

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 22, 2014**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr.

STAFF ATTENDING: Ginsberg
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first two agenda items:

PUBLIC HEARING

Special Permit Application #22-O/Site Plan, Coastal Site Plan Review #27-D, Flood Damage Prevention Application #20-D, Tokeneke Club, Inc., 4 Tokeneke Beach Drive/Butler's Island Road. Proposal to expand the service drive; renovate substantial portions of the bathhouse; replace large lockers and changing areas with removable lockers; install HVAC equipment and a below ground propane tank; relocate electrical boxes, utilities, and pool heaters; and perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road at the southeast corner formed by its intersection with Tokeneke Beach Drive, and is shown on Assessor's Map #67 as Lot #83 in the R-1 Zone.

Special Permit Application #22-P/Site Plan, Coastal Site Plan Review #27-E, Flood Damage Prevention Application #20-E, Land Filling & Regrading Application #325, Tokeneke Club, Inc., 4 Tokeneke Beach Drive/Butler's Island Road. Proposal to raze the tennis house, administrative offices and portion of the old clubhouse; construct a new addition to the restaurant; install additional parking; install a pergola; install a new septic system; and install associated stormwater management; and perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road at the southeast corner formed by its intersection with Tokeneke Beach Drive, and is shown on Assessor's Map #67 as Lot #83 in the R-1 Zone.

Mr. Ginsberg explained that prior to the meeting, Attorney Wilder Gleason, on behalf of the Tokeneke Club, asked that these two matters be opened and immediately continued to Tuesday, May 27, 2014 at 8pm in Room 206 of Town Hall. He could not be present tonight, since he was at the Architectural Review Board meeting, which was occurring at the same time. Mr. Ginsberg confirmed that neighbors should take note of the May 27 date, since no further formal notice is required.

Chairman Cameron then read the following agenda item:

Special Permit Application #276-A, PB Architects, LLC, 110 Boston Post Road. Proposing to establish an architect/home improvement contractor's office within a 600 square foot space in the existing building at 110 Boston Post Road. The subject property is located on the south side of

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Boston Post Road approximately 250 feet west of its intersection with West Norwalk Road, and is shown on Assessor's Map #32 as Lot #4, 5, and 6 in the SB-E Zone.

Attorney Amy Zabetakis was present on behalf of the applicant Jacek Bigosinski. She noted that the proposed use, which is an architect office/home improvement office, is a permitted use by Special Permit in the SB-E Zone. The architect/home improvement contractor is proposing to locate in the space formerly used by Drivers Unlimited in the rear of the building. A majority of the business will be done off site. There will be a trailer stored on site when it is not out at a job site.

Ms. Cameron said that no traffic issues would be noticed here. Mr. DiDonna confirmed that the trailer when on premises would be parked in the back of the building. Ms. Zabetakis said yes, only one parking space would be needed for the trailer and it would be parked behind the building. The area behind the building is used for parking for tenants in the rear of the building. The parking spaces in the front of the building are generally for Post Modern Home. Mr. Olvany confirmed that the area to be occupied is only 600 square feet. Mr. Ginsberg then read aloud the comments received from the Southwestern Regional Planning Agency (SWRPA).

Ms. Cameron then asked if there were any members of the public who wish to speak on this application. There were none. Mr. Sini then made a motion to close the public hearing on this matter. That motion was seconded by Mr. Olvany and unanimously approved.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #299, Flood Damage Prevention Application #29-B, Land Filling & Regrading Application #322, Benjamin & Heidi Sylvester, 15 Juniper Road. Proposing to demolish the existing residence and construct a new single-family residence and perform related site development activities within regulated areas. The subject property is located on the south side of Juniper Road approximately 1,025 feet east of its intersection with Nearwater Lane, and is shown on Assessor's Map #57 as Lot #14 in the R-1 Zone.

Jeff McDougal of William W. Seymour & Associates explained that the proposal is to demolish the existing residence and construct a new single family residence that will comply with the Darien Flood Regulations. The proposed new residence will be further away from the tidal wetlands, which are now on the property. Although a sport court is shown on the on the submitted plans, it has not been included in the advertised legal notice, and it requires a Special Permit. He said that they will return to the Planning & Zoning Commission in the future for that application and they are withdrawing that request as part of this application. Ms. Cameron noted that they propose to remove the tree near Juniper Road. Mr. McDougal confirmed that that was the case.

There being no further questions or comments from the Commission, Ms. Cameron asked if there were any members of the public who wished to speak on this application. Mr. David Ward spoke about the application and noted that he had concerns about the tree cutting process. There were no other comments or questions from members of the general public. Mr. Sini then made a motion to close the public hearing on this matter. That motion was seconded by Mr. Olvany and unanimously approved.

At 8:17 P.M., Chairman Cameron read the following agenda item:

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Land Filling & Regrading Application #323, DaCunha Builders, LLC, 8 Stanley Road.

Proposing to perform site grading associated with the construction of a new single-family residence; and to perform related site development activities. The subject property is located on the east side of Stanley Road, at its north intersection with Devon Road, and is shown on Assessor's Map #24 as Lot #81 in the R-1/3 Zone.

Professional Engineer Doug DiVesta was present on behalf of Mr. DaCunha. Mr. DiVesta explained that this is a replacement house which is now under way on the property. The proposal this evening is to add a retaining wall and do some filling and regrading near the property lines. A stormwater management system has been reviewed by staff and approved for this property. Mr. Ginsberg then explained that Mr. DaCunha did submit a Zoning & Building Permit application to build a replacement house on this property. As part of that request, Planning & Zoning staff required a stormwater management system be proposed and installed. That stormwater management system was reviewed by Town Engineer Darren Oustafine. They are before the Commission tonight for the filling and regrading within 15 feet of the various property lines. The filling and regrading within 20 feet of the house has already been approved. Mr. Ginsberg noted that staff would not approve a plan that were not feasible and could be built. The plans are not approved by the Commission. Mr. DaCunha will have to construct that plan with that specific drainage. Commission members then had questions regarding the existing and proposed grades shown on the plans. Ms. Cameron said that she had concern about fill near the east property line.

Mr. DiVesta said that two small, one-foot plus or minus high retaining walls near the north property lines are proposed as part of this application. He explained that they had proposed to tie into the catch basin on Devon Road, but were not allowed to by Town staff. They will be handling all their water on-site. He confirmed that the proposed retaining walls would reduce the slope of this area and the walls will be one to one and one-half feet in height.

Mr. Olvany asked what the proposed building coverage is of the house. Mr. Ginsberg responded that it is 18.3+/- %.

Ms. Cameron said that she is not sympathetic on having a proposed, flat lawn area near the eastern property line. Mr. Olvany said that he has concern about the on-site grading and the slope of the lawn. It was noted that the existing retaining wall along Stanley Road would stay except in the driveway area. Mr. Sini noted that the subject property slopes from west to east.

Mr. Olvany asked the applicant to speak about flooding in the area. Mr. DiVesta noted that some water now flows down Stanley Road and that the driveway will have a lip along Stanley Road to minimize the amount of water that flows off of Stanley Road onto this subject property. Mr. Olvany said he has concern about water flowing from Stanley Road into the proposed catch basin.

Mr. Brian O'Hagen of 14 Stanley Road explained that he has been getting water in his basement since construction has occurred within the last three years. This water has started a few months ago and the trees were cut on the subject property. Ms. Cameron noted that trees do not absorb water in the winter, that this may just be a factor of ground water coming up from the ground.

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Ms. Ellen Coyne of 34 Intervale Road asked when the Cultecs which have been proposed by Mr. DaCunha get filled up with water, what will happen? She noted that such a problem could become an issue for downhill neighbors. Mr. Cameron responded that the professional engineer hired by Mr. DaCunha has run a model. In that computer model, it shows that the post-development status of the property will be an improvement over existing conditions.

Mr. Olvany then read aloud from the submitted Engineering Report. Mr. Olvany did confirm that there would be more impervious surface as a result of this application. Ms. Cameron questioned whether the Commission could have different standards for impervious surface for different areas of Town depending on how the storm water management system of the Town is in that area. Mr. David Ward of 11 Stanley Road voiced his concern regarding proposed water runoff.

Jill and Steven Walker of 12 Stanley Road then addressed the Commission. She said that they were very anxious about this application and then showed photos of the subject property. She noted the more terrace-like flag yard between the house and Devon Road. Ms. Walker explained that a boulder was pushed into a hole. Ms. Walker said that she had seen more water in recent years and there are ground water issues after the storms. They summarized by noting they are against a gently sloping lawn on this property.

Ms. Pam Vossler of 5 Stanley Road encouraged the Commission to listen to the neighbors and their concerns regarding flooding in this area. Ms. Carol Mack of 6 Devon Road then explained the water flow in this vicinity. Ms. Jill Walker then said that the existing drainage system has not been tested and that the sloping lawn will be adding water to the drainage system.

Cindy Brown of 8 Devon Road noted the grades on and near the subject property. She believed that the cultec system proposed by Mr. DiVesta will not be able to contain all of the water that flows in this area. Mr. Art Morris of 13 Stanley Road said that he is opposed to this application as what the applicant is proposing is not a gently sloping lawn. There is gravel type soil in the area and the ground water depth depends on the season. He is against filling and regrading on this property.

Ms. Cameron then asked what would happen if the Planning & Zoning Commission denies this application. Mr. DiVesta responded that that plan has already been approved by Mr. Keating which would show an existing retaining wall along Devon Road. The client is willing to build that and would just continue the retaining wall along the old driveway.

Ms. Cameron then asked about the area behind the house. Mr. DiVesta confirmed that the house has a full basement. Mr. Sini then asked which plan would have the greater slope. The plan approved by Mr. Keating or the plan being put forth tonight before the Commission. Mr. DiVesta responded some areas will have a steeper slope and some areas would have fewer slopes.

Mr. Ginsberg again confirmed that a plan for minimal grading of the property near the house has already been approved with the drainage and storm water management. It is the areas near the property lines that the Commission is looking at this evening. He did confirm that if the Commission does not approve what is being put forth that the prior plan approved by staff would have to be implemented.

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Mr. Sini then asked whether Mr. DiVesta could develop a plan to improve the drainage on-site and to reduce the steepness of the slopes. Mr. DiVesta responded that the east side retaining wall will help flatten that area on the side of the house. He did note that he has studied the impacts of the 2 through 50 year storms.

Mr. Olvany then asked what would happen if the Cultec system which is proposed would fill up. Mr. DiVesta confirmed that if the Cultec systems fill up during the big storm, water will sheet flow in easterly direction. Mr. Olvany asked if there was any regrading near the Cultec systems. Mr. DiVesta said that area is less steep under the proposed plan. He said that the 50 foot contour line follows the east retaining wall. Ms. Cameron then asked how much fill is along the east property line. Mr. DiVesta noted there is one foot in that area.

Mr. Olvany believed that the submitted drainage report is unacceptable. Mr. DiVesta said that he believes the proposed plan being put forth this evening is a better plan for grading. The plan, which had been approved, and these proposed plans both have the exact same drainage system which includes Cultecs. The storm water management is therefore the same. The retaining wall will be moved to Devon Road.

After some discussion, it was agreed by Commission members to continue this public hearing to May 13th, thereby giving the applicant additional time to revise the plans in response to the concerns presented this evening.

At 9:45 P.M., Ms. Cameron then read the following agenda item:

Land Filling & Regrading Application #324, 14 Wilson Ridge, LLC, 14 Wilson Ridge Road.

Proposing to regrade the rear yard of the property, including excavation, filling, and construction of associated retaining walls; and to perform related site development activities. The subject property is located on the west side of Wilson Ridge Road approximately 50 feet north of its intersection with Wilson Ridge East, and is shown on Assessor's Map #46 as Lot #183 in the R-1/2 Zone.

Attorney Robert F. Maslan, Jr. was present on behalf of the applicant. He then distributed a photo book of color photos of the subject property. The proposal tonight is for grading within 15 feet of the west property line. The area will be lowered and flattened and pitched towards two catch basins. This will provide a rear yard area. He then reviewed the photographs with the Commission.

Mr. Maslan then discussed the April 14, 2014 letter received from Professional Engineer Couch who had been hired by the neighbor to the west, Mr. Glick, of 20 Hollow Tree Ridge Road. Mr. Maslan said that in one of his photographs (Photo 6), it shows a retaining wall which had recently been installed at 1292 Boston Post Road. Mr. Maslan then reviewed the grades on the subject property and explained that the lowering of the grade will not impact any of the neighbors. The flat area will prevent water from flowing into the house, and Mr. Maslan noted the importance of having any retaining wall be signed off by a structural engineer.

Ms. Cameron confirmed that a structural engineer will be needed for this project. Mr. Maslan suggested a condition of approval that a structural engineer sign-off on the plan prior to the issuance of a Zoning or Building Permit. He explained that the area is two feet wide at the top and it will not

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encroach into the neighbor's property. It will be two feet between the face of the wall and the north property line.

Professional Engineer Todd Ritchie of GHD also was present on behalf of the applicant. He explained that Mr. Glick's engineer, Mr. Couch, has made some good points and Mr. Ritchie confirmed that he himself is not a structural specialist. He agreed with Mr. Maslan's belief that a structural engineer will need to design this retaining wall. Mr. Ritchie confirmed that the wall is downhill from Mr. Glick and will create a larger, flatter area. A curtain drain will be part of this structural design.

Mr. Sini then asked what would happen if the retaining wall was moved in closer to the house by 2 to 4 feet. Mr. Ritchie responded that the property is sloped everywhere and to tweak it by a couple feet would be okay. Weepholes with voids will allow the water to flow. This can include a steel plate anchored in place and removed once the area is back filled.

Mr. Ginsberg was concerned that because of the height of the retaining wall, it will require a Zoning and Building Permit due to its proposed height. Mr. Maslan again suggested the Commission require a sealed plan from a structural engineer prior to the issuance of a Zoning and Building Permit. Mr. Ritchie explained that at its highest point, the retaining wall would be 7 feet high for about 4 to 5 feet.

Ms. Barbara Wilson of 10 Wilson Ridge Road explained that she lives next door to the subject property. She wants to insure that the driveway will not encroach onto her property. She requested that a french drain be installed on the property line. She asked whether there would be more blasting above and beyond what has already occurred.

Mr. Jeff Glick of 20 Hollow Tree Ridge Road discussed a number of issues with the Commission. He wants the water from his irrigation system to remain on his property rather than flowing onto the adjacent property. Mr. Ritchie responded that the sub-surface drain will not attract water like a vacuum. Water will continue to flow gradually onto the 14 Wilson Ridge Road site. Mr. Glick confirmed that Professional Engineer Couch had two issues.

Mr. Ritchie mentioned that the builder wants to plant in the area between the Glick property line and the proposed retaining wall. Mr. Olvany suggested lathe (wood) stakes to denote the property line. Mr. Ritchie added that all work will be done on the subject property and that water will not flow onto 10 Wilson Ridge Road because the curve line will direct water. Mr. Olvany confirmed that water will flow to the proposed Cultec systems.

Mr. Ritchie suggested that the builder or structural engineer have a discussion between the engineers to confirm everyone is comfortable with the proposed plan.

There were no further questions or comments from Commission members or the general public. Mr. Olvany made a motion to close the public hearing on this matter. That motion was seconded by Mr. DiDonna and was unanimously approved.

At 10:30 p.m., Ms. Cameron then read the next agenda item:

GENERAL MEETING

Discussion, deliberation and possible decisions on the following:

Business Site Plan #80-C, Patriot Bank, 233 Boston Post Road. Proposing to raze the existing Darien Golf Building and construct a new bank with associated drive-up lanes and parking; and perform related site development activities. *DECISION DEADLINE: 5/1/2014, UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Mr. Sini recused himself from this matter, but in order to keep a quorum, he did not leave the room. Mr. Ginsberg noted that a draft Resolution had been prepared for Commission members and e-mailed out to them recently. It contains very conditions of approval.

Mr. DiDonna said that, in his opinion, a sign at the proposed exit saying Keep Right does not mean to also go onto I-95. He noted that the Post Road is two lanes wide here and for someone to go across the Boston Post Road onto I-95 would not be safe due to existing traffic conditions. Ms. Cameron appreciates the traffic concerns for this application.

Mr. DiDonna again confirmed that this is a highly trafficked area and he mentioned that he watched the last meeting on DVD. Ms. Cameron said that, in this case, the proposed use is important to consider as it is a very low intensity use. Mr. Olvany asked what the local traffic authority said in their submitted comments. Mr. Ginsberg said that they deferred any comments to Mr. Galante who was subsequently hired to peer review the application.

Mr. Olvany noted that two traffic experts, the applicant's traffic expert from Tighe & Bond and the peer review expert from, Mr. Galante, of F.P. Clark both agreed that this proposed driveway exit would be safe. Mr. DiDonna said his desire would be to have a right turn only coming out of this bank with no access to I-95. Mr. Olvany agreed with Ms. Cameron that because of the low intensity use, there will be very little trip generation as the bank is a very low intensity use.

Mr. DiDonna summarized by noting that what worries him is the total configuration and he believes that the proposal is an unsafe situation. Mr. Olvany also had concerns about traffic, but did not believe the bank was that intensive a use.

Ms. Cameron made a motion to approve the application with conditions as noted in the Resolution. That motion was seconded by Mr. Olvany. The votes in favor were two (Cameron and Olvany). Mr. DiDonna voted in opposition to the application, and Mr. Sini abstained. Therefore the Resolution was adopted by a vote of 2 to 1 to 1. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 22, 2014**

Application Number: Business Site Plan #80-C
Patriot Bank

Street Address: 233 Boston Post Road
Assessor's Map #13 Lot #4

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Name and Address of Applicant: Patriot National Bank, NA
1177 Summer Street
Stamford, CT 06901

Name and Address of Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates, PC
30 Old King's Highway South
Darien, CT 06820

Name and Address of Property Owner: HJH Darien Realty LLC
233 Sound Beach Drive, Ste. 265
Greenwich, CT 06830

Activity Being Applied For: Proposing to raze the existing Darien Golf Building and construct a new bank with associated drive-up lanes and parking; and perform related site development activities.

Property Location: The subject property is located on the north side of Boston Post Road approximately 350 feet west of its intersection with Richmond Drive.

Zone: SB-E

Date of Public Hearing: April 1, 2014

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices
Dates: March 21 & 28, 2014

Newspaper: Darien News

Date of Action: April 22, 2014

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
May 2, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 670 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to raze the existing Darien Golf Building and construct a new 2,200+/- square foot one-story bank with associated drive-up lanes and parking; and perform related site development activities on a .563+/- acre property. Because the bank has been designed with two drive-through lanes, and such drive through lanes are considered an essential part of the banking use, the Commission finds that in this specific case, the proposed use is considered “Commercial Sales and Services generally requiring external storage or activity”. Therefore, the bank, as specifically designed herein, is a permitted use as-of-right under Section 672a of the Darien Zoning Regulations.
2. The applicant submitted a Stormwater Management Report dated March 26, 2014. In that report, it is noted that the proposed plans result in a decrease of impervious surface compared to existing conditions. There is presently no stormwater detention on-site. As part of the application, 36 Cultec units will be installed on-site, allowing for reduced stormwater discharge during most storm events. As part of the Report, a Stormwater Facilities Maintenance Plan, dated 3/26/14, was submitted.
3. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities in accordance with the Stormwater Facilities Maintenance Plan to minimize any potential downhill impacts.
4. The proposed site plan shows a total of 16 parking spaces, two of which will be reserved for handicapped patron use (although the applicant’s narrative notes that 18 spaces will be provided, the submitted Site Layout Plan shows 16 spaces). Bank uses are required to provide one parking space for each 150 square feet, pursuant to Section 904j of the Zoning Regulations. A 2,200 square foot bank would therefore require 15 parking spaces according to the regulations, and thus, sufficient parking is being provided to meet the requirements, and in addition, one extra on-site parking space is being provided.
5. The Architectural Review Board (ARB) reviewed this application as part of ARB #3-2014 on February 25, 2014. This included approval of the building and the lighting. The ARB noted that signage will need to be the subject of a subsequent application.
6. There was concern at the public hearing regarding traffic flow onto and off of the site. The Commission had specific concerns regarding potential exiting from the proposed eastern curb cut. This concern related to the potential for exiting patrons and employees to cross Boston Post Road traffic and turn directly onto the I-95 on-ramp. At the public hearing both the applicant’s traffic engineer, Joe Balskus from Tighe and Bond, and the Commission-hired peer review engineer, Michael Galante of Frederick P. Clark Associates, believed that this turning movement, with appropriate signage, would be safe. The Commission acknowledges that due to the proposed low-impact use of a bank, that the volume of vehicles entering and exiting the site would be minimal. The Commission also acknowledges that if this were to be another use, that this proposed traffic flow off of the site might not be appropriate.

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7. The Commission hereby modifies the required front yard buffer from 18 feet down to 10 feet as specifically allowed in Sections 675 and 906.6. The plans do not show any part of the new building or new parking spaces within 18 feet of the front property line. Plantings shall be specifically selected in this front yard buffer area to ensure that there are no impacts to sight lines. As part of this application, the rear landscaped buffer will be enhanced, as shown on the submitted Landscape and Lighting Plan.
8. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
9. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #80-C is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission hereby approves the following plans received in the Planning and Zoning Department and reviewed by the Commission, as required to be modified herein, entitled:
 - Plan Prepared for Patriot National Bank, Site Layout Plan 233 Post Road, by McChord Engineering Associates, Inc., last revised 3-26-14, Drawing No. SE1.
 - Plan Prepared for Patriot National Bank, Site Grading and Soil Erosion Control Plan 233 Post Road, by McChord Engineering Associates, Inc., last revised 3-26-14, Drawing No. SE2.
 - Plan Prepared for Patriot National Bank, Site Utility Plan 233 Post Road, by McChord Engineering Associates, Inc., last revised 4-1-14, Drawing No. SE3.
 - Plan Prepared for Patriot National Bank, Construction Notes and Details 233 Post Road, by McChord Engineering Associates, Inc., last revised 3-26-14, Drawing No. DT1.
 - Landscape and Lighting Plan, Patriot National Bank, 233 Boston Post Road, by Environmental Land Solutions, LLC, scale 1"=20', dated Feb 10, 2014, Drawing No. LP.1.
 - Patriot National Bank, 233 Boston Post Road, by Tomasetti Architects, February 10, 20-14, Sheets D-0.0 through D-2.4.

Both the Site Layout Plan and the Landscape and Lighting Plan shall be revised to remove reference to a "proposed bank sign" or "proposed lited sign" in front of the building. At the public hearing, the applicant's representative noted that such a sign will be the subject of a future application before the ARB. The plans shall also be revised to coordinate with each other, especially relative to tree planting and removal within the front yard setback area.

- B. All traffic control signs and pavement markings shall meet the requirements outlined in the Manual of Uniform Traffic Control Devices (MUTCD). Three recommendations noted on page 3 of Michael Galante's April 1, 2014 letter are hereby required to be implemented:
 - put the STOP sign and the KEEP RIGHT sign on separate posts;
 - the westerly egress driveway shall have a ONE WAY sign facing east be installed;

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--add ONE WAY signs to supplement the DO NOT ENTER signs.

- C. The existing fence along the north property line now has a chain link fence with barbed wire. This fence shall be replaced with a six foot high stockade fence with no barbed wire. It may have a gate in it, at the applicant's option.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. By June 22, 2014 (within the next 60 days) a Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the issuance of a Zoning or Building Permit for the new building.
- F. Per Section 909 of the Darien Zoning Regulations, the Commission officially waives the loading zone requirement, as it would not be applicable to the proposed bank use.
- G. As noted on the submitted Site Plan, all lighting shall comply fully with Section 232 of the Darien Zoning Regulations. The Commission finds that the proposed lighting plan, which shows two light poles in the parking lot, and the associated lighting on the various sides of the building, minimizes impacts to neighbors and provides sufficient lighting on-site.
- H. Prior to the issuance of a Certificate of Occupancy for the proposed use, all site improvements and changes shall be completed. These include, but are not limited to, the new curb cuts and driveway locations, revised parking layout and striped parking stalls, sidewalk along Boston Post Road, and all fencing and landscaping.
- I. All landscaping and all of the grading, drainage, and proposed site improvements shall be installed per the approved Landscape Plan and other Plans listed in Condition A above, prior to the issuance of a Certificate of Zoning Compliance or a Certificate of Occupancy for the building.
- J. A final as-built drawing and certification shall be submitted by a professional engineer confirming that the entire project, including the required drainage, lighting, parking, curbing, sidewalks, landscaping, and other site development features have been properly completed per the approved plans, as noted in Condition A, above. This certification shall be submitted prior to the issuance of a Certificate of Occupancy for the project, and/or use of the proposed building.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

- L. The granting of this Site Plan approval does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. This includes, but is not limited to, final approval from the Darien Fire Marshal for the final fire hydrant location, and to assure vertical clearance for fire apparatus. A Demolition Permit from the Building Department is needed as well as a Sewer Connection Permit from Sewer Services. Any future signage for the site requires review and action by the Architectural Review Board.
- M. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (April 22, 2015). This may be extended as per Section 1028.

All provisions and details of the plans, as required to be revised herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations, the signing of the final approved plans by the Chairman. All completed requirements and materials, including, but not limited to, the submission of revised plans, and the filing of a Notice of Drainage Maintenance Plan in the Darien Land Records, shall be accomplished within 60 days of this action and prior to the issuance of a Zoning or Building Permit for the new building.

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.

Mr. Ginsberg noted in the Draft Resolution Condition A which requires some modifications to the proposed plans. He noted that the applicant can merge the plans, but P&Z is not requiring a merger to occur. All they are requiring is a change to the plans to eliminate any potential accessory use on that property without a principal use.

Mr. Sini then made a motion to adopt the Resolution as written. That motion was seconded by Mr. Olvany and approved by a vote of 4 to 0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 22, 2014**

Application Number: Coastal Site Plan Review #174-B
Flood Damage Prevention Application #185-B
Land Filling & Regrading Application #85-B

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Street Address: 21-23 Cross Road
Assessor's Map #69 Lot #9 & #10

Name and Address of Applicant: Eric & Katherine Stein
and Property Owner: 21-23 Cross Road
Darien, CT 06820

Name and Address of: Justin Quinn
Applicant's Representative: Doyle Herman Design Assoc.
125 Greenwich Avenue
Greenwich, CT 06830

Activity Being Applied For: 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.

Property Location: The subject property is located on the south side of Cross Road approximately 50 feet west of its intersection with Hope Drive.

Zone: R-1

Date of Public Hearing: March 25, 2014

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: March 14 & 21, 2014

Newspaper: Darien News

Date of Action: April 22, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
May 2, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is 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.
2. The amount of work proposed within the flood zone as part of this application is limited. There are no new structures proposed within the flood zone.
3. At the public hearing, a representative of the neighbor noted that parking cannot be on the 21 Cross Road property without a principal use. The submitted plans show parking spaces on that lot.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
5. The Commission finds that the proposed activities with respect to the proposed addition to the residence, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #174-B, Flood Damage Prevention Application #185-B and Land Filling & Regrading Application #85-B are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Subject to the required modifications as noted herein, construction, filling and regrading, and other site development activity shall be in accordance with the following plans submitted and reviewed by the Commission:
 - Stein Residence 21& 23 Cross Road, Site Plan, by GHD, Inc., 11"x 17" distributed at 3-25-2014 public hearing.
 - Site Development, Utility, and Landscaping Plan, Sheet No. L-1.3, by Doyle Herman Design Associates, LLC, dated 2-14-14.
 - Site Preparation, Removals and Sediment/Erosion Control/Staging Plan, Sheet No. L-2.0, by Doyle Herman Design Associates, LLC, dated 2-14-14.

The plans shall be revised to eliminate any parking on the 21 Cross Road property. While a driveway, backing area and turnaround areas can be provided, parking spaces cannot be

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provided on the vacant parcel, since that would be an accessory use without a principal use on that property.

- B. Due to the nature and location of this project, the Commission hereby waives the requirement for a performance bond.
- C. Because the amount of impervious surface has been reduced due to the razing of the residence on the property, and the proximity of the site to Long Island Sound, the Commission hereby waives the requirement for a more detailed stormwater management analysis.
- D. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the plans in Condition A, above, and other measures as may be necessary due to site conditions, including tree protection. This includes an anti-tracking pad on the two proposed construction entrances, and a silt fence backed with staked haybales on the east side of the property. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- G. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (April 22, 2015).

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning or Building Permit, or this approval shall become null and void.

Ms. Cameron then read the next agenda item:

Special Permit Application #78-B, Noroton Fire Department, 1873 Boston Post Road. Proposal to construct a one and one-half story detached garage/storage building, install landscaping, and perform related site development activities.

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Commission members had no comments on the draft Resolution. Mr. Olvany made a motion to adopt the Resolution as written. That motion was seconded by Mr. DiDonna and approved by a vote of 3 to 0 with Mr. Sini abstaining since he was not at the public hearing on this matter. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 22, 2014**

Application Number: Special Permit Application #78-B
Noroton Fire Department

Street Address: 1873 Boston Post Road
Assessor's Map #42 Lot #7

Name and Address of Applicant & Applicant's Representative: Michael Vitti
c/o Noroton Fire Dept.
1873 Boston Post Road
Darien, CT 06820

Name and Address of Property Owner: Noroton Fire Dept.
1873 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposal to construct a one and one-half story detached garage/storage building, install landscaping, and perform related site development activities.

Property Location: The subject property is situated on the northeast corner formed by the intersection of Dickinson Road and Boston Post Road.

Zone: R-1/3

Date of Public Hearing: April 1, 2014

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices
Dates: March 21 & 28, 2014

Newspaper: Darien News

Date of Action: April 22, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
May 2, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

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- the proposed use and activities must comply with all provisions of Sections 400, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to construct a one and one-half story detached garage/storage building, install landscaping, and perform related site development activities. There are no proposed changes to the use of the Fire Department building.
2. As part of this application, additional landscaping of twelve six foot high arborvitae on the north and possibly the west of the proposed garage is proposed.
3. No members of the public spoke at the public hearing.
4. The Zoning Board of Appeals (ZBA) approved a variance (Calendar #5-2014) on March 12, 2014. That decision is hereby incorporated by reference.
5. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
6. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #78-B is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission hereby approves the following plans received in the Planning and Zoning Department, entitled:

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- Detached Two Bay Garage Noroton Fire Department, Boston Post Road, dated 10-24-2013, received March 7, 2014, 2 pages.
 - Portion of Survey last revised 1/14/14, with hand annotations showing cut back pavement, and proposed planting line.
- B. The project entails an additional 1125 square feet of building coverage. Part of this building will be over existing pavement and part will be offset by the removal of the pavement near Dickinson Road. Due to the minimal increase in new impervious surface, the Commission is waiving the requirement for stormwater management.
- C. Per Section 909 of the Darien Zoning Regulations, the Commission officially waives the loading zone requirement, as it would not be applicable to the Fire Department use.
- D. During construction, the applicant shall utilize any additional as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Prior to the issuance of a Certificate of Zoning Compliance for the proposed use, all stipulations and conditions of the ZBA variance and all site improvements and changes shall be completed. These include, but are not limited to, the removal of the pavement on the north side of the parking lot near Dickinson Road, and the planting of proposed arbor vitae landscaping.
- F. A final as-built drawing and certification shall be submitted confirming that the entire project, including the required lighting, parking, landscaping, and other site development features have been properly completed per the approved plans, as noted in Condition A, above. This certification shall be submitted prior to the issuance of a Certificate of Zoning Compliance for the project, and/or use of the proposed building.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this Site Plan approval does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. This includes, but is not limited to, a Zoning and Building Permit for the new structure.
- I. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (April 22, 2015). This may be extended as per Section 1009.

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All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations, the signing of the final approved plans by the Chairman, and the filing of a Special Permit form in the Darien Land Records. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #321, 23 Arnold Street, LLC, 43 Arrowhead Way.
Proposing to fill, regrade and excavate in association with the construction of a new single-family residence and driveway; and perform related site development activities.

Mr. Olvany made a motion to approve the resolution as written. That motion was seconded by Mr. DiDonna, and approved by a vote of 3-0, with Mr. Sini abstaining, since he was not at the public hearing on this matter. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 22, 2014**

Application Number: Land Filling & Regrading Application #321

Street Address: 43 Arrowhead Way
Assessor's Map #69 Lot #15

Name and Address of:
Property Owner: 23 Arnold Street, LLC
c/o 16 Morley Lane
Darien, CT 06820

Name and Address of
Applicant: Ken DeLeo
16 Morley Lane
Darien, CT 06820

Name and Address of
Applicant's Representative: Doug DiVesta, PE
DiVesta Civil Engineering Associates Inc.
51 Painter Ridge Road
Roxbury, CT 06873

Activity Being Applied For: Proposing to fill, regrade and excavate in association with the construction of a new single-family residence and driveway; and perform related site development activities.

Property Location: The subject property is located on the southeast side of Arrowhead Way approximately 10 feet east of its intersection with Winding Lane.

Zone: R-1

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Date of Public Hearing: April 1, 2014

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: March 21 & 28, 2014

Newspaper: Darien News

Date of Action: April 22, 2014

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:

May 2, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to fill, regrade and excavate in association with the construction of a new single-family residence and driveway; and perform related site development activities.
2. The Zoning Board of Appeals (ZBA) approved this project as part of Calendar 7-2014 on March 12, 2014. The Environmental Protection Commission (EPC) approved this project on March 5, 2014 as part of EPC #4-2014. Both of those approvals are hereby incorporated by reference.
3. As part of this application, a Site Engineering Report dated January, 2014 and revised February 2014 was submitted by DiVesta Civil Engineering Associates. That report notes that the work outlined within this application request is actually part of other work ongoing at this property. As a result of all of this work, stormwater management has been proposed by the applicant in the form of infiltrators/dry wells in the back yard of the property. The stormwater management will result in no increase in the peak rates of runoff as a result of this project. They will be improving the existing drainage situation.
4. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.

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5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #321 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work for 43 Arrowhead Way shall be in accordance with the following plan, submitted to and reviewed by the Commission:
 - 23 Arnold, LLC, 43 Arrowhead Way, Proposed On-Site Subsurface Sewage Disposal System, by DiVesta Civil Engineering Associates, Inc., last revised 03/18/14, Sheet No. 1 of 2.
 - 23 Arnold, LLC, 43 Arrowhead Way, Details, by DiVesta Civil Engineering Associates, Inc., last revised 03/18/14, Sheet No. 2 of 2.
- B. At the public hearing, the applicant's engineer, Mr. DiVesta, said that he could submit a revised signed and sealed plan with house shown to comply with the ZBA variance granted—ie. The proposed house has its front wall at the 40 foot setback line. That plan shall be submitted prior to the start of the regrading work, but no later than April 30, 2014.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- D. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the plans noted in Condition A, above, and other measures as may be necessary due to site conditions, including the possible need for a silt fence downhill from the proposed retaining wall. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. By June 22, 2014 (within the next 60 days) a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 43 Arrowhead Way to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of

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Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work in the back yard.

- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the residence, the applicant shall submit verification from a professional engineer in writing and/or photographs that all aspects of the site regrading and drainage have been completed in compliance with the approved plans referred to in Condition A, above.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- I. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (April 22, 2015). This may be extended as per Section 858.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form and "Notice of Drainage Maintenance Plan" shall be filed in the Darien Land Records within 60 days of this action and prior to the start of any filling or regrading work proposed as part of this application, or this approval shall become null and void.

Chairman Cameron then read the following agenda item:

Coastal Site Plan Review #109-B, Flood Damage Prevention Application #339, Ralph Reynolds, 104 Delafield Island Road. Proposing to install a timber pier, stepped fixed timber pier head, and a boat cradle and perform related site development activities within regulated areas.

Mr. DiDonna suggested including a condition of approval regarding the preservation of the prickly pear now on-site. Other Commission members agreed. Mr. DiDonna then made a motion to adopt the resolution as amended. That motion was seconded by Mr. Olvany, and was approved by a vote of 4-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 22, 2014**

Application Number: Coastal Site Plan Review #109-B
Flood Damage Prevention Application #339

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Street Address: 104 Delafield Island Road
Assessor's Map #70 Lot #40

Name and Address of Applicant & Property Owners: Ralph & Gail Reynolds
104 Delafield Island Road
Darien, CT 06820

Name and Address of Applicant's Representative: John P. Casey, Esq.
Robinson & Cole, LLP
75 Eugene O'Neill Drive
New London, CT 06320

Activity Being Applied For: Proposing to install a timber pier, stepped fixed timber pier head, and a boat cradle and perform related site development activities within regulated areas.

Property Location: The subject property is located on the west side of Delafield Island Road approximately 1,560 feet south of its intersection with Raiders Lane.

Zone: R-1

Date of Public Hearing: April 1, 2014

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: March 21 & 28, 2014 Newspaper: Darien News

Date of Action: April 22, 2014 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
May 2, 2014

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. The proposal is to install a timber pier, stepped fixed timber pier head, and a boat cradle and perform related site development activities within regulated areas. A portion of this work is in State of Connecticut DEEP jurisdiction, and a portion is within Darien Planning and Zoning Commission jurisdiction.
2. The State of Connecticut DEEP has issued a permit for the proposed work within their jurisdiction—Permit #201302919-TS on February 7, 2014. The Army Corps of Engineers has also approved the project.
3. The Harbor Master e-mailed a comment dated March 10, 2014, noting that he has no issues with this proposal. The Southwestern Regional Planning Agency (SWRPA) sent an e-mail dated March 4, 2014, noting that “the proposed project is not likely to have any inter-municipal impacts.” At the March 25, 2014 public hearing, one neighbor spoke in favor of this project, and nobody spoke against it.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
8. The potential adverse impacts of the proposed activity on coastal resources are acceptable.
9. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
10. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #109-B and Flood Damage Prevention Application #339 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:

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- “Zoning Location Survey and (Partial) Topographic Survey 104 Delafield Island Road prepared for Ralph F. Reynolds Gail L. Reynolds”, by William W. Seymour & Associates, last revised February 18, 2014.
 - CAM Application for Residential Pier, Ralph Reynolds 104 Delafield Island Road, by Roberge Associates Coastal Engineers, dated 02/17/2014, Drawing No. 1-8.
- B. As represented by the applicant at the public hearing, the existing Prickly Pear is clearly marked out on the site and shall be protected during the construction process. A permanent path around the Prickly Pear, as put forth by the applicant, means that the vegetation will be protected in the long run.
- C. Because of this property’s location adjacent to Scott’s Cove, the Commission hereby waives the requirement for stormwater management.
- D. Once the project is complete, and prior to April 8, 2015, the applicant shall submit a final certification, including photographs from the applicant, that all work, including the required plantings, has been properly completed in accordance with the approved plans.
- E. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (April 22, 2015). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan as approved shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Chairman Cameron read the following agenda item:

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Coastal Site Plan Review #298-A, Karen Bonner, 148 Goodwives River Road. Proposing to raze the existing residence and garage, and construct a new single-family residence and pool; and perform related site development activities within a regulated area.

Mr. Sini made a motion to approve the resolution as written. That motion was seconded by Mr. DiDonna. Commission members voted 4-0 to adopt the resolution as written. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 22, 2014**

Application Number: Coastal Site Plan Review #298-A

Street Address: 148 Goodwives River Road
Assessor's Map #62 Lot #86

Name and Address of Applicant & Karen Bonner
Property Owner: 1 Haskell Lane
Darien, CT 06820

Activity Being Applied For: Proposing to raze the existing residence and garage, and construct a new single-family residence and pool; and perform related site development activities within a regulated area.

Property Location: The subject property is located on the east side of Goodwives River Road approximately 100 feet north of its intersection with Ring's End Road.

Zone: R-1

Date of Public Hearing: April 1, 2014

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: March 21 & 28, 2014

Newspaper: Darien News

Date of Action: April 22, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:

May 2, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to raze the existing residence and garage, and construct a new single-family residence and pool; and perform related site development activities within a regulated area. No work is proposed within the flood zone. As part of this proposed work, the existing on-site septic system will be abandoned, and the new house will connect to the Town sanitary sewer system in Goodwives River Road. Also the landscape style walkway and steps leading from high ground toward Scott's Cove will be repaired and reconstructed.
2. A 280 square foot rain garden is proposed for the area north of the proposed pool.
3. Stormwater management has been proposed by the applicant, and an associated Operations and Maintenance Plan was prepared by the applicant's engineer. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
4. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
5. The proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.
6. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #298-A is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. All proposed work shall be in accordance with the following plans submitted to and reviewed by the Commission, entitled:
 - Zoning Location Survey, Proposed prepared for William Bonner and Karen Bonner, by Ryan and Faulds, LLC, scale 1"=30', dated March 6, 2014.
 - Proposed Site Plan Prepared for Karen Bonner 148 Goodwives River Road, by Frangione Engineering, LLC., dated February 17, 2014, Sheets S1-S4.

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- B. Because the property fronts on Scott's Cove, the applicant does not need to address stormwater quantity, but rather solely water quality.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- D. During the implementation of this project, the applicant shall utilize the sediment and erosion control measures as shown on the submitted plans and as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. As part of this application, an Operations and Maintenance Plan was submitted. This Plan requires the property owner and all subsequent property owners of 148 Goodwives River Road to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of work.
- F. Upon completion of the work, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with the approved plans.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, a Sewer Connection Permit from Darien Sewer Services.
- I. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (April 22, 2015). This may be extended as per Section 815.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning and Building Permit for the proposed house, or this approval shall become null and void.

Chairman Cameron noted that following agenda item would not be heard this evening, since no materials or request was submitted.

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Business Site Plan # 248, Kleban Day Street, LLC, 1015 Boston Post Road/Orlando Development, 13 Grove Street. Request for Temporary Certificate of Occupancy.

Approval of Minutes

April 1, 2014 Public Hearing/General Meeting

Commission members noted that they would like additional time to read through the draft minutes. Mr. Ginsberg will put this item on an upcoming May agenda.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Olvany, seconded by Mr. DiDonna, and unanimously approved. The meeting was adjourned at 10:55 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

04.22.2014min