

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 4, 2013**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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Chairman Spain read the following agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Coastal Site Plan Review #285, Land Filling & Regrading Application #302, James & Janeen Eckert, 165 Long Neck Point Road.** Proposing to construct an in-ground pool, retaining walls, and expand on-site drainage, and perform related site development activities within a regulated area. The subject property is located on the east side of Long Neck Point Road, approximately 500 feet south of its southernmost intersection with Pear Tree Point Road, and is shown on Assessor's Map #61 as Lot #3 in the R-1 Zone.

Mr. Ginsberg explained that he had received an email from Attorney Maslan who represents the property owner requesting that the public hearing on this matter be continued on June 11<sup>th</sup>. Mr. Ginsberg said that the meeting on June 11<sup>th</sup> will be conducted in Room 119.

Chairman Spain read the following agenda item:

**Special Permit Application #66-M, Darien YMCA, 2420 Boston Post Road.** Proposing to modify previously approved hours of operation. The subject property is located on the south side of Boston Post Road, approximately 350 feet east of its intersection with Weed's Landing, and is shown on Assessor's Map #53 as Lot #60 in the R-1/2 Zone. *POSTPONED TO JUNE 18, 2013.*

Mr. Spain explained that the order of the agenda would be modified slightly. He opened the General Meeting and read the following agenda item:

**GENERAL MEETING**

**Mandatory Referral #1-2013, Darien Board of Education, Darien High School, 80 High School Lane.**

Proposal to install a replacement scoreboard.

Commission members reviewed the draft report and noted that they are expediting action on the scoreboard replacement. If the existing scoreboard is to be relocated to some other portion of the property, that will need a separate site plan modification action by the Commission. The following motion was made: that the Commission approve the following report regarding the replacement of the

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scoreboard at the High School. The motion was made by Mr. DiDonna, seconded by Mrs. Cameron and unanimously approved.

**DARIEN PLANNING AND ZONING COMMISSION  
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT  
BOARD OF EDUCATION  
SCOREBOARD AT DARIEN HIGH SCHOOL  
JUNE 4, 2013**

**Mandatory Referral #1-2013, Darien Board of Education, Darien High School, 80 High School Lane.**

Proposal to install a replacement scoreboard.

The Darien Athletic Foundation is proposing to make a gift of a new scoreboard to the Board of Education. They propose to replace the scoreboard that is currently located on the south end of the stadium football field, and put the new scoreboard at the northern end of the Stadium Field. The existing scoreboard will likely be used elsewhere on the high school property. The new scoreboard does not change the ongoing activities on the existing field or on the subject property.

As noted within the May 20, 2013 submission, a number of policies on page 8-2 of the 2006 Town Plan are applicable:

- “To maximize existing park and recreation facilities.”
- “To continue the high level of maintenance and enhancements at all parks.”
- “To continue to use public-private partnerships, where appropriate, to provide recreation facilities for the community.”

The Commission acknowledges that at their May 7, 2013 meeting, they unanimously approved a site plan amendment to allow the new scoreboard at this property. They also acknowledge that a subsequent referral report will review other planned gifts from the Darien Athletic Foundation to the Board of Education, which could include a concession/restroom building, the installation of artificial turf on some of the existing fields, and other improvements to the Darien High School property, and possibly to the Middlesex Middle School property as well. Nothing in this report covers any of these other projects which may be proposed. The Commission requests that a plan of such proposed improvements as a whole be submitted for a subsequent Mandatory Referral report.

The Commission believes that this new scoreboard proposal is consistent with the 2006 Town Plan of Conservation & Development, as amended. The new scoreboard will not result in new or different activities at the site and is therefore consistent with the existing site plan that has been approved by the Commission.

Chairman Spain read the following agenda item:

**Business Site Plan #267-A/Special Permit, Town of Darien, 126 Ledge Road.**

Proposal to construct a building for fire training purposes, or a request for an extension of time to obtain necessary Zoning and Building Permits for a previously approved fire training building.

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Mr. Ginsberg explained that the project had been approved in 2011 and will be located on the rear portion of the Town property on Ledge Road. It is out of the way and will provide the necessary fire training facility.

Mrs. Cameron said that she noted that when the application was submitted, it was very complete and there were no issues or problems.

Mr. Spain said that the Commission could retroactively grant an extension or they could grant a new approval with plenty of time for the applicants to implement the project. The following motion was made: that the Commission approve the project and allow one year for the completion of the project.

In the discussion that followed, Mr. Voigt noted that the original application did not need a public hearing and neither does this request. The motion was made by Mr. Olvany and seconded by Mrs. Cameron. It was unanimously approved.

Chairman Spain read the following agenda item:

**Special Permit Application #60-L/Site Plan, Country Club of Darien, 300 Mansfield Avenue.**  
Proposing a modification to increase the size of the previously approved new platform tennis hut immediately adjacent to the platform tennis courts.

The project involves the increase in the platform tennis hut and a slight relocation of some of the facilities in that area. Mr. Ginsberg said that the project is located in the central portion of the site and is not near of any of the neighboring property owners.

Commission members reviewed the requested modifications. The following motion was made: that the Commission approve the requested modifications as a modification to the previous permit. The motion was made by Mrs. Cameron, seconded by Mr. Voigt and unanimously approved.

At about 8:15 p.m., Chairman Spain then read the following agenda item:

**Amendment of Special Permit #98-A, Coastal Site Plan #219, Flood Damage Prevention Application #237-A, Noroton Bay Property Owners, Inc., Nearwater Lane.**  
Request for 10' x 10' building to serve as temporary snack bar for the summer of 2013.

Mr. Spain said that the repairs for the permanent snack bar on the south end of the beach has been approved by the Commission, but has not yet been implemented. Mr. Ginsberg said that the proposed temporary snack bar building has been reviewed and approved by the Fire Marshal and Health Department and by the neighboring property owners. It will only be needed for 90 to 120 days. The snack bar building is actually a pre-fabricated shed that will be dropped onto the site, used for the summer season, and then removed later this year.

In response to questions, Charles Ernst, Project Coordinator, said that electric service to the building will be underground via a trench that will be dug. They had not planned to anchor the building down into the ground with any type of permanent foundation, but could provide temporary anchoring if required to do so. He said that the shed/snack bar structure would be located near the split rail fence

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near the parking lot. It will not be in the middle of the beach area. He said it would be used during June, July, August and the very early portion of September until just after Labor Day. It would be a walk-up service only. There would be no drive-up service. He said that the repair work on the permanent snack bar is underway, but will not be completed during the current summer beach season.

Commission members felt that it was necessary that the structure be anchored down in case there is some sort of storm. By anchoring the structure in place, it would not become a projectile which would injure people or damage other structures. The following motion was made: That the Commission approve the temporary snack bar building for the 2013 season with a stipulation that it be anchored in place to avoid relocation during a storm. The motion was made by Mrs. Cameron, seconded by Mr. Voigt and unanimously approved.

Mr. Spain stepped out of the meeting and Mrs. Cameron served as temporary chair. She read the following agenda item:

**Amendment of Special Permit #47-D, Darien Community Association (DCA), 274 Middlesex Road.**

Request for indoor graduation party on June 20, 2013.

Mr. Ginsberg reviewed the May 31<sup>st</sup> letter from Attorney Bruce Hill requesting Planning & Zoning Commission modification of the Special Permit to allow the special Thursday evening High School graduation party to extend until 1:00 A.M. instead of the usual 10:00 P.M. time limitation for such weekdays. The usual Friday and Saturday night rule is 1:00 A.M. It was explained that this is a private party chaperoned by parents of the graduating seniors. It is not a school function. It was also noted that 4 Darien police officers will be on duty and that music would be stopped by midnight and the party would be over by 12:30 A.M.

Amy Bell, Executive Director of the DCA explained that this is not a school sponsored or P.T.A. sponsored function. Rather, it is organized by 15 to 20 of the parents of the graduating seniors.

After further discussion, the following motion was made: that the Commission authorize the temporary modification of the Special Permit to allow the High School graduation party to extend until 1:00 A.M. in accordance with the submitted request and information. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved by the members present.

Mr. Spain returned to the meeting and resumed as Chair. He read the following agenda item:

*Discussion, deliberation and possible decisions on:*

**Coastal Site Plan Review #286, Land Filling & Regrading Application #304, Claudia Little, 6 Shennamere Road.** Proposing to relocate a portion of the existing driveway, and perform related site development activities within a regulated area. The subject property is located on the southeast side of Shennamere Road, approximately 50 feet southwest of its intersection with Contentment Island Road, and is shown on Assessor's Map #68 as Lot #4, in the R-1 Zone.

The following motion was made: that the Commission waive the process of reading each Draft Resolution aloud because each member has had an opportunity to review the drafts prior to the

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

Commission members reviewed the draft Resolution regarding the Little project at 6 Shennamere Road. Mr. DiDonna noted that several trees will be removed. Mr. Spain agreed, and said that this is in the coastal review area where tree removal is to be minimized. In this case, many trees will remain unaffected by the project and the driveway relocation is not on the immediate shoreline. He said that no coastal resources would be impacted to an unreasonable degree. Mrs. Cameron agreed that there are many other trees on the site that will be preserved.

The following motion was made: That the Commission adopt the following Resolution to approve the driveway relocation project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mrs. Cameron. All members voted in favor except Mr. Olvany who abstained, since he was not at the public hearing. The motion was passed by a vote of 5 to 0 to 1. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
June 4, 2013**

Application Number: Coastal Site Plan Review #286  
Land Filling & Regrading Application #304

Street Address: 6 Shennamere Road  
Assessor's Map #68 Lot #4

Name and Address: Claudia Little  
Of Property Owner: 6 Shennamere Road  
Darien, CT 06820

Name and Address of Applicant &:  
Applicant's Representative: Christopher Allan  
Land-Tech Consultants  
31 Franklin Street  
Westport, CT 06880

Activity Being Applied For: Proposing to relocate a portion of the existing driveway, and perform related site development activities within a regulated area.

Property Location: The subject property is located on the southeast side of Shennamere Road, approximately 50 feet southwest of its intersection with Contentment Island Road.

Zone: R-1

Date of Public Hearing: May 28, 2013

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

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Publication of Hearing Notices

Dates: May 17 & 24, 2013

Newspaper: Darien News

Date of Action: June 4, 2013

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: June 14, 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 relocate a portion of the existing driveway, and perform related site development activities within a regulated area. The subject property is served by an on-site septic system.
2. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
3. The Commission finds that the proposed activities with respect to the proposed addition to the residence, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program. The State of CT DEEP sent an e-mail dated May 14, 2013 stating that they "...have reviewed the application materials for consistency with the applicable policies of the Connecticut Coastal Management Act (CCMA) [CGS Sections 22a-90 through 22a-112 inclusive] and find no inconsistencies."
4. A rain garden has been proposed to address stormwater management. The Commission notes the need for the applicant or property owner(s) to prepare a Drainage Maintenance Plan, and file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
5. 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

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

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

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #286 and Land Filling & Regrading Application #304 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the new driveway, filling and regrading, and other site development activity shall be in accordance with the following plans submitted to the Commission:
  - Site Improvements for a single-family dwelling proposed driveway relocation Site Plan by Land-Tech Consultants, Inc., scale 1"=20', dated 3//21/13, Sheet 1 of 1.
- B. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the above-noted plans, and other measures as may be necessary due to site conditions, including tree protection. 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. As explained at the public hearing by the applicant's representative, there is likely a need for either blasting or hoe-ramming to remove ledge as part of this project. In order to minimize impacts to neighbors, the Commission is hereby requiring that the plans be modified slightly to avoid the rock removal or that if rock needs to be removed, it be done by ripping it with an excavator or by blasting rather than hoe-ramming. Blasting would require a permit from the Fire Marshal. Any change will require further review and action by the Planning and Zoning Commission.
- D. Due to the minor nature of this project, the Commission hereby waives the requirement for a performance bond.
- E. Once the project is complete, and prior to June 4, 2014, the applicant shall certify in writing and/or photographs that all work has been properly completed in accordance with the approved plans.
- F. 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.

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- G. 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. A Blasting Permit will be needed from the Darien Fire Marshal.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (June 4, 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 Special Permit form shall be filed in the Darien Land Records within 60 days of this action and prior to the start of any work, or this approval shall become null and void.

Chairman Spain read the following agenda item:

**Flood Damage Prevention Application #230-B, Land Filling & Regrading Application #303, James & Diane Bosek, 8 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 200 feet north of its intersection with Baywater Drive, and is shown on Assessor's Map #55 as Lot #16 & #17 in the R-NBD Zone.

Commission members reviewed the draft Resolution. Mr. Spain noted that this project fits the pattern of repair work taking place after the damage caused by Storm Sandy. The existing building will be elevated above the expected flood elevation and it still complies with the building height limitation. Mrs. Cameron said that this is a very large house replacing a smaller, lower house.

Other Commission members noted there were no comments from the neighbors at the public hearing. The following motion was made: that the Commission adopt the following Resolution to approve the proposed construction subject to the conditions and stipulations as noted. The motion was made by Mr. Cunningham and seconded by Mr. DiDonna. All members voted in favor except Mr. Olvany who abstained, since he was not at the public hearing. The motion passed by a vote of 5 to 0 to 1. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
June 4, 2013**

Application Number: Flood Damage Prevention Application #230-B  
Land Filling & Regrading Application #303

Street Address: 8 Waverly Road  
Assessor's Map #55 Lot #16 and #17

Name and Address of Property Owner: James & Diane Bosek

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12 Plymouth Road  
Darien, CT 06820

Name and Address of Applicant  
And Applicant's Representative: Lance Zimmerman, AIA  
Zimmerman Architecture  
14 Cliffview Drive  
Norwalk, CT 06850

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

Property Location: The subject property is located on the west side of Waverly Road, approximately 200 feet north of its intersection with Baywater Drive.

Zone: R-NBD

Date of Public Hearing: May 28, 2013

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

Publication of Hearing Notices  
Dates: May 17 & 24, 2013 Newspaper: Darien News

Date of Action: June 4, 2013 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
June 14, 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 416, 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 whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

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1. This application is to remove the existing residence and construct a new single-family residence, and perform related site development activities within a regulated area. The residence is now served by public water and public sewer service.
2. The house will be elevated to have a first floor of at least elevation 15.0, which is at least one foot greater than the FEMA Flood Insurance Rate Maps (FIRM) which will go into effect in July 2013. All mechanical units will be at or above elevation 14.0, which will also comply with the FIRM going into effect in July 2013.
3. In the submitted application materials and at the public hearing, the applicant confirmed that the terrace in the back of the property would be of masonry construction, so as not to count towards building coverage. He acknowledged that stabilization of the soil will be done, and shallow spread footing will be used as outlined in the March 18, 2013 letter by structural engineer Esmat Mekael. Smart vents will be installed as shown on the submitted plans, and the slab pitched, to allow water to flow out after a storm.
4. A rain garden has been proposed in the northeast corner of the property near the Waverly Road street frontage to address stormwater management. The applicant submitted a Drainage System Operation & Maintenance Plan for the record. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
5. 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.
6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #230-B and Land Filling & Regrading Application #303 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of a new replacement single-family residence, installation of stormwater management, and other site related activity shall be in accordance with the plans entitled:
  - Site Plan prepared for Bosek Residence #8 Waverly Road, prepared by LBM Engineering, LLC, scale 1"=10', dated April 20, 2013.
  - Zoning Location Survey 8 Waverly Road, prepared for James Bosek Diane Bosek, by William W. Seymour & Associates, scale 1"=10', dated March 11, 2013.
  - Bosek Residence by Zimmerman Architecture, dated 4-22-13, Drawing No. A1-A11.

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- B. Accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect and/or engineer that verifies that the final design of the replacement house comply with the applicable flood damage prevention requirements.
- C. As part of the submitted application materials, a Drainage Maintenance Plan from LBM Engineering LLC was prepared. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the issuance of a Zoning or Building Permit, but not later than August 4, 2013. This Notice will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Site Plan, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls, plus any additional measures as may be needed due to site conditions, shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. 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 site grading, building construction and the stormwater management (including, but not limited, to the rain garden) have been completed in compliance with the approved plans and the flood damage prevention regulations. Also prior to a Certificate of Occupancy, a final as-built survey shall be submitted by a licensed Land Surveyor certifying the final construction meets all building setbacks and building coverage maximums, and the finished floor elevation of the residence is at or above elevation 15.0, and the elevation of all mechanical units is at or above elevation 14.0, and final work is in compliance with local regulations.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Zoning Compliance, 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.
- G. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- H. Great care must be taken to make sure that storm water runoff is directed into the drainage system, not toward the neighbors.
- 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,

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

- 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 agency. This includes, but is not limited to: a Demolition Permit from the Building Department; Zoning and Building Permit applications; and a Sewer Disconnection and Connection Permit from Darien Sewer Services for the disconnection of the existing residence and the connection for the new residence.
- K. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (June 4, 2014). This may be extended as per Sections 858 and 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan must be filed in the Darien Land Records prior to the issuance of a Zoning or Building Permit.

Chairman Spain read the following agenda item:

**Approval of Minutes**

*May 14, 2013                      Public Hearing/General Meeting*

Commission members reviewed the draft Minutes and had several typos and minor corrections that were agreed upon. Mrs. Cameron said that she had not attended the meeting, but had watched the video recording of the meeting.

The following motion was made: that the corrected minutes be adopted. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved.

At about 8:35 p.m., Mr. Spain said that the Commission would return to the public hearing part of the meeting. He read the following agenda item:

**Continuation of Public Hearing regarding:**

By Order dated December 19, 2012 in the matter of Christopher & Margaret Stefanoni, et. al. v. The Darien Planning and Zoning Commission – Docket No.: HHB-CV-11-5015368S (the “Appeal”), Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning Commission for limited reconsideration. The legal notice for the original application read as follows:

**Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street.** Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the east side of Hoyt Street approximately 100 feet south of its intersection with Echo Drive, and is shown on Assessor’s Map #27 as Lot #168-1, within the R-1/3 zone.

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Mr. Olvany recused himself from participation in the discussion regarding this matter and departed from the meeting.

Mr. Ginsberg said that at the last session of the public hearing regarding this matter the Commission was awaiting the Traffic and Safety Report from Michael Galante. That report was submitted on 5/24/13 and was distributed to Commission members and interested parties.

Mr. Galante appeared before the Commission and said that his report to the Town focused on traffic safety. He said that the site plan has been revised to reflect that the bypass area for southbound traffic would not be included in the proposal. He said the main concern of the analysis was left turns into the site for traffic that had been traveling southbound on Hoyt Street. He said he tried to update the information regarding accidents and traffic volume. He said the traffic volume on a thoroughfare like Hoyt Street has generally increased by about 14% between 2008 and 2011. This is somewhat contrary to the economic trend which would assume a decrease in the traffic volume during that same period. He said that a chart in the report shows the old and new traffic data. Generally the peak hours for weekday traffic are from 8:00 to 9:00 A.M. and 5:00 to 6:00 P.M. Mr. Galante said that senior housing generates a limited amount of traffic at peak times (not nearly as much as single family houses would generate). He said that he had looked at all the information in the earlier Traffic Reports by the applicants' expert Mr. Spear, and by the neighbors' expert, Adler Consulting, and then his own report regarding traffic volumes and expected trip generation for senior housing.

Mr. Galante said that adjacent to the site at the A.M. peak hour, when the school traffic peaks, there is a time period of approximately 15 minutes when there are queuing delays at the site caused by the school traffic. He said that the delays dissipate within a few minutes. During other times of the day, generally there is free flowing traffic. He said that a speed sampling was conducted and it indicates that the 85<sup>th</sup> percentile of traffic is moving northbound at approximately 38 m.p.h. and the 85<sup>th</sup> percentile of traffic is moving approximately 32 m.p.h. southbound. He said that the average speed is approximately 34 m.p.h. northbound and 30 m.p.h. southbound. He said that that this is slightly higher than measurements taken several years ago.

Mr. Galante said that accident experience in the past three year period is summarized in the report. There were reports of three accidents involving property damage between Lake Drive and Hoyt Court. Two accidents were reported near Echo Drive and these involved cars waiting to turn left. He said that given the volume of traffic, this is not a serious pattern.

Mr. DiDonna said that the police reports indicate that there were actually 13 accidents in the area and that approximately 38% of those were rear-enders. Mr. Galante said that he will double-check on those reports. He said the traffic does back up at school arrival and dismissal times and that the back-ups are contributing factors for accidents. He said that the posted speed limit is 25 m.p.h., but it is recognized that people drive faster than the posted speed limit, often 8 to 10 m.p.h. over the posted speed limit. He said that speed is a contributing factor to accidents along Hoyt Street. Mr. Galante said that the chart in the report regarding the need for a bypass or left turn lane has been in use for many years. He said the lowest speed on the chart is 40 m.p.h. and that is why that number is referenced in the report even though the posted speed limit is 25 m.p.h. He said that based on traffic volume, a bypass lane is not mandated by the State Department of Transportation and his preference would be that the travel lane would not be widened for vehicles because it would reduce

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the area for pedestrians. He said that the State Department of Transportation has changed their previous decision and no longer requires that a bypass lane be created to accommodate the proposed 16 age restricted housing units. He said that the chart does not account for speed or grade, but that is part of the engineering design for any road improvements.

Mr. DiDonna said that one of the concerns expressed by the neighbors in the past has been about the likelihood of cars parking on the street due to the limited on-site parking to be provided within the project site.

Mr. Spain said that the Traffic Commission has recommended the marking of Hoyt Street so it would be no parking along the street in this area.

Mr. Galante said that part of the engineering expertise practiced regarding traffic safety is to deal with situations like this. He said that no one should park on Hoyt Street due to the proximity to the school and the number of children walking in the area. He said that he would not recommend a mid-block crosswalk from the site to the opposite side of Hoyt Street.

A question was raised about southbound traffic turning left into the site. Assuming that 6% of the vehicles traveling southbound will turn left into the site, this would mean approximately 24 cars out of 400 in the peak hour.

Mr. Galante said that actually only one or two cars would be expected to turn left into the site during the A.M. peak hours for 16 units of senior housing. You would need about 25 left turn motions during an hour to trigger consideration for a left turn lane or a bypass lane.

Mr. Spain asked if there was a chart reflecting that type of information during the original application and Mr. Galante said that he believed that there was.

Mr. Galante said that the proposed driveway is on the north side of the site and it has some restrictions as to visibility. The old standard was to measure sight lines 10 ft. back from the travel portion of the road, the new standard is to measure 15 ft. back from the shoulder. In this case, the sight line could be obstructed by the neighbor's site where a fence could be placed that might obstruct visibility. If the site plan were flipped and the driveway were relocated to the south side of the property, sight lines would be improved and the driveway would be farther from the Echo Drive intersection.

There is a letter from a neighbor to the north indicating that the curvature radius of the proposed driveway would go in front of their property. It was asked if this is a legitimate concern.

Mr. Galante said that during the final design stages, the Department of Transportation would likely prohibit the proposed driveway from going in front of the neighbor's property. This would be further justification for relocating the driveway farther to the south.

Mr. Spain asked if the Planning & Zoning Commission should do what the state could do regarding the driveway location and/or the bypass lane.

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Mr. Galante said that he performed a capacity analysis of the driveway using the new model. During the A.M. peak hour, Level of Service C would be established for traffic trying to turn out of the driveway and turn left. Those motorists might experience a 15 second wait to exit. During the A.M. peak, there would be a Level of Service A for vehicles proceeding southbound on Hoyt Street and waiting to turn left into the site. He said that he analyzed the three approaches and 6 movements. They are: northbound traffic on Hoyt Street proceeding through or turning right into the site; southbound traffic on Hoyt Street proceeding straight through or turning left into the site; and traffic from within the site turning left or turning right onto Hoyt Street.

Mr. Spain asked if there was any difference in the traffic from 16 houses on a short street versus the traffic to be expected for the senior housing development.

Mr. Galante said that if the traffic volume were the same, then the same levels of service would be achieved. He said that there is a slight difference in the speed that people will turn into a parking lot versus the street.

Mr. DiDonna asked if it would be expected that there would be more emergency vehicle trips to a senior housing facility versus the same number of single family homes. Mr. Galante said that he was not able to tell if there would be a different effect.

Mr. Voigt questioned the method of determining the traffic speed in the street. He said that a police car with radar causes the traffic to slow down to a much greater degree compared to a hose extended across the road. Mr. Galante said that he did not have any direct comparison regarding the speed measured versus the method of that measurement, but he will look into it.

Mrs. Stefanoni asked about the area of concern of traffic accidents. She said that when Mr. Spear conducted his analysis, he based it on a linear distance from the site. That is why he had a greater number of traffic accidents in his report.

Mr. Galante said that it is typical to use a node and link method to determine distances from the site to determine the number of accidents. A node is an intersection and a link is the distance between intersections. He said that typically the measurement is taken to the first node and the link between the site and that node.

Mrs. Stefanoni again asked about what linear distance should be used and Mr. Galante said that the State Standards would be approximately 500 ft. beyond the nearest intersection to the north and the nearest intersection to the south. He will double check the State Standards.

A resident of 6 Echo Drive said that the chart shows that the speed of 38 m.p.h. was measured using a radar system. He said that the Adler traffic consultant had found 40 m.p.h. when using the hoses to measure the speed of traffic on the road. He said that how the speed is measured does make a difference. He asked at what point a bypass would be needed.

Mr. Galante said that given the sight line, distances involved an average speed of 38 versus 40 m.p.h. is about a 20 foot difference in the required sight line. He said that is another reason why a suggestion to move the driveway to the south of the site makes sense. He said the traffic growth on Hoyt St. should generally be a one or two percent increase per year.

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Mr. Spain mentioned that there had been a 14% increase in the traffic volume between 2008 and 2011. He asked if it should be assumed that there has been a similar increase between 2011 and 2014 when the project would become operational. Mr. Galante said that increasing the background traffic would make no real difference regarding the turning movements.

Mark Gregory, also a neighbor, said that correspondence between Margaret Stefanoni and the Court indicates that she does not want the hearing to be closed tonight. He said that he will have additional information from his Traffic Consultant, Mr. Adler, available for the next meeting of the Commission.

Margaret Stefanoni said that at the previous Planning & Zoning Commission meeting, the Commission established a deadline for Mr. Galante to submit his report so that everyone would have an opportunity to review that report prior to the meeting. She asked if there would be similar deadlines for the submission of the Adler Report so that it will not be submitted at the last minute.

It was noted that the level of service turning left into the site is related to whether a bypass is needed, but the level of service from the site turning out into Hoyt Street is not related to a potential bypass. The level of service turning into the site is LOS A per the submitted reports. Mrs. Stefanoni said that she did not make any representation regarding the level of service of traffic exiting the site.

There was discussion regarding whether the Planning & Zoning Commission should get a Department of Transportation representative to be at the next meeting. The Commission concluded that they would adjourn the public hearing for tonight and would have an additional session of the public hearing, but the exact time and date has not been established because it would depend somewhat upon the Court decision about the scope of the hearing.

Mr. Ginsberg will work with the parties to establish an appropriate date and notify the parties and include notification on the Town website that the hearing would be continued at that time and place and date. Mr. Spain said that it would be appropriate to expect that the neighbors' Adler Traffic Report would be submitted at least one week prior to the continuation of the meeting. Mr. Gregory agreed.

There being no further business, the following motion was made: That the Commission will continue the public hearing regarding this matter at a later date and will adjourn the meeting at this time. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved. The meeting was adjourned at 10:00 P.M.

Respectfully submitted,

David J. Keating  
Assistant Planning & Zoning Director