

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr., Voigt, Cunningham (arrived at 8:20 P.M.)

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Land Filling & Regrading Application #53-D/Amendment of Site Plan, Darien Athletic Foundation, Darien High School, 80 High School Lane. Proposing to convert three existing natural turf fields on the High School campus to artificial turf fields, and convert one natural turf practice field to a softball stadium, all over a three year time period, and perform related site development activities. The subject property is located on the north side of High School Lane, approximately 1,100 feet west of its intersection with Middlesex Road, and is shown on Assessor's Map #9 as Lot #80 & #81 in the R-2 Zone.

Ms. Cameron said that the public hearing was opened on March 11, 2014 and was continued so that the Planning & Zoning Commission could receive a report from the Environmental Protection Commission (EPC). That report has been received but a decision by the EPC has not yet been reached.

Mr. Sini read a statement indicating that he will participate in the discussion and decision regarding this matter (attached). A copy of his statement is attached to the minutes. He noted that he has been able to listen to the recording of the discussion at the previous public hearing and he is not currently involved in the Darien Athletic Foundation. He was a member of the Darien Junior Football League but resigned from that position when he was elected to the Planning & Zoning Commission in 2013. He and his wife have made a restricted donation to the Darien Athletic Foundation for the construction of the scoreboard and the concession stand, both projects were approved by the Planning & Zoning Commission before he was a member of the Commission. He said that he will act in a fair and impartial manner and will participate in the discussion of this application and the mandatory referral regarding the proposed project. He indicated his decision was final, and that the Chair move on to the public hearing.

Joe Canas, Professional Engineer from Tighe & Bond, recapped the February presentation. One of the fields in the front oval, to the south of the high school building, will be converted to artificial turf. In the process, the field will be expanded to accommodate the appropriate size playing area. A second field to the east of the existing stadium will be converted to artificial turf and a practice field area on the northwest portion of the site will become artificial turf. He said that the application to the EPC and the application to the Planning & Zoning Commission were referred to an engineering consultant for the town. That consultant, Craig Flaherty of Redniss & Mead, responded with numerous comments that needed clarifications. Mr. Canas said that the comments have been reviewed and modifications to the plans have been incorporated and additional data has been provided. For example, with respect to the

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014
PAGE 2 OF 7

upper oval field, test pits were dug and they resulted in design changes which will create a large pocket of stone to be created under the eastern half of the field to encourage stormwater infiltration. The design of fields in the lower and mid-level area of the oval were not changed. The proposed fencing around the oval fields will be black (not the silver fencing shown on the drawings). Mr. Canas pointed at the location of the bullpen, which will have a 10 foot high fence and the batting tunnels which will have 12 foot high netting. Most of the fencing around the fields will be 4 feet tall. He showed a colored map illustrating the various types of fences to be used in that area. Mr. Canas said that a concrete border will surround the proposed artificial turf field and the border will have sleeves in it to accommodate the installation of poles to allow for temporary netting and fencing.

Mr. Cunningham arrived at approximately 8:20 P.M.

Chris Manfredonia explained that much of the temporary fencing in use at the field now is held in place with sandbags. The sleeves will allow for poles to be set up temporarily, which will be a much better system. Mr. Canas said that due to the proposed regrading in the area, six or seven trees will need to be removed and they will be replaced with new trees.

Mr. Canas said that with respect to the proposed conversion of the field to the east of the stadium, some changes were made in response to comments from Mr. Flaherty. Those changes involve keeping the filling and regrading out of the flood plain that has been calculated by the more detailed study performed by Malone & McBroom. He said that the current stormwater detention basin in that area will be enlarged for water quality purposes. It is located on the east edge of the site. A fore-bay will be installed to trap much of the sediment and to make it easy to clean out that area. He said most of the detention area pond has approximately a three foot water depth and it will be much easier to clean out sediment from the fore-bay than to muck sediment out the pond.

Mr. Canas said that the proposed artificial turf field on the northwest portion of the site will be crowned using a balance of the cut and fill from that area. He said that this design was not changed since the February presentation. Mr. Canas said that since the project will involve a total disturbance area of over five acres, a permit from the Connecticut Department of Energy & Environmental Protection (DEEP) will need to be obtained. Part of the DEEP permit will involve turbidity monitoring to assure that sediment is not traveling downstream. Mr. Canas reviewed the sediment and erosion control plan, including installation of silt fence and temporary bypass areas to allow clean water to flow through the area of disturbance. He described the various phases of construction including improvement in the outlet channel and noted that it will take approximately two months during the summer to do much of the work in the northwest portion of the site. After the regrading in the area has been performed, underdrain will be stalled and then the final grades will be established and the artificial turf material will be installed.

Craig Yannes, Professional Engineer, reviewed the traffic study that was submitted. He said that traffic was studied from February 25 to March 19, 2014. He said the observations were made while the site was busy, - practice and other uses were going on. He said that a traffic back up was observed on to the nearby residential streets. The back-up that was noted was two to three cars being delayed as vehicles stopped at the stop sign before proceeding into or out of the site. He said that the installation or use of artificial turfs fields will not result in any change of the traffic to or from the property. He said that the use of artificial turf fields might allow the fields to be used more often after rain conditions but there will be no additional use at the same time. He said that there will be no increase in the peak traffic flows as a

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014
PAGE 3 OF 7

result of the artificial fields. It is just that the fields will be playable more frequently because there will be fewer cancellations. Mr. Olvany questioned whether that with these adjustments, traffic will flow better, since it will be redistributed through the site. Mr. Yannis said that yes, traffic would flow better as a result of this application. Mr. Sini asked about moving the softball field to the oval, if it would actually decrease the number of people in the oval play fields at the same time. Mr. Yannes said it would actually be a decrease in the number of people.

Craig Flaherty, Professional Engineer from Redniss & Mead, explained that he has been hired as a consultant by the Planning & Zoning Commission. He first reviewed the plans in December for the EPC. He said that the focus has been on avoiding work within the flood plain, the proper installation and maintenance of sediment and erosion controls, and stormwater management for water quality purposes. He said that all the plans and drawings have been revised in accordance with comments from his firm and he believes that the current application complies with Sections 820, 870 and 880 of the Darien Zoning Regulations. He explained that one aspect of the project is the use of rip rap stone to prevent scouring of the water channel. He said that this stone does slow down the water but the water flow capacity is adequate. He said that the water quality evaluation has been based on conservative assumptions, and no credit has been taken for absorption of the first inch of rain fall water. He said that he is quite happy with the design and the level of detail being provided by the applicant so that when a contractor is hired to implement the plan, the contractor will know exactly what work needs to be done and what precautions need to be taken. He said that his opinion is that the development will not add to any of the water problems that have been a concern of the neighbors.

Paul Michalski of 371 Middlesex Road said that he still objects to Mr. Sini's participation in the application. Mr. Sini noted the objection. Mr. Michalski said that he is still very concerned about the intensity of use because the artificial fields can be used as much as ten times as many hours as a natural field. He said the ability to constantly schedule the use of the fields is an intensification of use that will impact the neighboring property owners. He said that if the Commission does approve the use of the artificial turf fields, they should stipulate that there can be no intensification of use in real terms (not just a traffic report regarding peak uses and peak traffic flow). He said that the traffic will actually increase because the fields will be used more frequently if they are artificial surfaces rather than natural grass. He said that his observation is that cars are parked on the residential side streets that the traffic report did not observe that type of real world situation.

There were no further comments from the public.

Mr. Ginsberg said that numerous e-mails and letters have been received and those materials have been copied and forwarded to the Planning & Zoning Commission members. He said a report has been submitted by the EPC but they have not yet taken a final action. Once the final action by the EPC has been rendered, a copy of that decision will be added to the Planning & Zoning Commission file. He said that the applicants are looking for a multi-year permit in order to have time to implement the various aspects of the project.

There being no further questions or comments, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014
PAGE 4 OF 7

Chairman Cameron felt that it would be in everyone's best interest to skip to the General Meeting portion and discuss the Mandatory Referral regarding this project. She read the following agenda item:

GENERAL MEETING

Mandatory Referral #1-2014, Board of Education, Darien High School, 80 High School Lane.
Request for a report regarding the installation of synthetic turf on three existing fields, conversion of an existing practice field to a softball stadium, and related site work. *DEADLINE TO ISSUE REPORT: 4/22/2014.*

Attorney Bruce Hill said that the Mandatory Referral request is self-explanatory. He tried to cite the various portions of the Town Plan of Conservation & Development that refer to the use of the athletic fields. After brief discussion, the Commission members concluded that they will deliberate and decide on this Mandatory Referral next week or at a subsequent meeting.

Chairman Cameron returned to the public hearing portion of the meeting and read the following agenda item:

PUBLIC HEARING

Coastal Site Plan Review #288-A, Flood Damage Prevention Application #329-A, Land Filling & Regrading Application #308-A, James Caulfield, Jr., 25 Brush Island Road. Proposing to construct a new shared driveway and septic system to serve the existing house on Lot #1; and to construct a new single-family residence, pool, associated stormwater management system and septic system on Lot #2; and perform related site development activities within regulated areas. The subject properties are located on the north side of Brush Island Road approximately 1,250 feet west of its intersection with Nearwater Lane, and is shown on Assessor's Map #56 as Lot #17 in the R-1 Zone.

Thomas Nelson, Professional Engineer from McChord Engineering, explained that the concept of development of this property was approved by the Environmental Protection Commission (EPC) and Planning & Zoning Commission last year. Now they have come back to the Planning & Zoning Commission with an actual development plan which will be implemented by the new owners. The existing house will remain intact but a portion of the porch needs to be removed. The proposed new house is more than 100 feet from Holly Pond and only a small portion of the pool and patio are within the 100 foot critical area adjacent to Holly Pond.

Mr. Nelson explained that a revised driveway proposal would relocate the driveway from the west portion of the front lot to the east portion of the front lot. This will improve traffic flow and safety and improve some views toward Holly Pond. It will also improve the play area adjacent to the existing house on the front lot. He said that rain drains will collect water from the proposed driveway and direct it into low areas on the property which will be planted with appropriate vegetation. He said that the EPC has approved the proposed project and has required additional tree protection measures to be implemented during the construction. He said that both houses, the existing house and the new house, will have septic systems. He said the septic systems are easy to design because of the excellent sand and gravel soil in the area. The flood zone in the area extends up to elevation 14 and the first floor of the house will be at elevation 21. All the mechanical equipment will be elevated above 14.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014
PAGE 5 OF 7

There were no comments from the public regarding this application. Mr. Ginsberg said that the items were forwarded to the Connecticut Department of Energy & Environmental Protection (DEEP), but no response on the coastal area management aspects of the project had been received. He did confirm that the EPC had approved the project. The Commission members have a copy of the EPC permit.

The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #174-B, Flood Damage Prevention Application #185-B, Land Filling & Regrading Application #85-B, Eric & Katherine Stein, 21-23 Cross Road. Proposal to demolish existing pool, terrace and driveway, modify a portion of the existing septic system to accommodate the proposed driveway and parking area, install new swimming pool, and terraces, and perform related site development activities within regulated areas. The subject property is located on the south side of Cross Road approximately 50 feet west of its intersection with Hope Drive, and is shown on Assessor's Map #69 as Lots #9 & #10, R-1 Zone.

Justin Quinn explained that the Steins own both lots and the existing house at the property at #23 is occupied by the Steins. The house at #21 Cross Road has been demolished and the property is currently vacant. The owners wish to keep the properties as two separate and distinct building lots. The proposed driveway access to the house at # 23 would travel through #21. This will require an easement which has been drafted and submitted but has not been filed on the Land Records. It will be filed on the Land Records once the project is approved. The project also involves the demolition of an old swimming pool and installation of a new swimming pool on #23.

The engineering drawing was reviewed and was noted that the septic system needs to be relocated. Mr. Quinn said that they are working closely with the Health Department to finalize that septic system permit. He said that part of the old septic system will be utilized to capture stormwater runoff and allow it to infiltrate into the ground. He said that, in short, there is less house and less driveway so stormwater is really not an issue or problem. He submitted revised plans on 11x17" sheets.

Attorney Robert Maslan represented Michael Huebsch and Susan Hooper who own property to the east of #21 (the vacant lot). He said that his clients have no concerns or problems with respect to the pool or grading; they are concerned about potential lighting of the ice rink and/or swimming pool. He said that until very recently, the Steins had a lighted temporary ice rink located on lot #21. He said it was removed over the recent weekend. He said that in November 2011, the Planning & Zoning Commission had established a policy that would have required a Special Permit for an ice rink with lights. He suggested that the Planning & Zoning Commission should stipulate that no overhead lights be allowed as part of the pool installation.

Attorney Maslan said the second concern is that parking is a permitted accessory use on a residential lot that has a principal use. This is specified under Section 403c of the Zoning Regulations. Although the proposed driveway easement would allow the driveway to pass through lot #21, the easement does not overrule the Zoning Regulations that requires a principal use (such as a house) in order to have an

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014
PAGE 6 OF 7

accessory use (parking) on the site. Part of the proposed parking area to serve the house on lot #23 would be located on lot #21. Attorney Maslan said that his clients do not mind the parking but if the Commission approves it, it could set a precedent regarding accessory uses on a vacant parcel. Such a precedent might have unintended consequences.

There being no further questions or comments regarding the application, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #193-A, Flood Damage Prevention Application #338, William Zak & Patricia Browne-Zak, 19-25 Five Mile River Road. Proposing to install a boardwalk, ramp, and float and perform related site development activities within regulated areas. The subject property is located on the east side of Five Mile River Road approximately 600 feet south of its intersection with Tokeneke Road, is situated between #19 and #25 Five Mile River Road, and is shown on Assessor's Map #66 as Lot #4, R-1/2 Zone.

William Zak explained that he is proposing installation of a boardwalk, ramp and float on his property that fronts on Five Mile River. The land is on the east side of Five Mile River Road. His house lot is located on the west side of Five Mile River Road. He has obtained approval for the clean-up of his waterfront property and it included removal of rock and debris that had been left by the previous owner. He said that he has received nothing but compliments from the neighbors regarding the work that he has already done. Mr. Ginsberg said that the Connecticut Department of Energy & Environmental Protection has already issued a permit for the proposed work within their jurisdiction. He said that the Darien Environmental Protection Commission (EPC) approval was granted on March 5, 2014. He read aloud the response from the Southwestern Regional Planning Agency (SWRPA) that indicates they find no inter-municipal impact due to this project which is within 500 feet of a municipal boundary.

In response to questions, Mr. Zak said that as far as he knows, there was no boardwalk on the property before.

Dave Thomas of 27 Five Mile River Road said he has no objection to the project.

There being no further questions or comments, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Chairman Cameron read the following agenda item:

Business Site Plan #31-F, TTJ Realty, LLC, Palmers Market, 264 Heights Road. Proposal to construct a one-story addition to the northeast corner of Palmer's Market, and perform related site development activities. The subject property is located on the north side of Heights Road approximately 200 feet west of its intersection with Edgerton Street, and is shown on Assessor's Map #75 as Lot #27 in the Designed Commercial (DC) and Noroton Heights Redevelopment Overlay Zones.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MARCH 25, 2014
PAGE 7 OF 7

Jeff McDougal, Land Surveyor from William W. Seymour Associates Land Surveyors, explained that the Planning & Zoning Commission had previously approved a small addition on the north side of the Palmer's Market building. Before construction commenced, the applicant analyzed the space needs and decided not to move forward with that proposed work. A new plan is for a larger addition that would better serve the needs of the applicant and their customers. The proposed addition is for storage and kitchen/food preparation area. The new work involves some cut into the embankment to create safe access to the loading area. That area will be stabilized with a new retaining wall. Mr. McDougal said that a new planter area will be constructed adjacent to parking spaces on the south side of the site. This will improve customer safety in that area. Mr. McDougal said that the addition is for food preparation area and storage and back room operations. There will be no increase in customer space.

Brian Dean represented the property owners and said the previous plan had been a kitchen in the basement level but now that kitchen will be brought up to be on the main level so that access for employees and moving of prepared foods will be easier for the staff. The lower level will continue to be used as storage for Palmer's. Within the existing lower level of the building, there is an exercise studio and another tenant. Mr. Dean said that they expect to add eight to ten new staff members as a result of the proposed construction. He said that adequate staff parking exists on the east side of the building (accessed from Edgerton Street). Mr. McDougal said that under Section 904t of the Zoning Regulations, this is a unique combination of uses at the site, and has more than sufficient parking for employees and customers. Mr. Ginsberg said that it is a shared parking lot with various uses and there is a second parcel that uses the common parking area.

Mr. Olvany said that the parking details are not provided on the chart of zoning information. Mr. McDougal said he will submit a supplemental map or table regarding the amount of on-site parking. Mr. Dean said that the parking spaces on the south portion of the site and along the entrance driveway will be changed to angled spaces and that there is still sufficient back up area even when the new planter area is added.

Mr. Ginsberg said that the Architectural Review Board had reviewed and approved the architectural design at their March 19, 2014 meeting.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Cunningham, seconded by Mr. DiDonna, and unanimously approved. The meeting was adjourned at 9:40 P.M.

Respectfully submitted,



David J. Keating
Planning & Zoning Assistant Director



Madam Chairman:

I'd like the opportunity to make a statement in order to clarify a few points that were raised in the first hearing.

As a result of my absence from the February 11, 2014 hearing on this application, I subsequently listened to the meeting via audio tape.

I do not currently have a direct affiliation with the Darien Athletic Foundation or its application under review. Therefore, I do not believe I have a conflict of interest related to this application. I intend to participate in both this hearing and the subsequent Mandatory Referral discussion in a fair and impartial manner.

As a former member of the Darien Junior Football League's board, in 2012 I was among a group of over a dozen Darien youth sports leaders that were involved in the preliminary brainstorming sessions related to the creation of a non-for-profit that might work to benefit various youth and student sport infrastructure needs in our town. During this time, I had several discussions with town officials and staff on how such an organization could work within our community and conveyed this input to the group of founders.

To be clear, I have never held a role on the Darien Athletic Foundation since it was formally incorporated in January 2013. I also resigned from the DJFL board in November 2013 upon my election to this Commission.

My wife and I have pledged a restricted gift to the DAF. This gift has been restricted to funding the scoreboard and concession stand. Both of these projects were approved by this commission before my term began in November 2013.

While I have three boys that currently participate in various youth sports, some of which I coach, I do not stand to personally benefit from this applicant's efforts any more than of the thousands of other Darien families with children that play sports.

I have made this decision to participate in this hearing after close consultation with Darien's Town Attorney, our Planning & Zoning Director, the Chair, and Vice Chair of this commission.

My decision is final and I believe we should now move-on with the public hearing.

Thank you.

*from John Sini
3/25/14*

