

P&Z Special Permit Application (draft 6-2-10)

Existing Uses

The property at 848 Weed Street is known as Irwin Park, and consists of 36.225 acres (see Map #7361). The existing uses for the buildings and grounds are as follows:

- 1. Irwin House.** A Special Permit was approved on November 27, 2007, to allow use of a portion of the main house as temporary office space to accommodate Town Hall employees during renovations to Town Hall. The Town's land use departments (Health, Planning & Zoning, Wetlands, and Building) occupy the first floor, and use the garage for storage.
- 2. Garage Guest Apartment.** Although currently vacant, the apartment has been rented for use as a single-family dwelling. The Town intends to rent it again for this purpose.
- 3. Pool House.** The pool was removed in 2005. The pool house, which is a modernist structure designed by noted architect Landis Gores, is currently being renovated for use as a center for the arts, to be called The Gores Pavilion for the Arts at Irwin Park. A Special Permit was approved on February 24, 2009, to allow this use. The center will be used as a display area and space for educational and cultural purposes relating to modern architecture, art and design in New Canaan.
- 4. Barn.** The barn is currently being used for storage. The Town intends to study the building and consider other uses that would be appropriate for the site, the neighborhood, and the community.
- 5. Grounds.** The grounds are being used as a public park. The Town installed a trail system in 2007, and surfaced the trails with Flexi-Pave in 2008. Park benches, picnic tables, Adirondack chairs, and a rustic gazebo have been added as park amenities. A Special Permit was approved on May 19, 2009, to allow baseball fields in a portion of the property, northeast of the Pool House, from April 15 to July 1. (An appeal of that approval is pending in court). A Special Permit was approved on December 15, 2009, to allow construction of a parking lot in the northeast section of the property, east of the Barn, for use by park visitors. The parking lot will be installed once funding is obtained.

Proposed Uses

The Park & Recreation Commission is requesting approval under Zoning Regulation § 3.2.C.10 to use the grounds for (1) a municipal park; and (2) recreation facilities, including athletic fields, consistent with the Town's intent when it purchased the property. The Town's purchase of the property for park and recreation use was approved by all relevant Town bodies. The Planning & Zoning Commission voted on September 28, 2004, to issue a favorable report under CGS § 8-24 regarding the possible purchase of the property as a park. The Board of Selectmen approved the purchase on September 21, 2004, with the intent that the property be used as a park. The Board of Finance approved the purchase the same day. The Town Council voted on October 13, 2004, to approve the purchase of the property as a park, with deed restrictions that created a restricted area of 12.52 acres. The Town Council also voted, on the recommendation of the Board of Selectmen and the Park & Recreation Commission, to designate that portion of the property outside the restricted area as parkland for "active recreation and athletic use." Town electors voted at a town-wide referendum on December 14, 2004, to approve the purchase, and many supporters relied on expectations of park use for active recreation and athletic fields. The Town of New Canaan purchased the property in April 2005, paying \$20 Million, discounted from \$24 Million due to the restrictions on the property.

The Park & Recreation Commission's goal with this application is to fulfill the expectations of the Town bodies and voters who approved the purchase; create a neighborhood amenity and a community amenity; maintain the scenic appearance of the property; enhance public enjoyment of the grounds; and preserve neighborhood property values; while allowing a diverse range of activities to meet community needs. In accordance with its conceptual master plan for the park, the Park & Recreation Commission proposes a careful blend of permitted uses and activities, with one portion of the park restricted to passive parkland uses, one portion dedicated principally to natural area, and one portion for active recreation and athletic field uses of low to moderate intensity.

The proposed uses are of the same nature as the existing uses, but the Park & Recreation Commission requests a more detailed and comprehensive approval for the park and for the active recreation area, in order to eliminate any uncertainty regarding what is allowed in the park. The proposed uses are as follows:

1. **Irwin House.** Same as the existing use, above.
2. **Garage Guest Apartment.** Same as the existing use, above.
3. **Pool House.** Same as the existing use, above.
4. **Barn.** Until the Town develops longer-term plans for use of the Barn, the Park & Recreation Commission requests approval to continue to use the Barn for storage, and also approval to install public restrooms for the relief of visitors to Irwin Park.

5. Grounds. The grounds will continue to be used as a municipal park, with an approved area for active recreation. The Park & Recreation Commission proposes the following blend of park uses that differ according to the portion of the park:

A. Portion A, consisting of approximately 12.52 acres, is a Restricted Area shown on Map #7361 and described in the deed to the property (Volume 713 Page 113 of the New Canaan Land Records). This represents about 35% of the property. The northern half of the horseshoe driveway is to be used for vehicle access and parking as currently exists. The southern half of the horseshoe driveway is to be used for special event parking. The Park & Recreation Commission seeks a special permit approval that authorizes it to implement any of the activities allowed by the following deed restriction:

“Other than with respect to the main house, the Restricted Area shall be held by the Grantee for passive parkland use, including open grass-covered fields, flower and vegetable gardens, trees and paths, as described below. While large or numerous athletic fields, such as soccer or baseball fields, shall not be allowed in the Restricted Area, up to three smaller, grass sports area, such as putting green, volleyball court or croquet field, shall be permitted. Portions of the Restricted Area may be used for flower and vegetable gardens, picnic tables and other, similar family uses. While no permanent structures shall be permitted, paths designed to accommodate walking (including dog walking), jogging and biking and irrigation and drainage appropriate to the land’s usage could be installed.¹ The placement of facilities referred to in the three preceding sentences must be designed to fit in with the landscaping in the Restricted Area and must be in keeping with the natural beauty and scenic character of the Premises existing on the date of this deed as described in the Baseline Report (defined below). The term “Baseline Report” means, collectively, the Existing Survey (as defined in Schedule A) and four reports regarding the current physical condition of the Premises, each dated February 2, 2005, prepared by Advantage Home & Environmental Inspections, LLC, which reports re on file at the Office of the Planning Director for the Town of New Canaan located in New Canaan Town Hall.”

B. Portion B, consisting of approximately 15.6 acres, is located generally on the western side of the property, and also along the northern and northeast perimeter of the property, as shown in the Use Demarcation Plan. This represents about 43% of the park. The Park & Recreation Commission proposes to use this portion of the park as natural areas for passive parkland uses, including without limitation any of the following: multi-use trails and boardwalks for bicycles, walkers, strollers, roller bladers and joggers; overlook/sitting areas; bird watching stations; wetland habitats; wildlife habitats; meadows; conservation areas; unimproved and

¹ Any extensions of the trail system will require Town Council approval under Chapter 10 of the Town Code.

undeveloped natural areas. The area along the northern and northeast perimeter would serve as a natural buffer to screen the park from the adjacent streets and properties, and to screen the neighbors' view of the active recreation area.

- C. Portion C, consisting of approximately 7.85 acres, is located generally northeast of the Pool House. This represents about 22% of the park. The Park & Recreation Commission requests approval to use Portion C for active recreation and athletic fields under the following limitations and guidelines:

(1) Children's play area. This would be an area set aside for young children to play, with low-key improvements including without limitation a roly-poly hill, and a children's maze. Swing-sets and similar play-sets would not be allowed. Lighting of play areas would not be allowed.

(2) Active recreation other than sports, provided that any organized groups of more than 20 persons obtain a permit from the Park & Recreation Commission under § 42-9.C of the Code of the Town of New Canaan.

(3) Athletic field use from April 1 to November 1 for any sports approved by the Park & Recreation Commission. Sports scoreboards may not be installed, but portable scoreboards may be used if they are removed at the end of each day. One set of spectator bleachers per field may be allowed, but no bleachers may be affixed to the ground or exceed five levels of seats. All bleachers must be removed from November 1 to April 1. Any backstops or screens must be green or black in color and must be removed promptly after the completion of the playing season. Lighting of athletic fields is not allowed.

Proposed Signage Limitations for Irwin Park

Under the deed to the property (see Volume 713 at page 119), the placement of any signs or billboards on the premises is prohibited, provided that signs whose placement, number and design do not significantly diminish the scenic character of the premises may be displayed to state the name and address of the premises and the names and occupants of the main house, to advertise or regulate activities permitted on site, to advertise rental of portions of the premises, and to control unauthorized entry. In accordance with this deed restriction, the Park & Recreation Commission requests approval for signage under the following limitations and guidelines:

1. In order to preserve the scenic character of the premises and to promote an aesthetically pleasing and coherent appearance, signs are to be limited in number and consistent in style and design.
2. One sign identifying the park is allowed for each of the following locations: at the main entrance driveway on Weed Street; at the pedestrian entrance at the corner of Wahackme Road and Weed Street; and at the western pedestrian entrance on Wahackme Road.
3. One sign identifying the occupants of the main house is allowed for the main entrance driveway on Weed Street.
4. Signage within the park is allowed to provide direction or identify building occupants, but the signs shall be limited in size and number to the minimum necessary to achieve their purpose.
5. Temporary signs announcing special events are allowed at the main entrance to the park on Weed Street, and at appropriate locations within the park. Temporary signs are allowed on the day or days of the use or activity, but must be removed within 24 hours of completion of the use or activity.

Proposed Lighting Limitations for Irwin Park

Under § 42-9 of the Code of the Town of New Canaan, park grounds generally close at sunset. In order to preserve the residential character of the neighborhood, the Park & Recreation Commission is not proposing any alteration of that policy. The Commission is requesting approval to install lighting as may be needed for security or for walkways into buildings, under the following limitations and guidelines:

1. Lighting of athletic fields and play areas is not allowed.
2. Any exterior lighting fixtures or facilities attached to the buildings or structures within Irwin Park, or adjacent to any walkways or drives, must be mounted at a height of 20 feet above grade or lower. In order to avoid unnecessary upward illumination and light

trespass, all outdoor lighting fixtures must be shielded and comply with Section 6.11 of the Zoning Regulations.

3. Temporary lighting facilities may be mounted at a greater height for any special event if the Planning & Zoning Commission approves the special event and determines that said lighting will not have a substantially adverse impact on adjoining uses or properties.