Planner’s Memorandum

To: Members, Planning and Zoning Commission
   K. Moynihan, Selectman (via email)
   K. Devereaux, Selectman (via email)
   N. Williams, Selectman (via email)
   I. Bloom, Town Attorney (via email)
   T. Mann, Director of Public Works (via email)

From: Lynn Brooks Avni, AICP Town Planner and Shannon Vallerie, Planner 1

Date: Meeting Memo – May 26, 2020

There are three (3) new public hearing items.

New Applications:

1. **635 Frogtown Road** – Upon Application of Stephen A. Finn, Wofsey, Rosen, Kвесkin & Kuriansky, LLP, Authorized Agent for New Canaan Country School, owner(s), for a Special Permit Modification approval of Section(s) 8.2.B.6.d to amend condition number 4 of the Commission’s June 26, 2018 Special Permit and Site Plan approvals to build a new athletic facility, for property located in the Two Acre Zone at 635 Frogtown Road (Map 25, Block 12, Lot 160).

Discussion:
In June 2018 this Commission granted a Special permit approval for the New Canaan Country School to construct a new athletic facility. Subsequent to the approval an abutting neighbor appealed the decision. Eventually, a settlement agreement was reached and in March 2019, the school appeared before this Commission for approval of the settlement and an amended approval was issued. In June 2019 the school acquired the property from the neighbor that appealed. The school is now appearing before the Commission to modify condition number four which required that the school install black out shades on the windows for the gymnasium building. The condition further stipulated that the shades had to be operated by an electronic eye that can detect when the sun has set. The shades are required to be activated within 10 minutes of sunset. Now that the property at 579
Frogtown Road has been purchased by the school, the neighbor most concerned about the light from the new athletic facility is no longer a neighbor.

It should be noted that the Winter Club property is across the street from the school on Frogtown Road. Staff sees no issue with the proposed modification to condition four and agrees that the condition should require that “all non-safety related interior lights shall be turned off nightly by 9:00Pm should remain.

Staff have received correspondence from several neighbors. All of the correspondence has been posted on the Town’s web site pursuant to Executive Order 7i.

ADDENDUM
The Applicant submitted additional material for review.

2. **20 East Maple Street** – Upon application of Patrick M. and Mimi Leahy, owner(s), for a Special Permit and Site Plan approval of Section(s) 3.5.D.1; 3.5.F.5; 7.1.B to allow for the enlargement of a non-conforming structure, for property located in the B Residence Zone (Map T, Block 76 Lot 616).

**Discussion:**
The parcel at 20 East Maple Street is located in the B Zone and is a short distance away from the intersection of Main Street and East Maple Street. The property is located on the north side of the street, just before the curve in East Maple Street. The subject property is the first property in the B Zone on the north side of the street and the rear yard abuts the parking lot for the Wells Fargo bank at the corner of Cherry Street and Main Street. From an aerial map, one notes that the neighborhood is comprised of small lots, with modest sized houses generally centered to allow for a front, rear and side yard. The houses are generally located close together in a compact design. When looking at the aerial map as well as the survey, prepared and certified by RKW Land Surveying dated February 26, 2020, revised March 17, 2020 and titled *Map Prepared for Patrick M. & Mimi H. Leahy,*” it is easy to see that the house is not centered in the buildable lot area of the parcel. According to the Tax Assessor’s records the house was built in 1910.

The Applicant requested and received, from the ZBA, a variance of Sect. 3.5.D. 1 to increase the coverage to 2,275 SF which is 379 SF greater than the maximum allowed coverage of 1,896SF; a variance of Sect. 3.5.F.5 Height of Buildings and walls, to increase the maximum side yard Building Height to 21 feet where 20 feet is permitted; and a variance of Sect. 7.1.B Non Conforming Structures.

The Applicant is before the Commission because Sect. 7.1.B.3 requires a Special Permit so that they can enlarge their existing non-conforming, single family house in the B Zone.
The Applicant has submitted proof of the certified mailings. Staff received letters of support from several neighbors of 20 East Maple Street.

3. **146 Canoe Hill Road** – Upon application of David J. Rucci, Lampert, Toohey & Rucci, LLC, Authorized Agent for David and Carol Graham, owner(s), for a Special Permit of Section(s) 3.7.E to allow building coverage of 6,495 square feet in lieu of 6,276 square feet (increase of 219 square feet) allowed under 3.5.D by restricting 484 square feet to a height of less then 18’, for property located in the Two Acre Zone (Map 38, Block 100, Lot 19).

As of the writing of this memo, the applicant still had not submitted a septic plan and septic permit to the Health Department. Without the Health department’s approval for the septic system the proposed expansion can’t be dealt with. Staff is recommending that the matter not be opened until next month. As of 2:30PM on Friday May 22, 2020 the Health Department had not received a septic plan.

4. **316 Talmadge Hill Road** – Upon application of Mary Lou Adalja-King and Parag Adalja, owner(s), for a Special Permit of Section(s) 3.4 to allow renovation of and addition to existing detached garage located in one of two front yards on a corner lot, containing a single family residence, for property located in the Two Acre Zone (Map 30, Block 7, Lot 18).

**Discussion:**
The subject property at 316 Talmadge Hill Road is a corner lot, located on the south side of Talmadge Hill Road and the east side of Old Stamford Road. The parcel is approximately 31,198 square feet/0.716 acres according to a Data Accumulation Plan prepared by Fairfield Country Engineering LLC, signed, sealed, and dated August 21, 2019. According to the Tax Assessors Records, the property is comprised of an existing, single family residence which was constructed in 1931. The property maintains vehicular access from Talmadge Hill Road which services an existing, non-conforming two-car garage. The property contains extreme topography which can be viewed on the Data Accumulation Plan. The existing, non-conforming single family residence resides on the top of the hill overlooking Old Stamford Road. The property is a non-conforming lot for the Two Acre Zone.

The applicants are proposing a renovation of the existing, non-conforming two-car garage and an addition to the existing, non-conforming single family residence. Section 3.4.B.3 of the Town of New Canaan’s zoning regulations permits minor detached accessory structures in residential zones provided that it is not located within the front yard unless located 150 feet or more from a property line and that it does not exceed 1,000 square feet. The Applicant is seeking a Special Permit for Sect. 3.4.C.6 because the existing garage is in the 150 foot setback. They have received the requisite variance from the ZBA.
Discussion:
In November 2016 this Commission approved a Special Permit and a Site Plan for the project located at 162 Park Street (aka Merritt). In April 2017 an application to modify the conditions was approved. The Applicant is before this Commission, again to discuss condition number 40 relative to the fence along the accessway that abuts Mead Commons and Condition number 50 with respect to the material for the walkway on the interior of the site. Staff conducted a site visit in February to review the location of the proposed fence. After the site visit, staff advised the applicant to commence conversations with Mead Park Commons. In April Chief Hennessey and Fire Marshall Baker met at the site with the applicant and determined that the further reducing the narrow width of the existing accessway would ultimately render the driveway useless for emergency access.

The applicant would also like to address the stamped concrete material called out in condition number 50 for the parking courtyard. Originally, the Applicant had proposed using stamped concrete. However, since the approval the Applicant has determined that stamped concrete would not be the best choice of material for the high traffic area. Instead of the stamped concrete, the Applicant proposes to use black asphalt.

In light of the fact that the application was regarding a fence (condition number 40) and the material proposed for the parking courtyard (condition 50), staff determined that per Sect. 8.2.B.1.b there were no physical changes to the site that required the submission of a site plan. Additionally, since this matter was being heard under Regular meeting, as opposed to a Public Hearing, staff asked the Applicant to send a notice to Mead Commons to alert them to the application. The Applicant did send notice and Mead Commons has submitted a response.

Discussion:

6. **842 Ponus Ridge Road** - Upon application of Gregory Sages, Authorized Agent for The National Trust for Historic Preservation, owner(s) for a Special Permit Modification due to the COVID-19 crisis of Section(s) 3.2.C.16 and 8.2.B to allow modifications of conditions of special permit of the Commission’s January 27, 1998 and modified on September 24, 2019 authorizing use of 842 Ponus Ridge as a limited public access museum (“The Glass House”), for property in the Two Acre Zone at 842 Ponus Ridge Road (Map 26 Block 13 Lot C7).

Discussion:
This application from the Glass House was submitted as a modification to their existing, recently revised fifth Special Permit. As CT reopens amidst the COVID-19 global pandemic, the State has issued guidance for the opening of outdoor museums and zoos in Phase 1. As an outdoor museum, the Glass House would like to reopen, but the rules imposed by social distancing pose challenges because visitors are required to park downtown and board a bus to visit the site. Social distancing requires a six (6ft) distance making use of the bus a non-viable option. For the short term, the Glass House has proposed parking at West School and at the site. The Glass house has also proposed several other modifications to accommodate the new rules to keep everyone safe and healthy and allow Connecticut’s economy to start reopening.

Under normal circumstances, when an Applicant materially alters or modifies a Special Permit it would require a public hearing. However, as we all know this global pandemic has created a situation which is anything but normal. Additionally, the guidance issued by the State and the Federal government changes daily with regard to uses that are safe non-essential businesses that can open and the rules that each type of business must abide by in order to maintain a healthy environment. Should the Commission decide to grant a modification, considering the new rules of social distancing, it can condition any approval and limit the condition to a specific date, or the lifting of the Executive Orders by the Governor or something similar.

Since this matter was added to the agenda as a Regular meeting item, staff asked the Applicant to notify the immediate abutting neighbors of the application. The Applicant sent out an email to notify the immediate neighbors. Under Executive Order 7i email notification is acceptable in lieu of a certified mail for any requisite notice.