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 – March 31, 2020

There are three (3) new public hearing items and three (3) continued item.

New Applications:

1. **56 South Avenue**– Upon application of Paul Stone of Karp Associates, authorized agent for The New Canaan Library Association, owner for Special Permit approval pursuant to Section 3.4.C.5 to allow the installation of a 230 SF temporary structure for a property located in the Apartment Zone (Map N, Block 65, Lot 97).

   **Discussion:**
   The subject property of 56 South Avenue is one of six parcels part of the New Canaan Library Association. All six parcels are adjoining/abutting, containing three corner lots. All six parcels make up a total area of 2.1850 acres according to a Boundary Survey prepared by Andrew Ives of Langan, signed, sealed and dated, February 23, 2017. The subject parcel known as 56 South Avenue contains approximately .27 acres of the 2.1850 acres, the parcel is one of the three corner lots, located on the north side of Maple Street and the east side of South Avenue. The property is currently empty and is used as green space.

   The applicant is proposing to install a temporary structure, 11 ft. wide, 21 ft. long, 11 ft. high, for a total area of 230 SF. Temporary structures are permitted by Special Permit approval under Section 3.4.C.5 of the Town of New Canaan’s Zoning Regulations. The structure will be used to allow visitors to preview the upcoming New Canaan Library
Project using an interactive 3-dimensional tour from inside the structure. Three sides of the temporary structure will be made of highly reflective surfaces to imitate the look of a mirrored glass house. The designers of this structure are award winning designers, Estonia, this would be this their first installation in the United States. The proposed temporary structure will be located on the 56 South Avenue property, which has been previously used for the Summer Theatre of New Canaan (Christina’s Garden.) The proposed structure will be centered in the southwest corner, a walkway is proposed to be constructed as a path for visitors leading to the mirror house.

2. 23 Lockwood Avenue— Upon application of Attorney David J. Rucci, authorized agent for Wendell and Emily Maxey, owners, for Special Permit approval pursuant to Sections 3.5.E.2, 3.5.F.5, and 7.1.B.3.b and Site Plan approval pursuant to Section 8.2.B to allow the building height to encroach in the side yard setback, to exceed the maximum total building height, and to allow a front porch to encroach in the side yard setback for a property in the B Residence Zone (Map K, Block 49, Lot 98).

Discussion:

The subject property of 23 Lockwood Avenue, is located on the west side of Lockwood Avenue, the lot is approximately 5,822 square feet or 0.1337 acres according to a Zoning Location Survey prepared by William W. Seymour and Associates, P.C, signed, sealed and dated March 21, 2017 with revisions made October 21, 2019. The property is comprised of a 125 ft. x 25 ft. parcel, leased from the south abutting property known as 27 Mortimer Street. The lease is expected to expire in the year 2040. The property contains an existing single family residence constructed in 1920 according to the Town of New Canaan’s Tax Assessor records. The leased parcel contains a shed. The existing 757 SF, single family structure is legally non-conforming, encroaching on the north side yard setback. On the Zoning Location Survey, the existing single family structure is noted 6.4 ft. from the side property line as opposed to the required 8 ft. for structures located in the B Residence Zone. Please note, recorded in the Land Records, the previous planner determined that the leased portion of the parcel cannot be counted towards the coverage or the lot size and that the lot is a legally non-conforming lot.

The applicant proposing to construct an additional 652 square feet in order to expand the living space and second floor bedrooms. The majority of the construction will take place in the rear of the property. Proposed additions also includes the extensions of a roofed front porch. The front porch will exceed the required side yard setback for a principal structure in the B Residence Zone, by approximately one (1ft) feet. Section 3.5.E.2 requires a minimum side yard setback for principal structures in the B Residence Zone of eight (8 ft.) feet. According to the plans submitted in support of this application, the front porch will have a side yard measurement of seven (7 ft.) feet from the side yard boundary. Additionally, the applicant is requesting relief of Section 3.5.F.5 as the proposed addition
to the structure will result in a Building Height of 23 feet exceeding the maximum permitted 20 feet and Total Building Height of 27 feet exceeding the maximum permitted 25 feet for principal structures in the B Res Zone Maximum Side Yard Height.

The applicant was granted a variance of Section 3.5.E.2 and 3.5.F.3 for the proposed work at the March 22, 2020 Zoning Board of Appeals meeting. The Board determined that the topography of the lot, the narrow size, the encumbrance of the leased area, and the undersized area of the lot combined creates a legal hardship.

At this time the applicant is seeking Special Permit approval of Section 7.1.B.3.b which states that any non-conforming structure in the B Residence Zone may only be enlarged if the Planning and Zoning Commission grant Special Permit approval.

Staff Comments:

Department of Public Works

1. Provide an Engineer’s Report that is coordinated with the Site Development Plan. Per the Town’s Drainage Certification Policy, any impervious surface increase by 500 square feet or more in the Half Acre Zone or smaller requires a storm water management analysis.
   Ensure the future post-development storm water runoff is consistent to pre-development condition. Demonstrate the total increase in impervious area, including walks, covered porches, etc. An Engineer’s Drainage Report and plans(s) in compliance with the Town’s Drainage Certification Policy effective January 1, 2020, are required.

2. Given the proximity to adjacent properties, ensure that the overflow of the drainage system can safely convey the 100-year storm event. A berm at the property line or level spreader may be needed to avoid a point of discharge.

3. 453 Laurel Road – Upon application of McChord Engineering Associates, Inc, authorized agents for Laurel Road LLC, owners, for Special Permit approval pursuant to Section 6.4.G and 6.4.I.8 to allow site disturbance greater than 10,000 square feet and 2:1 grading for a property in the Two Acre Residence Zone (Map 40, Block 105, Lot 108).

Discussion:
The subject property of 453 Laurel Road, is located on the east side of Laurel Road, the lot is approximately 4.00 Acres according to an Improvement Location Survey prepared by Stalker Land Surveying, Inc, signed, sealed and dated September 27th, 2019. The property contains a single family residence constructed in 1938 according to the Town of New Canaan’s Tax Assessor records. The property also contains a pool with patio area. The
property has significant sloping throughout the rear yard which can be visualized on the Improvement Location Survey.

The proposed site developments will include the removal of the existing pool and patio area, the removal of a retaining wall, the construction of a new retaining wall, and the creation of a meadow area.

The existing field will be converted into a 7,000 square feet meadow area. The rear, east portion of the meadow is located in the 50-ft inland wetland review area. The applicant is proposing the clearing of invasive weeds and the installation of native wildflower and grass seed, no grading is proposed to create the meadow. The applicant has submitted an Administrative Review Application to the Inland Wetland Department and has been issued Permit #19-20-21-A for approximately 7,000 square feet of meadow creation and woodchip path activities that are in the upland review area.

The remaining site development will require 2:1 grading which requires Special Permit approval under Section 6.4.I.8 and site disturbance of 15,700 square feet, which requires Special Permit approval under section 6.4.G. In the Engineering Summary submitted by the applicant, the summary notes the existing 2:1 topography of the property and if 3:1 grading was proposed rather than 2:1, the retaining wall will require a taller height and more fill. The proposed retaining walls will be +/- 5.8 feet in height, walls greater than 4 ft. in height require a Zoning Permit under Section 6.5.B.6 of the Town of New Canaan’s Planning and Zoning regulations. The property currently does not contain any level recreational space in any of the four acres. The proposed earthwork totals to 640 cu. yd which does not require Special Permit approval when under 1,000 cu. yd. Excess material excavated from the property will be trucked away to reduce stock piled material. The Applicant should indicate where the excavated material will be sent.

If the Commission approves the application, staff suggests the following conditions:

a. The soil and erosion control plan be in place until the permanent vegetation is covered and effective.

b. The applicant must obtain Zoning Permits for the proposed retaining walls.