

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JANUARY 29, 2013**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Spain, Cameron, Voigt, Cunningham, DiDonna

STAFF ATTENDING: Ginsberg

RECORDER: Syat

Channel 79

---

Mr. Conze opened the meeting and read the first agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Coastal Site Plan Review #278, Flood Damage Prevention Application #310, Land Filling & Regrading Application #284, Justin & Mary Beth Livengood, 12 Cross Road.** Proposing to raze the existing residence; construct a new single-family residence with associated septic system; modify the driveways; and perform related site development activities within regulated areas. The subject property is located on the northeast corner formed by the intersection of Cross Road and Hope Drive, and is shown on Assessor's Map #65 as Lot #1, R-1 Zone. *HEARING ORIGINALLY OPENED ON JANUARY 8, 2012. HEARING TO BE IMMEDIATELY CONTINUED TO FEBRUARY 12, 2013 AT REQUEST OF APPLICANT'S REPRESENTATIVE.*

Mr. Conze noted that this agenda item has been continued to February 12, 2013 at 8 P.M. in Town Hall.

Mr. Conze then read the next agenda item:

**Continuation of Public Hearing regarding Amendment of Subdivision Application #602, Nastro/Blair, 360, 362, 366 Brookside Road.** Public Hearing regarding the Commission's October 2, 2012 approval of a proposed modification of previously approved subdivision, by eliminating a shared driveway; and the subsequent October 6, 2012 letter from Attorney Robert F. Maslan, Jr. on behalf of the Lowmans. *PUBLIC HEARING ORIGINALLY OPENED ON 11/20/2012. DEADLINE TO CLOSE PUBLIC HEARING IS 1/29/2013, UNLESS EXTENSION IS GRANTED BY APPLICANT.*

Attorney Amy Zabetakis of Rucci Law Group was present on behalf of the Blairs and Nastos. She said that she has nothing further to add to her legal arguments previously made. Natasha Blair of 362 Brookside Road said she was present on behalf of the Nastos as well. She explained that the current driveway is a safety hazard and there is a blind turn which is dangerous. The existing shared driveway has safety concerns as she cannot control who drives in and out of that driveway. She explained that in her desire to create a new driveway, she hired Amy Zabetakis and Professional Engineer Holt McChord. The Planning & Zoning Commission approved her request on October 2, 2012. Mrs. Blair explained that she tried to engage the Lowmans to try to discuss their concerns. She noted that the other neighbor within the subdivision, the Florians, continue to

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 2 OF 9

be supportive of the request. She asked that the Planning & Zoning Commission uphold their previous decision made on October 2, 2012.

Attorney Robert F. Maslan Jr. was present on behalf of the Lowmans, who were present at the meeting tonight. He said that part of the Commission's original approval was based on consent of the neighbors. He said that the Lowmans never consented to this request. He again mentioned that there is a restrictive covenant in place and that the Planning & Zoning Commission should deny this request. He believes the applicants should have gone to the Lowmans first, prior to going before the Commission. In response to a question, Mr. Conze noted that the Commission has consulted Town Counsel on this matter. There being no further comments or questions from the general public or Commission members, the public hearing on this matter was then closed.

At about 8:10 P.M., Mr. Conze then read the next agenda item:

**Flood Damage Prevention Application #312, Chris Kehrli, 24 Waverly Road.** Proposing to raze the existing residence and construct a new single-family residence and perform related site development activities within a regulated area. The subject property is located on the west side of Waverly Road approximately 80 feet south of its intersection with Shipway Road, and is shown on Assessor's Map #55 as Lot #25, R-NBD Zone.

Andy Glazer was present on behalf of the property owner, Chris Kehrli. He noted that the proposal is to raze and rebuild an existing single family house on the site. That house will conform in all respects to the new FEMA maps, which will take effect later this year. It will have a first floor elevation of 15.0. It will also conform to all local Zoning Regulations, including height and building coverage maximums. Mr. Conze noted that the Planning & Zoning Commission has put forward proposed Zoning Regulation amendments for the Noroton Bay Residential District and will have a public hearing on February 26, 2013. Mr. Ginsberg said that if that proposed Zoning Regulation amendment is adopted by the Commission, Mr. Glazer can then return to the Commission to request that modified plans be approved for additional height and/or building coverage. Mr. Conze said that the challenge of the Zoning Regulations is to keep the Noroton Bay neighborhood nice. Ms. Cameron noted that the plan shows they will be digging up many plantings on the site; she asked whether Mr. Glazer will be saving them. Mr. Glazer responded that he will try to save some of those existing plantings. Mr. Cunningham asked about the change in the amount of impervious surface as a result of this project. Mr. Glazer responded that the building lot is now very close to the 20% building coverage maximum and that the project will also be very close to the 20% maximum.

Mr. Ginsberg explained that stormwater management was included in the submitted plans prepared by Peter Romano of Land-Tech Consulting, Inc. He said that if the Commission were to approve the plans, they would have conditions of approval which would require that a Drainage Maintenance Plan be filed with the Planning & Zoning office, the Notice of Drainage Maintenance Plan filed in the Darien Land Records; and the normal requirements for certifications from both the civil engineer as well as a structural engineer. Mr. Glazer noted that the point of stormwater management is to help the system by absorbing water on site. Ms. Cameron mentioned that due to the specific location of the property close to Long Island Sound, water quality is more important than detaining water on site. Mr. Glazer added that he could include a rain garden in place of, or in conjunction with, the proposed Cultec units.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 3 OF 9

There were no comments or questions from members of the public. Mr. Spain then made a motion to close the public hearing on this matter. That motion was seconded by Mr. Voigt and was approved by a vote of 5-1, with Ms. Cameron not voting in favor of closing the public hearing, as she believed additional engineering details needed to be submitted to the Commission.

Mr. Conze then read the next agenda item:

**Flood Damage Prevention Application #313, Craig & Cassandra Jones, 9 Shipway Road.** Proposing to elevate the existing residence and perform related site development activities within a regulated area. The subject property is located at the southeast corner formed by the intersection of Mayflower Road and Shipway Road, and is shown on Assessor's Map #55 as Lot #51-52, R-NBD Zone.

Mr. David Vayda of Robert Cardello Architects was present of behalf of the Jones'. He said that they wish to elevate the existing residence, to have a first floor of elevation 14. There would be less than 100 square feet of new impervious surface proposed as part of this application. There will also be less than 20 cubic yards of fill to be placed on the property. He explained that the subject property is three blocks from Long Island Sound. Sediment and erosion controls have been shown on the submitted plans. Mr. Vayda explained that all finished floor elevations will be at least one foot above the new FEMA base flood elevation, and all mechanical units will be at or above the base flood elevation. The house will be designed to withstand flood forces, and there is no regrading within 15 feet of any property line. They did take soil borings, and ground water was found four feet below grade.

Mr. Ginsberg then read aloud the conditions of approval from the recent Zoning Board of Appeals variance granted for this property. He noted the specific conditions of approval.

Ms. Cameron asked whether Mr. Oustafine of the Public Works Department could weigh in on whether the recharger that is proposed is needed. Mr. Ginsberg will check with Mr. Oustafine. Mr. Conze asked when lifting the house, how long does the applicant expect that that work will take. Mr. Vayda responded that it should take about one and one-half weeks, and then there will be a new block foundation and filling in around the foundation.

There were no comments or questions from the general public, and no further questions or comments from the Commission. Mr. Spain then made a motion to close the public hearing on this matter. That motion was seconded by Mr. DiDonna, and approved by a vote of 6-0.

At about 8:30 P.M., Mr. Conze then read the next agenda item:

**Flood Damage Prevention Application #314, Land Filling & Regrading Application #289, Marc Heissan, 126 Five Mile River Road.** Proposing to raise the existing single-family residence and construct an addition; and to fill and regrade, and perform related site development activities within a regulated area. The subject property is located on the west side of Five Mile River Road, approximately 675 feet south of its intersection with Davis Lane, and is shown on Assessor's Map #67 as Lot #17-A, in the R-1 Zone.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 4 OF 9

Professional Engineer John McCoy distributed revised plans to the Commission. He then showed the location of this property relative to other nearby properties on Five Mile River Road. He explained that the subject property is now within Flood Zone AE elevation 11 and showed a map of the flood zone. The FEMA map will be changing to Elevation AE 13 for this property later this year.

Mr. McCoy explained that the site generally drains from the north to the south and the east side of the property drains to the middle of the yard. There is now some ponding which occurs on certain parts of the property after rain storms. There is now a sump pump that discharges onto the property. Mr. McCoy said that there is now a crawl space which is at elevation 6, which was inundated during recent Storm Sandy. The proposed first floor elevation will be above the FEMA elevation and will be at elevation 14 or above. They hope to eliminate the sump pump as part of this application.

They will be lifting the existing house and adding onto the house and adding fill to facilitate proper drainage around the house. Mr. McCoy explained that water will still follow the same basic pattern as it has been following for years. He said that in order to improve drainage, they have proposed a roof leader collection system. This system will be sized for the first flush in order to address water quality. It is not designed for detention. The existing sump pump will be eliminated. He then showed existing water flows on the plan. Mr. McCoy explained that the property owners to the south, the Gallos, support this application. Mr. McCoy said that a soil scientist has taken samples in the area, and there is well drained soil. They did not find the water table. The proposed drainage system will be 18 inches below where soil scientist was probing. Mr. McCoy said that both the house and crawl space will be raised and that there is no impact upon the neighbors from the proposed fill. The applicants will be reducing the runoff that flows around the existing building.

In response to the concerns from Mr. Jessup to the north, they hope to eliminate ponding on the Heissan/Jessup property line. Mr. McCoy showed an area of 2,900 square feet to be regraded. This is an additional fill placement proposal which requires an agreement between Jessup and Heissan. Ms. Cameron said that she noticed the ponding when she visited the site, and she mentioned that the Jessup land is generally higher. Mr. McCoy explained that this is a possible option for this application. Mr. Spain then asked a question about the flows on the property, especially near the Jessup property line. Mr. McCoy responded that they will maintain the existing drainage flow and the patterns which now have water flow towards the south; there will be no increase in the amount of water. Mr. Spain said that the area near Five Mile River Road is significantly higher than the remainder of the property. He asked whether there is any water flow that comes down the existing driveway. Mr. McCoy confirmed that Five Mile River Road is higher than the subject property as it is at approximately elevation 11 +/- . That driveway will remain and will still come on to the property. There will be no change in drainage patterns in that area of the property. They have proposed stormwater detention for both water control and water quality. They're still the low point in this neighborhood. Mr. Cunningham then asked if there is any change in impervious surface. Mr. McCoy responded that there will be a net increase of 163 square feet of new impervious surface, and that is summarized on Sheet SE-1 of the plans. Mr. Spain asked whether there are now roof gutters and leaders. Mr. McCoy responded that there are not, but there will be gutters and leaders installed, and those will run into a proposed infiltration system. This infiltration system is designed to take the first flush (the heated water) and has overflows as well. He explained that the property currently uses an on-site septic system. Mr. Marc Heissan said that as part of this application they are planning on hooking up to the Town sanitary sewer system and abandoning the

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 5 OF 9

septic system. Mr. McCoy confirmed that separate permits would be needed from the Public Works Department to tie into the sanitary sewer system.

Mr. Shawn Burke of 128 Five Mile River Road then reviewed photographs with the Planning & Zoning Commission. He described the water flows in the area, and the low lying areas in this neighborhood. He said that the water on the Heissan property flows to the southwest. He then showed on a plan the low point near the Gallo property and another low point near the Jessup property to the north. He then showed how water moves along the subject property toward the southwest. Mr. Burke asked whether in raising his existing house, whether Mr. Heissan has considered piling the house. He also asked whether Mr. Heissan could limit the fill to five feet around the house, and whether he has considered dry retention ponds on the property. Mr. Burke believed that the subject application is a callous disregard of a neighbor. One needs to separate out the proposed raising of the house and the regrading of the entire property. He then introduced the engineer he has hired, Barry Hammons.

Mr. Barry Hammons, Professional Engineer and Land Surveyor, was present on behalf of both the Jessups and the Burkes. He explained that recent Storm Sandy in October 2012 was a storm surge and the tide reached elevation 10 in this area. The flood zone AE will be increasing to AE 13 in July of 2013. He said that he just saw the alternative for the regrading on the Jessup property tonight when Mr. McCoy presented it. Mr. Hammons then reviewed his 8 ½" x 11" handout. He is asking for a hydrologic analysis from Mr. McCoy using HECRAS. Mr. Voigt asked whether the proposed 600 cubic yards of fill will displace tidal water. Mr. Hammons believed that they will be channelizing the flow by putting the fill on to the property. Mr. Voigt asked whether it is the velocity that they are concerned about as it would be a tighter channel. Mr. Hammons said that he would like Mr. McCoy to analyze this situation. They're not in a floodway but there is a constriction in the area. He believed that there are other alternatives. He then said that he had asked Mr. Burke to contact Rich Jacobson of the Planning & Zoning Department office about the proposed alterations in the area. Mr. Hammons believed that a little more time is necessary to gather and review information on this property.

Mr. Conze summarized by noting that in this case there are two level of analysis: 1) a site specific analysis; and 2) a more aerial analysis. He believed that the most affected person as part of this application would be the Gallos to the south. Mr. Burke said that Mr. Heissan is moving water on the property and the area is generally a mud flat. He believed that Mr. Heissan, as part of this application, will be pushing water during storm events. Mr. Conze believed that there is both an on-site and an off-site issue. He believed that this could affect other property owners. He noted that in this case, the Commission would normally see a more extensive drainage report from the applicant.

Ms. Cameron said that as part of the January 23, 2013 application materials, 900 cubic yards of fill was proposed, and as part of the January 28, 2013 submitted materials, 690 cubic yard of fill was proposed, so they are proposing less fill than originally designed. She said one option for the application to make it even less fill would be that if they incorporate retaining walls into this plan. Mr. Conze agreed that the engineers must reconcile the work to be done on site. Mr. Burke also asked for a cross section view of the property.

Mr. McCoy confirmed that the original plan showed about 900 cubic yards of fill, and since then they have refined the plans and pulled the grades back so that only 690 cubic yards are proposed.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 6 OF 9

He showed on the plans where they will be creating a channel through the Heissan property. Mr. Voigt then asked Mr. McCoy to distinguish the edge of the fill that they are proposing relative to the existing property lines. Mr. McCoy then scaled off the plans and noted that there is about 30 feet from the Burke property line to where there is fill, and 15 feet from the property line to any changes. They will not be removing the existing 30 inch oak or putting any fill around it. They will be maintaining a low channel through the property and at no point will there be a point discharge created. Ms. Cameron asked Mr. McCoy whether he could do a cross section; Mr. McCoy responded that it would be easy to do so, and he would be willing to do so. Mr. Spain suggested that the filling not go as far to the east, but use a retaining wall or an abrupt change in topography to minimize the amount of fill near the Burke property line. Mr. McCoy said he could provide cross sections and look at alternatives for the filling near the Burke property line. Mr. Ginsberg said that the next possible hearing night would be February 12, 2013 at 8 P.M. in the Auditorium of Town Hall.

Mr. Heissan said that he has worked closely with the Planning & Zoning office as well as many of the neighbors on this subject application. He noted that the Gallos, Nelsons, Cattanos, and Robinsons are all on-board and approve of this application. Mr. Conze said that he understands Mr. Heissan's plight that he has been flooded out and wants to be rebuild as soon as possible. Mr. Conze then suggested a two week continuation for this application. Mrs. Heissan said that she has a wet, flat property and wishes to get back into her house as soon as possible. Mr. Conze strongly encouraged that the engineers work together on this application, and he wants a drainage plan as part of subsequent application materials. The subject application was then continued to February 12, 2013 at 8 P.M. in the Auditorium of Darien Town Hall.

At about 9:40 P.M., Mr. Conze then read the next agenda item:

**Land Filling & Regrading Application #287, Bradley & Kathleen Hay, 33 Briar Brae Road.** Proposing to cut, fill, and regrade property and construct associated retaining walls to create more "level/usable" lawn area, and perform related site activities. The subject property is located on the west side of Briar Brae Road approximately 925 feet northeast of its intersection with Hoyt Street, and is shown on Assessor's Map #29 as Lot #18, R-1/2 Zone.

Mr. Dan Mazabras of Odd Job Company was present on behalf of the property owners. He showed on a plan the leveling of the yard which is proposed and the associated retaining walls which will be constructed. The proposed retaining wall will actually slow the water flow which now occurs. The property owners will also be installing numerous plantings to minimize the visual impacts of the wall.

Mrs. Cameron noted that one of the plans submitted shows the sediment and erosion control plan, including an anti-tracking pad, and one of the plans does not show those controls. She confirmed that they are also including a swale. Mr. Ginsberg then read aloud the comments received from Darren Oustafine of the Darien Public Works Department.

In response to a question, Mr. Mazabras said that the proposed retaining wall will be a maximum of 3½ feet high. The whole yard will be fenced in.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 7 OF 9

Mrs. Ann Chiapetta of Hoyt Street was present and she explained that she lives below the subject property. She asked whether the existing wire fence will remain, and noted her concern about the proposed plantings and wall.

Mr. Mazabras then reviewed the submitted plans with Mrs. Chiapetta. He showed her on the plans where they propose to install 8 to 10 foot Norway Spruce trees as well as Viburnum and Dogwood. Mr. Mazabras also described some of the trees to be removed as part of this application.

There were no further questions or comments from neighboring property owners. There were also no further questions or comments from Commission members. Mr. Spain then made a motion to close the public hearing on this matter. That motion was seconded by Mrs. Cameron and was unanimously approved

At about 9:45 P.M., Mr. Conze then read the next agenda item:

**Land Filling & Regrading Application #288, Hugh & Kathleen Golden, 22 Sunset Road.**

Proposing to regrade within 15 feet of the eastern property line related to the construction of a replacement residence, and perform related site development activities. The subject property is located on the south side of Sunset Road, approximately 1,000 feet east of its intersection with Mansfield Avenue, and is shown on Assessor's Map #15 as Lot #80, in the R-1/2 Zone.

Professional Engineer Doug DiVesta was present on behalf of the Golden's. He explained that the subject application is to raze the existing house and construct a new house at the same general location. They propose curbing along the proposed new driveway and are tying all the drainage into a proposed infiltration system. They are before the Commission this evening for the proposed filling and regrading near the side property line. They are proposing a slight swale on the west side of the house. Mrs. Cameron asked whether they are proposing a new yard drain. Mr. DiVesta responded that they are.

Mr. Ginsberg then read aloud the comments received from Darren Oustafine of the Darien Public Works Department.

Mr. DiVesta responded that in response to Mr. Oustafine's comments, they have moved the proposed infiltration system and the proposed level spreader. He also addressed the ZBA conditions of approval which were noted by Mr. Ginsberg.

There was no one from the general public present to comment on this application. There being no further questions or comments from Commission members, Mr. Spain made a motion to close this application. That motion was seconded by Mr. Cunningham and unanimously approved.

**GENERAL MEETING**

*Discussion, deliberation, and possible decisions on the following if the public hearing has been closed:*

**Amendment of Subdivision Application #602, Nastro/Blair, 360, 362, 366 Brookside Road.** Public Hearing regarding the Commission's October 2, 2012 approval of a proposed modification of

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 8 OF 9

previously approved subdivision, by eliminating a shared driveway; and the subsequent October 6, 2012 letter from Attorney Robert F. Maslan, Jr. on behalf of the Lowmans.

Mr. Conze noted that the Commission will not be discussing or deliberating on this matter this evening.

Mr. Conze then read the next general meeting agenda item:

**Flood Damage Prevention Application #312, Chris Kehrli, 24 Waverly Road.** Proposing to raze the existing residence and construct a new single-family residence and perform related site development activities within a regulated area. The subject property is located on the west side of Waverly Road approximately 80 feet south of its intersection with Shipway Road, and is shown on Assessor's Map #55 as Lot #25, R-NBD Zone.

Mrs. Cameron asked a question on whether the Public Works Department believes that an infiltrator is needed for this property. She suggested that the final details be worked out with the Public Works Department, and if an infiltrator is needed, it should be confirmed that such an infiltrator will not be under water.

Mr. Ginsberg recommended that if the Commission were to approve this application that conditions of approval include the fact that: accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect or engineer that verifies that the final design complies with the applicable flood damage prevention requirements. He also noted that final as-built surveys will be required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations. Mrs. Cameron also confirmed that a Drainage Maintenance Plan will need to be filed in the Darien Land Records.

Mr. Spain made a motion to approve the application with those conditions. That motion was seconded by Mrs. Cameron, and approved by a vote of 6 to 0.

Mr. Conze then read the next agenda item:

**Flood Damage Prevention Application #313, Craig & Cassandra Jones, 9 Shipway Road.** Proposing to elevate the existing residence and perform related site development activities within a regulated area. The subject property is located at the southeast corner formed by the intersection of Mayflower Road and Shipway Road, and is shown on Assessor's Map #55 as Lot #51-52, R-NBD Zone.

Mrs. Cameron noted that a Notice of Drainage Maintenance Plan will need to be filed in the Darien Land Records, and a Drainage Maintenance Plan filed with the Planning & Zoning office. She said that the ZBA has specific conditions of approval which need to be complied with, and that the two conditions mentioned for the previous Kehrli application would also be applicable here: which is that accompanying the Zoning & Building Permit applications, a certification shall be submitted from an architect or engineer verifying final compliance with the applicable flood requirements; and a requirement for an as-built survey showing compliance with the Flood Damage Prevention Regulations.

PLANNING & ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING/  
JANUARY 29, 2013  
PAGE 9 OF 9

Mr. Spain made a motion to approve the project with those various conditions. That motion was seconded by Mr. DiDonna, and approved by a vote of 6 to 0.

Mr. Conze then read the next agenda item:

**Any Other Business (Requires two-thirds vote of Commission)**

Mr. Voigt then made a motion to go into Other Business to add deliberation of possible decisions of 33 Briar Brae Road and 22 Sunset Road to the agenda. That motion was seconded by Mr. Spain, and approved by a vote of 6 to 0. Commission members then discussed the application for 33 Briar Brae Road which was closed earlier in the evening.

Mr. Ginsberg recommended that if the Commission were to approve the plans, the conditions of approval be that: all activity be in accordance with the plan specifically presented to the Commission; that during the regrading and site work, the applicants shall utilize the sediment and erosion control measures shown on the plans and other measures as may be necessary due to site conditions; that no drainage swale be included; and that a Special Permit form be filed in the Darien Land Records.

Mr. Spain mentioned that the neighbors who appeared this evening were concerned about the proposed plantings and the fence. Mr. Spain confirmed that the planting plan which was put forth by the applicant is an essential part of the approval.

Mrs. Cameron made a motion to approve the project with those conditions. That motion was seconded by Mr. Voigt, and approved by a vote of 6 to 0.

Commission members then discussed 22 Sunset Road, which public hearing was closed earlier in the evening. Mr. Ginsberg noted that similar to the application for 33 Briar Brae Road, suggested conditions of approval include the fact that all work shall be in accordance with the plans submitted to and reviewed by the Commission; that during the regrading and site work, the applicant shall use the sediment and erosion control measures on the submitted plans and any others necessary due to site conditions; that a Drainage Maintenance Plan needs to be prepared by the engineer in this matter; a Notice of Drainage Maintenance Plan must be filed in the Darien Land Records; and that an as-built survey for the foundation be submitted; and a final as-built showing the filling and drainage be submitted. Mr. Ginsberg said that the ZBA also has conditions of approval which are going to be sent to the applicant as well.

Mrs. Cameron made a motion to approve the project with those specific conditions. Mr. Voigt seconded that motion, which was approved by a vote of 6 to 0.

There being no further business, the Commission adjourned the meeting at 10:00 P.M.

Respectfully submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director

01.29.2013.min