

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING/PUBLIC HEARING  
JULY 16, 2013**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

**PLANNING & ZONING COMMISSION MEMBERS ATTENDING:**

Spain, Cameron, DiDonna, Olvany (left at 8:35 p.m.), Voigt (arrived at 9:05 p.m.)

**STAFF ATTENDING:** Ginsberg; Keating (arrived at 9:05 p.m.)

**RECORDER:** Syat

Channel 79

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Mr. Spain read the first agenda item:

**GENERAL MEETING**

**Amendment of Special Permit Application #221-F, Darien Fire/Police/EMS, 4 Tower Drive.**

Request to install generator, equipment shelter and replace existing antenna on the Tower Drive water tower property.

Mr. Ginsberg explained the proposal being put forth by Darien Emergency Management Services. Emergency Operations Manager and Deputy Fire Marshal Marc McEwan said that the purpose of this project is to update the 1998 antenna which is currently on the outside of the tank enclosure, which is concrete.

Mr. DiDonna said that he had visited the site which was unlocked at the time. Mr. McEwan explained that the proposed equipment shelter would be weather proofed and climate controlled. He said that it would be a big improvement to have the emergency generator and to provide an additional level of security. Mr. McEwan mentioned that Aquarion Water Company, which is the property owner, and the nearby neighbors have reviewed these proposed plans. The new generator would be outside the existing tank enclosure. He mentioned that he met with the neighbors two times recently to review the proposal with them.

Mr. Spain suggested giving notice to the neighbors when construction is about to begin. Mr. McEwan added that he will need a crane on-site for a day or two to implement this project.

There being no further questions or comments from Commission members, Mr. DiDonna made a motion to approve the request as submitted. That motion was seconded by Mrs. Cameron and was approved by a vote of 4 to 0.

Mr. Spain then read the next agenda item:

**Flood Damage Prevention Application #330, Christopher & Gwen Mitrano, 29 Waverly Road.** Proposing to elevate the existing structure and construct additions and alterations, and to perform related site development activities within a regulated area. The subject property is located

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on the east side of Waverly Road, approximately 125 feet north of its intersection with Shipway Road, and is shown on Assessor's Map #57 as Lot #31 in the R-NBD Zone.

Mr. Ginsberg summarized the proposed plans for the subject property at 29 Waverly Road. He said that the applicants propose to elevate the existing structure and construct additions and alterations. Mr. Ginsberg said that the neighbors within 100 feet have signed off on the proposed plans and therefore the Commission would have the ability to waive the public hearing on this matter.

Mr. DiDonna said that he noticed the reference to a future terrace on the submitted plans. Mr. Chad Nehring, Architect for the project, explained that the Mitranos are still undecided whether they will be building the terrace. He noted that the house complies with the setbacks, and that under the Darien Zoning Regulations, they allowed a 3 foot encroachment for proposed stairs to enter the house. Mr. Nehring mentioned that the future masonry terrace in the backyard would be on-grade and meet all setback requirements. Mr. Nehring summarized by noting that the Mitrano house was affected by Storm Sandy in October 2012. The Mitranos renovated their house which is now at Elevation 9.6 and this "re-done house" will be lifted to meet with the new FEMA Flood Maps which took effect July 8<sup>th</sup> of 2013.

Mr. Ginsberg noted that the proposed terrace in the backyard would need to be at least 8 feet off any property line. Mr. Spain suggested giving Mr. Nehring one year to lift the house and construct additions and alterations as well as to construct the terrace in the backyard.

There were no further questions or comments from Commission members. Mrs. Cameron made a motion to approve the application as submitted. Mr. Olvany seconded that motion which was approved by a vote of 4 to 0.

Mr. Spain then read the next agenda item:

**Amendment of Special Permit #117-D/Site Plan, Noroton Presbyterian Church, 2011 Boston Post Road.** Request for generator.

Mr. Ginsberg explained the proposal being put forth to add a generator and transformer at the Noroton Presbyterian Church property. He referred to the June 9, 2013 letter from Attorney Bruce Hill explaining the proposal in further detail.

Professional Engineer Craig Flaherty of Redniss & Mead showed the Commission members the location of the proposed generator. He explained that a few cedar trees will need to be removed as part of this application.

Mr. Bruce Hill said that there will be a variety of utility improvements and upgrades at Noroton Presbyterian Church. There will also be a future application in late 2013 for other changes to the building and the property. Mr. Hill confirmed that the generator is far away from the neighbors and over 100 feet from Boston Post Road.

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Ms. Cameron made a motion to approve the application as submitted. That motion was seconded by Mr. Olvany and approved by a vote of 4 to 0.

Mr. Spain then read the next agenda item:

**Amendment of Special Permit Application #26-C, Darien Arts Center, 30 Edgerton Street.**  
Request to use Senior Center for Darien Arts Center activities September-December 2013.

Mr. Ginsberg noted that the proposal by the Darien Arts Center was received at 4:50 P.M. tonight. He asked Commission members whether they wished to proceed with this tonight or put it on the agenda next week or the week after.

Mr. Spain suggested putting this on July 23, 2013 agenda which would give Commission members time to read the proposal.

Mr. Spain then read the next agenda item:

*Deliberation and possible decisions regarding:*

**Subdivision Application #131-A, Coastal Site Plan Review #288, Flood Damage Prevention Application #329, Land Filling & Regrading Application #308, Margaret C. Hand, 25 Brush Island Road.** Proposal to resubdivide the existing property into two building lots and construct a single-family residence and swimming pools on each lot, and perform related site development activities within regulated areas.

Ms. Cameron made a motion to waive the reading of the draft Resolutions aloud. That motion was seconded by Mr. DiDonna and unanimously approved.

Mr. Spain noted that this is being approved for a subdivision only and the Commission at this time is not approving a specific house on Lot 2. Ms. Cameron made a motion to adopt the Resolution as written. That motion was seconded by Mr. DiDonna and approved by a vote of 4 to 0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 16, 2013**

Application Number: Subdivision Application #131-A, Coastal Site Plan Review #288,  
Flood Damage Prevention Application #329,  
Land Filling & Regrading Application #308

Street Address: 25 Brush Island Road  
Assessor's Map #56 Lot #17

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Name and Address of Applicant & Property Owner: Margaret Hand  
160 Horseneck Road  
South Dartmouth, MA 02748

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

Activity Being Applied For: Proposal to resubdivide the existing property into two building lots and construct a single-family residence and swimming pools on each lot, and perform related site development activities within regulated areas.

Subject Property: The subject property is located approximately 1,300 feet west of the intersection of Nearwater Lane and Brush Island Road.

Zone: R-1

Date of Public Hearing: June 25, 2013 continued to July 9, 2013

Time and Place: 8:00 p.m. Room 206 Darien Town Hall

Publication of Hearing Notices

Dates: June 14 & 21, 2013

Newspaper: Darien News

Date of Action: July 16, 2013

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
July 26, 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 Section 400 of the Darien Zoning Regulations and all applicable sections of the Subdivision 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 subdivision plan, and the testimony 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.

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

1. The applicant proposes to subdivide the 2.2861+/- acre property at 25 Brush Island Road, into two lots, with one of those being a rear lot. As noted on the submitted subdivision plan, the two lots are proposed to be at least 1.0 acres each, and be served by on-site septic systems. Since this is a two-lot subdivision, it does not involve more than three times the minimum lot size required in the R-1 zone, and there is no open space requirement.
2. The Darien Environmental Protection Commission (EPC) sent comments in a memo dated July 8, 2013. Since that memo has been submitted, the EPC has approved this project as part of EPC #16-2013.
3. A plan was submitted by McChord Engineering showing the feasibility of proposed residences and associated improvements on each of the two lots. This plan shows houses which could be built upon each of these lots if they were approved, as well as their associated septic systems, stormwater management, and a swimming pool on each lot. These plans are conceptual only and are not for actual development permits or construction.
4. During the public hearing process, Planning and Zoning Commission staff noted that the proposed Lot 2 could be considered a rear lot behind either 25 Brush Island Road or 27 Brush Island Road. The public hearing was continued to July 9 to allow further refinement of the plans showing both possibilities. At the July 9, 2013 public hearing, and after reviewing a memo from David Keating, Commission members believe that the William W. Seymour & Associates plans last revised June 28, 2013, which shows a 90 foot front yard setback from 27 Brush Island Road and a 40 foot rear yard setback on the other property lines, represents a better layout. This layout has a large part of the buildable area outside of the 100 foot critical CAM review area, and almost the entire buildable area outside of the flood zone. It also allows the existing residence and garage to remain on Lot 1, since they would comply with all zoning setbacks. The only items that would need to be modified are the removal of the tennis court and the existing septic system, which is on the proposed Lot 2 and the removal of a small portion of deck on proposed Lot 1.
5. As noted at the public hearing, the proposed residences and other improvements shown on the submitted plans do not represent proposed construction and are not the specific structures to be built. The Commission is NOT approving site regrading, development or the construction of any residences herein, but rather, is solely approving the subdivision of the existing property into two lots. The decision on whether further review and action by the Planning & Zoning Commission is required for construction of these residences will ultimately depend upon the specific development proposed for each lot. It is noted that the proposed Lot 2 has a portion of that property within the flood zone, and a portion of the property within the 100 foot critical CAM review area. Part of the property is within 100 feet of Holly Pond, and is therefore in an EPC regulated area.

NOW THEREFORE BE IT RESOLVED that Subdivision Application #131-A and Coastal Site Plan Review #288 are hereby approved subject to the foregoing and following stipulations, modifications and understandings:

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A. The subdivision shall be in accordance with the following plan submitted to and reviewed by the Commission:

- Property Survey for Two Lot Resubdivision of Land of Margaret C. Hand, 25 Brush Island Road, by William W. Seymour & Associates, scale 1"=30', dated April 3, 2013 and last revised June 28, 2013.

The flood zone line on Lot 2 shall be revised to follow ground elevation 14, to clearly indicate the extent of the flood hazard area on the site.

While the plans prepared by McChord Engineering were submitted and reviewed by the Commission to determine the feasibility of a reasonable house and house and development of each of the two proposed lots, those plans are not being approved for the actual construction of buildings. As noted above, there is no specific development proposal being made as part of this application, and none is being approved herein.

B. No site work, other than the necessary modifications to the on-site septic system, removal of the tennis court and removal of a portion of the deck is proposed as part of this application. Any future development plans for the sites shall be subject to prior review by the Commission staff and, if appropriate, will require applications to the Commission. In designing the plans, the flood hazard area as well as the EPC and CAM jurisdiction areas should be respected, and development activities in those areas should be avoided and/or minimized. All utilities shall be installed underground.

C. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.

D. Prior to filing a mylar in the Darien Land Records, the applicant/property owner will need to remove a small portion of the existing deck on Lot 1, remove the existing tennis court, since an accessory structure cannot exist on a lot without a principal structure; and create a new septic system on Lot 1, since it now extends onto what would be Lot 2. New street addresses and lot numbers shall be obtained from the Darien Assessor and put onto the mylar prior to being given to the Planning & Zoning Director. Once that has been accomplished, the Planning & Zoning Director shall review the mylar to confirm it is in compliance with this resolution. If so, the map shall be signed and returned to the applicant for filing in the Darien Land Records. The timing of the filing must comply with Section 8-25 of the Connecticut General Statutes.

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. This approval of this subdivision 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, final review and action by the Darien Health Department for the abandonment and/or construction of any septic systems.

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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 plan by the Planning & Zoning Chairman.

Mr. Spain then recused himself on the next matter. Vice Chairman Ms. Cameron then read aloud the Legal Notice for the DCA matter.

**Special Permit Application #47-E/Site Plan, Darien Community Association, 274 Middlesex Road.** Proposing to install parking lot lighting, and a deer fence, and perform related site activities.

Mr. Olvany made a motion to adopt the Resolution as written. That motion was seconded by Mr. DiDonna, and was approved by a vote of 3 to 0, with Mr. Spain abstaining on this matter. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 16, 2013**

Application Number: Special Permit #47-E/Site Plan

Assessor's Map #20 Lot #42

Name and Address of Property Owner: Darien Community Association (DCA)  
And Applicant 274 Middlesex Road  
Darien, CT 06820

Name and Address of Applicant's Representative: D. Bruce Hill, Esq.  
Law Office of Bruce Hill, LLC  
23 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposing to install parking lot lighting, and a deer fence, and perform related site activities.

Property Location: The subject property is located on Middlesex Road, directly south of its intersection with Holly Lane.

Zone: R-1 Zone

Date of Public Hearing: June 25, 2013 continued to July 9, 2013

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

Publication of Hearing Notices

Dates: June 14 & 21, 2013

Newspaper: Darien News-Review

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Date of Action: July 16, 2013

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
July 26, 2013

Newspaper: Darien News-Review

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, 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 plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The property is in a residential zone and the Darien Community Association (DCA) activities are a Special Permit use allowed by the Section 404d of the Darien Zoning Regulations. The subject application for a Special Permit is comprised of new parking lot lighting, and a new eight foot high deer fence to facilitate the re-establishment of a bird sanctuary on the western portion of the site. This application does not include any changes in the programming of the DCA or the hours of operation of the DCA.
2. The proposed parking lot safety lighting is shown on the submitted plans. The twelve light poles will be a maximum of ten feet high, and contain 26 watt LED twin bulbs on timers. There will be shields behind the light fixtures to avoid light spillage. The lights will be on no later than 30 minutes after an event ends (or earlier, if events end earlier). The hours of the events shall be in accordance with the 2001 approval, and are not being altered by this action. Bollard lighting along the walkway is also proposed as part of this application. The applicant's representative explained that the lighting in the supplemental parking area (behind the building) will only be turned on for larger events.
3. The Zoning Board of Appeals (ZBA) heard this matter as part of Calendar 41-2013 on June 26, 2013. The ZBA granted the requested variances with conditions. That approval is hereby incorporated by reference. One of those conditions was that the proposed deer fence not be within 65 feet of the centerline of Middlesex Road.
4. The Environmental Protection Commission (EPC) approved this application as part of EPC 23-2013 on June 5, 2013. That approval is also approved by reference.

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5. A public hearing on this matter was held on June 25, 2013 and continued to July 9, 2013. Property owners within 100 feet of the DCA property were notified of the subject application sent in written comments or spoke at the public hearing.
6. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit #47-E is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of parking lot lights and eight foot high deer fence shall be in accordance with the plan submitted to and reviewed by the Commission entitled:
  - Zoning Location Survey 274 Middlesex Road prepared for Darien Community Association, Inc., by William W. Seymour & Associates, scale 1"=40', dated May 1, 2013 (as required to be revised by the ZBA).The proposed bollard lighting along the walkway is also hereby approved.
- B. All parking lot lighting shall be turned off no later than 30 minutes after the end of an evening event.
- C. All other conditions, stipulations, and requirements of all prior Special Permits, unless superseded herein, shall remain in full force and effect.
- D. The granting of this Permit 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.
- 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. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (July 16, 2014).

All provisions and details of the plan, as required to be modified by the ZBA, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

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Mr. Spain then continued the hearing and meeting. Mr. Spain noted that the Commission has now made it through the General Meeting, and that the Commission could take a recess if there was no “Other Business”.

Mr. Olvany noted that he would like to talk about the Allen O’Neill Quarterly Report under “Other Business”. Ms. Cameron then made a motion to go into “Other Business” to discuss the status of the Allen O’Neill/The Heights of Darien project which is now under construction. That motion was seconded by Mr. Olvany, and approved by a vote of 4 to 0.

Mr. Olvany noted that as required by the Commission’s Adopted Resolution, Allen O’Neill has been submitting Quarterly Status Reports to the Commission. He noted that the Quarterly Status Report this month referred to the issuance of Temporary C.O.s. He then asked Mr. Ginsberg how many buildings and dwelling units have temporary and permanent C.O.s as of today. Mr. Ginsberg explained that the project was approved in three different phases. Phase One is basically complete and Phase Two is about halfway done. He expects that Phase Two will be done in October of 2013 and the entire project in June of 2014. Almost all the old buildings which comprised Allen O’Neill have been demolished and removed and new construction is underway in both Phase Two and Phase Three.

Mr. Olvany suggested getting similar Quarterly Reports on the status of the Kensett Development which would enable the Commission to better understand the ongoing work there. Mr. Ginsberg mentioned that the prior Planning & Zoning Commission Chairman had suggested that all Planning & Zoning Commission members visit both of these sites. Mr. Spain suggested that Mr. Ginsberg arrange for such visits sometime between July 23<sup>rd</sup> and August 9<sup>th</sup> and, once coordinated between Kensett and The Heights of Darien, send an e-mail to members noting the time, date and place for those site visits.

At 8:35 P.M., the Commission took a brief recess. Mr. Olvany then left the meeting. At 9:05 P.M., Mr. Voigt arrived and the public hearing was resumed. Mr. Keating also arrived at this time. Mr. Spain then read the following agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding:**

By Order dated December 19, 2012 in the matter of Christopher & Margaret Stefanoni 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

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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.

Chairman Spain said that the proposed development involves 16 units of housing and it would be an affordable housing development under Section 8-30g of the Connecticut General Statutes. At the last session of public hearing in June, it was continued because the Stefanonis were in the process of filing a motion in court regarding the scope of additional information that could be submitted. The Court has responded to that motion and has indicated that in the original remand directive, the limited scope of information that could be submitted was correctly defined. On June 11, 2013 Judge Cohn then decided that, upon the applicants' request, he would widen the scope so that additional information regarding other items could be submitted. The transcript of that ruling was received on July 8, 2013. On Friday, July 12, 2013, a revised Proposed Site Plan by Hammons LLC (revised most recently on July 9, 2013) was received and distributed to Commission members. Earlier in this day (July 16, 2013) a report was received from the Fire Marshal.

Mr. Ginsberg also noted that there is a letter dated July 9, 2013 from the Carlos and a July 9 report from Adler Consulting. There were also the accident reports supplied by the Darien Police Department. All of these items are now in the record, and copies given to the Stefanonis. Mr. Spain said that Judge Cohn's recent June 11, 2013 ruling was also in the record as well.

Margaret Stefanoni said that one of the issues that they have resolved is the turning radius of the proposed driveway going in front of the property to the north. To address that matter, she submitted a revised site plan from Mr. Hammons that shifts the proposed driveway 10 feet to the south. She said he is using the standard DOT 25 foot radius for the curve of the new driveway as it meets the street and it will not go in front of the neighbor's property to the north. She said that another change in the map is on the eastern side of the building near the trash dumpster. The on-site walkway has been widened and extended and the parking space has been relocated. She said shifting the driveway to the south has revised the sight line as measured from the new driveway location.

Ms. Cameron said that the Fire Marshal report mentions a 37 foot diameter turning radius. Mrs. Stefanoni said that dimension concerns a different item, and that the 25 foot radius of the driveway meets the Fire Marshal's design standards for access to and from the street.

Tom Birmingham of 63 Hoyt Street said that he is the owner of the adjacent property to the north. He submitted a copy of a map that he had received at Town Hall indicating that his property line goes to the stone wall that separates his property from the Stefanoni property. He said that the Stefanonis' engineering map shows that their property extends several feet beyond the stone wall and that parking space #14 would extend beyond the stone wall. He said that the proposed parking space would thus encroach into his property. He submitted a copy of the map. Mr. Ginsberg said that that map is a portion of a copy of the 2005 survey map of 63 Hoyt Street that was submitted to show the construction of a wooden deck. It does show that the property line extends through the masonry wall on the south portion of the property at 63 Hoyt Street. Mr. Birmingham said that he is concerned that the wall location or property lines are not properly represented by Mr. Hammons on the survey of the Stefanonis' property.

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Gary Bernhardt of 6 Echo Drive said that the fire apparatus turning radius mentioned by the Fire Marshal has not been shown on the submitted plan. He said that it is appropriate that the proper radius be shown as requested by the Fire Marshal. Mr. Spain concurred that the applicant will need to satisfy the Fire Marshal's comment.

Mr. Mark Gregory of 23 Georgian Lane said that he had reviewed the materials that had previously been submitted and has not had sufficient time to review or prepare comments regarding the new materials that have been submitted within the past few days. He asked if the public hearing would be closed today. Mr. Spain said that the hearing will not be closed today because the Commission is still waiting for the Town's traffic consultant to provide more information and comments on the revised information, including the accident reports. He said that the Commission is likely to have a continuation of the public hearing on July 23, 2013 and will hopefully conclude the hearing at that point or on July 30, 2013. Mr. Gregory said that the traffic expert for the neighbors is in attendance tonight, but they will wait to comment after they have reviewed the revised plan and the traffic accidents.

Ms. Cameron said that it is important that the applicant provide detailed information regarding emergency access into the building. In addition to providing a dimension from the building to the property line, they should provide dimensions from the retaining walls and other obstructions that would limit or hinder placement of ladders or emergency access/egress. Mr. DiDonna said that there is an open space component to the Stefanoni property and it refers to a restrictive covenant. He wants to review a copy of that restrictive deed or covenant. Mrs. Stefanoni said that the deed is in the record and can be reviewed at any time. Mr. DiDonna wondered whether the open space could be used as the required access for emergency ladders and also if it could be used as access for construction purposes. Mrs. Stefanoni said that there is a joint ownership aspect of the open space and she will write up something about its permitted use and activities. She said that in an emergency, fire fighters will access any space. Mr. Spain said that the Carlos have stated in their letter that the designated open space parcel should remain as a natural area with trees and brush. The Fire Marshal recommends that the areas around the building that will provide emergency access should be cleared of brush and trees. The question is whether the open space parcel should remain natural or if the east side of the building is so close, can the open space be cleared as recommended by the Fire Marshal? The proposed design of the building so close to the open space might need to be altered if the clear access area recommended by the Fire Marshal is not achievable due to the deed restriction. Mr. Spain said that Mrs. Stefanoni should keep that in mind if she writes up her information. Mrs. Stefanoni said that there is language in the deed about maintenance of the open space and she will address that item.

Ms. Cameron said that access by Gallivant (the senior citizen van) into the site and the ability for that vehicle to turn around on the site and to provide a safe drop off and pick up area for the senior residents should be addressed. She wondered how that can be implemented on a practical basis. She asked for Mrs. Stefanoni to provide information on that matter.

There were no other comments. The following motion was made: That the Planning & Zoning Commission continue the public hearing regarding this matter on July 23, 2013 at 8 P.M. in Room

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206 of Town Hall. The motion was made by Mr. Voigt, seconded by Ms. Cameron and unanimously approved.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Ms. Cameron and unanimously approved. The meeting was adjourned at 9:37 P.M.

Respectfully submitted,

Jeremy Ginsberg  
Planning & Zoning Director

David J. Keating  
Assistant Planning & Zoning Director

*07.16.2013.min*