bodies, intermittent streams and wetlands as required by IWWA, the location of Flood Hazard Lines as determined by FEMA, the line of mean high water and high tide line for coastal subdivisions, and Connecticut D.E.P. and other stream encroachment lines with notes referencing the sources of information. Existing features such as buildings, stonewalls, wooded areas, rock outcrops, isolated trees of ten inches or more in caliper, and other trees and other physical features as may be significant to the property are to be shown.

☐ 4. Name and address of owner(s) of the tract to be subdivided.

☐ 5. The names of owners of adjacent land (including properties across the street) or names of adjacent subdivisions; and locations of structures on adjacent properties within 100 feet of the proposed subdivision.

☐ 6. The zone in which the land to be divided land falls and the location of any Town and zone boundary lines within and adjoining the tract and yard dimensions in respect to existing buildings.

☐ 7. Note stating that all utilities will be placed underground.

☐ 8. Existing streets and easements for drains, sewers, and utilities immediately adjoining and within the tract to be subdivided.

☐ 9. Existing drains and sewers nearby and within the tract to be subdivided with their location, size, type and approximate elevations and gradients using mean sea level as datum wherever practical.

☐ 10. Location of all existing utilities within or crossing the property including septic systems, wells, water, gas or electric lines.

☐ 11. Location and purpose of any existing and/or proposed easements. Two copies of any recorded documents shall be submitted.

*up to 10 copies of the plans if in Coastal Zone or including new roads.
12. A statement as to source of water and method of sewage disposal.

13. Proposed approximate lot lines with approximate lot areas. The lots shall be numbered.

14. The approximate lines and gradients of proposed streets and common drives serving adjoining rear lots.

15. Approximate location and area of proposed open space for park and playground purposes.

16. Approximate location of proposed utility lines including water, sewer, gas, electricity, and the like.

17. Certification with date, signature and seal of a registered land surveyor that the drawing is substantially correct to an A-2 degree of accuracy and that the property is in designated zone or zones under the zoning regulations and statement as to whether or not the lots in the proposed subdivision comply with zoning regulations. Certification of items 14 and 16 of this checklist is to be made by a registered professional engineer if applicable.

18. For a subdivision of ten or more acres or ten lots, ten copies of an environmental assessment including any modifications required by the Conservation Commission. Written sign-off by the Conservation Director shall be attached to the report. For projects, which require Conservation Commission review, notification of abutting property owners shall be made at least two weeks prior to the Conservation Commission hearing.

19. Gross Floor Area of existing structures. Floor area worksheets are to be prepared in accordance with the format prescribed by the Planning and Zoning Staff.

20. Width of right-of-way of all streets on which the tract has frontage shall be shown.

21. Coastal Area Management application for tracts fully or partially within the Coastal Overlay Zone.

22. Eight copies of 11 x 17 inch reductions.

23. An affidavit certifying that all abutting property owners have been notified about the proposed subdivision, 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.

24. Written authorization of the agent to act on behalf of the certified property owners(s).

25. A completed Subdivision Application Form.

26. Summary of the chain of title from 1933 to date of application and two copies of referenced deeds.

27. Five copies of a Preliminary Drainage Summary Report prepared in accordance with the Town Drainage Design Manual. The applicant is required to contact the Engineering Division and I.W.W.A. staff on the conceptual approach to storm water management prior to submitting the summary report.

28. A map at a scale of 200 feet to one inch showing the location of the tract in relation to existing streets, the boundaries of the tract, and the location of proposed streets, and sufficient information to permit correct delineation of the tract on the Town's topographic survey.

29. A map at a scale of 1": 1,000 feet with proposed Lot Lines delineated and abutting streets.

30. Fee submitted at time of application: $ _____________ (see fee schedule)

I certify that the application includes all of the above requirements, as noted. Please explain reasons for any omissions.

__________________________________________
Thomas J. Heagney
Owner/Agent (Please Print)

__________________________________________
Owner/Agent Signature & Date

PZPRESUBDIVCHECKLIST
Final Subdivision Application Checklist
(Per Section 6-267 through 6-272 of the Subdivision Regulations)

APPLICATION NAME. 359 North Street

All requests for final subdivision review by the Planning and Zoning Commission shall include all information indicated on this checklist and confirmation that all modifications as specified in a Commission review of any preliminary plan have been resolved. Applications shall be submitted in a single submission, including a list of submitted plans and a project narrative. The subdivision plan record sheet and construction sheet(s) are to be prepared in accordance with the Town’s subdivision regulations and Department of Public Works Roadway and Drainage Design Manuals. A complete application must be received a minimum of 30 days prior to the Commission meeting at which the applicant desires to be heard. Fifteen copies of the plans are to be submitted (up to 20 copies of the plans may be required if in Coastal Zone or including new roads). Plans must be folded to 9” x 12”.

Check Items Submitted:

☐ 1. Record Sheets: shall be drawn at a scale of 20, 40, 50 feet to 1 inch except that for tracts in the RA-1, RA-2 or RA-4 zones a scale of 100 feet to 1 inch may be used provided required data is clearly shown. An index is to be provided in the event multiple sheets are required.
   - a. Title (Subdivision or Resubdivision) of the sheet including the name of the subdivider and/or contract purchaser, Town Project Number issued upon request by the Chief of the Engineering Division of the Department of Public Works and endorsement block for Commission signature in the lower right hand corner of the tracing. A graphic scale, north arrow, and drawing and revision date(s) are to be shown.
   - b. The location and dimensions of all boundary lines (metes and bounds) of the property.
   - c. The dimensions and areas of all existing and proposed lots.
   - d. Information to show the location of the subdivision in relation to surrounding property and streets.
   - e. The names of owners of adjacent land (including properties across the street) or names of adjacent subdivisions; and locations of structures, wells, and septic tanks on adjacent properties within 100 feet of the proposed subdivision.
   - f. The lines of existing and proposed streets within the subdivision and lines of existing or approved streets. Survey data shall be shown across all street intersections to relate accurately one block with another and one side of a street with the opposite side.
   - g. Location and type of all proposed monuments.
   - h. The names of existing and proposed streets. The names of proposed streets are to be unique within the Town and not easily confused with names of other accepted streets.
   - i. The lines and purposes of existing and proposed easements immediately adjoining and within the subdivision.
   - j. The location of all existing and proposed water bodies, streams and wetlands.
   - k. The location and dimension of all property proposed to be set aside for park and playground use or other public or private reservations with designation of the purposes thereof.
   - l. The location of any Town and zone boundary lines within and adjoining the tract; and yard dimensions in respect to existing buildings.
   - m. Sufficient data acceptable to the Engineering Division, to determine readily the location, bearing and length of all street lines, and to reproduce such lines upon the ground. These should be tied to reference points previously established such as State Highway or Town lines, adjacent subdivision monuments, or Town or State established grid points, and shown on the map. Datum used shall also be indicated.
   - n. Certification with date, signature and seal of a registered land surveyor that the drawing is substantially correct to an A-2 degree of accuracy and that the property is in a designated zone or zones under the zoning regulations and a statement as to whether or not the lots in the proposed subdivision comply with zoning regulations.
   - o. The following note shall be placed on the record sheet for any subdivision with a defined drainage course, swale or structure: "Upon approval of this subdivision plan, the owner agrees with the Town that unless otherwise specified herein, the areas within at least ten (10) feet of the center line of any drainage facility, ditch or stream shown hereon, are dedicated for drainage, that no building or other structure shall be located thereon and that the Town shall not be under any obligation to maintain, clean, enclose, or otherwise alter or improve, such drainage facility."
Final Subdivision Application Checklist

☐ p. The endorsement block for Commission action required to appear on the record sheet shall be shown as follows:
"Approved by Resolution of the Planning and Zoning Commission, Town of Greenwich, Connecticut, dated

_________________________  ________________
Signature of Chairman          Date

☐ q. A note indicating the type of sewage disposal and water supply facilities to be provided.
☐ r. The following information is to be shown on the record sheet as applicable: total area of the subdivision, area of land reservations, area of land reservations as a percentage of total area, area of conservation land reserved by easement.
☐ s. The record sheet shall note the elevation and the extent of the 100 year flood boundary as shown on the current edition of the Flood Insurance Rate Maps; NGVD 1929 is to be used. Areas reserved for flooding, as per the drainage summary report, shall be indicated and the flood elevation noted. A note indicating the purposes of the reservation shall be shown.
☐ t. All notes required for the preliminary layout not mentioned herein are required.
☐ u. A note stating that all utilities shall be placed underground.

☐ 2. An affidavit certifying that all abutting property owners have been notified about the proposed subdivision (See Section 6-272 of the Subdivision Regulations). Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners.

☐ 3. Written authorization for the agent to act on behalf of the certified property owner(s).

☐ 4. Eight copies of 11 x 17 inch reduction.

☐ 5. A map at a scale of 1,000 feet to one inch showing the Lot Lines & Streets.

☐ 6. Two copies of declarations or easements relating to reservations for park and playground or conservation areas prepared in accordance with the Town’s model documents.

☐ 7. Fee submitted at time of application: $ __________________ (see fee schedule)

☐ 8. Eight copies of a completed application form.

☐ 9. All items from the Preliminary Subdivision checklist.

☐ "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."

I certify that the application includes all of the above requirements as noted. Please explain reasons for any omissions:

_________________________  ________________
Owner name/ signature          Agent name / signature          Date 12/28/22

P&Z Staff Signature

Applicant Comments:

________________________________________

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.
NARRATIVE

Applicant-Property Owner seeks clarification and confirmation that regular mowing is permitted in Open Space Parcel P-1 up to the limit of lawn shown on the lot line revision map approved under PLPZ 2020 00294.

Under PLPZ 2020 00294, Applicant, then contract purchaser, applied for re-subdivision approval to revise the lot lines in a 1978 Commission-approved subdivision recorded as Greenwich Land Record Map #5605. The approved lot line revision map provides significant improvements over the Map #5605 layout, including:

1. Consolidation of Lot No. 2 and Lot No. 3 as shown on Map #5605;
2. Elimination of a Lot No. 2, which would have a building envelope located much closer to the existing watercourse adjacent to North Street; and
3. Reconfigure the Open Space 25,918 square feet, representing 21.2% of the consolidated lot, in a manner supported by the Conservation staff to better separate it from the existing dwelling and improve protection for the existing watercourse.

These items furthered the Town’s goals under the Plan of Conservation and Development (POCD), in particular Guiding Principle 4, Sustaining and Improving Our Natural Environment and Landscape and Objective 4.6 which calls for enhancements to the 2015 Open Space Plan.

While Applicant agreed to update the 1978 Declaration of Restrictions, they had intended to continue mowing up to the “Edge of Lawn” line in Open Space Parcel P-1 as shown on the approved lot line revision map. Open Space Parcel P-2 would not be mowed. Under the 1978 lot configuration, the Open Space was maintained as lawn. The 1978 Declaration of Restrictions did not have a prohibition on mowing in the Open Space; and permitted the installation of improvements, such as underground utilities and drains, in the Open Space. Applicant has waived the right to install improvements in the Open Space as part of the lot line revision.

By requesting that the trees and edge of lawn be shown on the approved lot line revision map, Conservation staff properly protected the trees and un-mowed sections of the Open Space Parcel P-1. There would be no need to include those items on the plan without the mowing occurring in Open Space Parcel P-1.

Applicant requests that the Commission clarify and confirm that regular mowing is permitting in Open Space Parcel P-1 up to the Edge of Lawn shown on the lot line revision map.

Respectfully Submitted,
John J. Heagney
Dated: January 28, 2022
October 13, 2020

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

RE: 359 North Street, Greenwich, CT

To Whom It May Concern:

We hereby authorize Heagney, Lennon & Slane, LLP to act as our 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.

[Signature]
Dennis Ever, Applicant

[Signature]
Cynthia Ever, Applicant
**Residential**

### Valuation Record

<table>
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<tr>
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### Land Data and Calculations

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**Supplemental Cards**

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**Supplemental Cards**

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1 Residential Land

4 Secondary

Legal Acres: 1.2000

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**Residential Land**

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**IMPROVEMENT DATA**

**PHYSICAL CHARACTERISTICS**
- Style: Mediterranean
- Occupancy: Single family
- Story Height: 2.0
- Finished Area: 8877
- Attic: None
- Basement: Full

**ROOFING**
- Material: Clay tile
- Type: Gable
- Framing: Std for Class
- Pitch: Not available

**FLOORING**
- slab B
- Sub and joists 1.0, 2.0
- Base Allowance B, 1.0, 2.0

**EXTERIOR COVER**
- Stucco 1.0, 2.0

**INTERIOR FINISH**
- Normal for Class 1.0

**ACCOMMODATIONS**
- Finished Rooms: 16
- Bathrooms: 5
- Formal Dining Rooms: 1
- Rec Type: 4
- Room Area: 814
- Fireplaces: 6

**HEATING AND AIR CONDITIONING**
- Primary Heat: Central Warm Air
- Upper: Full
- Lower: Part
- Air Cond: 0

**PLUMBING**
- #
- 5 Fixt. Baths: 1
- 4 Fixt. Baths: 1
- 3 Fixt. Baths: 4
- 2 Fixt. Baths: 2
- Kit Sink: 1
- TOTAL: 26

**REMODELING AND MODERNIZATION**
- Amount: 1/01/1995
- Kitchen: 1
- Bath Facilities: 1

**SPECIAL FEATURES**

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**SUMMARY OF IMPROVEMENTS**

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TOWN OF GREENWICH

AFFIDAVIT OF NOTIFICATION OF RE-SUBDIVISION APPLICATION TO
PLANNING AND ZONING COMMISSION

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

I, JOHN HEAGNEY, being first duly sworn, do hereby certify that on
January 28, 2022, 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 January 28, 2022, as shown on the Town
Tax Assessor’s Office records of property abutting and across the street from the properties for
which an application for re-subdivision at the property at 359 North Street, Greenwich,
Connecticut has been filed with the Town of Greenwich Planning and Zoning Commission.

[Signature]

JOHN HEAGNEY

Subscribed and sworn to before me
This 28th day of January, 2022

[Signature]

EMMA A. MUTINO
NOTARY PUBLIC
My Commission Expires Apr. 30, 2025
EXHIBIT A

Abutting property owners of 359 North Street:

Robert C. Hazlett III.
360 North Street
Greenwich, CT 06830
11-2361

George & Demetra Garias Soterakis
361 North Street
Greenwich, CT 06830
11-2911/S

Jordan E & Susan Yaret
355 North Street
Greenwich, CT 06830
11-1747

Margorie R. & Guy L. Smith IV.
352 North Street
Greenwich, CT 06830
11-1481

Alberto & Luz Agrest
363 North Street
Greenwich, CT 06830
11-1044

Roberto Chiappelloni
353 North Street
Greenwich, CT 06830
11-1746

Kenneth & Allyson S. Kates
7 Sparrow Lane
Greenwich, CT 06830
11-1734/S

Hugh B. Vanderbilt, Jr.
11 Sparrow Lane
Greenwich, CT 06830
11-1735/S
EXHIBIT B

January 28, 2022

To Whom It May Concern:

Notice is hereby given that Dennis and Cynthia Ever have filed an application with the Town of Greenwich Planning and Zoning Commission to request re-subdivision approval to clarify maintenance of open space at 359 North Street, Greenwich, Connecticut.

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: 203-622-7894
January 28, 2022

To Whom It May Concern:

Notice is hereby given that Dennis and Cynthia Ever have filed an application with the Town of Greenwich Planning and Zoning Commission to request re-subdivision approval to clarify maintenance of open space at 359 North Street, Greenwich, Connecticut.

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

For information contact:
Planning and Zoning Commission
Town Hall, 101 Field Point Road
Greenwich, CT 06836
Tel: 203-622-7894
CERTIFICATE OF TITLE

359 North Street
(Tax ID 11-2962/S and 11-1732/S)

THIS IS TO CERTIFY that after an examination of the Land Records, as indexed, of the Town of Greenwich, County of Fairfield and State of Connecticut, and of the books and pages to which they refer, to the date hereof, we are of the opinion that JOHN T. DILLON and M.C. DILLON are the owners in fee simple, conveyed to them by a Warranty Survivorship Deed from STEPHEN N. BOBROW, TRUSTEE and STEPHEN N. BOBROW and MARGERY BOBROW on February 19, 1997 in Book 2884 at Page 101 of the Greenwich Land Records.

The chain of title to the property is as shown on the attached schedule.

Dated at Greenwich, Connecticut this 7th day of October, 2020.

HEAGNEY, LENNON & SLANE, LLP

By: ____________________________
    Thomas J. Heagney
<table>
<thead>
<tr>
<th>Date</th>
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<th>Page</th>
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<tr>
<td>November 8, 1947</td>
<td>427</td>
<td>51</td>
<td>Committee Deed from Carl C. Francis, as Committee, to Rodney H. Waterman</td>
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<td>February 25, 1948</td>
<td>427</td>
<td>472</td>
<td>Quit Claim Deed from Rodney H. Waterman to The Poe Realty Company, Inc.</td>
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<td>July 14, 1948</td>
<td>430</td>
<td>597</td>
<td>Warranty Deed from The Poe Realty Company, Inc. to Jorge Toro-Neira</td>
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<td>November 15, 1950</td>
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<td>242</td>
<td>Warranty Deed from Jorge Toro-Neira to Leonor Toro</td>
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<tr>
<td>December 18, 1951</td>
<td>468</td>
<td>272</td>
<td>Quit Claim Deed from Leonor Toro to Jorge Toro-Neira</td>
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<td>December 18, 1951</td>
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<td>274</td>
<td>Warranty Deed from Jorge Toro-Neira to Hazel R. Guggenheim</td>
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<td>September 4, 1975</td>
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<td>Certificate of Devise from the Estate of Hazeltine Guggenheim a/k/a Hazel</td>
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<td>July 1, 1976</td>
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<td>Warranty Deed from Bernard M. Caswell to Joel Feldman and Cheryl Feldman</td>
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<td>Warranty Deed from Joel Feldman and Cheryl Feldman to Charles Sanderson Stephens a/k/a Charles S. Stephens</td>
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<td>143</td>
<td>Warranty Deed from Joel Feldman and Cheryl Feldman to Elizabeth Lucas-Stephens</td>
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<td>August 5, 1983</td>
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<td>Quit Claim Deed from Charles Sanderson Stephens and Elizabeth Lucas-Stephens to Charles Sanderson Stephens and Elizabeth Lucas-Stephens</td>
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<td>Warranty Deed from Charles Sanderson Stephens a/k/a Charles S. Stephens and Elizabeth Lucas-Stephens to Evangelos Karvounis and Theodora Karvounis</td>
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<td>Quit Claim Deed from Stephen N. Bobrow and Margery Bobrow to Stephen N. Bobrow, Trustee</td>
<td>Lot 2 Map #5605</td>
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<tr>
<td>February 19, 1997</td>
<td>2884</td>
<td>101</td>
<td>Warranty Survivorship Deed from Stephen N. Bobrow, Trustee and Stephen N. Bobrow and Margery Bobrow to John T. Dillon and M.C. Dillon</td>
<td>Lots 2&amp;3 Map #5605</td>
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prosecute, or cause or permit to be prosecuted any action at law against said Margaret I. 
Nealson or Eleanor Workman Baldwin or their heirs and assigns to recover any costs or 
damages by reason of said Note, the Mortgage given by the said Margaret I. Nealson 
or Eleanor Workman Baldwin in connection therewith.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals and to a dupli-
cate of the same hereof and date, the day and year first above written.

Signed, sealed and delivered
in the presence of
John H. Desing
John G. Francis

Received for record Nov. 7, 1947 at 4:30 P.M. and recorded by

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

THIRDLY, as a Superior Court held at Bridgeport, within and for Fairfield County on the 
8th day of August, 1947, upon the application of Julia Andrews Bruce, of the Town of 
Greenwich, County of Fairfield and State of Connecticut, plaintiff, in an action against Merle 
B. Reid et al., under Docket No. 21403, claiming by way of equitable relief a decree 
appointing a Committee for the sale of real estate, including that hereinafter described, at 
public or private sale, as a whole or in separate parcels, it was adjudged that such real 
estate be sold, and it is understood, that CARL G. FRANCIS, of the said Town of Greenwich, 
as appointed by said judgment a Committee to sell said premises, either as a whole or in 
separate parcels, at private sale or at public auction, in such manner and at such time 
and place, and upon such terms as to the undersigned should seem best, and

WHEREAS, pursuant to said judgment, he sold at private sale the real estate hereinafter 
described, being a portion of the premises ordered sold in said judgment, for the following 
consideration, to wit the sum of FIFTY THOUSAND ($50,000.00) DOLLARS, to RODNEY H. WATKING 
H. WATKING, of the said Town of Greenwich, and made return of his doings to said Court,

NOW, THEREFORE, KNOW YE, That I, the said CARL G. FRANCIS, Committee as aforesaid, in pursu-
ance of the authority and direction given as aforesaid, and for the aforesaid consideration, 
received by me from the said RODNEY H. WATKING, NO GRANT, BARGAIN, SELL AND CONVEY unto the said RODNEY H. WATKING, a parcel of land, together with the buildings and improve-
ments therein, situated in the Town of Greenwich, County of Fairfield and State of Con-
nnecticut, bounded and described as follows:

Beginning at the point formed by the intersection of the division line between land herein 
described and land of Albert Charles Henken with the westerly line of North Street; and 
running thence along land of said Albert Charles Henken due west 882.28 feet and S. 49' 
44" E. 22.8 feet, thence along the northerly line of Fa-ra-ge Road N. 80° 56' E. 182.7 feet 
and N. 0° 15' E. 9.7 feet, thence along land of the Putnam Cemetery Association N. 0° 10' 
W. 39.6 feet, N. 4° 13' W. 157.95 feet and N. 3° 4' W. 30.04 feet, thence still along land 
of the Putnam Cemetery association to and along land of Belle L. Bridge et al. N. 76° 15' E. 
730.9 feet, thence through land ordered sold as aforesaid S. 34° 46' W. 36.6 feet, S. 36° 
45' E. 219.8 feet and N. 97° 25' E. 192.6 feet, thence along the westerly line of North 
Street S. 8° 34' E. 285.3 feet, S. 4° 22' W. 90.16 feet and S. 8° 21' W. 61.11 feet to the 
point of beginning and containing 12.607 acres.

The general boundaries of the above described tract of land are northerly by land of the 
Putnam Cemetery Association, land of Belle L. Bridge et al and other land ordered sold as 
aforesaid; easterly by other land ordered sold as aforesaid; southerly by the westerly line of 
North Street and in a small
BOOK 427 MISCELLANEOUS

part by land of Albert Charles Henschel southerly by land of Albert Charles Henschel and by
Parsonage road; and westerly by the Putnam Cemetery Association and in a small part by
Parsonage Road.

Together with all right, title and interest of the owners of the premises in and to such
portions of Parsonage Road and North Street as lie in front of the premises above described;
Said premises are conveyed subject to the following:

1. Zoning and Town Planning Laws, Rules and Regulations as established in and for the Town
of Greenwich.

2. Town of Greenwich Tax on the list of June 1, 1947, due and payable in January and July,
1948.

To HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances there-
of, unto the said ROSEY H. WATKISS, his heirs and assigns forever, to his and their proper-
pose and behoof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of October, A.D., 1947.

SIGNATURES AND DELIVERED

IN THE PRESENCE OF:

May O. Maundrews

Carl C. Francis

Committee

(L.S.)

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

165.1 GREENWICH

OCTOBER 4th A.D., 1947

Personally appeared CARL C. FRANCIS, Committee as aforesaid, signer and sealer of the fore-
going instrument, and acknowledged the same to be his free act and deed, as such Committee,
before me.

(Notary Seal)...

D. William Whipple, Notary Public

My Commission Expires April 1, 1950

APPROVED this 7th day of November, 1947

Wynn, Judge

Received for Record Nov. 8, 1947 at 9:13 A.M. and recorded by:

DOROTHY D. VAN WAGNER

SUPERIOR COURT

FAIRFIELD COUNTY

FIRST TUESDAY SEPTEMBER 1947

July 12, 1947

RELEASE OF ATTACHMENT

The attachment of real estate of the defendant, ALEXANDER VAN WAGNER, JR., by virtue of
the writ dated July 31, 1947, is hereby fully released and discharged, said action having been
withdrawn; the certificate of said attachment being recorded in Greenwich Land Records in
Volume 425 at Page 151.

Dated at Stamford, Connecticut, this 12th day of August, 1947.

In the presence of:

Robert G. Dally, Jr.

Frederick Mills, Attorney for Plaintiff and

Authority Signing said Writ

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

Staford August 12, 1947

Personally appeared FREDERICK MILLS, signer of the foregoing instrument, and acknowledged
the same to be his free act and deed, before me.

(Notary Seal)...

Francis Schlaroll, Notary Public

Received for Record Nov. 10, 1947 at 9:00 A.M. and recorded by:

[Signature]

Town Clerk
day of January, 1940.
Signed, sealed and delivered
in the presence of:

R. Bruce Cingle
Dweller E. Northrup

Frederick K. Peterson
As executor of the last will and testament
of Jesse Peterson, deceased

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

SEDI GREEK

January ---, 1948

Personally appeared FREDERICK K. PETERSON, as Executive of the above will, signer and sealer of the
foregoing instrument and acknowledged the same to be his free act and deed as such Executive
before me.

(Notarized Seal)

Received for Record Pub, 29, 1948 at 11:00 A.M., and recorded by:

Town Clerk

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, THAT I, ROBERT H. WATERMAN, of the Town of Greenwich, County of Fairfield and
State of Connecticut, for the consideration of One Dollar ($1.00) and other good and valuable
considerations, received to my full satisfaction of THE NEXT ENTITY COMPANY, INCORPOR-
ATED, a Connecticut corporation located in said Town of Greenwich, do promise, release, and
forever quit claim unto the said THE NEXT ENTITY COMPANY, INCORPORATED, its successors and
assigns forever, all the right, title, interest, claim and demand whatsoever as I, the said
Releasee, have or ought to have in or to,

All that certain tract, piece or parcel of land, together with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, bounded and described as follows:

Beginning at the point formed by the intersection of the division line between land herein
described and land of Albert Charles Hencksen with the westerly line of North Street, and
running thence along land of said Albert Charles Hencksen due West 892.02 feet and South 36°
46' East 49.9 feet, thence along the northerly line of Parnonage Road North 89° 60' West
185.7 feet and North 97° 15' East 9.7 feet, thence along land of the Putnam Cemetery Asso-
ciation North 5° 46' West 34.8 feet, North 4° 11' West 107.96 feet and North 5° 27' West 294.32
feet, thence along and along land of the Putnam Cemetery Association and to and along land of Belle L. Bridge et al North 70° 15' East 330.6 feet, thence along land now or formerly of Julia A. Bruce South 14° 46' East 85.0 feet, South 36° 45' 950.86 feet and North 97° 56' East
194.0 feet, thence along the westerly line of North Street South 5° 34' East 293.3 feet,
South 4° 20' East 90.15 feet and South 9° 42' East 61.11 feet to the point of beginning and
containing 1,007 acres.

The general boundaries of the above described tract of land are northerly by land of the
Putnam Cemetery Association, land of Belle L. Bridge et al and land now or formerly of Julia
A. Bruce; easterly by land now or formerly of Julia A. Bruce, North Street and in a small
part by land of Albert Charles Hencksen; southerly by land of Albert Charles Hencksen and
by Parnonage Road; and westerly by the Putnam Cemetery Association and in a small part by
Parnonage Road.

Together with all right, title and interest of the owner of the premises in and to such
portions of Parnonage Road and North Street as lie in front of the premises above described,

TO HAVE AND TO Hold the premises, with all the appurtenances, unto the said Releasee, its
successors and assigns forever, so that neither I, the Releasee, nor my heirs nor any other
person under me or them shall hereafter have any claim, right or title in or to the premises
of any part thereof, but therefore I am and they are by these presents forever barred and
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of February, A.D., 1969.

Signed, Sealed and Delivered

In the Presence of:

Heddie A. Muller
A. Porter Waterman

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

February 28th, 1969

Personally appeared RODNEY H. WATERMAN, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

[Notary Seal]

A. Porter Waterman, Notary Public

received for record Dec. 25, 1968 at 4:00 P.M. and recorded by

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

This certificate that the Estate of John Bartos also known as John Bartos, late of Greenwich, in the Probate District of Greenwich, deceased, has been duly settled in said Court, that Katherine V. Bartos, Susanna B. Huley, Mary B. Frolo, John Bartos, Jr., George Bartos, Anna Bartos, Amelia Bartos, and Pauline B. Kiser, all of Greenwich, Connecticut were here-tofore found and ascertained by said Court to be the heirs-at-law of said deceased and that the decedent to said Katherine V. Bartos an undivided 1/3 interest and to Susanna B. Huley, Mary B. Frolo, John Bartos, Jr., George Bartos, Anna Bartos, Amelia Bartos, and Pauline B. Kiser each an undivided 2/21 interest in and to the following described real estate:

An undivided one-half interest in and to all that certain lot, piece or parcel of land, with the building and improvements therein, situate, lying and being at Byram, in the Town of Greenwich, Connecticut, which comprises lots numbers eight (8), and nine (9) on a certain map filed in the office of the Town Clerk of the Town of Greenwich, entitled, "Map of Overlook Park, in the town of Greenwich, Conn.," made by J. A. Kirby & Sons, Civil Engineers and Surveyors, 1908, said lots together being bounded northerly in front by Belleview Avenue, fifty (50) feet, southerly, in the rear by Lot No. 10, on said map, fifty (50) feet, easterly on one side by Lot No. 6, on said map, one hundred twenty-five (125) feet, and westerly on the other side by Lot No. 11, on said map, one hundred twenty-five (125) feet, together with all right, title and interest in, and to said Belleview Avenue, to the center line thereof, in front of and adjoinning said premises. Being the same premises conveyed to the Deceased and Katherine Bartos by Edward C. Fischer by a Warranty Deed dated March 31, 1953 and recorded in the Greenwich, Connecticut Land Records in book 193 at page 484.

An undivided one-half interest in and to all that certain lot of land with the buildings thereon, situate in said Town of Greenwich, at Byram so-called, and being known and designated as the southerly part of Lot No. 25 on a certain map entitled "Map of Woodlawn" on file in the Town Clerk's Office of said Town of Greenwich. Bounded northerly by the remaining portion of Lot No. 25 on said map; easterly by Cheese Street so-called; southerly by Pine Street so-called and westerly by Lot No. 24 on said map. Said lot being sixty (60) feet in width in front and rear and eighty-four and one tenths (84.1) feet in depth. Together with all right, title and interest in and to the said highways in front of and adjoining said premises to the center lines thereof. Being the same premises conveyed to the Deceased and Katherine Bartos by Julia Vieg by a Warranty Deed dated April 20, 1914 and
right of way in, under, over and across,
A certain tract of land located in said Town of Greenwich comprising the private road or
right of way shown as PRIVATE ROAD on a certain map made by THE B. E. MINOR & CO. dated Nov.
10th, 1945 and on file in the office of the Town Clerk for said Town of Greenwich and therein
numbered 254, reference thereto being made for a more complete description of said road.
Said right of way is conveyed for the purpose of installing, laying, operating, maintaining,
inspecting, removing, repairing, replacing, relaying and adding to, from time to time, under-
ground pipe or pipes, with necessary fittings, appurtenances and attached facilities for the
transmission and distribution of water.

TO HAVE AND TO HOLD the above granted easement and right of way unto the said Grantee its
successors and assigns forever.

And the said parties, for themselves, their heirs, successors and assign do covenant as
follows:

1. That the said Grantee is well seized of the said easement and right of way and has good
right to convey the same.

2. That the Grantee shall quietly enjoy the said easement and right of way in common with
others to whom such easements have been granted or may be granted and subject to the right
which the Grantor herein expressly reserves to use said premises for all purposes, provided,
however, that easements which have been granted to others or which shall be granted to others
or rights which are hereby reserved for the Grantor shall not interfere with the ready access
by the Grantee at all times to said easement and right of way herein conveyed to the Grantee
or to the ready access by the Grantee to any of the facilities of the Grantee located or to
be located in, under, over or across said private roads or rights of way.

3. That the said easement and right of way is free from all encumbrances except the second
installment of the Town of Greenwich tax on the list of 1947 due and payable in July 1948
which the Grantor assumes and agrees to pay, and except such easements or rights of way which
exist in others or rights which are herein expressly reserved for the Grantor.

4. That all openings made in said premises by the Grantee shall be restored as nearly to their
original condition as is reasonably possible.

IN WITNESS WHEREOF the Grantor has hereunto set their hands and seals this 12 day of July
A.D. 1948.

Signed, Sealed and Delivered
in the presence of:

Arthur Stroffolinio
Notary Public

L. S.

Nicholas J. Branca
L. S.

Nicholas J. Branca

Rose R. Calabrese
Rose R. Calabrese

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

GS GREENWICH

July 12, 1948.

Personally appeared before me, Nicholas J. Branca, signer and sealor of the foregoing in-
strument and acknowledged the same to be his free act and deed.

Arthur Stroffolinio, Notary Public

Personally appeared before me, Rose R. Calabrese, signer and sealor of the foregoing instru-
ment and acknowledged the same to be her free act and deed.

Received for Record July 14, 1948 at 4:00 P.M. and recorded by:-

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that THE FOR REALTY COMPANY, INCORPORATED, a Connecticut Corporation located in the
Town of Greenwich, County of Fairfield and State of Connecticut, acting herein by Rodney M.
Waterman, its Vice- President, hereunto duly authorized,
for the consideration of One Dollar ($1.00) and other valuable consideration received to its full satisfaction of JORGE TORO-HIERA of the City, County and State of New York, does give, grant, bargain, sell and confirm unto the said JORGE TORO-HIERA, All that certain tract, piece or parcel of land, with the buildings and improvements thereon, located in the said Town of Greenwich, and more particularly bounded and described as follows: Beginning at the point formed by the intersection of the division line between the premises hereby conveyed and land now or formerly of Bruce with the westerly line of North Street, and running thence southerly along the westerly line of North Street, South 8° 34' East 124.00 feet, thence along land of The Poe Realty Company, Incorporated, North 00° 15' 30" West 368.6 feet and South 88° 15' 30" West 814.03 feet, thence along land formerly of Waterman, North 399.05 feet, thence along land of Bridge, North 78° 15' East 228.07 feet, thence along land now or formerly of Bruce, South 14° 45' East 64.0 feet, South 36° 45' East 212.65 feet and North 87° 26' East 102.5 feet to the point of beginning, and containing 3.937 acres.

The general boundaries of the above-described tract of land are northerly by land of Bridge and land now or formerly of Bruce, easterly by land now or formerly of Bruce and North Street, southerly by land of The Poe Realty Company, Incorporated, and westerly by land formerly of Waterman.

Said premises are conveyed subject to the following:

(1) Zoning and Town Planning laws, rules and regulations as established in and for the Town of Greenwich.

(2) Tax of the Town of Greenwich on the list of June 1, 1948 which becomes due and payable in January and July of 1949, which tax the Grantee herein hereby assumes and agrees to pay.

(3) Installment of the Town of Greenwich tax on the list of June 1, 1947, due and payable in July 1946, which tax the Grantee herein hereby assumes and agrees to pay.

TO HAVE AND TO HOLD the above-granted and bargained premises, with the appurtenances thereof, unto him, the said Grantee, his heirs and assigns forever, to his and their own proper use and benefit.

AND ALSO, it, the said Grantor, does for itself, its successors and assigns, covenant with the said Grantee, his heirs and assigns, that at and until the enrolling of these presents, it is well-sealed of the premises, as a good indurable estate in FEUDAL SIMPLE; and has good right to sell and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as aforesaid.

AND FURTHERMORE, it, the said Grantor, does by these presents bind itself and its successors and assigns forever to WARRANT AND DEFEND the above-granted and bargained premises to him, the said Grantee, his heirs and assigns, against all claims and demands whatsoever, except as aforesaid.

IN WITNESS WHEREOF, THE POE REALTY COMPANY, INCORPORATED has hereunto set its name and affixed its corporate seal this 12th day of July A. D. 1948.

Signed, Sealed and Delivered
in the presence of:

David G. Ashten
THE POE REALTY COMPANY, INCORPORATED (Seal)
J. Gerald Hannon
By Rodney H. Waterman
Its Vice-President

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD
By
33. Greenwich
July 12, A. D. 1948.

Personally appeared THE POE REALTY COMPANY, INCORPORATED by Rodney H. Waterman, its Vice-President as aforesaid, signer and sealer of the foregoing instrument, and he acknowledged the same to be his free act and deed, and the free act and deed of said Corporation, before me.

J. Gerald Hannon, Notary Public
The undersigned, for a valuable consideration, the receipt of which is hereby acknowledged, grants THE CONNECTICUT LIGHT AND POWER COMPANY and its successors and assigns, the right to set, relocate and permanently maintain poles on any or all of the private or public streets or passages laid out or located on the property, hereinafter described, situated in the Town of Greenwich, State of Connecticut.

Together with the right to set and permanently maintain guys, anchors and guy stubs, as required.

Together with the right to erect, operate and permanently maintain electric conductors and other usual fixtures and appurtenances used and adapted for the transmission of electric current for light, heat, power or for any other purpose.

Together also with the right to trim and keep trimmed such trees as in the judgment of the company may be necessary to maintain service.

Said above-mentioned land is bounded as follows:

NORTHLY: Town of Greenwich, Joseph L. Greene

EASTLY: Joseph L. Greene, Ferris Drive, Louis Spazzano, Various other owners

SOUTHERLY: James A. and Florence D. Finney, East Putnam Avenue, St. Catherine's Roman Catholic Church


Provided, if any part of the above described land or any or all of the pole, guys, anchors, guy stubs and electrical conductors, fixtures and appurtenances shall be located, in whole or in part, thereafter be used as a public street or highway or a part thereof, permission as provided in the General Statutes of Connecticut relating to adjoining landowners, is hereby granted to the granter and to its successors and assigns, to use that portion of the premises and in the manner above described.

Any right herein described or granted or any interest therein or part thereof may be assigned to any Telephone Company by the grantee or its successors and assigns, and the Grantee for themselves, their heirs, and assigns, hereby agrees to and ratifies any such assignment and agrees that the interest so assigned may be used by the assignees herein and its successors and assigns for telephone purposes.

Dated at Greenwich, Conn., this 1st day of June, 1948.

Witnessed by:

Julia Ryment

RIVERSIDE LANE CORPORATION: (SEAL)
shown on the above entitled map and a portion of Lot 68 shown thereon.

Together with the right to use the private road, Carrigan Lane, shown on said map, in common with the releaser and others to whom such right has been or may hereafter be granted for all lawful purposes.

Being a portion of the premises described in two certain mortgage deeds, one from Doris M. Deming to Peter Mitchell, Incorporated, in the amount of $22,000.00, dated September 22, 1949, and recorded in the Greenwich Land Records in Book 454 at Page 165, and the other from Alice J. Clark to Peter Mitchell, Incorporated, in the amount of $2075.00, dated September 23, 1944, and recorded in said land records in Book 444 at Page 167, meaning and intending hereby to release the above described premises from the lien of said mortgages, but in no way to affect said mortgage insofar as the balance of the premises described therein are concerned.

To have and to hold the premises, with all the appurtenances, unto the said releasers their heirs and assigns forever, so that neither it the releaser nor its successors nor any other person under it or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but thenceforth is and they are by these presents forever barred and excluded.

In witness whereof, PETER MITCHELL, INCORPORATED by E. T. Mitchell, its Vice-President and Secretary as the said has hereunto set its corporate name and affixed its corporate seal this 14th day of November, A.D. 1950.

Signed, Sealed and Delivered

In presence of

John R. Deming
State of Connecticut
County of Fairfield

PETER MITCHELL, INCORPORATED (Seal)
By E. T. Mitchell (L.M.)
its Vice-President and Secretary

Personally appeared PETER MITCHELL, INCORPORATED by E. T. Mitchell, its Vice-President and Secretary as aforesaid, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed and the free act and deed of said corporation, before me,

John R. Deming, Notary Public

Received for Record Nov. 15, 1950 at 8:35 P.M. and recorded by

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE THAT I, JORGE TORO-NUNEZ, residing at 1160 Fifth Avenue, New York, N.Y.,

for the consideration of ONE DOLLAR ($1.00) and other valuable consideration

received to his full satisfaction of LEONOR TORO, residing at 1160 Fifth Avenue, New York,

N.Y.

do give, grant, bargain, sell and convey unto the said LEONOR TORO

All that certain tract, piece or parcel of land, with the buildings and improvements thereon, located in the Town of Greenwich, state of Connecticut, and more particularly bounded and described as follows:

Beginning at the point formed by the intersection of the division line between the premises hereby conveyed and land now or formerly of Bruce with the westerly line of North Street, and running thence southerly along the westerly line of North Street, South 8° 14' 41" East 199.09 feet, thence along land of The Pe Realty Company, Incorporated, North 90° 06' 30" West 552.6 feet and South 00° 16' 30" East 243.23 feet, thence along land formerly of Wartman, North 00° 00' 00" feet, thence along land of Bridge, North 76° 14' East 852.07 feet, thence along land now or formerly of Bruce, South 14° 45' East 23.0 feet, South 50° 48' East 812.68 feet and North 07° 20' East 196.6 feet to the point of beginning, containing 3.907 acres.
The general boundaries of the above-described tract of land are northerly by land of Bridge and land now or formerly of Eliza, easterly by land now or formerly of Bruce and North Street, southerly by land of The Fos Realty Company, Incorporated, and westerly by land formerly of Waterman.

Said premises are conveyed subject to the Town of Greenwich Tax on the list of June 1, 1860, due and payable January 1, 1860, which tax the Grantee assumes and agrees to pay as part of the consideration hereof.

Subject also to the Town of Greenwich Tax on the list of June 1, 1860, due and payable in January, 1861, which tax the Grantee also assumes and agrees to pay as part of the consideration hereof.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances there of, unto the said Grantee her heirs and assigns forever, to her and their own proper use and behoof. And also, the said grantor does for himself his heirs, executors, and administrators, covenant with the said Grantee her heirs and assigns, that at and until the enunciating of these presents, he is well seized of the premises, as a good indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except that it is subject to a first mortgage thereon, held by The First Realty Corporation, Greenwich, Connecticut, on which there is an unpaid balance of $15,997.10.

AND FURTHERMORE, he the said grantor does by these presents bind himself and his heirs forever to WARRANT AND DEFEND the above granted and bargained premises to her the said Grantee her heirs and assigns, against all claims and demands whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of October in the year of our Lord nineteen hundred and forty-nine.

Signed, Sealed and Delivered

in the presence of

Charles W. Potter

Jorge Toro-Meira

(L.S.)

Vivian D. Gallagher

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

Personally appeared JORGIE TORO-MEIRA Signer and Sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

[Notary] I hereby certify that United States Naval Seal.

Bernice G. George, Notary Public

Received for Record Nov. 15, 1860 at 0:17 P.M. and recorded by-

[Notary]

Town Clerk

WY

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, THAT I, LYTLE D. BFOAD, of the Town of Greenwich, County of Fairfield and State of Connecticut,

for the consideration of One ($1.00) Dollar and other good and valuable considerations, received to my full satisfaction of ARTHUR W. MILLER and SHIRLEY LANKIN MILLER, husband and wife, of said Town of Greenwich,

do give, grant, bargain, sell and confirm unto the said ARTHUR W. MILLER and SHIRLEY LANKIN MILLER, during their joint lives, with the remainder in fee to the survivors,

All that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the said Town of Greenwich, bounded and described as follows:

Beginning at a point on the northerly side of Cat Rock Road which point is 70.04 feet westerly as measured along the northerly side of said Cat Rock Road from the westerly line of premises now or formerly of David Fleming and running thence along said Cat Rock Road South 89° 00' West 270.70 feet; North 90° 00' East 120.0 feet; North 89° 41' West 49.7 feet,
To all People in Whom these Presents shall Come, Greeting:

Know Ye, That I, LEONOR TORO, of the Town of Greenwich, County of Fairfield and State of Connecticut,

for the consideration of One ($1) Dollar and other good and valuable considerations,

received in full satisfaction of JORGE TORO-RIEU, of said Town of Greenwich,

do release, release, and forever QUIT-CLAIM unto the said JORGE TORO-RIEU

his heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as

I, the said releaser, have or ought to have

All that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the said Town of Greenwich, bounded and described as follows:

Beginning at the point formed by the intersection of the division line between the premises hereby conveyed and land now or formerly of Bruce with the westerly line of North Street, and running thence southerly along the westerly line of North Street, South 70° 30' West 219.07 feet, thence along land now or formerly of The Poe Realty Company, Incorporated, North 89° 15' 30" West 398.6 feet and South 86° 16' 30" West 219.23 feet, thence along land formerly of Waterman North 39° 03' 01" feet, thence along land now or formerly of Bridge North 75° 17' East 222.37 feet, thence along land now or formerly of Bruce South 14° 45' East 86.8 feet, South 36° 45' East 212.85 feet and North 87° 26' East 192.6 feet to the point and place of beginning, and containing 3.237 acres.

The general boundaries of the above-described tract of land are northerly by land now or formerly of Bridge and land now or formerly of Bruce, easterly by land now or formerly of Bruce and North Street, southerly by land now or formerly of The Poe Realty Company, Incorporated, and westerly by land formerly of Waterman.

Being the same premises conveyed to the Releaser by the Releaser by deed dated October 3, 1949 and recorded in Greenwich Land Records in Book 41a at Page 282.
To Have and to Hold the premises, with all the appurtenances, unto the said
Releasee:
his
heirs and assigns forever, so that neither I, the
Releasee, nor any
heirs nor any other person under me or them
shall hereafter have any claim, right or title in or to the premises, or any part thereof,
butherefrom I am and they are by these presents forever barred and excluded.

In Witness Whereof, I have hereunto set my hand and seal
this 14th
day of December, A.D. 19__.

[Signature]

State of Connecticut, SS. GREENWICH,
County of FAIRFIELD, December 14, A.D. 19__.

Personally Appeared LEOHR TORO

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be her
free act and deed
before me.

Received for Record: DEC 18 1950
To all to whom these presents shall come, Greeting:

Know Ye, That I, JORGE GUGGENHEIM, of the Town of Greenwich, County of Fairfield and State of Connecticut,

for the consideration of One (1) Dollar and other good and valuable considerations,

received to my full satisfaction of HAZEL R. GUGGENHEIM, wife of Bernhard Guggenheim, of said Town of Greenwich,

do give, grant, bargain, sell and convey unto the said HAZEL R. GUGGENHEIM,

All that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the said Town of Greenwich, bounded and described as follows:

Beginning at the point formed by the intersection of the division line between the premises hereby conveyed and land now or formerly of Bruce with the westerly line of North Street, and running thence southerly along the westerly line of North Street, South 5° 34' East 199.69 feet, thence along land now or formerly of The Poc Realty Company, Incorporated, North 88° 43' 29" West 352.6 feet and South 88° 43' 29" West 212.03 feet, thence along land formerly of Waterman North 289.01 feet, thence along land now or formerly of Bridge North 79° 45' East 222.07 feet, thence along land now or formerly of Bruce South 11° 45' East 86.8 feet, South 36° 45' East 212.03 feet and North 67° 26' East 192.46 feet to the point and place of beginning, containing 3.937 acres.

The general boundaries of the above-described tract of land are northerly by land now or formerly of Bridge and land now or formerly of Bruce, westerly by land now or formerly of Bruce and North Street, southerly by land now or formerly of The Poc Realty Company, Incorporated, and easterly by land formerly of Waterman.

Being the same premises conveyed to the Grantor by Leonor Toro by deed dated December 19, 1951, and recorded in Greenwich Land Records on December 19, 1951.

Said premises are conveyed subject to the following:

1. Zoning and planning laws, rules and regulations as established in and for the Town of Greenwich.

2. Town of Greenwich Tax on the List of June 1, 1951, due and payable in January and July 1952, which tax the Grantee herein assumes and agrees to pay as part of the consideration hereof.
To Have and to Hold the above granted and bargained premises, with the
appurtenances thereof, unto her, the said grantee, her heirs,
executors and assigns forever, to her and their own proper use and behoof.
And also, I, the said grantor, do for myself, my heirs,
executors, administrators, executors and assigns, covenant with this said grantee, her
heirs and assigns, that at and until the granting of these presents, I
am well seized of the premises, as a good indefeasible estate in Fee Simple;
and have good right to bargain and sell the same in manner and form as is above written;
and that the same is free from all incumbrances whatsoever, except as hereinafhefet mentioned.

And Furthermore, I, the said grantor, do by these presents bind myself and my heirs,
executors and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to her,
the said grantee, her heirs and assigns, against all claims and
demands whatsoever, except as hereinafore mentioned.

In Witness Whereof, I have hereunto set my
hand and seal this 8th day of December, in the year of our Lord
nineteen hundred and fifty-one.

Signed, sealed and delivered in the presence of

[Signatures]

State of Connecticut,
County of Fairfield,

GREENWICH, December 8, A.D. 1951

Personally Appeared JORGE T. H. M.

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be his
free act and deed
before me.

[Notary Public]

Received for Record 1 DEC 1851 10:30 AM. Attest: O. H.
On this, the 29th day of March, A.D. 1973, before me, Harold E. Smith, the undersigned officer personally appeared Wells P. Conron, who acknowledged himself to be Treasurer of Citizens' Savings Bank of Stamford, Connecticut, a corporation, and that he, as such Treasurer, being authorized so to, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Treasurer.

In witness whereof, I herewith set my hand and official seal.

Harold E. Smith
Notary Public

<table>
<thead>
<tr>
<th>CERTIFICATE OF NOTICE FOR LAND RECORDS</th>
<th>STATE OF CONNECTICUT COURT OF PROBATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Probate, District of: Greenwich</td>
<td>District No.: 72</td>
</tr>
<tr>
<td>Date of Death: 3/13/73</td>
<td>Place Where Last Died: Greenwich</td>
</tr>
<tr>
<td>Probate Case Number: 40-73</td>
<td>Bernard H. Casswell</td>
</tr>
<tr>
<td>359 North St., Greenwich</td>
<td>Executors</td>
</tr>
<tr>
<td>This certificate is made and caused to be recorded in the Land-Records of the town wherein the said deceased resided, the owner of real property or any interest therein, or a mortgage or lien upon real property.</td>
<td></td>
</tr>
</tbody>
</table>

Bernard H. Casswell
Executor

(to Town Clerk: Record date between double lines)
STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

PROBATE COURT
DISTRICT OF GREENWICH

This certifies that the testate Estate of HAZELINE GUGGENHEIM,
A/K/A HAZEL R. GUGGENHEIM, late of Greenwich, in the Probate
District of Greenwich, deceased, has been duly settled in this
Court; that by the terms of the Will of said deceased, there is
devised to Bernard M. Caswell, of Greenwich, Connecticut, the
following described real estate:

ALL that certain tract, piece or parcel of land, with the
buildings and improvements thereon, situated in the Town of
Greenwich, County of Fairfield and State of Connecticut, bounded
and described as follows:

Beginning at the point formed by the intersection of the
division line between the premises herein described and land now
or formerly of Bruce with the westerly line of North Street, and
running thence southerly along the westerly line of North Street,
South 5° 34' East 199.09 feet, thence along land now or formerly
of The Poe Realty Company, Incorporated, North 89° 15' 30" West
362.6 feet and South 88° 16' 30" West 214.23 feet, thence along
land formerly of Waterman North 389.03 feet, thence along land
now or formerly of Bridge North 75° 15' East 222.87 feet, thence along
land now or formerly of Bruce South 14° 45' East 88.8 feet, South
16° 45' East 212.85 feet and North 87° 26' East 192.6 feet to the
point and place of beginning, and containing 3.937 acres.

The general boundaries of the above-described tract of land
are northerly by land now or formerly of Bridge and land now or
formerly of Bruce, easterly by land now or formerly of Bruce and
North Street, southerly by land now or formerly of The Poe Realty
Company, Incorporated, and westerly by land formerly of Waterman.

Being the same premises conveyed to Hazel R. Guggenheim by
Jorge Toro-Neira by deed dated December 18, 1951 and recorded in
Greenwich Land Records in Book 468 at Page 274.

Dated at Greenwich, Connecticut, this 4th day of September, 1975.

[Signature]
Judge of the Probate Court
for the District of Greenwich, Connecticut.

[Seal]

[Stamp]

[Notary Stamp]
To all People to Whom these Presents shall Come, Greeting:

Know Ye, That I, BERNARD H. CASHELL of the Town of Greenwich, County of Fairfield and State of Connecticut,

for the consideration of ONE HUNDRED SIXTY FIVE THOUSAND ($165,000) DOLLARS

received to the full satisfaction of JOEL FELDMAN and CHERYL FELDMAN residing at a Residence on Parsonage Road in said Town of Greenwich, Grantees,

and unto the survivor of them, and unto such survivor's heirs and assigns forever

ALL that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the said Town of Greenwich, bounded and described as follows: BEGINNING at the point formed by the intersection of the division line between the premises hereby conveyed and land nor or formerly of Bruce with the westerly line of North Street, and running thence southerly along the westerly line of North Street, South 50° 34' East 199.09 feet, thence along land nor or formerly of The Poe Realty Company, Incorporated, North 66° 15' 30" West 382.6 feet and South 86° 16' 30" West 214.23 feet, thence along land nor or formerly of Waterman North 89° 03' 03" feet, thence along land nor or formerly of Bridge North 75° 15' East 222.87 feet, thence along land nor or formerly of Bruce South 14° 46' East 85.6 feet, South 38° 45' East 212.86 feet and North 87° 25' East 219.2 feet to the point and place of beginning, and containing 3.937 acres.

The general boundaries of the above described tract of land are northerly by land nor or formerly of Bridge and land nor or formerly of Bruce, westerly by land nor or formerly of Bruce and North Street, southerly by land nor or formerly of The Poe Realty Company, Incorporated and easterly by land formerly of Waterman.

Being the same premises described in a deed to Susan R. Guggenheim from Jorge Torin-Neira dated December 18, 1981 and recorded in Greenwich Land Records in Book 468 at Page 274 and in a Certificate of Devise in Estate of Hazel Guggenheim recorded in said land records in Book 938 at Page 349.

SAID premises are conveyed subject to the following:

1. Zoning and planning laws, rules and regulations as established in and for the Town of Greenwich.

2. Town of Greenwich Tax on the 1st of October 1, 1975 which the Grantees assume and agree to pay.
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto them the said grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof.

And also, I the said grantor do for myself, my heirs, executors, administrators, and assigns, covenant with the said grantees and with the survivor of them, and with such survivor's heirs and assigns, that at and until the enrolling of these presents I am well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and I have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, I the said grantor do by these presents bind myself and my heirs, and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to them the said grantees, and to the survivor of them and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, I have hereunto set my hand and seal this first day of July in the year of our Lord nineteen hundred and seventy six.

Signed, Sealed and Delivered in presence of

[Signature]

Bernard M. Caswell

[Signature]

Benjamin Harris

State of Connecticut,
County of Fairfield

Personally Appeared BERNARD M. CASWELL

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be his free act and deed before me.

[Signature]

Commissioner of the Superior Court

[Stamp]
To all People to Whom these Presents shall Come, Greeting:

Know Ye, That JOEL FELDMAN and CHERYL FELDMAN, of 121 Birch Lane
Greenwich, Connecticut

for the consideration of TWO HUNDRED THIRTY THOUSAND ($230,000.00) DOLLARS

received to their full satisfaction of CHARLES SANDERSON STEPHENS and
ELIZABETH LUCAS-STEPHENS, of 359 North Street, Greenwich, Connecticut

do give, grant, bargain, sell and convey unto the said CHARLES SANDERSON STEPHENS and
ELIZABETH LUCAS-STEPHENS, as joint tenants

and unto the survivor of them, and unto such survivor's heirs and assigns forever

ALL that certain tract, piece or parcel of land, with the buildings and
improvements thereon, situated in the Town of Greenwich, more particu-
larly described as follows: Lot No. 3 on a certain map entitled, "Sub-
division Plan-Record Sheet, Property of Joel and Cheryl Feldman, Green-
wich, Connecticut, certified substantially correct by Edward J. Crothers
of J.A. Kirby Co., Civil Engineers and Surveyors, TO BE FILED IN THE
OFFICE OF THE TOWN CLERK OF SAID TOWN OF GREENWICH,
Said premises are conveyed subject to:

1. Zoning and planning laws, rules and regulations as established
in and for the Town of Greenwich.

2. Second half Town of Greenwich Tax on the list of October 1, 1977,
due and payable in January, 1979, which taxes the Grantees assume and
agree to pay.

3. Conditions, restrictions and rights conferred by an agreement
between John A. Frank, A. Louise Brush Frank and the Grantees, dated
June 1978, and recorded in the Greenwich Land Records, IN BOOK 1091
AT PAGE 67.

4. Notes on certain Map entitled, "Subdivision Plan-Record Sheet
property of Joel Feldman and Cheryl Feldman", filed in the Greenwich
Town Clerk's Office.

5. Declaration of Restrictions recorded this date in the Greenwich
Land Records.

6. Conditions, restrictions and rights conferred by an agreement
between William E. Fox and Kate Fox and the Grantees, dated SEPTEMBER 8
1978, and recorded in the Greenwich Land Records.

7. Future sewer construction assessments as levied by the Town of
Greenwich.

8. Such state of facts as an accurate survey and personal inspection
of the property may disclose.

$253.00 CONVEYANCE TAX RECEIVED
TOWN OF GREENWICH
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto them the said grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof.

And also, we the said grantor do for ourselves, our heirs, executors and administrators, covenant with the said grantees and with the survivor of them, and with such survivor's heirs and assigns, that at and until the executory of these presents, we are well and sufficiently-sealed, as a good indefeasible estate in FREE SIMPLE; and we have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as above stated.

And Furthermore, we the said grantor do by these presents bind ourselves and our heirs forever to WARRANT AND DEFEND the above granted and bargained premises to them the said grantees, and to the survivor of them and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as above stated.

In Witness Whereof, we have hereunto set our hand and seals this 6th day of September in the year of our Lord nineteen hundred and seventy eight.

Signed, Sealed and Delivered in the presence of

[Signatures]

State of Connecticut, County of Fairfield

On this the 6th day of September 1978, before me, the undersigned officer, personally appeared

JOEL FELDMAN and CHERYL FELDMAN

known to me (or satisfactorily proved to be the person or whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

[Seal]

State of Connecticut, County of

On this the 19th day of , before me, the undersigned officer, personally appeared

who acknowledged himself to be the , a corporation, and that he, as such of , being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand and official seal.

[Seal]

[Secured for Record]
To all People to Whom these Presents shall Come, Greeting:

Know Ye That JOEL FELDMAN and CHERYL FELDMAN, of 121 Birch Lane, Greenwich, Connecticut

for the consideration of ONE HUNDRED FIFTEEN THOUSAND ($115,000.00) DOLLARS

received to their full satisfaction of ELIZABETH LUCAS-STEPSHENS, of 359 North Street, Greenwich, Connecticut

do give, grant, bargain, sell and confirm unto the said ELIZABETH LUCAS-STEPSHENS.

ALL that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, more particularly described as follows: Lot No. 2 on a certain map entitled, "Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers of J.A. Kirby Co., Civil Engineers and Surveyors", TO BE FILED IN THE OFFICE OF THE TOWN CLERK OF SAID TOWN OF GREENWICH.

Said premises are conveyed subject to:

1. Zoning and planning laws, rules and regulations as established in and for the Town of Greenwich.

2. Second half Town of Greenwich Tax on the list of October 1, 1977, due and payable in January, 1979, which taxes the Grantee assumes and agree to pay.


5. Declaration of Restrictions recorded this date in the Greenwich Land Records.


7. Future sewer construction assessments as levied by the Town of Greenwich.

8. Such state of facts as an accurate survey and personal inspection of the property may disclose.

CONVEYANCE TAX RECEIVED
TOWN OF GREENWICH
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto her the said grantee her heirs and assigns forever, to her and their own proper use and behoof. And also, we the said grantees do for our heirs, executors, and assigns, covenant with the said grantee her heirs and assigns, that at and until the canceling of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as above stated.

And Furthermore, We the said grantees do by these presents bind our said yes and our heirs forever to WARRANT AND DEFEND the above granted and bargained premises to her the said grantee her heirs and assigns, against all claims and demands whatsoever, except as above stated.

In Witness Whereof, We have hereunto set our hand and seal.

SIGNED, SEALED AND DELIVERED, in the presence of:

[Signatures]

6th day of September 1978

FAIRFIELD

State of Connecticut, County of

[Signature]

On this the 6th day of September 1978, before me, the undersigned officer, personally appeared JOEL FELDMAN and CHERYL FELDMAN known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand.

[Signature]

Title of Office

State of Connecticut, County of

[Signature]

On this the day of 19, before me, the undersigned officer, personally appeared who acknowledged himself to be the of a corporation, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand.

[Signature]

Recorded the 7th day of SEP 1978, and recorded by
To all People to Whom these Presents shall Come, Greeting:

Know Ye, That

CHARLES SANDERSON STEPHENS and ELIZABETH LUCAS-STEPHENS,
of 359 North Street, Greenwich, Connecticut, as joint tenants,

for the consideration of One Dollar ($1.00)

received to their full satisfaction of CHARLES SANDERSON STEPHENS and
ELIZABETH LUCAS-STEPHENS

do realize, release, and forever QUIT-CLAIM unto the said
CHARLES SANDERSON STEPHENS and ELIZABETH LUCAS-STEPHENS, as tenants
in common, and their

heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as
the said Releases have or ought to have in or to

ALL that certain tract, piece or parcel of land, with the buildings and
improvements thereon, situated in the Town of Greenwich, more
particularly described as follows: Lot No. 3 on a certain map entitled
"Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman,
Greenwich, Connecticut, certified substantially correct by Edward J.
Crothers, of J.A. Kirby Co., Civil Engineers and Surveyors", filed in
the office of the Town Clerk of said Town of Greenwich, Connecticut.

[Signature]
TOWN OF GREENWICH
To Have and to Hold the premises, with all the appurtenances, unto the said Releasees their heirs and assigns forever, so that neither we the Releasees nor our heirs nor any other person under us or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom and they are by these presents forever barred and excluded.

In Witness Whereof, we have hereunto set our hand and seal or have caused these presents to be executed by its and its corporate seal to be hereunto affixed this 28th day of July 1933.

Signed, Sealed and Delivered in the presence of

Charles Sanderson Stephens
Elizabeth Lucas-Stephens
Marie Jean Cassan

STATE OF CONNECTICUT
COUNTY OF New York

On this the 28th day of July 1933, before me, the undersigned officer, personally appeared

Charles Sanderson Stephens and Elizabeth Lucas-Stephens, known to me (or satisfactorily proven) to be the person(s) whose name(s) is(are) subscribed to the within instrument and acknowledged that the instrument is the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

Kathleen M. S. TILEY
Notary Public, State of New York
October 21, 1933
Commission Expires March 31, 1937

STATE OF CONNECTICUT
COUNTY OF NEW HAVEN

On this the 28th day of July, 1933, before me, Gregory L. Pepe, the undersigned officer, personally appeared ELIZABETH LUCAS-STEPHENS 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 the purposes therein contained.

In witness whereof I hereunto set my hand.

Gregory L. Pepe
Commissioner of the Superior Court

Received for Record AUG 5 1933 at 9:20 A.M. Attest: ALBERTA H. LEHRAUER, Town Clerk.
To all People to Whom these Presents shall Come, Greeting:

Know Ye, That we, CHARLES SANDERSON STEPHENS, a/k/a Charles S. Stephens, and ELIZABETH LUCAS-STEWART, c/o Whitman & Ransom, 108 Field Point Road, Greenwich, Connecticut 06830, hereinafter referred to as the grantors,

for the consideration of SEVEN HUNDRED FIFTY-NINE THOUSAND THREE HUNDRED THIRTY AND NO/100 ($759,330.00) DOLLARS

received to our full satisfaction of EVANGELOS KARVOUNIS and THEODORA KARVOUNIS of 339 North Street, Greenwich, Connecticut 06830, hereinafter referred to as the grantees

do give, grant, bargain, sell and convey unto the said EVANGELOS KARVOUNIS and THEODORA KARVOUNIS

and unto the survivor of them, and unto such survivor's heirs and assigns forever

All that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut and described on Schedule A attached hereto.
SCHEDULE A

ALL that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut more particularly described as follows: Lot No. 3 on a certain map entitled, "Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers, of J. A. Kirby Co., Civil Engineers and Surveyors" filed in the Office of the Town Clerk of said Town of Greenwich as Map No. 5605.

SAID premises are conveyed subject to the following:

1. Any and all provisions of any ordinance, municipal regulation or public or private law.

2. Town of Greenwich Tax on the List of October 1, 1984 due and payable in July 1985 and January 1986, which Tax the Grantees hereby assume and agree to pay.


5. Declaration of Restrictions by Joel Feldman and Cheryl Feldman dated September 8, 1978 and recorded in said Land Records in Book 1093 at page 129.

6. Articles of Association of 359 North Street Property Owners Association dated September 8, 1978 and recorded in said Land Records in Book 1093 at page 133.

7. The notes and such state of facts as shown on Map No. 5605 on file in the Office of the Town Clerk of said Town of Greenwich.
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto them the said grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof.

And also, we, the said grantor s., do for ourselves and our heirs, executors, administrators, and assigns, covenant with the said grantees and with the survivor of them, and with such survivor's heirs and assigns, that at and until the enrolling of these presents we are well seized of the premises, as a good indefeasible estate in Fees Simple, and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinafter mentioned.

And Furthermore, we, the said grantor s., do by these presents bind ourselves and our heirs, and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to them the said grantees, and to the survivor of them and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as hereinafter mentioned.

In Witness Whereof, we have hereunto set our hands and sealed this 3d day of June in the year of our Lord nineteen hundred and eighty-five.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

[Signatures]

C. Lawrence Paine

Charles Sanderson Stephens

Elizabeth Lucas-Stephens

State of Connecticut
County of Fairfield

SS. Greenwich June 3, A.D. 1985

Personally Appeared CHARLES SANDERSON STEPHENS, a/k/a Charles S. Stephens and ELIZABETH LUCAS-STEPHENS

Signers and Sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed and the free act and deed of each of them before me.

Latest address of Grantee:

No. and Street: 359 North Street
City: Greenwich
State: Connecticut
Zip: 06830

My Commission Expires: 4/1/86

Received for Record JUN 5 1985

[Signature] Town Clerk.
To all People to Whom these Presents shall Come, Greeting:

Know Ye, That I, ELIZABETH LUCAS-STEVENS c/o Whitman & Ransom,
100 Field Point Road, Greenwich, Connecticut 06830, hereinafter referred to as the grantor,

for the consideration of TWO HUNDRED FIFTEEN THOUSAND SIX HUNDRED SEVENTY AND NO/100 ($215,670.00) DOLLARS

received to my full satisfaction of EVANGELOS KARVOUNIS and THEODORA KARVOUNIS of 359 North Street, Greenwich, Connecticut 06830, hereinafter referred to as the grantees

do give, grant, bargain, sell and confirm unto the said EVANGELOS KARVOUNIS and THEODORA KARVOUNIS

and unto the survivor of them, and unto such survivor's heirs and assigns forever.

All that certain tract, place or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut and described on Schedule A attached hereto.

\[ Signature \]

Conveyance Tax received

[Signature]

Town Clerk of Greenwich

[Signature]

Town Clerk of Greenwich
ALL that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut more particularly described as follows: Lot No. 2 on a certain map entitled, "Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers, of J. A. Kirby Co., Civil Engineers and Surveyors" filed in the Office of the Town Clerk of said Town of Greenwich as Map No. 5605.

Said premises are conveyed subject to the following:

1. Any and all provisions of any ordinance, municipal regulation or public or private law.

2. Town of Greenwich Tax on the List of October 1, 1984 due and payable in July 1985 and January 1986, which Tax the Grantees hereby assume and agree to pay.


5. Declaration of Restrictions by Joel Feldman and Cheryl Feldman dated September 8, 1978 and recorded in said Land Records in Book 1093 at page 129.

6. Articles of Association of 359 North Street Property Owners Association dated September 8, 1978 and recorded in said Land Records in Book 1093 at page 133.

7. The notes and such state of facts as shown on Map No. 5605 on file in the Office of the Town Clerk of said Town of Greenwich.

0832N
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof.

And also, I, the said grantor, do for myself and my heirs, executors, administrators, and assigns, covenant with the said grantees and with the survivor of them, and with such survivor's heirs and assigns, that at and until the enrolling of these presents I am well seized of the premises, as a good indefeasible estate in FREE SIMPLE, and good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, I, the said grantor, do by these presents, bind myself and my heirs, and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to them the said grantees, and to the survivor of them and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, I have hereunto set my hand and seal this 3rd day of June in the year of our Lord nineteen hundred and eighty-five.

Signed, Sealed and Delivered in presence of

[Signature]

C. Lawrence Paine

[Signature]

Elizabeth Lucas-Stephens

[Signature]

Elizabeth Lucas-Stephens

State of Connecticut
County of Fairfield

SS. Greenwich June 3 A. D. 1985

Personally Appeared ELIZABETH LUCAS-STEPHENS

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be her free act and deed before me.

Latest address of Grantee:
No. and Street: 359 North Street
City: Greenwich
State: Connecticut Zip: 06830

C. Lawrence Paine Notary Public
Commissioner of the Superior Court
My Commission Expires: 4/1/86

Received for Record JUN 5 1985 at 3:59 M. Atten
TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING,
KNOW YE THAT EVANGELOS KARVOUMIS and THEODORA KARVOUMIS of
26 Lindsay Drive, Greenwich, Connecticut 06830
Grantee, for the consideration of two million one hundred twenty five thousand ($2,125,000) Dollars
and other value received to his full satisfaction of STEPHEN N. BOBROW and HARGERY
BOBROW of 359 North Street, Greenwich, Connecticut 06830
Grantee, (the terms "Grantee" and "Grantees" to include the plural and the use of the masculine gender to
include all grantees), does give, grant, bargain, sell and convey unto the said grantees, as joint
tenants with right of survivorship

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Town Clerk of Greenwich

State of Connecticut
COUNTY OF FAIRFIELD


Personally appeared

EVANGELOS KARVOUMIS and THEODORA KARVOUMIS

Notary Public—Commissioner of the Superior Court

Received for Record

6

Town Clerk
All those certain tracts, pieces or parcels of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut more particularly described as follows: Lots No. 2 and 3 on a certain map entitled "Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers, of J. A. Kirby Co., Civil Engineers and Surveyors" filed in the office of the Town Clerk of said Town of Greenwich as Map No. 5605.

Being the same premises conveyed to Evangelos Karvounis and Theodora Karvounis by Elizabeth Lucas-Stephens by Warranty Deed dated June 3, 1985, and recorded in the Greenwich Land Records in Book 1478 at Page 122, and to Evangelos Karvounis and Theodora Karvounis by Charles Sanders and Elizabeth Lucas-Stephens by Warranty Deed dated June 3, 1985, and recorded in said Land Records in Book 1478 at Page 120.

Said premises are conveyed subject to the following:


5. Notes and such state of facts as shown on Map No. 5605 on file in the Office of the Greenwich Town Clerk.


7. Sanitary sewer easements, area reserved for Park & Recreation purposes, and encroachment of driveway all as shown on survey made by Barbee and Seymour, dated May 24, 1985 and entitled, "MAP prepared for EVANGELOS KARVOUNIS and THEODORA KARVOUNIS GREENWICH, CONN."; which survey is on file in the Greenwich Town Clerk's Office.

8. Riparian rights of others and of the owner of the premises herein over the brook located on the premises.

9. Such state of facts as an accurate survey and/or physical inspection of the premises might disclose.
To all People to Whom these Presents shall Come, Greeting

Know Ye, That STEPHEN N. BOBROW and MARGERY BOBROW, of 721 Fiftieth Avenue,
New York, New York

for the consideration of ONE ($1.00) DOLLAR

received to their full satisfaction of STEPHEN N. BOBROW, TRUSTEE, of 359 North Street, Greenwich, Connecticut, do remise, release, and forever QUIET-CLAIM unto the said STEPHEN N. BOBROW, TRUSTEE, his heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as the said Releasse ha ve or ought to have in or to

ALL that certain tract, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut more particularly described as follows: Lot No. 2 on a certain map entitled, "Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers, of J.A. Kirby Co., Civil Engineers and Surveyors" filed in the Office of the Town Clerk of said Town of Greenwich as Map No. 5605.

Conveyance Tax received

Town Clerk of Greenwich

To Have and to Hold the premises, with all the appurtenances, unto the said Releasse his heirs and assigns forever, so that neither we the Releasse nor our heirs nor any other person under us or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefore we and they are by these presents forever barred and excluded.

In Witness Whereof, we ha ve hereunto set our hand s and seal a

 xenhaveconred These presente con w e all ccrcive this 26th day of June 1989.

Signed, Sealed and Delivered in presence of

STATE OF CONNECTICUT, COUNTY OF FAIRFIELD

On this 26th day of June 1989, before me, the undersigned officer, personally appeared

STEPHEN N. BOBROW and MARGERY BOBROW

known to me (or satisfactorily proven to be the person whose name is they subscribed to the within instrument and acknowledged that the y executed the same for the purposes therein contained.

Commissioner of Superior Court Title of Officer January 4, 1975

Received for Record JUN 26 1989 at 3:24 P.M. Attest. Town Clerk.
WARRANTY SURVIVORSHIP DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT:

We, STEPHEN N. BOBROW, TRUSTEE and STEPHEN N. BOBROW and MARGERY BOBROW, of 359 North Street, Greenwich, Connecticut (the "Grantors"), for the consideration of $1.00 and other valuable consideration received to our full satisfaction of JOHN T. DILLON and M. C. DILLON, both of 24 Avon Road, Larchmont, New York (the "Grantees"), do give, grant, bargain, sell, and confirm unto the Grantees, and unto the survivor of them, and unto the heirs and assigns of the survivor of them forever,

All those certain tracts, pieces or parcels of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, more particularly described as follows: Lots Nos. 2 and 3 on a certain map entitled, "Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers, J.A. Kirby Co., Civil Engineers and Surveyors" filed in the Office of the Town Clerk of said Town of Greenwich as Map No. 5605.


Said premises are subject to the following:

1. Any and all provisions of any ordinance, municipal regulation and public or private law, inclusive of the planning and zoning regulations of the Town of Greenwich.

2. Taxes of the Town of Greenwich, hereafter due and payable, which taxes the Grantees hereby assume and agree to pay as part of the consideration hereof.


$5,390.00

$45,000.00 state


7. Notes and such state of facts as shown on Map No. 5605, which map is on file in the Office of the Town Clerk of the Town of Greenwich.


9. Riparian rights of others in and to the creek or stream flowing through said premises.

10. Sanitary sewer easements, area reserved for Park & Recreation purposes, and encroachment of driveway, all as shown on survey made by Barbic and Seymour, dated May 24, 1985 and entitled, “MAP PREPARED FOR EVANGELOS KARVOUNIS AND THEODORA KARVOUNIS GREENWICH, CONN.”, which survey is recorded on the Greenwich Land Records in Book 1948, Page 224.

TO HAVE AND TO HOLD the above granted and bargained premises unto the Grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof.

AND ALSO, we, the said Grantors, do for ourselves, our heirs and assigns, covenant with the Grantees, and with the survivor of them, and with such survivor's heirs and assigns, that at and until the enfeoffment of these presents, we are well seized of the premises as a good indefeasible estate in fee simple and have good right to bargain and sell the same in manner and form as is above written, and that the same are free from all encumbrances whatsoever, except as hereinbefore mentioned.

AND FURTHERMORE, we, the said Grantors, do by these presents bind ourselves and our heirs and assigns to WARRANT AND DEFEND the above granted and bargained premises
to the Grantees, and to the survivor of them, and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

IN WITNESS WHEREOF, we, the Grantees, have hereunto set our hands this 17th day of February, 1997.

Witnessed By:

\[Signature\]

STEPHEN N. BOBROW, TRUSTEE

\[Signature\]

MARGERY BOBROW

\[Signature\]

STEPHEN N. BOBROW

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

The foregoing instrument was severally acknowledged before me this 19th day of February, 1997, by STEPHEN N. BOBROW, TRUSTEE, MARGERY BOBROW AND STEPHEN N. BOBROW.

\[Signature\]

Commissioner of the Superior Court
Notary Public
My Commission Expires:

The Latest Address of Grantees:

359 North Street
Greenwich, Connecticut 06830

Received for Record FEB 19 1997 at 3 h 51 m P M and recorded by Town Clerk.
REVISED DECLARATION OF RESTRICTIONS

WHEREAS, DENNIS EVER and CYNTHIA EVER 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, “Zoning Location Survey Depicting Revision of Lot Lines at 359 North Street, Greenwich, Connecticut Prepared for Dennis Ever, Cynthia Ever”, prepared by Rocco V. D’Andrea, Inc., dated November 22, 2021, submitted to the Planning and Zoning Commission as a re-subdivision map of property located at 359 North Street, and filed in the Office of the Town Clerk of Greenwich as Number _____, hereinafter referred to as Map, said real property being composed of lots designated “Parcel A” and “Open Space Parcel P-1” and “Open Space Parcel P-2”.

WHEREAS, the property is shown as lots 2 & 3 and reserved for Park and Recreation Purposes on a three-lot subdivision map approved by the Greenwich Planning and Zoning Commission on August 4, 1978 recorded at Map 5605 in the Greenwich Land Records.

WHEREAS, Grantor is consolidating lots 2 & 3 on Map 5605 and reconfiguring the area designated as “Reserved for Park and Recreation Purposes” as “Open Space Area.”

WHEREAS, Grantor wishes to amend and replace the Declaration of Restrictions which was recorded as part of the original subdivision in Book 1093 at Page 129 of the Greenwich Land Records.

WHEREAS, said Grantor, in order to induce the Planning and Zoning Commission to approve proposed re-subdivision of Grantor's real property as shown on said map, desire to create such covenants and restrictions as are necessary to comply with the provisions of the Subdivision Regulations of the Town of Greenwich adopted September 10, 1970, by the Planning and Zoning...
Commission and approved September 14, 1970, by the Representative Town Meeting.

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 areas designated on the Map as “Open Space Parcel P-1” and “Open Space Parcel P-2”, collectively the “Open Space” shall be forever reserved, preserved, used and maintained by the Grantor, or the association hereinafter provided for, as the case may be, solely for Open Space purposes.

2. Grantor shall subject any conveyance of either of the lots within the subdivision 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. At the time of conveying any one of the lots shown on the Map, Grantor shall create an unincorporated Connecticut non-profit association named “359 North Street Property Owners Association” of which the only members will be the owner, or owners, from time to time of said lots and the primary purpose of which shall be to own, reserve, preserve, maintain and keep in good order and condition said “Open Space”. Said association shall have no purpose and shall conduct no business which is or may become repugnant to the covenants and restrictions contained in this declaration. Said association shall have the power to assess its members equally for all
costs necessary to perform the association's obligations hereunder. The Grantee of each of the lots shall, by acceptance of the instrument of conveyance, be deemed to have agreed to become a member of the association and to have agreed to pay such share or such costs as shall be assessed against Grantee's lot for the purposes and obligations of the association as hereinbefore described. Said association shall, with the prior review and approval of the Planning and Zoning Commission or its authorized representative, adopt, maintain and enforce reasonable regulations for the preservation, maintenance and use of such area reserved as “Open Space.” If at any time the reservation, preservation, maintenance or use of the area reserved as “Open Space” does not comply with the purposes of such reserved area or with the regulations adopted by the association pursuant hereto, the Town of Greenwich may take any and all necessary action to assure proper compliance and may assess against the association all costs incurred by the Town, including reasonable attorney's fees, for such purposes. Any such assessment not paid within thirty days after demand therefore shall bear interest from the date of demand at the rate established by law for interest upon money judgments, and the Town may bring an action at law to collect such assessment and there shall be added to the amount of such assessment, in such event, all costs incurred by the Town for such collection, including reasonable attorney's fees.

4. All members of the association shall have access to the area reserved as “Open Space”.

5. In the event the Association mentioned in paragraph 3 herein fails, neglects or refuses to pay assessments made by the Town of Greenwich on the area entitled “Open Space”, the individual lot owners in the subdivision that is subject to these restrictions shall each be jointly and individually liable for any and all taxes and assessments made by the Town of Greenwich.

In the event that any tax or assessment is not paid within thirty (30) days after
demand therefore shall bear interest from the date of demand at the rate established by law and any penalties thereon, and the Town may bring an action at law to collect such assessments and there shall be added to the amount of such assessment, in such event, all costs incurred by the Town for such collection, including reasonable attorney's fees.

6. The covenants and restrictions declared herein shall inure to the benefit of the Town of Greenwich and all property owners adjoining the subdivided real property of the Grantors 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.

7. 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 and with the unanimous approval of all the property owners in the subdivision as shown on the map.

8. 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.

9. “Open Space Parcel P-1” and “Open Space Parcel P-2” on the Map designated as “Open Space” shall be forever reserved, preserved, used and maintained by the Owner or the association hereinafter provided for, 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 Open Space other than sunken boulder demarcation denoting the Open
Space boundary.

b) No topographic changes shall be made in any portion of the Open Space without the prior written approval of the Planning and Zoning Commission or designee.

c) No tree shall be removed from the Open Space 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 Open Space Area.

e) The Owner shall have the right to protect from erosion portions of the Open Space 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 demarcate the Open Space parcel and allow the area to naturalize.

f) Any new plantings in the Open Space parcel will use only native species. All management of the Open Space parcel 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) “Open Space Parcel P-1” may be regularly mowed up to the “Edge of Lawn” shown on Map.

h) As part of the future management of the Open Space parcel the Owner will take steps necessary to control invasive species on the property, if significant removal of invasive species is needed the Owner will seek approvals of the Planning and Zoning Staff of a management plan.
10. 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURES TO FOLLOW]
IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____day of May, 2021.

__________________________  __________________________
DENNIS EVER

__________________________

__________________________  __________________________
CYNTHIA EVER

STATE OF CONNECTICUT  )
COUNTY OF FAIRFIELD  ) ss: Greenwich

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

In witness whereof I hereunto set my hand.

__________________________
Notary Public

STATE OF CONNECTICUT  )
COUNTY OF FAIRFIELD  ) ss: Greenwich

On the ___ day of _______, 2021, before me the undersigned, personally appeared CYNTHIA EVER 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
[EXTERNAL]

Jackie,

The original subdivision map shows the open space as .595 acres or 25,918.2 sqft. I spoke with Tony D'Andrea who said there was no intent to make the open space parcel larger. It was a function of having the new course and distances work. He just wanted to make sure it was not less than existing.

Let me know if you have any further questions.

Thanks,
Tom

Thomas J. Heagney
Heagney, Lennon & Slane, LLP
248 Greenwich Avenue
Greenwich, CT 06830
O: 203-661-8400
F: 203-661-7496
theagney@HLS248.com

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From: Pruitt, Jacalyn <jacalyn.pruitt@greenwichct.org>
Sent: Tuesday, November 10, 2020 12:35 PM
To: Tom Heagney <theagney@hls248.com>
Subject: RE: 359 North Street application

Just to clarify, I am putting the below chart in the staff report:

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Number 2</td>
<td>43,560 sq.ft.</td>
</tr>
<tr>
<td>Lot Number 3</td>
<td>52,399 sq.ft.</td>
</tr>
<tr>
<td>Open Space</td>
<td>95,959 sq.ft. (2.203-acres)</td>
</tr>
<tr>
<td>25,482.6 (15% of 169,884 sq.ft. (3.9-acres) from FSB #764)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Condition</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel &quot;A&quot;</td>
<td>95,959 sq.ft. (2.203-acres)</td>
</tr>
</tbody>
</table>
Open Space | 26,096 sq.ft.

Obviously it is typically better if you are offering more open space, which according to my math you are. I guess I am trying to track down the logic from your team on how you came up with the 26,096 sq.ft. number in the first place - ?

JacaLyn Pruitt, Planner II
Town of Greenwich Planning & Zoning

From: Pruitt, Jacalyn
Sent: Tuesday, November 10, 2020 12:22 PM
To: Tom Heagney <theagney@hls248.com>
Subject: 359 North Street application

Hi Tom, I am the planner assigned to your application at 359 North Street. While reviewing the "recreation area" it looks like what was previously approved was 25,482.6 sq.ft. (that is 15% of 3.9 acres), and what you are proposing now is 26,096 sq.ft. - correct? I realize it is a 2.4% difference with those two numbers, but I want to confirm we are on the same page.

Also – as a reminder, if you would like to submit a presentation for this application, please do so by 10am this coming Friday.

JacaLyn Pruitt, Planner II
Town of Greenwich Planning & Zoning
101 Field Point Road
Greenwich, CT 06830
Ph. 203-622-7894
Jacalyn.Pruitt@greenwichct.org

Town Hall is currently still operating under a State of Emergency. Starting October 13th, Town Hall will be open to the public 8 AM to 1 PM weekdays. Many Town Services can be conducted online and will continue to be. In the interest of public health and staff safety, if your request can be done over email, the internet, or phone, please continue to do so in those manners, in lieu of coming into Town Hall. Please follow the Town’s website (www.Greenwichct.gov) for the most up to date information.

For immediate assistance, during business hours (8 a.m. to 4 p.m. M-F), please email the Department via the Town’s website at: https://www.greenwichct.gov/FormCenter/Planning-Zoning-11/Contact-Us-53; and select "Planning and Zoning" under the "select a category" tab to reach us. Again, Staff will be monitoring emails between 8 am - 4 pm weekdays.

If you are working with specific staff, please continue to call or email staff directly as they continue to be working remotely, on days they are not in the office.

CAUTION: This email originated from outside the Town email system. Do not click links or open files unless you are sure this is safe. If you have any questions about this email, please contact me immediately.

JacaLyn Pruitt
Please print the attached and below for the hard file. Thanks!

Jacalyn Pruitt, Planner II
Town of Greenwich Planning & Zoning

From: Tom Heagney <theagney@hls248.com>
Sent: Monday, November 16, 2020 4:20 PM
To: Pruitt, Jacalyn <jacalyn.pruitt@greenwichct.org>; John Heagney <JHeagney@hls248.com>
Subject: RE: 359 North Street, PLPZ 2020 00294 - briefing meeting

[EXTERNAL]
Jackie,

I'm working on a revised map to address the conservation comments.
The sewer easement has always been in the open space since the subdivision was first approved. We are not proposing to change that.
We drafted a revised declaration which I thought we had previously submitted. The attached draft uses the 'open space' description for the set aside.
Dennis and Cynthia Ever are the contract purchasers of the property.
The open space has a course and distance description and an A-2 accuracy designation.

Tom

Thomas J. Heagney
Heagney, Lennon & Slane, LLP
248 Greenwich Avenue
Greenwich, CT 06830
O: 203-661-8400
F: 203-661-7496
theagney@HLS248.com

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To: Tom Heagney <theagney@hls248.com>; John Heagney <jheagney@hls248.com>
Subject: 359 North Street, PLPZ 2020 00294 - briefing meeting

Hi – I am confirming you heard the Commission’s, and Pat LaRow’s comments regarding your application for 359 North Street. Perhaps you were already planning to submit a revised “Re-Subdivision Map” for tomorrow night’s meeting - ?

Jacalyn Pruitt, Planner II
Town of Greenwich Planning & Zoning
101 Field Point Road
Greenwich, CT 06830
Ph. 203-622-7894
Jacalyn.Pruitt@greenwichct.org

Town Hall is currently still operating under a State of Emergency. Starting October 13th, Town Hall will be open to the public 8 AM to 1 PM weekdays. Many Town Services can be conducted online and will continue to be. In the interest of public health and staff safety, if your request can be done over email, the internet, or phone, please continue to do so in those manners, in lieu of coming into Town Hall. Please follow the Town’s website (www.Greenwichct.gov) for the most up to date information.

For immediate assistance, during business hours (8 a.m. to 4 p.m. M-F), please email the Department via the Town’s website at: https://www.greenwichct.gov/FormCenter/Planning-Zoning-11/Contact-Us-55; and select “Planning and Zoning” under the “select a category” tab to reach us. Again, Staff will be monitoring emails between 8 am - 4 pm weekdays.

If you are working with specific staff, please continue to call or email staff directly as they continue to be working remotely, on days they are not in the office.

CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
REVISED DECLARATION OF RESTRICTIONS

WHEREAS, JOHN T. DILLON & M.C. DILLON 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, “Re-Subdivision Map at 359 North Street, Greenwich, Connecticut Prepared for John T. Dillon, M.C. Dillon”, prepared by Rocco V. D’Andrea, Inc., dated , 2020, submitted to the Planning and Zoning Commission as a re-subdivision map of property located at 359 North Street, and filed in the Office of the Town Clerk of Greenwich as Number _______. said real property being composed of lots designated “Parcel A” and “Proposed Open Space Area.”

WHEREAS, the property is shown as lots 2 & 3 and reserved for Park and Recreation Purposes on a three-lot subdivision map approved by the Greenwich Planning and Zoning Commission on August 4, 1978 recorded at Map 5605 in the Greenwich Land Records.

WHEREAS, Grantor is consolidation lots 2 & 3 on Map 5605 and reconfiguring the area designated as “Reserved for Park and Recreation Purposes” as “Open Space Area.”

WHEREAS, Grantor wishes to amend and replace the Declaration of Restrictions which was recorded as part of the original subdivision in Book 1093 at Page 129 of the Greenwich Land Records.

WHEREAS, said Grantor, in order to induce the Planning and Zoning Commission to approve proposed re-subdivision of Grantor’s real property as shown on said map, desire to create such covenants and restrictions as are necessary to comply with the provisions of the Subdivision Regulations of the Town of Greenwich adopted September 10, 1970, by the Planning and Zoning Commission and approved September 14, 1970, by the Representative Town Meeting.

RECEIVED

NOV 17 2020
PLANNING & ZONING COMMISSION
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 areas designated on the Map as "Open Space Area" shall be forever reserved, preserved, used and maintained by the Grantor, or the association hereinafter provided for, as the case may be, solely for Open Space purposes.

2. Grantor shall subject any conveyance of either of the lots within the subdivision 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, itssuccessors 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. At the time of conveying any one of the lots shown on the Map, Grantor shall create an unincorporated Connecticut non-profit association named "" of which the only members will be the owner, or owners, from time to time of said lots and the primary purpose of which shall be to own, reserve, preserve, maintain and keep in good order and condition said "Open Space". Said association shall have no purpose and shall conduct no business which is or may become repugnant to the covenants and restrictions contained in this declaration. Said association shall have the power to assess its members equally for all costs necessary to perform the association's obligations hereunder. The Grantee of each of the lots shall, by acceptance of the instrument of conveyance, be deemed to have agreed to become a member of the association and to have agreed to pay such share or such costs as shall be imposed against
Grantee's lot for the purposes and obligations of the association as hereinbefore described. Said association shall, with the prior review and approval of the Planning and Zoning Commission or its authorized representative, adopt, maintain and enforce reasonable regulations for the preservation, maintenance and use of such area reserved as "Open Space." If at any time the reservation, preservation, maintenance or use of the area reserved as "Open Space" does not comply with the purposes of such reserved area or with the regulations adopted by the association pursuant hereto, the Town of Greenwich may take any and all necessary action to assure proper compliance and may assess against the association all costs incurred by the Town, including reasonable attorney's fees, for such purposes. Any such assessment not paid within thirty days after demand therefore shall bear interest from the date of demand at the rate established by law for interest upon money judgments, and the Town may bring an action at law to collect such assessment and there shall be added to the amount of such assessment, in such event, all costs incurred by the Town for such collection, including reasonable attorney's fees.

4. All members of the association shall have access to the area reserved as "Open Space".

5. In the event the Association mentioned in paragraph 3 herein fails, neglects or refuses to pay assessments made by the Town of Greenwich on the area entitled "Open Space", the individual lot owners in the subdivision that is subject to these restrictions shall each be jointly and individually liable for any and all taxes and assessments made by the Town of Greenwich.

In the event that any tax or assessment is not paid within thirty (30) days after demand therefore shall bear interest from the date of demand at the rate established by law and any penalties thercon, and the Town may bring an action at law to collect such assessments and there shall be added to the amount of such assessment, in such event, all costs incurred by the
6. The covenants and restrictions declared herein shall inure to the benefit of the Town of Greenwich and all property owners adjoining the subdivided real property of the Grantors 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.

7. 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 and with the unanimous approval of all the property owners in the subdivision as shown on the map.

8. 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.

9. "Open Space Parcel" on the Map designated as "Open Space" shall be forever reserved, preserved, used and maintained by the Owner or the association hereinafter provided for, 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 Open Space other than sunken boulder demarcation denoting the Open Space boundary.

b) No topographic changes shall be made in any portion of the Open Space without the prior written approval of the Planning and Zoning Commission.
or designee.

c) No tree shall be removed from the Open Space 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 Open Space Area.

e) The Owner shall have the right to protect from erosion portions of the Open Space 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 demarcate the Open Space parcel and allow the area to naturalize.

f) Any new plantings in the Open Space parcel will use only native species. All management of the Open Space parcel 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 Open Space parcel 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 Open Space parcel the Owner may through application to the appropriate Town agency address invasive/nuisance species.

RECEIVED

NOV 17 2020

PLANNING & ZONING COMMISSION
10. 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 October, 2020.

__________________________________________  JOHN T. DILLON

__________________________________________

__________________________________________  M.C. DILLON
STATE OF CONNECTICUT )
COUNTY OF FAIRFIELD ) ss: Greenwich

On the day of , 2020, before me the undersigned, personally appeared JOHN T. DILLON known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for purposes therein contained.

In witness whereof I hereunto set my hand.

________________________________________
Notary Public

STATE OF CONNECTICUT )
COUNTY OF FAIRFIELD ) ss: Greenwich

On the day of , 2020, before me the undersigned, personally appeared M.C. DILLON 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
DECLARATION OF RESTRICTIONS

WHEREAS, JOEL FELDMAN and CHERYL FELDMAN, of Greenwich, Connecticut, (hereinafter referred to as the Grantor) are the owners of certain real property in the Town of Greenwich, County of Fairfield and State of Connecticut, described and shown on a certain map entitled "Subdivision Plan - Record Sheet, Property of Joel and Cheryl Feldman, made by J. A. Kirby Company, Civil Engineers and Surveyors, Port Chester, New York, submitted to the Planning and Zoning Commission as a subdivision map and to be filed, in the office of the Town Clerk of Greenwich, said real property being composed of lots number 2 and 3 and area Reserved for Park and Recreation Purposes; and

WHEREAS, said Grantor, in order to induce the Planning and Zoning Commission to approve proposed subdivision of Grantor’s real property as shown on said map, desires to create such covenants and restrictions as are necessary to comply with the provisions of the Subdivision Regulations of the Town of Greenwich, adopted September 10, 1970, by the Planning and Zoning Commission and approved September 14, 1970, by the Representative Town Meeting as further amended.

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 "Reserved for Park and Recreation" shall be forever reserved, preserved, used and maintained by the Grantor, or the association hereinafter provided for, as the case may, solely for park and recreation purposes and for underground utilities and drains.
2. Grantor shall subject any conveyance of any of the lots within the subdivision or the area Reserved for Park and Recreation 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.

3. At the time of conveying either one or both of the said lots 2 or 3 shown on the Map, Grantor shall create an unincorporated Connecticut non-profit association of which the only member's will be the owner, or owners, from time to time of said numbered lots and primary purpose of which shall be to own, reserve, preserve, maintain and keep in good order and condition said area Reserved for Park and Recreation. The Grantor shall at the same time convey the legal title to the area Reserved for Park and Recreation to the members of said association free and clear of all liens except those created by this declaration and the lien of Town Taxes not in default. Said association shall have no purpose and shall conduct no business which is or may become repugnant to the covenants and restrictions contained in this declaration. Said Association shall have the power to assess its members for all costs necessary to perform the association's obligations hereunder and one-half of the total assessment shall be chargeable to each of the two said numbered lots and be a lien thereon until paid. The Grantee of each of the numbered lots shall, by acceptance of the instrument of conveyance, be deemed to have agreed to become a member of the association and to have agreed to pay such share or such costs as shall be assessed against Grantee's lot for the purposes and obligations of the association as hereinafter described. Said association shall, with the prior review and approval of the Planning and Zoning Commission or its
authorized representative, adopt, maintain and enforce reasonable regulations for the preservation, maintenance and use of such area Reserved for Park and Recreation. If at any time the reservation, preservation, maintenance or use of the area Reserved for Park and Recreation does not comply with the purposes of such reserved area or with the regulations adopted by the association pursuant hereto, the Town of Greenwich may take any and all necessary action to assure proper compliance and may assess against the association all costs incurred by the Town, including reasonable attorney's fees, for such purposes. Any such assessment not paid within thirty days after demand therefore shall bear interest from the date of demand at the rate established by law for interest upon money judgments, and the Town may bring an action at law to collect such assessment and there shall be added to the amount of such assessment, in such event, all cost incurred by the Town for such collection, including reasonable attorney's fees.

4. The covenants and restrictions declared herein shall inure to the benefit of the Town of Greenwich and all property owners adjoining the subdivided real property of the Grantor described hereinabove. The Town or any such adjoining property owner may enforce any of such covenants or restrictions by appropriate court action.

5. The covenants and restrictions declared herein shall not be amended, released or altered in any way without the prior written consent of the Town, acting by its duly authorized agent, and all adjoining property owners.

6. The covenants and restrictions declared herein shall not be affected in any manner by any change in zoning or land use subsequent to the final approval of the subdivision herein before described.
IN WITNESS WHEREOF, JOEL FELDMAN and CHERYL FELDMAN, have set their hands and seals this 8th day of September, 1978.

Signed, sealed and delivered in presence of:

Laurence Dume

Joel Feldman

Patricia chees

C.F.

Cheryl Feldman

Diane M. DeLuca

STATE OF CONNECTICUT ss: Greenwich September 8, 1978
COUNTY OF FAIRFIELD

Personally appeared before me, JOEL FELDMAN and CHERYL FELDMAN, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he duly acknowledged the same to be his free act and deed.

Notary Public

Recorded for recording SEP 8, 1978.
After Recording, Return to:

Thomas J. Heagney, Esquire
240 Greenwich Avenue
Greenwich, Connecticut 06830

WARRANTY DEED - STATUTORY FORM

JOHN T. DILLON and M. C. DILLON, of the Town of Greenwich, County of Fairfield and State of Connecticut, for the consideration of TEN DOLLARS ($10.00) and other good and valuable consideration paid, grant to DENNIS EVER and CYNTHIA EVER, of 359 North Street, Greenwich, Connecticut 06830, as Joint Tenants With Rights of Survivorship, with WARRANTY COVENANTS:

All those certain tracts, pieces or parcels of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, more particularly described as follows: Lots Nos. 2 and 3 on a certain map entitled, “Subdivision Plan-Record Sheet, Property of Joel and Cheryl Feldman, Greenwich, Connecticut, certified substantially correct by Edward J. Crothers, J.A. Kirby Co., Civil Engineers and Surveyors” filed in the Office of the Town Clerk of said Town of Greenwich as Map No. 5605.


Said premises are conveyed subject to the following:

1. Any and all provisions of any ordinance, municipal regulation and public or private law, inclusive of the planning and zoning rules and regulations of the Town of Greenwich.

2. Taxes of the Town of Greenwich due and payable after the date of delivery of the deed.


4. Easement and Agreement between Joel Feldman, Cheryl Feldman, William E. Fox and
Kate Fox dated September 8, 1978 and recorded in the Greenwich Land Records in Book 1093 at Page 124.


7. Notes and such state of facts as shown on Map No. 5605, which map is on file in the Office of the Town Clerk of the Town of Greenwich.


9. Riparian rights of others in and to the brook or stream flowing through said premises.

10. Sanitary sewer easements, area reserved for Park & Recreation purposes and encroachment of driveway, all as shown on survey made by Barbee and Seymour, dated May 24, 1985 and entitled, “Map Prepared For Evangelos Karvounis and Theodora Karvounis Greenwich, Conn.”, which survey is recorded on the Greenwich Land Records in Book 1948 at Page 224.

REMAINDER OF PAGE
INTENTIONALLY LEFT BLANK
Signed this 8th day of February, 2019.

Witnessed by:

John F. Dillon

Wendy L. Streiffen

M.C. Dillon

STATE OF CONNECTICUT  
COUNTY OF FAIRFIELD

SS: Greenwich    February 8, 2021

Personally appeared JOHN T. DILLON and M.C. DILLON, signers and sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed, before me.

Jeremy E. Kaye
Commissioner of the Superior Court
Notary Public

My Commission Expires:

 RECEIVED FOR RECORD
FEB 09, 2021 10:31:13 AM
CARMELLA C. BUDKINS
Town Clerk
GREENWICH, CT

CONVEYANCE TAX RECEIVED
STATE $    $95,312.50
LOCAL $     $13,812.50
CARMELLA C. BUDKINS
GREENWICH Town Clerk
December 1, 2020

Thomas Heagney, Esquire
Heagney, Lennon & Slane, LLP
248 Greenwich Avenue
Greenwich, CT 06830

Dear Mr. Heagney,

At a Public Hearing held on November 17, 2020 the Planning and Zoning Commission considered the above referenced applications and took the following action:

Upon a motion to approve the final re-subdivision application with modifications made by Mr. Macri and seconded by Mr. Hardman, the following resolution was adopted 5-0. (Voting in favor of this item: Alban, Macri, Levy, Lowe (for Fox), and Hardman.

WHEREAS the Commission held a Public Hearing on November 17, 2020 and took all testimony as required by law; and

WHEREAS the application of Thomas Heagney, Esquire, authorized agent, for John T. and M.C. Dillon, record owners, and Dennis and Cynthia Ever the applicants, for a final re-subdivision, PLPZ 2020 00294, to combine Lots 2 and 3 of a previously approved subdivision FSB #764, into one (1) 122,055 sq.ft. (2.802-acre) parcel and to reconfigure the approved “recreation area” as two (2) open space parcels “Parcel ‘P-1’” at 20,261 sq.ft. in size and “Parcel ‘P-2’” at 5,657 sq.ft. in size, which together represent 15% of the total lot area of the original subdivision, located at 359 North Street in the RA-1 zone as shown on a re-subdivision map prepared by Rocco V. D’Andrea, Inc., last revised November 16, 2020.

RE: The application of Thomas Heagney, Esquire, authorized agent, for John T. and M.C. Dillon, record owners, and Dennis and Cynthia Ever the applicants, for a final re-subdivision, PLPZ 2020 00294, to combine Lots 2 and 3 of a previously approved subdivision FSB #764, into one (1) 122,055 sq.ft. (2.802-acre) parcel and to reconfigure the approved “recreation area” as two (2) open space parcels “Parcel ‘P-1’” at 20,261 sq.ft. in size and “Parcel ‘P-2’” at 5,657 sq.ft. in size, which together represent 15% of the total lot area of the original subdivision, located at 359 North Street in the RA-1 zone as shown on a re-subdivision map prepared by Rocco V. D’Andrea, Inc., last revised November 16, 2020.

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size, which together represent 15% of the total lot area of the original subdivision, located at 359 North Street in the RA-1 zone; and

WHEREAS in August 1978 the Commission approved a three-lot subdivision, FSB #764. This approval noted that the amount of land Reserved for Park and Playground Purposes shall equal 15% of the total tract. The Subdivision Map was recorded as Map #5605 on the Greenwich Land Records and shows one lot fronting North Street (Lot #2), and two rear lots (Lots #1 and #3); and

WHEREAS Lots #1 and #3, the two rear lots, are developed with single family homes, and Lot #2 remains vacant from FSB #764; and

WHEREAS the existing area Reserved for Park and Recreation Purposes wraps awkwardly around Lot #3 from subdivision FSB #764; and

WHEREAS Lots #2 and #3 of FSB #764, Tax ID 11-2962/S and 11-1732/S respectively, are owned by the same people according to the Certificate of Title research provided by the applicant, John T. Dillon and M.C. Dillon; and

WHEREAS the proposed lot shape of Parcel “A” meets the standards set forth in Section 6-205 of the Building Zone Regulations (the “BZR”) for both lot shape and lot area; and

WHEREAS the proposed Open Space is condensed and distributed into two (2) open space parcels: “Parcel ‘P-1’” at 20,261 sq.ft. in size and “Parcel ‘P-2’” at 5,657 sq.ft. in size, which together represent 15% of the total lot area of the original subdivision; and

WHEREAS Inland Wetlands & Watercourse Agency (IWWA) signed a Green Sheet on 10/14/2020 stating the project does not need further wetlands review; and

WHEREAS the Zoning Enforcement Officer commented on 11/6/2020 and has no comments to be addressed at this time; and

WHEREAS the Department of Public Works (DPW) Engineering Division commented on 11/2/2020 and notes that they have no comment regarding the consolidation of lots and the modification to the open space; and

WHEREAS the Conservation Department issued comments on 11/10/2020 and lists their recommendations for the project in a memorandum. The applicant submitted a response to Conservation’s comments dated 11/17/2020; and

WHEREAS the Sewer Division issued comments on 11/12/2020 and they note that they do not object to the project lot combination; and

WHEREAS prior to the recording of the map the shed and wood structures shall be removed from the open space; and

WHEREAS the applicant shall address Conservation’s request to have a tree count within and demarcation of the open space; and
WHEREAS the open space parcels shall be renamed in a Declaration of Open Space, and the declaration shall be recorded; and

WHEREAS the open spaces shall be maintained in their natural state as detailed in the approved Declaration of Open Space; and

WHEREAS the applicant shall address any department or interdepartmental comments; and

WHEREAS the Commission finds that the proposal meets the intents and purposes of the Town of Greenwich’s Subdivision Regulations;

THEREFORE BE IT RESOLVED the application of Thomas Heagney, Esquire, authorized agent, for John T. and M.C. Dillon, record owners, and Dennis and Cynthia Ever the applicants, for a final re-subdivision, PLPZ 2020 00294, to combine Lots 2 and 3 of a previously approved subdivision FSB #764, into one (1) 122,055 sq.ft. (2.802-acre) parcel and to reconfigure the approved “recreation area” as two (2) open space parcels “Parcel ‘P-1’” at 20,261 sq.ft. in size and “Parcel ‘P-2’” at 5,657 sq.ft. in size, which together represent 15% of the total lot area of the original subdivision, located at 359 North Street in the RA-1 zone as shown on a re-subdivision map prepared by Rocco V. D’Andrea, Inc., last revised November 16, 2020 is hereby found not to be a subdivision or re-subdivision.

The applicant should be aware that the finding that this application does not represent a subdivision or re-subdivision does not guarantee the ability to develop lots, which are still subject to normal review and approval of all applicable agencies, which may include, but are not necessarily limited to, the following: The Inland Wetlands and Watercourses Agency, Building Department, Zoning Enforcement, DPW Highway, Engineering and Sewer Divisions, Planning and Zoning, and others as may apply.

Though not required, it is recommended that the applicant submit a Mylar and three (3) paper copies of the signed and sealed survey map with a signature and date line, in a form suitable for the signature of the Chairman of the Planning and Zoning Commission, along with the required fee for filing the map on the Greenwich Land Records. The signature line for this map should be preceded by the following text:

a) “The lots shown on this map were found to be neither a subdivision nor a re-subdivision under Section 6-261 of the Town of Greenwich Subdivision Regulations at the Planning and Zoning Commission meeting held on November 17, 2020. This finding does not imply approval of the lots for purposes of zoning compliance or future development, and they will be subject to review and approval by all applicable town agencies, which may include, but not necessarily limited to, the following: The Inland Wetlands and Watercourses Agency, Building Department, Zoning Enforcement, DPW Highway, Engineering and Sewer Divisions, Planning and Zoning, and others as may apply.”

b) The applicant shall provide a survey of all vegetation including forested areas and the identification of trees over 10” in caliper when not part of the forested areas, as described in Section 6-266 of the Subdivision Regulations of the Town of Greenwich.

c) The existing lawn area shall be depicted on the survey.

d) The open spaces shall be demarcated in the field.
e) All encroachments (i.e. sheds, wood piles, etc.) shall be removed from the open spaces and the affected areas restored with native plantings prior to issuance of a building permit or conveyance of either parcel.

f) The applicant shall update the Open Space Declaration and Maintenance Agreement language to call the open space areas as “open space” and not “Reserved for Park and Recreation Purposes.”

g) A check for the proper filing fee of the map on the Greenwich Land Records.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on November 17, 2020.

If you have any questions, please call.

Sincerely,

[Signature]

Jacalyn Pruitt, Planner II
February 15, 2022

Greenwich Planning and Zoning
Ms. Katie Deluca
101 Field Point Road, Greenwich, CT 06830

Re: 359 North Street
Application #2021-00494

Dear Ms. DeLuca,

We represent Mr. Vanderbilt who resides at 11 Sparrow Ln and adjoins the captioned project application. We object to the proposed stormwater management system in its current configuration. Upon review, we found the following objectionable:

The existing watershed map shows that Area #2 and Area #1 consisting of 15,817 sqft drain toward Vanderbilt property which is indicated as POC A on the plans. Under proposed condition, Area #2, #1A and #1 will be drained toward POC A which will be 17,736 sqft. Therefore, 1919 sqft additional impervious area will be considered in the proposed watershed map to drain toward Vanderbilt property.

Surface runoff will be mitigated using retention systems; however, the amount of groundwater recharge will increase which potentially elevates the Vanderbilt groundwater elevation. 128 cf of water used to infiltrate through the concrete gallery located behind the Vanderbilt property. Based on the inverts shown on the plans, 204.8 cf (1.6’ of recharge from system #5) and 896 cf (3.5’ of recharge from system #4) will be infiltrating as groundwater recharge volume which did not exist previously. Therefore 972 cf of more groundwater recharge volume will be introduced toward Vanderbilt property (POC A).

Mr. Vanderbilt has a severe groundwater issue and has experienced flooding in his basement several times in the past six years despite a 5-pump dewatering system.

According to the submitted drainage report, more volume of water is being directed toward the Vanderbilt property (POC A) than any other neighbor.

There used to be only 1 concrete gallery behind Vanderbilt property and 3 cultec units further south in the back yard. With the proposed development, 25 concrete galleries are added to the site in addition to the 4 existing storage units which will impact the downstream neighbor groundwater table.

Below is for 25-year storm for our area of interest. The volume shown is prior to installing BMPs.

<table>
<thead>
<tr>
<th>Area #</th>
<th>Area(sqft)</th>
<th>Impervious %</th>
<th>Runoff Depth</th>
<th>CN</th>
<th>Tc</th>
<th>q</th>
<th>V</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex #1</td>
<td>6553</td>
<td>81.44%</td>
<td>5.64”</td>
<td>93.5</td>
<td>5 min</td>
<td>0.95 cfs</td>
<td>3077 cf</td>
</tr>
<tr>
<td>Ex #2</td>
<td>9264</td>
<td>2%</td>
<td>3.57”</td>
<td>74.5</td>
<td>8.9 min</td>
<td>0.81 cfs</td>
<td>2760 cf</td>
</tr>
<tr>
<td>Pro #1</td>
<td>6279</td>
<td>83.07%</td>
<td>5.68”</td>
<td>93.9</td>
<td>5 min</td>
<td>0.91 cfs</td>
<td>2973 cf</td>
</tr>
<tr>
<td>Pro #1A</td>
<td>2357</td>
<td>100%</td>
<td>6.16”</td>
<td>98</td>
<td>5 min</td>
<td>0.35 cfs</td>
<td>1210 cf</td>
</tr>
<tr>
<td>Pro #2</td>
<td>9100</td>
<td>15.29%</td>
<td>3.90”</td>
<td>77.7</td>
<td>8.9 min</td>
<td>0.86 cfs</td>
<td>2960 cf</td>
</tr>
</tbody>
</table>
8 concrete galleries referred to as retention system #4 and 4 concrete galleries referred to as retention system #5 are proposed to mitigate the rate of runoff caused by the proposed development. System #4 collect water from proposed garage and system #5 collects water from paver drive and portion of the building marked as existing garage through roof leaders and a catch basin at the center of the paver drive. Ultimately, when the systems are filled, they will be drained to level spreader 3’x3’x20’ which is located 10 feet away from the back of Vanderbilt property. The level spreader at the back of the Vanderbilt must be relocated to accommodate a safe distance from the sewer easement and protect adjoining neighbors.

According to drainage report, the total rate of runoff will be reduced up to 25-year storm at POC A in our area of interest, which is Area 1, 1A and 2 on the proposed watershed map. However, for 50-year storm and 100-year storm, both rate of runoff and volume will increase.

<table>
<thead>
<tr>
<th>Storm</th>
<th>( q_{ex}(\text{cfs}) )</th>
<th>( q_{p}(\text{cfs}) )</th>
<th>( V_{ex}(\text{cf}) )</th>
<th>( V_{p}(\text{cf}) )</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-year</td>
<td>0.97</td>
<td>0.88</td>
<td>3381</td>
<td>3227 (1631 from System #5 +0 from system #4 +1596)</td>
</tr>
<tr>
<td>25-year</td>
<td>1.67</td>
<td>1.47</td>
<td>5837</td>
<td>5844 (2716 from system #5 +168 from system #4 +2960 area #2)</td>
</tr>
<tr>
<td>50-year</td>
<td>2.07</td>
<td>2.11</td>
<td>7298</td>
<td>7526</td>
</tr>
<tr>
<td>100-year</td>
<td>2.58</td>
<td>2.62</td>
<td>9159</td>
<td>9655</td>
</tr>
</tbody>
</table>

The junction box (JB-1) elevations controlling system 5 must be clarified. The first invert is lower than the sump elevation.

In conclusion, the stormwater dewatering system #4 and #5 including the level spreader should be relocated away from the Vanderbilt property (POC A).