Dan,

All the accessory structures need to be 150 feet back from the property line. Additionally, as you will note in Sect. 3.4.8.4.d the swimming pool deck, patio, mechanical equipment, filtration equipment, and storage tanks shall be visually screened and shall not be located within the yard setback...and shall be located more than 50 feet from any public or private roadway or easement. You will need to request this as well from the P&Z Commission. There is no call out of this measurement on the plans; however, I suspect that based on the size of the lot you may require this relief at least for the pool deck, but quite possibly for the equipment as well. Below, in bold is the language in the Zoning Regulations.

**Sect.3.4. Permitted Accessory Structures**
**B.4 Non-Illuminated Outdoor Recreation Facility**

4. Non-Illuminated Outdoor Recreation Facility - Outdoor recreation facility such as a tennis court, paddle tennis court, swimming pool, or similar facility with no above-ground artificial lighting provided that: a. a Building Permit is also obtained, and b. the facility is not located within a front yard unless it is located 150 feet or more from a front property line, and c. the facility complies with all yard and other applicable Regulations. d. any swimming pool deck, patio, mechanical equipment, filtration equipment, and storage tanks or containers shall be visually screened and shall not be located within the yard setback required for accessory buildings and shall be located more than 50 feet from any public or private roadway or easement, and e. in the absence of a pool deck or patio, the yard setback for a swimming pool shall be measured to the back of the coping.

Your submission should include the following:

1) Survey (one hard copy with wet sign/seal) (one electronic with a sign/seal)
2) Site Plans prepared by a licensed professional (one hard copy with wet sign/seal and one electronic with sign/seal)
3) Landscape plans prepared by a licensed professional (one hard copy with wet sign/seal and one electronic with sign/seal)
4) Drainage/Stormwater Report prepared by a CT licensed PE (one hard copy with wet sign/seal and one electronic copy with sign/seal). Note: the version you handed in for preliminary review is written as if nothing was done. The report needs to be written so that it reflects that it was an after the fact application. When I spoke with the owners during my site visit they indicated that they had not hired a PE, yet. The report should reference the Town of New Canaan’s drainage policy. Did the PE witness the removal of the existing culvic units which from the as-built plan for the house which was submitted in 2005, indicates the wall along Bank Street was constructed on top of the drainage infrastructure or it was removed without any plan for replacement. The PE should reach out to Maria Coplit to determine whether she will require additional material in the report. Was there additional capacity in the existing drainage system or will they require additional drainage infrastructure and where it is proposed to be located on the site?
5) Coverage calculation showing everything will comply otherwise it will go to ZBA first for a coverage variance. Next meeting of the ZBA is on October 5 and deadline for a complete submission is September 15.
6) Height of all walls need to be called out as well as distances so we can make a determination if they require a variance or not. Sect. 6.5
7) The Excavation, Filling and Grading Permit needs to be completed and submitted. Sect. 6.4.F If your soil disturbance is between 5,000-10,000sf of soil disturbance it is a Zoning Permit, greater than 10,000sf requires a Special Permit from the Commission.

8) Sect. 6.4.I has permit standards and conditions. Grade changes of one foot or more within five feet of the property line require Commission approval.

9) Narrative addressing all Special Permit Criteria (Sect. 8.2.8.4 (a-g).

10) A copy of the notice letter you send to the neighbors will be required once the application is determined complete and docketed.

I am CCing Ben Winter, Asst. Zoning Inspector and Maria Coplit, Town Engineer since they review your submission for a Special Permit and they can weigh in as to whether additional material is required to review the application. Lola Sweeney is also CCed as you will need to submit your electronic submission to her as well.

Hope this is helpful, feel free to contact me if you want to discuss further.

Lynn

Lynn Brooks Avni, AICP
Town Planner/Sr. Enforcement Officer
Co-Director Land Use
Town Hall
77 Main Street
New Canaan, CT 06840
T. 203.594.3046

EFFECTIVE MONDAY JULY 6, 2020 Town Hall will re-open to the public. In an effort to minimize the spread of COVID-19, Planning and Zoning staff encourage you to utilize our web site, all of our permits are on-line and due to Executive Order 71 all submissions are being done on-line. At this time, all public meetings/hearings are being conducted online via zoom. The log in for each meeting/hearing can be found on the posted agendas. We are here to assist you with all your Planning and Zoning needs, please feel free to contact us with questions.

You are encouraged to check the Town’s website (www.newcanaan.info) for applications, agendas, minutes and recordings of meetings.

From: Daniel Radman [mailto:dan@radmanarchitects.com]
Sent: Monday, August 24, 2020 4:09 PM
To: Brooks Avni, Lynn <lynn.brooksavni@newcanaanct.gov>
Cc: Dan Mazabra <dan@oddjoblandscaping.com>
Subject: Re: 8 Lockwood Avenue

External Email: This email originated from outside of the organization. Do Not click links or open attachments unless you recognize the sender and know the content is safe.

Lynn,

Just keeping this question to you only, and CC'ing Dan from OJ. For the P&Z special permit application submission, is it only the pool that would need to be listed as part of the request for variance on the 150’
setback criteria? Or do we need to list the fire wall and the bathroom/shower as part of that variance request? Technically, the entire property and everything on it is within the 150’ setback since the property is only 138’-4’’ wide (north to south).

Let us know what should be addressed on the application.

Dan Radman, AIA
principal
RADMAN architects, LLC
203.247.3636
dan@radmanarchitects.com

From: Brooks Avni, Lynn <lynn.brooksavni@newcanaanct.gov>
Sent: Monday, August 24, 2020 8:38 AM
To: Dan Mazabras <dan@oddjoblandscaping.com>
Cc: Winter, Ben <ben.winter@newcanaanct.gov>; Sweeney, Lola <lola.sweeney@newcanaanct.gov>; Coplit, Maria <maria.coplit@newcanaanct.gov>; Zagarenski, Joe <joe.zagarenski@newcanaanct.gov>; Mann, Tiger <tiger.mann@newcanaanct.gov>; Platz, Brian <brian.platz@newcanaanct.gov>; Payne, Paul <paul.payne@newcanaanct.gov>; Funfgeld, John <john.funfgeld@newcanaanct.gov>; Pizzolato, Tracey <tracey.pizzolato@newcanaanct.gov>; Holland, Kathleen <kathleen.holland@newcanaanct.gov>; Eielson, Jen <jen.eielson@newcanaanct.gov>; bruno@signaturepoolsinc.com <bruno@signaturepoolsinc.com>; Daniel Radman <dan@radmanarchitects.com>
Subject: RE: 8 Lockwood Avenue

Dan,
Thank you for providing some background. Just to clarify, as of today, no applications for any permits for work being done at the site have been filed. This application will need to obtain a Special Permit from the Planning and Zoning Commission and there is no guarantee of any approval, it is a public process. We understand that everyone needs and wants to work, but there is a process that needs to be followed. There is no way to expedite permits through the process unless the process is followed. To date there is still NO application for a Zoning Permit, Building Permit, or Special Permit filed with plans or reports for staff to review. Without a complete application filed it is impossible to review existing and proposed and make any judgement calls. Please submit all the relevant applications so we can commence our review.

Lynn

Lynn Brooks Avni, AICP
Town Planner/Sr. Enforcement Officer
Co-Director Land Use
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From: Dan Mazabras [mailto:dan@oddjoblandscaping.com]
Sent: Saturday, August 22, 2020 10:56 AM
To: Brooks Avni, Lynn <lynn.brooksavni@newcanaanct.gov>
Cc: Winter, Ben <ben.winter@newcanaanct.gov>; Sweeney, Lola <lola.sweeney@newcanaanct.gov>; Coplit, Maria <maria.coplit@newcanaanct.gov>; Zagarenski, Joe <joe.zagarenski@newcanaanct.gov>; Mann, Tiger <Tiger.Mann@newcanaanct.gov>; Platzt, Brian <Brian.Platz@newcanaanct.gov>; Payne, Paul <Paul.Payne@newcanaanct.gov>; Funfgeld, John <john.funfgeld@newcanaanct.gov>; Pizzolato, Tracey <Tracey.Pizzolato@newcanaanct.gov>; Holland, Kathleen <Kathleen.Holland@newcanaanct.gov>; Eielson, Jen <Jen.Eielson@newcanaanct.gov>; bruno@signaturepoolssinc.com; Daniel Radman <dan@radmanarchitects.com>
Subject: Re: 8 Lockwood Avenue

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Lynn and to all addressed on this email.

Lynn, I understand we just met yesterday but wanted to let you know that I have many years working with several of the members addressed on this email. To give you some background on me and my company we have been in business for 27 years. I have been living in town with my family for 20 years. I have four children and have volunteered my time as a coach for the past 15 years in all the youth programs in town. My kids attended South School. Several years ago, my company decided to re-landscape the entire front of south school. We have also been maintaining and mulching the gardens since we installed them. All of this is done as a gift because we wanted to give back to the community as a company. We also spend quite a bit of time helping out in town for people in need. Again, all because we love New Canaan. We have a solid company who has never had an issue with any town official in our 27 years of business. WE DO THINGS THE RIGHT WAY. I know the rules and regulations fairly well but unfortunately had never heard of this 150’ setback rule before. We paid the surveyor to do an updated survey with all setbacks on the plan so we would know the exact boundaries of the pool placement including all setbacks. I understand the paperwork wasn’t filed in a timely fashion but am not just asking but begging for leniency here. If we are guaranteed to be granted the special permit for this pool can you or someone allow us to continue. During this Pandemic we are trying to not only feed our families but also the families of almost 50 employees. I would hope that you will understand and grant us permission to continue with the understanding that all paperwork for this special permit will be submitted by Tuesday.

Best,

Daniel R. Mazabras
President
ODD Job Landscaping

www.oddijoblandscaping.com
Dan,

It was nice meeting you as well. As noted, yesterday, during our conversation, this site has major work being done on it WITHOUT a Zoning Permit or a Building Permit. Planning and Zoning only has jurisdiction over the Zoning Permit; however, because of the way our internal systems are currently set up, I am unable to process your paperwork until a Building Permit is submitted and entered into the system. Additionally, a Building Permit cannot be issued until the Zoning Permit is issued. That said you will also need a Special Permit from the Planning and Zoning Commission. There is no way for me to grant you permission to continue the work on the site. The application will go before the Commission because you propose to put a pool in the front yard because this site has two (2) front yards. The Commission has review authority for the site and their approval needs to be granted, before the Zoning Permit can be granted. The work at Lockwood commenced out of order from the typical process and we need to put it back on track. The first step should have been to submit a Building Permit and a Zoning Permit and when it landed in P&Z during the review of a Building Permit, we would have sent this application to the P&Z or in advance of submitting any application you could have requested a pre-application meeting. Generally, applications come before the Planning and Zoning Commission prior to any site work being commenced. There is also a notice requirement, which means you will need to send notices to all the neighbors. Please note: No paperwork has been submitted to Planning and Zoning staff applying for any of the work that is being done on the site. Pursuant to Part II: Ordinances and Bylaws of the Town of New Canaan § 61-5 A and B, a Zoning Permit is required prior to the construction, alteration, installation, conversion, maintenance or use of land. Additionally, Connecticut State Statutes 8-3f requires “no building permit or certificate of occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that such building, use or structure is in conformity with such regulations or is a valid non-conforming use under such regulations.” Thank you for submitting a PRELIMINARY set of plans, yesterday. We will look at the plans and can offer PRELIMINARY comments, but we still need an application to be submitted. Work should not have commenced on the site prior to submitting and receiving the proper approvals and permits. Should you have any questions or want to discuss the matter further, feel free to contact me.

Lynn

Lynn Brooks Avni, AICP
Town Planner/Sr. Enforcement Officer
Co-Director Land Use
Town Hall
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T. 203.594.3046

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From: Dan Mazabras [mailto:dan@oddjoblandscaping.com]
Sent: Thursday, August 20, 2020 3:17 PM
To: Brooks Avni, Lynn <lynn.brooksavni@newcanaanct.gov>; Daniel Radman <dan@radmanarchitects.com>
Subject: 8 Lockwood Avenue

External Email: This email originated from outside of the organization. Do Not click links or open attachments unless you recognize the sender and know the content is safe.

Lynn,

It was nice to meet you unfortunately I wish it were under better circumstances but we will get it all straightened out. I apologize, I forgot to run a business card back into you but will drop one off when passing by. I had a few questions if you could clarify for me please.

1. The bathouse and firewall just needs a building permit and NO special permit? I ask because once we file for this and get the permit we can continue on those 2 items?
2. As discussed, the wall will continue to be constructed as it does not need a permit. Ben and I discussed this a few months back that it had to be under 4’ in height and 8’ of the property line with no grade changes from the wall to the property line. All this is accurate and conforms to all regs so we should be good there. Assume this is ok to continue to finish?
3. Can we re-install new fencing to replace old in the same location as previous fence? The old one is rotted and falling down. This will all be the same fencing and will meet all pool code requirements.
4. Do you think a special permit will be granted for this pool and that we will be able to continue after the 24th? Is there chance it is denied and that they don’t allow us to install the pool?

My goal is to keep going and get as much done as possible and when the pool permit is issued we just need to finish the pool. Please let me know your thoughts and we can go from there.

I will try to have all this paperwork to you by Tuesday for the special permit to make sure we have everything you need.

Have a great weekend.

Best,

Daniel R. Mazabras
President
ODD Job Landscaping
Cell: (203)943-4077

www.oddjoblandscaping.com