

**PLANNING AND ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Spain, Cameron, DiDonna, Cunningham

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

---

Mr. Spain served as Chairman and read the following agenda item:

**EXECUTIVE SESSION**

**Executive Session to discuss pending litigation.**

The following motion was made that the Commission go into Executive Session to discuss pending litigation with the Town Attorney, and Mr. Ginsberg and Mr. Keating. The motion was made by Mrs. Cameron, seconded by Mr. DiDonna and unanimously approved.

During the Executive Session, no motions were made and no actions were taken until at 8:30 P.M., the following motion was made: That the Commission conclude the Executive Session and open the General Meeting. The motion was made by Mr. Cunningham, seconded by Mr. DiDonna and unanimously approved. The public was invited into the meeting room.

At about 8:35 p.m., Mr. Spain read the following agenda item:

**GENERAL MEETING**

**Flood Damage Prevention Application #180-A, Peter Sikora, 16 Mayflower Road.** Proposal to elevate the existing residence and construct additions and entry stairs. The subject property is on the west side of Mayflower Road, approximately 300 feet south of its intersection with Shipway Road, and is shown on Assessor's Map #55 as Lot #45 in the R-NBD Zone.

Chad Nehring represented the property owners and explained the plan to the Commission members. Mr. Ginsberg confirmed that a Zoning Board of Appeals variance had been granted and that the neighbors had signed off on the forms indicating that they saw no need for a public hearing and, therefore the Planning & Zoning Commission could waive the public hearing regarding the work within the Flood Hazard Zone. He also confirmed that a letter from the project engineer had been received regarding the foundation and that the proposed house would be at least one foot above the expected flood elevation shown on the new flood maps which will go into effect in July.

Mr. Nehring said that the property is approximately 800 feet to the west of Long Island Sound and that there are no critical coastal resources on site. At present, the house is at Elevation 8.9 and the proposed house will be at Elevation 15.4. The variance from the Zoning Board of Appeals concerned

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 2 OF 22

the side yard setback and allowing the 21.3% building coverage (which exceed the maximum allowance of 20% building coverage).

Mr. Nehring explained that they are adding a small roof over a mudroom. Storm water runoff from the house will be collected into 14 linear feet of Cultec units to provide water quality improvements. These Cultec units are not designed to detain or delay storm water runoff (which is not necessary because the site is so close to Long Island Sound). Mr. Nehring said that the garage will be raised approximately one foot so that it will be less susceptible to flooding. Correspondingly, the driveway will be raised approximately one foot in height.

Mr. Ginsberg said that there was a question regarding the landscaping in the front of the building and the need for a front landscaping plan. Mr. Nehring said that they will be installing planters to soften the view of the elevated house. The planters have been designed to avoid the smart vents that will be installed in the flood foundation to allow flood waters to enter and exit the foundation to relieve pressure. The smart vents will be on the north and west sides of the house and in the garage structure. In response to questions from Mr. DiDonna about the work within the crawl space area, Mr. Nehring explained that the plan is to break up the old stone crawl space and install a new slab that is pitched so that flood waters will be able to enter and leave without the need of any mechanical assistance.

Mr. Ginsberg said that the Planning & Zoning Commission could act on the application tonight. The Commission members did believe that it was appropriate to act on the application and the following motion was made: That the Planning & Zoning Commission approve the proposed modifications and elevation of the house in accordance with the submitted plan and subject to the following conditions and stipulations:

1. The approved plans are entitled:
  - Branca Sikora Residence 16 Mayflower Road, by Nehring + Associates Architecture, LLC, dated 3.29.13, Drawing No. L-1, L-2, A-1 through A-5.
2. In order to finalize this approval and prior to the issuance of a Zoning and Building Permit, the applicant or property owner must now file a "Notice of Drainage Maintenance Plan" in the Darien Land Records. That form can now be picked up from the Planning and Zoning Department and brought to the Darien Town Clerk, along with a \$53 filing fee.
3. Accompanying the Zoning and Building Permit applications and prior to commencing elevation of the house, 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.
4. During construction, the applicant shall utilize sediment and erosion controls as shown on the submitted Drainage Plan and as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 3 OF 22

5. A detailed storm water drainage system design, consisting of Cultec units behind the house, has been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Zoning Compliance or Certificate of Occupancy for the elevated house, the applicant shall submit an as-built survey for the land filling and regrading aspects of the project, as prepared by a licensed land surveyor, and it shall show the final finished grades with one foot contours, as well as the foundation location of the house.
6. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer or architect that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. A final "as-built" survey is hereby required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations.
7. 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 the requirement for Zoning and Building Permit applications. If the existing sanitary sewer is to be disconnected more than five feet from the building foundation, a permit is required from Darien Sewer Services.

The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

Mr. Spain then read the following agenda item:

**Flood Damage Prevention Application #301-B, Andrew & Jessica Black, 4 Shipway Road.**

Request to construct new replacement residence within a regulated area, rather than elevate the existing residence as previously approved by the Commission on March 19, 2013. The subject property is on the northwest corner formed by the intersection of Shipway Road and Waverly Road, and is shown on Assessor's Map #57 as Lot #29 in the R-NBD Zone.

Chad Nehring represented the applicant and explained that the original approval had been to elevate the existing structure, but as analysis continued, it was determined that it was not worthwhile to elevate the existing structure. Instead, they will be demolishing the existing structure and creating a new structure that complies with all of the setback requirements and building height limitations and minimum floor elevation requirements. A setback variance had been granted by the Zoning Board of Appeals to pick up the existing house, but that will no longer be necessary because the new house will be designed to comply with the setback requirements.

Mr. Nehring pointed out the new, detailed Landscaping Plan and Drainage Plan that had been submitted.

Mr. Ginsberg said that all the neighboring property owners had signed off to indicate that they saw no need for a public hearing. The Planning & Zoning Commission could act on this application without conducting a public hearing. He confirmed that the applicant had submitted the letter from the project engineer regarding the structural stability of the new foundation within the Flood Hazard Zone.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 4 OF 22

After further review of the plans and discussion, the following motion was made: That the Planning & Zoning Commission waive the public hearing requirement and approve the project to allow construction of the replacement house in accordance with the submitted plans and subject to the following conditions and stipulations:

1. The approved plans are entitled:
  - Black Residence 4 Shipway Road, by Nehring + Associates Architecture, LLC, dated 2.26.13 Rev 4.1.13, Drawing No. L-1, A-1 through A-7.
  - Drainage Plan, Andrew and Jessica Black 4 Shipway Road, by Artel Engineering Group, LLC, dated 1/25/13, last revised 3/18/13, Sheet 1 of 2.
  - Details, Andrew and Jessica Black 4 Shipway Road, by Artel Engineering Group, LLC, dated 1/25/13, Sheet 2 of 2.
2. In order to finalize this approval and prior to the issuance of a Zoning and Building Permit, the applicant or property owner must now file a "Notice of Drainage Maintenance Plan" in the Darien Land Records. That form can now be picked up from the Planning and Zoning Department and brought to the Darien Town Clerk, along with a \$53 filing fee.
3. 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.
4. During construction, the applicant shall utilize sediment and erosion controls as shown on the submitted Drainage Plan and as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
5. A detailed storm water drainage system design has been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Zoning Compliance or Certificate of Occupancy for the elevated house, the applicant shall submit an as-built survey for the land filling and regrading aspects of the project, as prepared by a licensed land surveyor, and it shall show the final finished grades with one foot contours, as well as the foundation location of the house.
6. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer or architect that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. A final "as-built" survey is hereby required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations.
7. 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

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 5 OF 22

includes the requirement for a Demolition Permit and Zoning and Building Permit applications. If the existing sanitary sewer is to be disconnected more than five feet from the building foundation, a permit is required from Darien Sewer Services.

The motion was made by Mrs. Cameron, seconded by Mr. DiDonna and unanimously approved.

Mr. Spain then read the following agenda item:

**Amendment of Flood Damage Prevention Application #325, Barbara Cox, 174 Nearwater Lane, R-NBD Zone.**

Request to modify previously approved plans by installing elevator.

Mr. Ginsberg explained that the replacement house had been approved by the Planning & Zoning Commission and now the applicant wants to install an elevator to be included in the construction. There is a letter from the architect explaining that the elevator is specially designed so that there is no pit and no accumulation of hydraulic fluid below ground. All of the elevator equipment will be located above the expected flood level. When the elevator is not in use, it is designed to rest on the upper floor so that it will not be in the Flood Hazard Zone.

After the Commission reviewed the plans, the following motion was made: That the Planning & Zoning Commission approve the requested modification to install the specially designed elevator in the house in accordance with the submitted drawings and materials. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

Mr. Spain then read the following agenda item:

**Coastal Site Plan Review #222-A, Flood Damage Prevention Application #244-A, Land Filling & Regrading Application #176-A, James & Katherine Kane, 147 Five Mile River Road (Lot #B-1R).**

Request to construct a 15' x 15' plunge pool on the east side of the proposed dwelling on Lot #B-1R.

Mr. Ginsberg explained that at the applicants' request, this matter will be postponed until a future meeting.

Mr. Spain then read the following agenda item:

**Special Permit #66-L, Darien YMCA, 2420 Boston Post Road.**

Request to modify previously approved hours of operation.

Commission members noted that there the YMCA is proposing a change in the hours of operation. During the discussion, the Commission members agreed that it would be appropriate to conduct a public hearing before rendering any decision on the matter. The hours of operation have been part of the stipulated judgment that resulted from the litigation involving the previous permit issued in the mid-1990s. All the Commission members agreed that a public hearing will be scheduled. Mr. Ginsberg will make the arrangement for the public hearing.

**Any Other Business**

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 6 OF 22

The following motion was made: that the Commission consider “Other Business” at this time and that other business concerns the trees along Holly Pond on the YMCA property.

Mr. Ginsberg reviewed the letter from Patrick Morrissey, Director of the YMCA, explaining that one of the trees near Holly Pond had been severely damaged and partially uprooted by the storm Sandy. They have a letter from Chris McGoldrick, an arborist, indicating that the tree is dangerous and cannot be adequately saved.

Mr. Morrissey said that he would much prefer to save the tree, but it cannot be saved and because it is leaning toward the pier and waterfront activity area, it needs to be removed. He said that during the last construction project, the YMCA had planted a number of trees in other shoreline portions of the property, but did not plant any in this area because of this large tree.

After reviewing the submitted photographs, Commission members felt that it was appropriate to remove the tree that had been damaged and plant several replacement trees in its place.

The following motion was made: That the Commission authorize the removal of the storm damaged tree with the understanding that additional trees will be planted near the shoreline and in the vicinity of the tree to be removed. The motion was made by Mr. DiDonna, seconded by Mrs. Cameron and unanimously approved.

At about 9:05 p.m., Vice-Chairman Spain then read the following agenda item:

**Amendment of Special Permit #202-C, and Amendment of Business Site Plan #109, Bodega Taco, 980 Boston Post Road, CBD Zone.**

Request to have two-day Cinco de Mayo event on May 4-5 in a portion of the Center Street South parking lot.

Mario Fontana explained that he is the operator of the Bodega Taco Bar and wants to have a special celebration for Cinco de Mayo. The celebration would include the installation of a tent in the municipal parking lot to the rear of the restaurant. He said that the restaurant has been operation since November and has been very popular. A Cinco de Mayo celebration at their Fairfield Restaurant is popular and they wish to create that family activity at the Darien site.

Commission members expressed several concerns about the need to separate pedestrian areas from the vehicles used in the parking lot and the need to coordinate with the neighboring property owners.

Mr. Spain said that having a tent in this parking area would be an experiment and would not be something that could be repeated without further review and consideration.

In response to a question, Mr. Fontana said that people will not be served alcohol outside, but they might take their alcoholic beverages from within the restaurant to the tent area. He said the tables would be set up under the tent. Dining would continue on the patio area. The tent would be set up on Friday evening and live music would be provided in accordance with the schedule submitted. He said that he knows it is important that he have adequate personnel at the site during the festivities. He said that two people will be assigned for traffic and pedestrian control and two additional people would be assigned to trash and upkeep of the facilities. He said that part of the activities would include a pig

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 7 OF 22

box for roasting a whole pig. He also said that he would not start the Sunday activities until after the services at the nearby church have been completed.

Several Commission members noted the need to install barriers to separate traffic from the tent area and to protect the safety of the people. They need to make an effort to avoid having people congregate in the traffic lanes area while listening to the band.

Mr. Fontana said that the real party will be inside the building within the restaurant, but, because of the special event, there will be some outside, overflow area. Rather than having it just spill out into the sidewalk, he wants to control it and have the tent to provide more services to the patrons.

After further discussion, the following motion was made: that the Commission authorize the one-time installation of the tent for the Cinco de Mayo celebration subject to final staff approval of pedestrian and traffic flow and protection and separation of pedestrians from the traffic in the parking lot. The applicant will need to abide by the submitted schedule and will need to obtain approvals from other Town departments as necessary. The motion was made by Mrs. Cameron, seconded by Mr. Cunningham and unanimously approved.

Mr. Spain then read the following agenda item:

**Business Site Plan #124-F, Dolcetti Inc., 975 Post Rd Unit 1, CBD Zone.**

Request to have an office tenant, a recruiting firm with two employees on the second floor of the existing building.

Commission members noted that since this building is part of a shared parking lot arrangement, every tenant needs Planning & Zoning Commission review and approval review before they can move in. In this case, the proposed offices are on the second floor (in the space formerly occupied by Megan Dey Photographic Studio). The new office use will have two workers and would seldom have visitors.

Commission members reviewed the submitted materials. The following motion was made: That the Commission approve the proposed tenant and use in accordance with the submitted materials. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

Commission members noted that the open space issue regarding this site has not yet been resolved and does need to be resolved in the near future.

Mr. Dolcetti said that the amount of finished space in the Brooks Brothers building, which triggered the need for public open space, is not as large as the Planning & Zoning Commission had approved and, therefore, he feels that the open space requirement should be reduced. Mrs. Cameron disagreed and said that the open space should be provided in accordance with the approval even though Brooks Brothers has not yet chosen to use as much basement area as initially contemplated.

Mr. Ginsberg will work with Mr. Dolcetti and try to have additional information for the Commission's consideration during the coming month. Commission members also noted that that is appropriate for the permanent stairway to be constructed between this site and the nearby train station parking area in accordance with the originally approved plans.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 8 OF 22

Vice-Chairman Spain then read the following agenda item:

*Discussion, deliberation, and possible decisions on:*

**Coastal Site Plan Review #170-C, Flood Damage Prevention Application #291-A, Land Filling & Regrading Application #77-C, A.C. & Mandi Morgan, 4 Salem Straits.** Proposing to construct spa and associated retaining walls and patio; abandon existing septic system and connect to Town sewer; install buried propane tank; and perform related site development activities within regulated areas.

The following motion was made: that the Commission waive the process of reading each draft Resolution aloud because Commission members have had an opportunity to review the drafts for each of these projects prior to the meeting. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

Commission members discussed the Morgan project at 4 Salem Straits. Mr. Ginsberg said that the applicants have requested a two year approval in order to implement this project. Commission members felt that two years would be acceptable and, therefore the project construction must be completed by April of 2015. The following motion was made: That the Planning & Zoning Commission adopt the following Resolution to approve the proposed modifications of the site, subject to conditions and stipulations. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
April 9, 2013**

Application Number: Coastal Site Plan Review #170-C  
Flood Damage Prevention Application #291-A  
Land Filling & Regrading Application #77-C

Street Address: 4 Salem Straits  
Assessor's Map #62 Lot #84

Name and Address of Applicant: A.C. & Mandi Morgan  
And Property Owner: 4 Salem Straits  
Darien, CT 06820

Name and Address of Applicant's Representative: Jeff McDougal  
William W. Seymour & Associates  
170 Noroton Avenue  
Darien, CT 06820

Activity Being Applied For: Proposing to construct spa and associated retaining walls and patio; abandon existing septic system and connect to Town sewer; install buried propane tank; and perform related site development activities within regulated areas.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 9 OF 22

Property Location: The subject property is located on the south side of Salem Straits/Hawthorne Road approximately 400 feet east of its intersection with Goodwives River Road.

Zone: R-1.

Date of Public Hearing: March 26, 2013

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

Publication of Hearing Notices

Dates: March 15 & 22, 2013

Newspaper: Darien News

Date of Action: April 9, 2013

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
April 19, 2013

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

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

1. The application is to construct spa and associated retaining walls and patio; abandon existing septic system and connect to Town sewer; install buried propane tank; and perform related site development activities within regulated areas. The existing boathouse will be demolished, and the remaining slab will have a new generator placed upon it. There is now a rain garden on the property which was approved and installed as part of a previous application.
2. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.
3. The Commission finds that the proposed activities, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 10 OF 22

activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
7. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #170-C, Flood Damage Prevention Application #291-A, and Land Filling & Regrading Application #77-C are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and site activity shall be in accordance with the following plans as submitted to the Commission:
  - Zoning Location Survey 4 Salem Straits prepared for A.C. Morgan IV Mandi Morgan, by William W. Seymour & Associates, dated December 6, 2012 and revised to January 18, 2013.
  - Rear Terrace Morgan Residence 4 Salem Straits by Hoffman Landscapes, scale 1"=8', dated 01-03-13, Drawing No: LP-4.0.
  - Section and Planting Plan Morgan Residence 4 Salem Straits by Hoffman Landscapes, dated 01-18-13, Drawing No: LP-5.0.
- B. During the filling, regrading, and site work, the applicant shall utilize the sediment and erosion controls illustrated on the plans referred to in Condition A above, and any additional measures as may be necessary due to site conditions, including the tree protection as may be necessary. 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.
- C. Due to the minor nature of this project, the Commission hereby waives the requirement for a performance bond.
- D. Once the project is complete, and prior to April 9, 2015, the applicant shall certify in writing and/or photographs, and with an 'as-built' survey map that all work has been properly completed in accordance with the approved plans.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 11 OF 22

- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Prior to any construction activity on-site, the applicant shall get Health Department approval to abandon the existing septic system, and provide a copy of that approval to the Commission staff. Approval from Darien Sewer Services and Sewer Connection Permit are required for this project.
- G. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within two (2) years of this action (April 9, 2015).

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

Vice-Chairman Spain then read the following agenda item:

**Special Permit Application #170-C/Site Plan, Joseph Criscuolo d/b/a Franks & Frites, 380 Heights Road.** Proposing to sell prepared foods for consumption on or off the premises in the space now occupied by Tasti-D-Lite (the northernmost space within the building) within the Noroton Heights Shopping Center.

Commission members reviewed the Draft Resolution and noted that it is critical that the odor control be implemented and maintained to avoid impacts to the neighboring properties. The following motion was made: That the Commission adopt the following Resolution to approve the project subject to conditions and stipulations. The motion was made by Mrs. Cameron, seconded by Mr. DiDonna and unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
April 9, 2013**

Application Number: Special Permit Application #170-C/Site Plan  
Franks & Frites, Noroton Heights Shopping Center

Street Address: 380 Heights Road  
Assessor's Map #75 Lots #22, #23, #24

Name and Address of Property Owner: Noroton Heights Shopping Center  
264 Heights Road

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 12 OF 22

Darien, CT 06820

Name and Address of Applicant: Lyle Fishell  
36 Givens Avenue  
Stamford, CT 06902

Name and Address of Applicant's Representative: Joseph Criscuolo  
GNA Associates  
45 Church Street  
Stamford, CT 06906

Activity Being Applied For: Proposing to sell prepared foods for consumption on or off the premises in the space now occupied by Tasti-D-Lite (the northernmost space within the building) within the Noroton Heights Shopping Center.

Property Location: The subject property is located on the north side of Heights Road approximately 350 feet east of its intersection with Hollow Tree Ridge Road.

Zone: DC Zone

Date of Public Hearing: March 26, 2013

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

Publication of Hearing Notices  
Dates: March 15 & 22, 2013 Newspaper: Darien News

Date of Action: April 9, 2013 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: April 19, 2013 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 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 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.

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

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 13 OF 22

1. The subject application proposes to sell prepared foods for consumption on or off the premises in the space now occupied by Tasti-D-Lite (the northernmost space within the building) within the Noroton Heights Shopping Center. The location of the space is at the end of the shopping center building, adjacent to Tunick's. Based upon the submitted sketch, the floor area of the proposed tenant would be 39'-9 1/2" x 16', and include eight (8) indoor seats.
2. The Commission notes that details of the operation are described in a March 5, 2013 letter from Aldo Criscuolo. They would have four tables and eight seats indoors with two tables and eight chairs outdoors in front of the building, similar to the prior Tasti-D-Lite use.
3. Because there would be on-site cooking, it is imperative that a hood and duct system be installed and properly maintained to minimize odors on adjacent tenant spaces and adjacent properties.
4. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
5. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
6. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
7. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #170-C/Site Plan are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The tenant location, space, and fit-out shall be in accordance with the following plan submitted to and reviewed by the Commission, and may be required to be modified:
  - Proposed Franks and Frites (formerly TASTI D LITE), Noroton Heights Shopping Center, submitted 3/26/13.The Commission notes that the interior layout and design may be modified as needed by the Fire Marshal and/or the Darien Health Department. The Commission is approving the size and use of the tenant space, including a limit of eight indoor seats and eight outdoor seats, and the location of the tenant space within the first floor.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 14 OF 22

- B. The outdoor tables and chairs shall be placed and maintained so as not to obstruct pedestrian access around the building, or block the nearby mailbox. The two tables and eight chairs outdoors shall be placed only in front of the shop. Per the applicant's representations, they shall be stored off-site in the "out-of-season" months.
- C. The Commission requires that due to this location near residential properties on West Avenue, the hours of operation of this business shall be a maximum of 10 am to 11 pm, seven days a week. The Commission also acknowledges that employees may be on premises before and after those hours of operation for preparation and clean-up. Any modification to these proposed hours of operation requires a modification of this Special Permit, and review and action by the Planning and Zoning Commission.
- D. Because of this property's proximity to a residential zone, it is imperative that odors be minimized via a properly designed and functioning exhaust system. In order to minimize potential odors, the Commission hereby requires that the exhaust system include at a minimum, the proposed CaptiveAire kitchen hood with high performance grease filters and to direct the exhaust away from the Residential Zone. The filtering and exhaust system is to be installed in a manner that allows it to be easily and inexpensively upgraded in the future if odor is a problem. Prior to the issuance of a Certificate of Occupancy or restaurant opening for business, documentation shall be provided by the exhaust system installer to the Planning & Zoning Department that the proposed system has been properly installed. The tenant is responsible for assuring that the venting system functions properly at all times. The proposed venting system shall be installed per the approved plans and per the requirements of the Darien Health Department, Fire Marshal and Building Department. The continuing operation of and proper regular maintenance of the ventilation system (as recommended by the manufacturer or as required by the Darien Health Department) to prohibit the discharge of odors to the surrounding uses and/or properties is the responsibility of the restaurant operators and the owner of the property. The system shall be operated and maintained to minimize the emission of odors that could or would negatively impact adjacent property and/or be a potential nuisance to nearby residents. Odor complaints from commercial and/or residential neighbors shall also be reviewed and investigated by the ZEO. If, in the opinion of the Zoning Enforcement Officer (ZEO), there is a persistent recurring odor, the ZEO shall contact the tenant. The tenant shall then take appropriate measures to minimize odors, including, if necessary in the judgment of the ZEO, the updating and improvement of the ventilation and exhaust system, including, if required by the ZEO, the installation of a full water wash filter system. In order to better understand how the proposed kitchen exhaust system functions, the tenant shall submit a short written report to the Commission in August 2013, or within two (2) months of opening for business (whichever date comes later), noting the experience up to that point with the kitchen exhaust, whether the venting has proven to be sufficient, whether complaints have been received, and what actions have been taken to (a) ensure that there have been no fumes or odors, and/or (b) to respond to said complaints.
- E. Any change to the nature of the proposed use will also require a modification of this Special Permit, and review and action by the Planning and Zoning Commission. This would include, but not be limited to, the hours of operation, amount of indoor seating, or the nature of the restaurant use.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 15 OF 22

- F. It is the responsibility of the tenant to inform delivery personnel that adequate delivery areas are provided in the rear or side of the building and to assure that only those designated areas are utilized for deliveries.
- G. All Dumpster areas shall be maintained in a neat and orderly fashion by this property owner. The Dumpster doors shall remain shut at all times that someone is not loading or unloading garbage. No new Dumpsters or Dumpster areas have been approved—the applicant noted that an existing on-site Dumpster will be used.
- H. Any exterior signage or façade changes will require review and action by the Architectural Review Board.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- J. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. This includes, but is not limited to, plans for the food service facility must be approved by the Darien Health Department prior to the issuance of a Zoning or Building Permit. The Fire Marshal has noted that a hood and duct system with fire suppression shall be provided, and the hood, duct and fire suppression system shall be in accordance with State of CT Codes. The Sewer Services Department is requiring that a grease recovery unit (grease trap) is mandatory along with associated maintenance contract requirements.
- K. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (April 9, 2014). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials, including, but not limited to the filing of a Special Permit form in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning and Building Permit for the tenant fit-up shall be completed or this approval shall become null and void.

Mr. Spain then read the following agenda item:

**Coastal Site Plan Review #283, Flood Damage Prevention Application #317, Land Filling & Regrading Application #295, Richard & Cornelia Thornburgh, 1 Candlewood Lane.** Proposing to raze the existing house, and demolish the pool, and construct a new house, septic system and pool, and perform related site development activities within regulated areas.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 16 OF 22

The Commission discussed the Draft Resolution and said that it would be appropriate to encourage the applicants to hook up to the sanitary sewer without coming back to the entire Commission. They said that staff should be able to approve the modification which would eliminate the need for the installation of the on-site septic system. The Draft Resolution was modified accordingly. The following motion was made: that the Commission adopt the following Resolution to approve the project subject to conditions and stipulations as noted. The motion was made by Mrs. Cameron, seconded by Mr. DiDonna and unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
APRIL 9, 2013**

Application Number: Coastal Site Plan Review #283  
Flood Damage Prevention Application #317  
Land Filling & Regrading Application #295

Street Address: 1 Candlewood Lane  
Assessor's Map #62 Lot #71

Name and Address of:  
Property Owner: Richard & Cornelia Thornburgh  
1 Candlewood Lane  
Darien, CT 06820

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

Activity Being Applied For: Proposing to raze the existing house, and demolish the pool, and construct a new house, septic system and pool, and perform related site development activities within regulated areas.

Property Location: The subject property is located on the south side of Candlewood Lane, approximately 650 feet southeast of its intersection with Hawthorne Road/Salem Straits.

Zone: R-1

Date of Public Hearing: March 26, 2013

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

Publication of Hearing Notices

Dates: March 15 & 22, 2013

Newspaper: Darien News

Date of Action: April 9, 2013

Action: GRANTED WITH STIPULATIONS

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 17 OF 22

Scheduled Date of Publication of Action:                      Newspaper: Darien News  
April 19, 2013

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

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

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

1. As noted by the applicant, the application is to raze the existing house, and demolish the pool, and construct a new house, septic system, and pool, and perform related site development activities within regulated areas. This is one of two lots at the end of a point of land in the Salem Straits neighborhood.
2. The property owner has obtained a setback variance to re-install a swimming pool between Scott's Cove and the proposed house. That variance is referred to as Calendar #5-2013, and is hereby incorporated by reference.
3. The area under the house is an enclosed area but is not a "basement" as defined by the Federal Emergency Management Agency and the Darien Flood Damage Prevention Regulations. It is allowed to be an enclosed area, provided it is used for parking a vehicle, storage, and/or access to the upper floor. The applicant's attorney has worked with the Zoning Enforcement Officer to confirm that the area is not a basement (which would be prohibited in the Flood Hazard Zone). It was noted that the elevator comes down to no lower than elevation 14, which is the expected flood level on the Flood Insurance Rate Maps that will be adopted later in the year.
4. At the public hearing, Mary Beth Wood, project architect, explained that the foundation will be reinforced and will have adequate flood pressure relief vents built into the portion of the foundation wall that is exposed to flood waters.
5. A January 16, 2013 letter from engineer Doug DiVesta was submitted requesting a waiver of the required stormwater management analysis due to the location of the subject property within the watershed and is directly adjacent to Scott's Cove. The Commission is granting that waiver. For a drainage analysis, study and computations. The applicant has proposed two rain gardens on the western part of the property.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 18 OF 22

6. E-mailed comments were received from the Connecticut Department of Energy and Environmental Protection indicating that they do not find any conflicts between the proposed redevelopment and the Coastal Area Management policies.
7. At the public hearing, project engineer Doug DiVesta explained that there are two septic tanks, a holding tank and a separate pump chamber tank. He said that the first floor of the house will be at elevation 15.5 and that the waste line from that will exit the house at elevation 11. The bottom of the leaching fields will be at elevation 12 unless there is a need for a pump to force the effluent into the septic system. He said that some select fill will be necessary to install the septic system. All of this work will be inspected by the Health Department. In response to questions about the potential flooding of the septic system area, Mr. DiVesta indicated that on very rare occasions the septic system will be inundated by flood waters and when it does the water will drain through and off the septic system and away as soon as the tide recedes. The leachate will not be carried out into Long Island Sound without passing through the ground first. He said that this is an acceptable design for properties that are in the Flood Hazard Area.
8. At the public hearing, Commission members discussed the possibility of connecting to the sanitary sewer, which is now in the neighborhood. They agreed that the new septic system will be better than the old septic system that is on the property at this time; however, they believed it would be best if the project was connected to the sanitary sewer system. Mr. Maslan indicated that connecting to the sanitary sewer is not feasible because the causeway leading from the mainland to the two lots on the point was constructed using large boulders and the causeway is actually owned by the adjacent property owner. That owner has expressed concerns regarding the excavation that would be necessary within the causeway and the possible collapse of the driveway if the area is disturbed. The Thornburghs had obtained basically a waiver or an exemption from the Department of Public Works and the Health Department to install a new septic system rather than connecting to the sanitary sewer. This is due to the difficulty of engineering and implementing the connection through the causeway.
9. The applicant's engineer, Mr. DiVesta, said that the Health Department is satisfied that the proposed design complies with all the Health Code requirements and limitations. He said that the holding tank and pump chamber create a system to avoid the leaching fields from being overwhelmed at any given time.
10. In a March 26, 2013 e-mail, the Darien Health Department noted that the proposed septic system at 1 Candlewood Lane meets the requirements of the CT Public Health Code, and notes that the proposed system represents an improvement over what is there now for sewage disposal. As for connecting to sewers, the Darien Sewer Authority does not require connections when service is available. The Health Department could (and would) require connection if no suitable alternatives exist, but a code complying system can be put in here. The Darien Health Department recommended connection to the sewer but objections were raised by neighbors who were concerned over the integrity of the driveway and whether construction activities would damage or threaten their only means of access.
11. The draft FEMA maps are not yet effective and they might become effective in the spring of 2013. The subject application being reviewed must comply with today's regulations and requirements.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 19 OF 22

12. The Commission notes the need for the applicant or property owner(s) to submit a Drainage Maintenance Plan for the proposed galleries as shown on the Site Plan, and to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners and/or tenants of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential stormwater impacts.
13. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.
14. The Commission finds that the proposed activities, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
15. 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.
16. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
17. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
18. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #283, Flood Damage Prevention Application #317, and Land Filling & Regrading Application #295 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction, stormwater management, and other site development activity shall be in accordance with the following plans as submitted to the Commission:
  - Zoning Location & Topographic Survey 1 Candlewood Lane prepared for Richard E. Thornburgh Cornelia P. Thornburgh, by William W. Seymour & Associates, scale 1"=20', last revised January 3, 2013.
  - Proposed On-Site Subsurface Sewage Disposal System, Thornburgh Residence 1 Candlewood Lane, by DiVesta Civil Engineering Associates, Inc., last revised 03/12/13, Sheet 1 of 3.
  - Details, Thornburgh Residence 1 Candlewood Lane, by DiVesta Civil Engineering Associates, Inc., last revised 02/25/13, Sheets 2 of 3; and last revised 1/16/13 Sheet 3 of 3.
  - Landscape Plan Thornburgh Residence 1 Candlewood Lane, by Eckerson Design Associates, LLC, dated 1.15.2013, Drawing No. L-1.0.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 20 OF 22

- New Residence for Richard and Cornelia Thornburgh, by MaryBethWoods Architect, last revised 3.11.13, Sheets A-1 through A-8.
- B. Due to the nature of this project, the Commission hereby waives the requirement for a performance bond.
- C. During the excavation, filling, regrading, and site work, the applicant shall utilize the sediment and erosion controls illustrated on the Site Plan referred to in Item A above, and any additional measures as may be necessary due to site conditions, including tree protection measures, as may be necessary. 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.
- D. As part of this application, a Drainage Maintenance Plan shall be submitted for the record. This Drainage Maintenance Plan requires the property owner and all subsequent property owners of 1 Candlewood Lane to maintain the on-site drainage facilities (the two rain gardens), and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to address water quality. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval and prior to the issuance of a Zoning or Building Permit.
- E. If, in the future, the property owner is tying into the public sanitary sewer, that tie-in does not need to come before the Planning and Zoning Commission for formal review and action, but rather, can be reviewed and acted upon administratively by the Planning and Zoning Director.
- F. The Commission requires that once the foundation has been installed, an "as-built" survey illustrating the location and elevation of the foundation be submitted to verify compliance with approved setbacks and flood elevations.
- G. The applicant shall install the stormwater management system as shown on the submitted Site Plan (in Condition A, above). The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent tidal wetlands and other environmentally sensitive areas. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at such owner's expense and as quickly as possible.
- H. Once the project is complete, and prior to April 14, 2014, the applicant shall certify in writing and/or photographs, and with an 'as-built' survey map that all work has been properly completed in accordance with the approved plans. This shall include written certification by the project's professional engineer that the drainage facilities have been installed according to the approved plans, and certification that all construction complies with the Flood Damage Prevention Regulations.

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 21 OF 22

- I. As always, authorization from the State of CT DEEP is required prior to any work proposed waterward of the coastal jurisdiction line in tidal, coastal or navigable waters of the state or in tidal wetlands. No work or disturbance is proposed within the DEEP jurisdiction, and adequate barriers must be installed and maintained to assure that no intrusion or disturbance occurs without obtaining the proper prior approvals.
- J. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- K. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to: approval from the Darien Health Department for the septic system; possibly a Blasting Permit from the Darien Fire Marshal; and a Dismantling and/or Demolition Permit from the Darien Building Department.
- L. This permit shall be subject to the provisions of Sections 815, 829, 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (April 9, 2014).

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

Mr. Spain read the following agenda item:

**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. *HEARING CLOSED ON 3/19/2013. DECISION DEADLINE IS: 5/24/2013.*

Commission members discussed the Draft Resolution and said that they were still concerned about the access to the Tokeneke Association storm sewer system. The site will be extensively redeveloped and additional storm drainage systems will be installed on-site, but those cannot be connected until the construction is nearly complete. Commission members felt that they needed some clarifications regarding the regrading and drainage, particularly how that will work during the construction process. The Draft Resolution will be revised by the staff and will be considered at a future meeting.

Vice-Chairman Spain then read the following agenda item:

PLANNING & ZONING COMMISSION  
MINUTES  
EXECUTIVE SESSION/GENERAL MEETING  
APRIL 9, 2013  
PAGE 22 OF 22

**Update on ongoing development projects.**

Mr. Ginsberg said that he will update the Commission at a future meeting.

**Approval of Minutes**

*March 19, 2013          Public Hearing/General Meeting*

Several minor modifications and corrections were discussed and agreed upon. The following motion was made: that the Commission approve the minutes as corrected. A motion was made by Mrs. Cameron, seconded by Mr. DiDonna. All voted in favor except Mr. Cunningham, who had not been present for the meeting on March 19<sup>th</sup>.

*March 26, 2013          Public Hearing/General Meeting/Executive Session*

Several minor corrections were agreed upon. The following motion was made: that the Commission approve the corrected minutes. The motion was made by Mrs. Cameron, seconded by Mr. DiDonna and unanimously approved.

There being no further business, the following motion was made: That the Commission adjourn the meeting at 10:08 P.M. The motion was made by Mrs. Cameron, seconded by Mr. DiDonna and unanimously approved.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning