

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Cameron, DiDonna, Olvany, Sini, Jr., Voigt, Cunningham (arrived at 8:10 P.M.)

Ex-Officio: Stevenson

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Channel 79

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

GENERAL MEETING

Public Comment Session—first meeting of each month

Opportunity for the general public to present comments to the Commission on topics or items which are not pending applications.

There were no comments from the public.

Chairman Cameron read the following agenda item:

Review of Parking Regulations / Discussion of Recent Goals set by Parking Authority

Mr. Ginsberg gave a PowerPoint presentation regarding various aspects of public parking in Darien. He noted that various Departments are responsible for various aspects of on street parking and municipal parking lots in Darien. The Darien Public Works Department performs maintenance and has installed signage and has a capital improvement program and is responsible for enforcement of the Parking Regulations within the municipal parking lots. The Darien Police Department has authority to issue tickets for parking violations regarding on-street parking and the Police Department also handles the appeal of any tickets that were issued by the Public Works or Police Departments. The Board of Selectmen has authority regarding the policies and implementation of municipal on-street parking and municipal parking lots. The Board of Selectman determines who is eligible to park in the parking spaces and for what duration of time. The Planning & Zoning Commission is responsible for on-site (off-street) parking requirements. The Town Plan also addresses long term goals such as avoiding parking spaces that back into the street and elimination of those parking areas that do currently back into the street. Another goal in the Town Plan is to encourage “park once and walk” to various downtown destinations.

The Darien Zoning Regulations allow four basic ways for property owners to fulfill the requirement for on-site parking spaces. These include providing the minimum required parking spaces in accordance with Section 904 which requires parking spaces depending on the type of use and size of the building; establishing a shared parking arrangement that is subject to approval by the Commission and has a number of different uses on the same property or different properties that share the same parking area;

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 2 OF 16

expansion of municipal parking lot by donation of land and actual construction of municipal parking spaces; or obtaining a variance from the Zoning Board of Appeals for the on-site parking requirements.

Mr. Ginsberg said that there are several recommendations regarding the Planning & Zoning Commission's role with respect to parking. The Commission needs to ensure that the parking is adequate for the residents, workers and patrons of the businesses and developments and yet does not create a burdensome condition; to be sure that the parking can accommodate replacement use or uses in the future; and to limit the maximum amount that the Commission can waive parking under Section 905 of the Regulations. There was a question about why the on-street parking spaces do not count for a proposed development or re-use of a property. It was noted that sometimes on-street parking is eliminated due to safety concerns or to improve traffic flow or for other reasons. On-street parking is not reserved or limited to a particular use or individual property or development and is available to the general public. Mr. Olvany suggested that it might be appropriate to create an overlay zone for parking in the downtown area to have a reduced standard or to allow shared parking based on a time of usage. It was noted that sharing parking spaces based on time would thus limit the actual operating hours of a particular business. Ms. Cameron noted that when Mr. Genovese did his development at 1020 Boston Post Road the assumption was that the residential tenants would take their vehicles from the parking spaces during the day and those parking spaces would be available for patrons of the businesses. It was discovered that the actual usage is contrary to that assumption. The residents frequently do not move their vehicles from the parking spaces because residents take public transportation or walk to work, or do not leave their apartment during the day. The parking spaces are thus occupied by the vehicles of the residents and therefore not available for the patrons of the businesses.

There was some discussion on the use of parking structures and whether they should be encouraged or discouraged. Good architectural design for parking structures in the downtown area needs to include easy and safe accessibility by vehicles and patrons and needs to avoid the parking structures having street frontage that prohibits businesses.

First Selectman Jayme Stevenson noted that businesses change over time and that the Commission and community need to plan for growth and expansion of the downtown business uses. There should be incentives to redevelopment of properties provided there is adequate parking. The Planning & Zoning Commission and the Board of Selectmen need to coordinate their efforts, particularly with respect to employee parking for the businesses downtown. The Planning & Zoning Commission needs to refer the proposed development plans to the Board of Selectman for comments to make sure there will be enough employee parking available at the Mechanic Street lot and Old Kings Highway parking spaces and at other municipal lots. She noted that Mechanic Street municipal lot and the Old Kings Highway parking spaces need to be re-stripped and make sure that they are not used for overnight parking.

It was noted that a large retail and restaurant building has been approved on Squab Lane but has not yet been constructed. The approvals were granted several years ago and remained valid provided the construction is started by September 2015 and is completed by 2016. The Commission has requested that the owner of the property, Mr. Dolcetti, provide an update regarding the status of the project.

Mrs. Stevenson said that the Board of Selectman wants to make changes in the Grove Street parking area. Some of the commuter parking spaces will be re-designated and the commuters will park in Leroy West or Leroy East parking lots. Sweeps or counts of the municipal parking areas will be conducted in July.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 3 OF 16

The Commission and Board of Selectmen will work together to address the issues.

Chairman Cameron read the following agenda item:

Amendment of Business Site Plan #167-C/Special Permit, The Goose, 972 Boston Post Road
Request for live entertainment as part of the Liquor Permit.

Commission discussed the request for a liquor license that will allow live indoor musical performances. There was some discussion regarding whether the hours of musical performances should be limited. It was noted that there are no residential units directly above the restaurant or immediately adjacent to the restaurant. The following motion was made: That the Planning & Zoning Commission approve the request as submitted to allow musical performance until 1 A.M. and that it will still function as a restaurant, not a night club, which would have a cover charge or admission fee. The motion was made by Mr. Olvany, seconded by Mr. Sini, and unanimously approved.

At about 9:05 p.m., Chairman Cameron read the following agenda item:

2014-2016 Town Plan of Conservation & Development.
Discussion regarding hiring of consultant(s) and next steps.

Commission members discussed the upcoming work and how specific the Plan will need to be. It was agreed that general public meetings will need to be conducted regarding big policy issues. Commission members discussed which consultant should be used. Staff will continue to work on that issue.

Chairman Cameron read the following agenda item:

Approval of Minutes

May 27, 2014 Public Hearing/General Meeting

Several clarifications and modifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the minutes as amended. The motion was made by Mr. Voigt and seconded by Mr. Sini. All voted in favor, except Ms. Cameron who had not attended the meeting.

June 3, 2014 General Meeting

Several clarifications and modifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the revised minutes. The motion was made by Mr. DiDonna, seconded by Mr. Voigt and unanimously approved.

June 10, 2014 General Meeting

Several modifications and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the revised minutes. The motion was made by Mr. DiDonna, seconded by Mr. Olvany. All voted favor except Mr. Sini, who had not attended the meeting.

Chairman Cameron read the following two agenda items:

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 4 OF 16

Discussion, deliberation and possible decisions on the following applications:

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. *PUBLIC HEARING CLOSED 5/27/2014. DECISION DEADLINE: 7/31/2014.*

Mr. DiDonna departed the meeting because he was not participating in any discussions regarding these matters to avoid any perception of a conflict of interest.

The following motion was made: That the Planning & Zoning Commission waive the process of reading the two draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

The Commission discussed both draft resolutions. Clarification and modifications were discussed and agreed upon. A number of typographical errors were corrected. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the proposed work on the bathhouse. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 1, 2014**

Application Number: Special Permit Application #22-O/Site Plan
Coastal Site Plan Review #27-D
Flood Damage Prevention Application #20-D

Street Address: 4 Tokeneke Beach Drive/Butler's Island Road
Assessor's Map #67 Lot #83

Name and Address of
Property Owner: Tokeneke Club, Inc.
4 Tokeneke Beach Drive
Darien, CT 06820

Name and Address of Applicant:
And Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposal to expand the service drive; renovate substantial portions of the bathhouse; replace large lockers and changing areas with removable lockers; install HVAC

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 5 OF 16

equipment and a below ground propane tank; relocate electrical boxes, utilities, and pool heaters; and perform related site development activities within regulated areas.

Property Location: 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.

Zone: R-1

Date of Public Hearing: April 22, 2014 continued to May 27, 2014

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: April 11 & 18, 2014

Newspaper: Darien News

Date of Action: July 1, 2014

Action: GRANTED WITH STIPULATIONS
AND MODIFICATIONS

Scheduled Date of Publication of Action:
July 11, 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, 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 development 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 application is 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.
2. A similar, related application was submitted simultaneously for the rebuilding of the existing clubhouse and other work at the Tokeneke Club (Special Permit Application #22-P/Site Plan). That is the subject of a separate decision. The applicant noted that due to the fact that the

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 6 OF 16

Tokeneke Club is a seasonal Club, and the proposed work to the on-site buildings and septic system will take more than one year, a multi-year approval for both projects is being sought.

3. The Zoning Board of Appeals (ZBA) granted Calendar 13-2014 on April 9, 2014 for this project. That approval is hereby incorporated by reference. This variance allowed alterations to the bathhouse.
4. The Architectural Review Board (ARB) approved this project ARB #7-2014 on May 20, 2014.
5. At the May public hearing, the applicant explained that the plans have been revised for the bathhouse. This plan creates a separate building five feet or more away from the existing building, and thus, the existing bathhouse building is not considered to be a “substantial improvement” under the flood regulations, which would necessitate the lifting of the mechanical units. No such revised plans were submitted, but rather, were referred to in the applicant’s PowerPoint presentation. The applicant noted that the ZBA variance received would not be needed for this revised plan, and there would be no requirement to lift all of the mechanical units.
6. At the public hearing, comments dated April 17, 2014 were received from the Tokeneke Association. Their comments related to possible limits on membership of the Club. During the public hearing process, the Planning and Zoning Commission noted the importance in understanding large events which occur at the Club, since those large events are the days/times which on-site parking might not be sufficient. There is now no cap on membership at the Club imposed by the Planning & Zoning Commission. As part of the related approval for the Clubhouse (Special Permit Application #22-P), the Commission has placed a cap on membership, and a limit on the number of large events. It was noted that the Club is now below the proposed membership limits in all of the three membership categories, and is below the maximum number of large events allowed annually.
7. As part of this application and the related application for the clubhouse and other work at the Tokeneke Club (Special Permit Application #22-P/Site Plan), a total of five to seven additional parking spaces will be added to the existing parking on site. During the public hearing, the Tokeneke Club noted that more formal off-site parking arrangements are being pursued for larger events which now occur at the Tokeneke Club. The purpose of this off-site parking is to minimize the traffic and parking impacts on the surrounding neighborhood.

FLOOD APPLICATION FINDINGS

8. 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.

COASTAL SITE PLAN REVIEW FINDINGS

9. 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.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 7 OF 16

10. The proposed activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
11. The potential adverse impacts of the proposed activity on coastal resources are, expected to be *de minimus*, and are therefore, acceptable.

SPECIAL PERMIT FINDINGS

12. 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.
13. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
14. 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.
15. 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 Special Permit Application #22-O, Coastal Site Plan Review #27-D, and Flood Damage Prevention Application #20-D are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of improvements to the bathhouse shall be in accordance with the following plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Zoning Location Survey prepared for Tokeneke Beach Club, Inc., Butler's Island Road, scale 1"=40', by William W. Seymour & Associates, dated February 21, 2003 and last revised March 4, 2014.
 - Addition/Renovation to 4 Butlers Island Road, Prepared for the Tokeneke Club, scale 1"=30', Sheet SE1, DT1, and DT2, last revised 3/14/14.
 - Addition/Renovation to 4 Butlers Island Road, Prepared for the Tokeneke Club, scale as noted on each sheet, Sheet BA1.1, BA2.1 and BA9.1, last revised 2014.03.04.Plans shall be revised to show that the new building will be at least five feet from the existing bathhouse, thereby constituting a new building, rather than a substantial improvement to the existing bathhouse building.
- B. During the public hearing process, the Darien Fire Marshal submitted written comments. These include: the access road needs a fire lane; fire sprinkler protection shall be provided; some door swings need to be revised to swing out. The final plans shall incorporate these comments.
- C. Once formal parking arrangements are made with off-site properties, the Tokeneke Club shall submit a copy of such agreement for the file in this matter. This will ensure that Department staff and others are aware of the location of said off-site parking.

MEMBERSHIP AND EVENT LIMITS

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 8 OF 16

D. As proposed by the Tokeneke Association, the Planning & Zoning Commission hereby requires a limit on Club membership. The reasons for this limit are that the Club is a Special Permit use located within a single family residential zone and that the limited on-site parking could result in off-site parking impacts, which could affect the nearby neighborhood and nearby private streets. Thus, a strict limit on membership is imperative in minimizing neighborhood impacts and compliance with the Special Permit standards in Section 1000 of the Darien Zoning Regulations. Any proposed change to this condition (ie. An increase in Club membership beyond those listed here), requires review and action by the Planning and Zoning Commission. The imposed membership limits within this Resolution are the same as those proposed by the Tokeneke Association in its April 17, 2014 letter:

- 1) "Full" or "Active" or "Total Full Service Certificate Members": 340 maximum;
- 2) "Friends of Tokeneke" or "FOT"—those who are at least 75 years of age: 70 maximum; any number greater than 70 would count towards Full membership;
- 3) "Non-Resident" Members"—those who live at least 60 miles from Darien: 50 maximum.

There shall be no other membership categories created. The applicant agreed to allow a representative of the Tokeneke Association review the membership counts and membership categories annually with the Club General Manager. The Commission hereby requires that the Tokeneke Club annually certify to the Planning and Zoning Department how many members there are in each category noted herein. This certification shall be submitted at the same time as the annual list of special large events required by Condition E, below.

E. The Commission believes that an understanding of and limitations upon large events is essential in preparing for, and minimizing parking and traffic impacts. Therefore, the Commission requires that annually, no later than April 30, the Tokeneke Club submit to the Planning and Zoning Department an annual list of special large events (those where more than 150 attendees are expected). This list does not necessarily need to be reviewed by the Commission. This procedure is similar to that used for the Darien YMCA and Middlesex Club, which also is required to submit annual Special Events calendar to the Commission. This will allow the Department as well as the general public to be aware of large events, and will give the Club the opportunity to plan for these events accordingly in terms of parking and traffic.

F. In order to minimize parking and traffic impacts, the Commission hereby limits the number of events where more than 200 guests are expected to twenty (20) in any calendar year. This event lists includes both private events (such as weddings) and Club events (such as opening night, Memorial Day weekend, Labor Day weekend, Father's Day, July 4 fireworks, etc.).

G. Construction hours were discussed. The Club has indicated a willingness to make sure that their working contractors are mindful of, and sensitive to, the residential neighbors. The Commission hereby requires that the maximum daily hours of construction for outdoor work and/or noisy work be 7AM through 5PM Monday through Saturday; and 10AM through 5PM on Sunday. Work on holidays is up to the Club. The Commission is also allowing indoor quiet work such as painting to be done beyond those hours if the Club desires. The Club shall have a designated representative present on site to address neighbor concerns regarding noise during construction.

H. All 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 & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 9 OF 16

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.

- I. Prior to the request for the Zoning and Building Permit for the construction, the applicant or owner shall submit certification from a licensed architect or professional engineer that the foundation structures have been designed to withstand all flood forces and comply with the flood damage prevention requirements for structural stability.
- J. When the construction is nearing completion, written certification shall be provided from a registered Professional Architect or Professional Engineer that the construction, relocation of mechanical equipment, and flood proofing has been completed in conformance with this permit and the Zoning Regulations. This certification shall be provided to the Planning and Zoning Department prior to the issuance of a Certificate of Zoning Compliance or Certificate of Occupancy, per Section 829e of the Darien Zoning Regulations.
- K. 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, final approval from the Darien Health Department.
- L. 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.
- M. 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 two years of this action (July 1, 2016). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan, as required to be modified herein, 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. A Special Permit form shall be filed in the Darien Land Records to finalize this approval.

Chairman Cameron read the following agenda item:

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. *PUBLIC HEARING CLOSED 5/27/2014. DECISION DEADLINE: 7/31/2014.*

After further discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the proposed work on the clubhouse and the site. The

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 10 OF 16

motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 1, 2014**

Application Number: Special Permit Application #22-P/Site Plan
Coastal Site Plan Review #27-E
Flood Damage Prevention Application #20-E
Land Filling & Regrading Application #325

Street Address: 4 Tokeneke Beach Drive/Butler's Island Road
Assessor's Map #67 Lot #83

Name and Address of
Property Owner: Tokeneke Club, Inc.
4 Tokeneke Beach Drive
Darien, CT 06820

Name and Address of Applicant: Wilder G. Gleason, Esq.
And Applicant's Representative: Gleason & Associates, LLC
455 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposal to raze the tennis house, administrative offices and portion of the old clubhouse; construct a new addition to the restaurant/clubhouse; 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.

Property Location: 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.

Zone: R-1

Date of Public Hearing: April 22, 2014 continued to May 27, 2014

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: April 11 & 18, 2014

Newspaper: Darien News

Date of Action: July 1, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
July 11, 2014

Newspaper: Darien News

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

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 11 OF 16

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850, 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 development 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 application is to raze the tennis house, administrative offices and portion of the old clubhouse; construct a new addition to the restaurant/clubhouse; 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 currently served with a variety of on-site septic systems.
2. A similar, related application was submitted simultaneously for the rebuilding of the existing bathhouse and other work at the Tokeneke Club (Special Permit Application #22-O/Site Plan). That is the subject of a separate decision. The applicant noted that due to the fact that the Tokeneke Club is a seasonal Club, and the proposed work to the on-site buildings and septic system will take more than one year, a multi-year approval for both projects is being sought.
3. The Zoning Board of Appeals (ZBA) granted Calendar 12-2014 on April 9, 2014 for this project. That approval is hereby incorporated by reference. This variance allowed for the razing of the existing tennis house and a portion of the clubhouse structure, the construction of clubhouse additions, and the installation of additional parking.
4. The Architectural Review Board (ARB) approved this project ARB #7-2014 on May 20, 2014. A new pitched roof with doghouse style dormer having 9-lite windows had been proposed by the applicant and was accepted by the ARB. The result of this is that the Planning and Zoning Commission must make a finding under Section 371 of the Zoning Regulations. Based on this design the mid-point between the main ridge line of the clubhouse and the eave of the doghouse dormers will still be less than 30 feet. There are spire structures proposed that cover about 90 square feet of the clubhouse roof. This is only 0.7% of the entire roof area. The mechanical equipment will cover another 7% of the roof area. The Regulations allow the total mechanical and spire like coverings to not exceed 15% of the total roof area. If the Planning & Zoning Commission concludes that the spires be counted in the building height calculation, the Club would have to go to the ZBA to request a variance. The applicant wants the spires to be considered an architectural feature and not counted in the building height calculation. At the public hearing, the architect noted that two of the architectural spire-like peaks are functional; one for elevator mechanicals, and one to allow light and air into the spaces. There are three

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 12 OF 16

such spire peaks and he said that they should not be counted in the calculation of building height. The Commission hereby finds that due to the size and nature of the spires, they are exempt under Section 371 of the Zoning Regulations.

5. As part of this application, stormwater from the parking lots and buildings will be managed and then will be put into systems to cleanse it before it is discharged. Stormwater will not be detained, because the property is located immediately adjacent to Long Island Sound. 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.
6. At the public hearing, comments dated April 17, 2014 were received from the Tokeneke Association. Their comments related to possible limits on membership of the Club. During the public hearing process, the Planning and Zoning Commission noted the importance in understanding large events which occur at the Club, since those large events are the days/times that on-site parking might not be sufficient. There is now no Planning and Zoning Commission-imposed cap on membership at the Club. It was noted that the Club is now below the proposed membership limits in all of the three membership categories.
7. As part of this application for the clubhouse and other work at the Tokeneke Club (Special Permit Application #22-P/Site Plan), a total of 5-7 additional parking spaces will be added to the existing parking now on site. During the public hearing, the Tokeneke Club noted that more formal off-site parking arrangements are being pursued for larger events which now occur at the Tokeneke Club. The purpose of this off-site parking is to minimize the traffic and parking impacts on the surrounding neighborhood.

FLOOD APPLICATION FINDINGS

8. 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.
9. The clubhouse is now in a Velocity ("V") flood hazard zone. The proposed additions and alterations have been designed to eliminate much of the existing ground floor space that is in harm's way and replace it with new structure that is elevated above the expected flood level and the foundation and ground level of which is designed with knock out walls and other features to make it compliant with the Flood Damage Prevention Regulations.

SPECIAL PERMIT FINDINGS

10. 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.
11. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 13 OF 16

12. 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.
13. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

COASTAL SITE PLAN REVIEW FINDINGS

14. 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.
15. The proposed activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
16. The potential adverse impacts of the proposed activity on coastal resources are expected to be *de minimus*, and are therefore, acceptable.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #22-P, Coastal Site Plan Review #27-E, Flood Damage Prevention Application #20-E and Land Filling & Regrading Application #325 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of improvements to the Clubhouse, and associated improvements to the property, shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Zoning Location Survey prepared for Tokeneke Beach Club, Inc., Butler's Island Road, scale 1"=40', by William W. Seymour & Associates, dated February 21, 2003 and last revised March 4, 2014.
 - Addition/Renovation to 4 Butlers Island Road, Prepared for the Tokeneke Club, scale 1"=30', Sheet SE1, DT1, and DT2, last revised 3/14/14.
 - Addition/Renovation to 4 Butlers Island Road, Prepared for the Tokeneke Club, scale as noted on each sheet, Sheet CL1.1 through CL1.4 last revised 2014.03.04.
 - Addition/Renovation to 4 Butlers Island Road, Prepared for the Tokeneke Club, scale as noted on each sheet, Sheet CL2.1 and CL2.2 last revised 2014.05.21.
(These are the revised architectural plans reflecting the ARB approval)
- B. During the public hearing process, the Darien Fire Marshal submitted written comments. These include: the access road needs a fire lane; fire sprinkler protection shall be provided; some door swings need to be revised to swing out. The final plans shall incorporate information about how each of these comments have been addressed to the satisfaction of the Fire Marshal.
- C. Once formal parking arrangements are made with off-site properties, the Tokeneke Club shall submit a copy of such agreement for the file in this matter. This will ensure that Department staff and others are aware of the location of said off-site parking.

MEMBERSHIP AND EVENT LIMITS

- D. As proposed by the Tokeneke Association, the Planning & Zoning Commission hereby requires a limit on Club membership. The reasons for this limit are that the Club is a Special Permit use located within a single family residential zone and that the limited on-site parking could result in

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 14 OF 16

off-site parking impacts, which could affect the nearby neighborhood and nearby private streets. Thus, a strict limit on membership is imperative in minimizing neighborhood impacts and compliance with the Special Permit standards in Section 1000 of the Darien Zoning Regulations. Any proposed change to this condition (ie. An increase in Club membership beyond those listed here), requires review and action by the Planning and Zoning Commission. The imposed membership limits within this Resolution are the same as those proposed by the Tokeneke Association in its April 17, 2014 letter:

“Full” or “Active” or “Total Full Service Certificate Members”: 340 maximum;

“Friends of Tokeneke” or “FOT”—those who are at least 75 years of age: 70 maximum; any number greater than 70 would count towards Full membership;

“Non-Resident” Members”—those who live at least 60 miles from Darien: 50 maximum.

There shall be no other membership categories created. The applicant agreed to allow a representative of the Tokeneke Association review the membership counts and membership categories annually with the Club General Manager. The Commission hereby requires that the Tokeneke Club annually certify to the Planning and Zoning Department how many members there are in each category noted herein. This certification shall be submitted at the same time as the annual list of special large events required by Condition E, below.

- E. The Commission believes that an understanding of and limitations upon large events is essential in preparing for, and minimizing parking and traffic impacts. Therefore, the Commission requires that annually, no later than April 30, the Tokeneke Club submit to the Planning and Zoning Department an annual list of special large events (those where more than 150 attendees are expected). This list does not necessarily need to be reviewed by the Commission. This procedure is similar to that used for the Darien YMCA and Middlesex Club, which also is required to submit annual Special Events calendar to the Commission. This will allow the Department as well as the general public to be aware of large events, and will give the Club the opportunity to plan for these events accordingly in terms of parking and traffic.
- F. In order to minimize parking and traffic impacts, the Commission hereby limits the number of events where more than 200 guests are expected to twenty (20) in any calendar year. This event lists includes both private events (such as weddings) and Club events (such as opening night, Memorial Day weekend, Labor Day weekend, Father’s Day, July 4 fireworks, etc.).
- G. Construction hours were discussed. The Club has indicated a willingness to make sure that their working contractors are mindful of, and sensitive to, the residential neighbors. The Commission hereby requires that the maximum daily hours of construction for outdoor work and/or noisy work be 7AM through 5PM Monday through Saturday; and 10AM through 5PM on Sunday. Work on holidays is up to the Club. The Commission is also allowing indoor quiet work such as painting to be done beyond those hours if the Club desires, once the Clubhouse building is closed in. The Club shall have a designated representative present on site to address neighbor concerns regarding noise during construction.
- H. All 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

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 15 OF 16

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.

- I. 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. 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.
- J. The Drainage Maintenance Plan shall be prepared by the engineer and submitted to the Planning and Zoning Department for review. A Notice of Drainage Maintenance Plan 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. The Notice of Drainage Maintenance Plan shall be picked up from the Planning and Zoning Office and filed in the Darien Land Records within the next 60 days of this approval and prior to the issuance of a Zoning and Building Permit for the Clubhouse.
- K. Prior to the request for the Zoning and Building Permit for the construction, the applicant or owner shall submit certification from a licensed architect or professional engineer that the final construction designs of the foundation structures and the rest of the building have been designed to withstand all flood forces and comply with the flood damage prevention requirements for structural stability.
- L. When the construction is nearing completion, written certification shall be provided from a registered Professional Architect or Professional Engineer that the construction, relocation of mechanical equipment, and flood proofing has been completed in conformance with this permit and the Zoning Regulations. This certification shall be provided to the Planning and Zoning Department prior to the issuance of a Certificate of Occupancy, per Section 829e of the Darien Zoning Regulations.
- M. Prior to the request for the Certificate of Occupancy for the clubhouse, the applicant shall submit: 1) verification from a professional engineer in writing and/or photographs that all aspects of the site grading, drainage and stormwater management system have been completed in compliance with the approved plans referred to in Condition A, above; and 2) An as-built survey from a licensed land surveyor showing numerous spot elevations sufficient to allow Planning and Zoning Department staff to confirm that the grading was completed pursuant to the plans approved in Condition A, above.
- N. 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, final approval from the Darien Health Department.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
JULY 1, 2014
PAGE 16 OF 16

- O. 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.
- P. This permit shall be subject to the provisions of Sections 815, 829f, 858, and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within three years of this action (July 1, 2017). This may be extended as per Sections 815, 829f, 858, and 1009.

All provisions and details of the plans, as required to be revised in Condition B, 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. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records to finalize this approval.

There was no other business to consider. The following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany, and unanimously approved. The meeting was adjourned at 9:53 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

07.01.2014min