

Matt and Mary Vertin
103 Chichester Road
New Canaan, CT 06840

March 25, 2025

Ms. Sarah Carey
Senior Enforcement Officer
New Canaan Town Planner
77 Main Street
New Canaan, CT 06840

Subject: Concerns Regarding NCBL Permit Changes – Lee Garden

Dear Sarah,

Thank you for taking the time to meet with us this morning. As discussed, we would like to bring the following concerns to the attention of the Planning and Zoning Commission regarding the requested NCBL changes to the Lee Garden permit.

As background, a special permit granted on **May 31, 2016** by the New Canaan Planning and Zoning commission was put into place for the conversion of a legally non-conforming residence to an Accessory Structure (the “Shed”) to service Lee Gardens located on the parcel. The approval allowed for a not for profit corporation to operate in a residential zone. The one story shed was allowed to be used as a storage space. It also allowed for a half bathroom and utility sink.

Though it is unusual for a not for profit corporation to be allowed to operate in a residential zone in New Canaan, the special permit was granted. But it restricted the allowed usage, times and activities on the property because the Planning and Zoning Commission was concerned about the increased traffic in a residential zone. The Planning and Zoning Commission wanted to allow the homeowners to quietly enjoy their properties in this residential zone.

Unfortunately, it is our opinion that NCBL has repeatedly violated the special permit dated May 31, 2016. Numerous examples can be provided.

Storage Shed

The not for profit corporation has turned the “storage shed” into something specifically not permitted by the May 31, 2016 special permit. The special permit states “The gardening shed will be used to support NCBL-sponsored activities of a similar nature to those activities that have occurred in Lee Garden in the past. Said activities would include preparing plant materials, organizing and maintaining tools and records, and preparing and organizing Garden volunteers”. But building permits indicate the NCBL has spent in excess of an estimated \$87,500 to renovate the shed. The project descriptions from the building permits include the following:

Project Information

Estimated Cost * 8,700

Type of work. *

Remodel/Addition

Detailed Project Description *

Kitchen renovation to include 12 receptacles 10 switches 19 recessed light microwave oven circuit refrigerator Wire and connect a AC split system

Project Details

Complete Project Description *

New 200 amps service ,new recessed lights in main room, new mini split heating/ cooling unit , new door to basement (replace existing one), spray foam insulation , new window in place of existing door (smaller than the existing opening), Sheetrock, tape and paint inside.

Reset stones on the existing patio.

Project Information

Type of Work *

New Plumbing

Detailed Project Description *

Move existing plumbing for kitchen sink and lavatory

This structure, originally permitted for the storage of plant materials and tools and intended to be used from April to November, has morphed into a house complete with spray foam insulation, heating and air conditioning, recessed lighting, and a kitchen complete with an oven, refrigerator, twelve receptacles and ten switches. No reasonable person can claim this is simply a storage shed.

House Driveway

The Special Permit limits parking on the house driveway to “NCBL members working in the Lee Gardens and others as required for maintenance of the gardening shed”. This stipulation prevented the unsightly view of a parking lot from the neighbors. However, they have turned the driveway into a parking lot as evidenced by the attached picture (Exhibit A) showing several vehicles parked even when the storage shed was not allowed to be opened.

Additionally, the special permit calls for a “proposed gate and fence will be secured”. Exhibit B shows a gate or fence was never installed. Instead, the NCBL put in a thin chain (Exhibit C) which seemingly is never secured.

Though this is not an issue for the Planning and Zoning Commission, we feel it is important to bring to your attention the fact that the NCBL has extended the pavement of the driveway into our property (103 Chichester) even after they were told explicitly, in written form, not to pave on our property. See Exhibit D.

Hours of Operation

The special permit allows storage shed to “Open each year in April and close in November at 9:00 AM during the week and 12:00 PM on Saturday and Sunday”. The NCBL has not complied with these hours. Workers are on the grounds throughout the year. Throughout March, workers were on the property with power tools including at least on one early Sunday morning in early March.

We request that changes to the Special Permit dated May 31, 2016 requested by the NCBL be rejected in their entirety and let the residents of this residential zone quietly enjoy their properties. There has been too much “institutional creep” and non-compliance with the existing Special Permit to allow for permissive conditions in this residential zone.

Thank you for your time and consideration.

Sincerely,

Matt and Mary Vertin