



TOWN OF NEW FAIRFIELD
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

4 Brush Hill Road
New Fairfield, CT
06812-2619

TOWN ENGINEER

Antonio Iadarola, P.E.

October 31, 2022

Town of New Fairfield
Zoning Commission
4 Brush Hill Road
New Fairfield, CT 06812-2619

RE: Site Plan Modifications Permit Application for Consolidated Early Learning Academy
Due to Discovered Non-Compliant As-built Conditions.

Dear Chairman and Commission Members:

The ZEO and I have spent a considerable amount of time reviewing the as-built drawings submitted and performing site inspections to validate these drawings and also determine the extent of non-compliance issues that the project has based on what was approved by this commission and what was actually constructed.

Having said that, what we found is that there are several constructed conditions that do not meet and match the design drawings that your commission approved and issued permits for. In addition, we also discovered that the detail development of a playscape area was never approved by your commission. This information and the final design of this large area was left out of the original approvals you granted. We have now secured all design drawings and applicable certifications for the playscape and ask that you approve this playscape equipment as part of the Modification of the Site Plan Permit Application before you.

In general, the as-built discrepancy between approved and what was constructed falls into a few categories.

1. The first one is directly related to site lighting in parking lots and also on the perimeter of the new building for lighting.
2. The second is directly related to permitted landscaping design in comparison to what was actually installed in the field.
3. The third, is the issue that the project was approved with no detailed playground design and that phase of the project has been now designed and approved by the State as Phase 5 of the project. That playground equipment is now being installed and all playground structures need to be approved by the Zoning Commission for this project.

4. Lastly the ZEO and I are working with dealing with some discrepancy between the approved stormwater system designed and permitted and what was actually constructed. This may not need any further action by the commission since I and the ZEO will ensure that the constructed stormwater system is able to meet the designed intent for the stormwater system. We will be working with record engineer to achieve this goal. This will consist of either validating that what was constructed to ensure that it still meets the design intent that the commission approved and can stay as built, the other is to make minor modifications to what was built to achieve the design intent and the last is to remove the non-compliant work and install new that meets the design intent. We will manage this administratively and ultimately secure a letter from the design engineer that the stormwater system operates and meets the original design intent that was approved so we can provide a Zoning Certificate for the issuance of the final Certificate of Occupancy.

In summary, this applicant is seeking approval to have the Zoning Commission accept the current built conditions which are not in compliance with the original approved and permitted work plus have your commission approve the final design and details installation of the playscape equipment which was not previously approved. .

I have reviewed the Modification to the Site Plan Permit application dated 10/31/22, Partial Boundary and Topographic Survey plans VB-201 and VB-202 dated 4/21/2020 prepared by Langan Engineering, Planting Plan L110 dated 10/25/22 prepared by Langan Engineering and Site Lighting plan L-210 and L-250 prepared by Langan Engineering dated 10/28/22 These plans reflect the asbuilt conditions for the site.

I have reviewed Overall Play Area Plan C-320, Play Area Details sheet, C-350, Play Area Accessibility Plan, all dated 4/6/2022 and all prepared by Langan Engineering. In addition, I have reviewed additional supporting documentation for the playscape design such as State Form SCG-3028 dated 5/4/22, and Code Compliance review letter for the final design of the Playscape from Versteeg Associates dated April 12, 2022, and finally I have also reviewed the scope of work document and certifications for John LaRue who will act as an independent inspector for the playscape final installation that will certify it was built in accordance to the approved design drawings. I will also do my own separate inspection to provide my certification to this Commission for this equipment.

The following are some facts/justification related to the deviations between what was permitted and what was constructed:

1. The site lighting unfortunately was installed in accordance with a different drawing than was NOT approved by the Zoning Commission. This caused some of the site lighting to be installed in different locations and with different fixtures types than was shown on the site lighting plan that was approved by this Commission. The attached drawing now shows the site lighting as was installed plus the changes that are needed to meet all the lighting requirements as per Zoning Regulations based on a photometric analysis.

2. As per the landscaping that was not installed in accordance to their approved plan, several factors drove these changes such as encountering of ledge, conflicts with site utilities that prevented the installation of proposed plantings and lastly a request by the BOE to modify the location of the plants to provide better plowing operations and clean up. The total number of proposed plants were validated that they were installed but not all in the same locations as shown on the plan that was approved. The proposed plan shows the exact location of these revisions that the Commission will now need to approved.
3. The specific design of the playground equipment and the location of this equipment was never part of the drawing previously approved by the commission. This part of the scope of work was not designed at the time the Zoning Commission granted approvals for the project. Unfortunately, once the playground was designed and approved by the State as another phase to the project, it was never brought back to the commission for approval. It is for this reason that it is now being incorporated into the project and needs your approval.
4. Based on administrative approval, the ZEO and myself will insure that the storm drainage system meets the intent of the design and your approvals originally granted on this project.

It is my intention to continuously ensure that all Zoning Approvals and conditions of approval are meet and that the work performed and installed meet with those approval prior to having a Certificate of Zoning Compliance issued on this project or any other project.

Unfortunately, I have a conflict with the date of your next meeting and will not be able to attend but please reach out to me with any questions you may have prior to the meeting and my colleague Evan can also provide much details to this application and the drivers behind it.

Sincerely,

Tony Iadarola

Antonio Iadarola, P.E.
Town Engineer

cc: First Selectman
Zoning Enforcement Officer
PBC
BOE
File