

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
OCTOBER 14, 2014**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Cameron, Cunningham, DiDonna, Olvany, Voigt and Sini, Jr.,

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Channel 79

Chairman Cameron opened the meeting at 8 P.M. Mrs. Cameron noted that she would like to take an agenda item out of order. A motion to that effect was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved. Chairman Cameron read the first agenda item:

GENERAL MEETING

Subdivision Application #577-A, Coastal Site Plan Review #60-B, Land Filling & Regrading Application #318, DFK, LLC, 8A Cross Road.

Request to remove 36" horse chestnut tree in front yard and replace it with another tree.

Mr. Kaali-Nagy was not present, so the Commission decided to move onto the next item.

Chairman Cameron read the following agenda item:

Presentation by David Genovese re: parking

David Genovese presented information regarding The University of Connecticut Parking Study that was conducted for six New England towns through the Connecticut Main Street project. An obvious conclusion is that a train station reduces the parking needs regarding office building usage. In sites where older development was present adjacent to a train station, only 2.3 parking spaces were needed per 1,000 sq.ft. of office space. In newer sites, it was found that approximately 4.6 parking spaces were provided per 1,000 sq.ft. of office space and that during the peak time, 80% of those spaces were occupied. In contrast, the oldest sites near a train station only 50% of the parking spaces were occupied at peak times even though there were less parking spaces available.

Mr. Genovese noted that there are some easy improvements that could be made with respect to Darien's downtown parking conditions. These include: enforcement of the current regulations regarding who can park in what locations and for what durations; signage to make sure that people know about the available parking lots and recognizing that the same usage (eg. a medical doctor) can have varying parking demands depending on the specific manner in which that use is conducted. Mr. Genovese said that he has noticed that in office spaces there seems to be an increasing tendency of tenants to have more employees in the same amount or smaller amount of work space. He said that the parking requirements and municipal parking program need to be very workable for the owner of the property, the tenants, the customers and patrons, and for the community to administer.

Chairman Cameron noted that First Selectman, Jayme Stevenson, was present. Mrs. Stevenson explained that it is essential to have an accurate inventory of municipal and private parking spaces in the downtown area.

Chairman Cameron thanked Mr. Genovese for his informative presentation. Mr. Genovese said that he will provide written copies of his presentation so that the Commission can review it at their leisure.

Chairman Cameron then read the following agenda item:

Subdivision Application #577-A, Coastal Site Plan Review #60-B, Land Filling & Regrading Application #318, DFK, LLC, 8A Cross Road.

Request to remove 36" horse chestnut tree in front yard and replace it with another tree.

Commission members noted that the plan is to remove a chestnut tree that was originally intended to be preserved. Mr. DiDonna noted that this is a very old and felt that an effort should be made to preserve it.

Mrs. Cameron said that she had visited the site and it appears that any activity in the vicinity of the tree will compromise the root structure and that it would be better to replace the tree now before it dies in the near future. Mr. Olvany said that about half of the sugar maple trees along the road seem to be dead and will need to be replaced.

Commission members discussed the request to remove the old horse chestnut tree and to replace it with a large, ornamental tree. The following motion was made: That the Commission approve the request to modify the plan and to require the replacement of the old chestnut tree with a new, large ornamental tree. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and unanimously approved.

Chairman Cameron then read the following agenda item:

Update on CGS 8-30g Moratorium.

Mr. Ginsberg said that the Town is in the process of requesting a second moratorium. The materials have been prepared, and will soon be submitted to the State and are available for review. The State will then be in the process of reviewing the request and legal notices will be published. The decision about the moratorium rests with the State.

Chairman Cameron read the following agenda item:

Discussion regarding Zoning Regulations related to Building Coverage and Developed Site Area.

Mr. Ginsberg presented the information and said that there are numerous times that people have complained about the redevelopment of properties being too intense. This is often a result of the fact that the owner of the property being redeveloped wants to maximize the height of the new building and the area that the new building can cover. Even though the work is in compliance with the Regulations, the neighbors feel that the development is more than what should be allowed.

In the residential zones, the maximum building coverage allowed is 20% of the lot area. This is true whether the property is one-fifth of an acre in size or more than two acres in size. At present, there is no restriction on the other impervious surface areas such as driveways, patios, walkways which all shed water. These all vary in size and shape and appearance depending on the size of the parcel and the desires of the homeowner. The regulation of impervious area has more to do with the stormwater runoff and greenspace characteristics of the property as opposed to building coverage which is really meant to restrict the overall bulk and mass of the structures that are placed on the property.

Commission members thanked Mr. Ginsberg for the information and will be discussing this matter at future meetings.

Chairman Cameron read the following agenda item:

Update on Medical Marijuana moratorium.

Mr. Ginsberg noted that no actions have been taken by the community to update the Regulations. Westport is currently discussing whether they should extend their moratorium. Each county is only allowed to have one distribution facility and Fairfield County already has such a facility so, at first glance it would appear that there is no need to change the Regulations. Commission members then noted that the State might change the rule regarding the limited number of distribution facilities, and thus, it would be appropriate to have some provision within the Darien Zoning Regulations to make sure that such facilities are regulated at a local level.

Discussion and deliberation and possible decisions on the following:

The following motion was made: That the Commission waive the process of reading the draft Resolutions aloud because each member has had a copy of the Resolution to review prior to the meeting. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #333, Michael Glynn & Sara Hamon, 9 Hillside Avenue.
Proposing to expand and extend the existing driveway, install associated retaining wall, and perform related site activities.

Commission members reviewed the draft Resolution and the following motion was made: That the Commission adopt the following Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 14, 2014**

Application Number: Land Filling & Regrading Application #333

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
OCTOBER 14, 2014
PAGE 4 OF 9

Street Address: 9 Hillside Avenue
Assessor's Map #47 Lot #29

Name and Address of Applicant & Property Owners: Michael Glynn & Sara Hamon
9 Hillside Avenue
Darien, CT 06820

Name and Address of Applicant's Representative: Jacek Bigosinski
PB Architects
110 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to expand and extend the existing driveway, install associated retaining wall, and perform related site activities.

Property Location: The subject property is located on the west side of Hillside Avenue approximately 300 feet north of its intersection with Boston Post Road.

Zone: R-1/3

Date of Public Hearing: September 23, 2014 continued to October 7, 2014

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

Publication of Hearing Notices

Dates: September 12 & 19, 2014 Newspaper: Darien News

Date of Action: October 14, 2014 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: October 24, 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, 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 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:

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
OCTOBER 14, 2014
PAGE 5 OF 9

1. The proposal is to expand and extend the existing driveway, install associated retaining wall, and perform related site activities. At the first public hearing on this matter, concerns were raised regarding stormwater management, the look of the proposed retaining wall, and a tree on the adjacent property.
2. The Commission notes that the amount of new impervious surface proposed as part of this application is an increase over prior on-site conditions. A revised drainage report was prepared revised September 30, 2014, and the stormwater management plan was presented at the October 7, 2014 public hearing. The revised drainage report was reviewed by the Darien Public Works Department.
3. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
4. 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 & Regrading Application #333 is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - “Drainage Plan Michael Glynn Jr. & Sara Hamon 9 Hillside Avenue” by Fairfield County Engineering, LLC, last revised 9/30/14, Sheet 1 of 2.
 - “Detail Sheet Michael Glynn Jr. & Sara Hamon 9 Hillside Avenue” by Fairfield County Engineering, LLC, last revised 9/30/14, Sheet 2 of 2.
 - Addition and Alterations to the Residence of Sara Harmon and Mike Glynn, Exterior Elevation, by PB Architects, received October 2, 2014, Drawing No. EL-1.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Fairfield County Engineering 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.
- C. By December 14, 2014 (within the next 60 days and prior to the start of work on the driveway) 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 9 Hillside Avenue 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 any filling or regrading work.

- D. Once the project is complete, and prior to October 7, 2015, the applicant shall submit a final certification, including photographs from the applicant, that all work has been properly completed in accordance with the approved plans.
- E. 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 (CO) for the house addition, the applicant shall submit verification from a professional engineer in writing and/or photographs that all aspects of the stormwater management system have been completed in compliance with the approved plans referred to in Condition A, above. An as-built drainage report is also required.
- 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 Section 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (October 14, 2015). This may be extended as per Section 858.

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. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the start of the driveway work.

Chairman Cameron read the following agenda item:

Special Permit Application #170-D/Site Plan, Pure Barre, 313 Heights Road. Proposal to establish a personal service (fitness studio) use in the first floor space formerly occupied by Gut Reaction within the Noroton Heights Shopping Center.

Several minor modifications were discussed and agreed upon. The following motion was made: That the Commission adopt the following revised Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 14, 2014**

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
OCTOBER 14, 2014
PAGE 7 OF 9

Application Number: Special Permit Application #170-D/Site Plan
Pure Barre, 313 Heights Road

Street Address: 313 Heights Road
Assessor's Map #75 Lot #22-#24

Name and Address of Applicant &: Kristin McClutchy
Applicant's Representative: 158 Holmes Avenue
Darien, CT 06820

Name and Address of Property Owner(s): Noroton Heights Shopping Center
264 Heights Road
Darien, CT 06820

Activity Being Applied For: Proposal to establish a personal service (fitness studio) use in the first floor space formerly occupied by Gut Reaction within the Noroton Heights Shopping Center.

Property Location: The subject property is located on the north side of Heights Road approximately 300 feet east of its intersection with Hollow Tree Ridge Road.

Zone: DC

Date of Public Hearing: October 7, 2014

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

Publication of Hearing Notices

Dates: September 26 & October 3, 2014 Newspaper: Darien News

Date of Action: October 14, 2014 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
October 24, 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 630, 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 narrative and floor plan sketch, 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.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
OCTOBER 14, 2014
PAGE 8 OF 9

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

1. The proposal is to establish a personal service (fitness studio) use in 1,240 square feet of first floor space formerly occupied by Gut Reaction within the Noroton Heights Shopping Center. The business will include a studio of 840 square feet, a retail component of approximately 240 square feet, and bathrooms and hallways totaling 200 square feet.
2. The Commission notes that there is now a shared parking lot for the Noroton Heights Shopping Center. The previous retail use has the same parking requirement as the subject personal service use. The applicant has noted that over 300 parking spaces now exist which are for shared use amongst a number of buildings and uses.
3. At the public hearing, the applicant noted that the maximum class size will be twenty-five clients (the number was incorrectly noted as twenty in the submitted narrative). There will be a minimum of fifteen minutes between each class to minimize parking and traffic conflicts.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. 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 #170-D/Site Plan is hereby granted subject to the foregoing and following conditions, modifications and understandings:

- A. The proposed use shall be in accordance with the narrative prepared by the applicant and the information provided at the public hearing, including the limits on maximum class size of twenty-five, and the minimum of fifteen minutes between classes. Because there are no issues with on-site parking, the Commission does not put limits or restrictions on the hours or days of use. It was agreed to by the applicant at the public hearing that employees and clients will park toward the middle of the shared parking lot, or in the back row of the parking lot, closest to West Avenue.
- B. Due to the fact that there is no new impervious surface proposed as part of this application, the Commission hereby waives the requirement for stormwater management.
- C. 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.
- D. 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.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING
OCTOBER 14, 2014
PAGE 9 OF 9

E. 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 year of this action (October 14, 2015). This may be extended as per Section 1009.

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. A Special Permit form shall be filed in the Darien Land Records prior to December 14, 2014, and prior to the opening of the business.

Chairman Cameron read the following agenda item:

Discussion and deliberation only:

Subdivision Application #614, Oak Crest Developers, LLC, 56 Maple Street. Proposing to subdivide the existing parcel into two parcels and perform related site development activities. The property is situated on the south side of Maple Street approximately 275 feet east of its intersection with Lillian Terrace and is shown on Assessor's Map #44 as Lot #58 & #59, located in an R-1/5 (residential) Zone.

Commission members noted that drainage is a big concern regarding this project. The engineer seems to have designed the storm drainage facilities for each lot to expect the maximum development allowed by the Regulations. Commission members also noted that underground culvert units seem to be the appropriate type of drainage system being installed rather than above ground rain gardens because the property is so small. Staff will draft a resolution for consideration at a meeting in November.

Chairman Cameron read the following agenda item:

Approval of Minutes

September 23, 2014

Several minor modifications were discussed and agreed upon. The following motion was made: That the Commission adopt the corrected minutes as discussed. The motion was made by Mr. Voigt, seconded by Mr. Olvany. All voted in favor except Mr. Sini who had not been present for the meeting. The minutes were adopted by a vote of 5 to 0 to 1.

Mrs. Cameron mentioned that the Planning & Zoning Commission will hold a public information session regarding the updating of the Town Plan of Conservation and Development. That meeting will be held on Wednesday, October 22nd at 7:30 P.M. Mr. Ginsberg said that it will be an informal meeting and will be concluded by 9:30 P.M.

There being no further business, the following motion was made: that the Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 9:20 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director