

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 1, 2013**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Spain, Cameron, Cunningham, DiDonna, Voigt, Olvany (arrived at 9:15 P.M.)

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat, Channel 79

Chairman Spain read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Special Permit Application #277/Amendment of Site Plan #248, Day Street Development LLC., 13 Grove Street. Proposing to establish a wine bar/restaurant and retail wine store in the first floor of the building now under construction at 13 Grove Street. The subject property is located on the southwest corner formed by the intersection of Day Street and Grove Street, and shares a parking lot with 1015 Boston Post Road, and is shown on Assessor's Map #73 as Lots #15 & #16 in the CBD Zone. ***PUBLIC HEARING OPENED ON JUNE 25, 2013, THEN CONTINUED TO JULY 23, 2013 AND SEPTEMBER 24, 2013. DEADLINE TO CLOSE PUBLIC HEARING IS OCTOBER 3. NO FURTHER EXTENSIONS OF TIME BEYOND THAT DATE ARE PERMITTED UNDER STATE LAW.***

Albert Orlando said that he is the owner of the proposed building now under construction at 13 Grove Street. He introduced his traffic consultant, Michael O'Rourke of Adler Consulting. Mr. O'Rourke reviewed the parking study and parking inventory of parking spaces with a quarter mile walking radius of the proposed wine bar and restaurant. He said that they counted 290 parking spaces on public property and on the nearby streets. They conducted the study on September 12, 2013 because they had not been able to conduct the study on the non-typical months of July and August. Of the 290 spaces in the area, 42 of those spaces were available between the hours of 11:30 A.M and 2 P.M., which is considered peak parking demand. There are 6 on-site parking spaces available to this building, thus there were 48 parking spaces available for the employees and patrons of the proposed business. Mr. O'Rourke said that using the ITE Traffic & Parking Generation Information, the peak parking demand expected for this type of business would be 27. He said that even counting the needs for upstairs apartment dwellers and the other businesses on the same property, there would be an expected peak parking demand of 46. There are 6 additional spaces available for the other building (on the corner of Day Street and Boston Post Road) that is located on the same property as the subject building at 13 Grove Street. Thus there would be the need for 46 parking spaces, and there are a total of 54 available parking spaces within a quarter mile walking radius.

In response to questions, Mr. O'Rourke said that the parking study area he used extended from the Grove Street and Day Street area to Corbin Drive and to the train tracks near Tokeneke Road. Mr. DiDonna noted that 159 parking spaces have been added to the current study compared to the previous study conducted by Adler Consulting. Mr. O'Rourke said that he is not sure why the previous study had not included these 159 parking spaces. Mr. DiDonna commented that the quarter mile walking

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radius is approximately 1,250 linear feet. He said that it is hard to believe that there are people in Darien who would walk that far to a restaurant. He said that in other cases it might be reasonable, but in Darien it is not reasonable to expect people will walk that far to go to a restaurant. Mr. O'Rourke said that if people want to go to a specific restaurant, they will walk that far. He said a national household travel survey conducted in 2009 as part of the national census study indicates that people will walk a quarter mile or more from a parking space to a restaurant. Ms. Cameron said that Darien is not going to necessarily fall into the national average and that type of study does not take into account that people would have to cross Route 1. She asked if the approved restaurant at 2 Squab Lane, which has not yet been built, was taken into account because it also will generate parking in that vicinity. Mr. O'Rourke said that he spoke with Director of Planning Jeremy Ginsberg and was told that the restaurant at 2 Squab Lane would not be constructed until later this year or early 2014 and would not be occupied until 2014 at the earliest.

Mr. DiDonna said that in the previous study, the employees at the proposed retail uses at this site were listed as parking on Mechanic Street, which is on the other side of the railroad tracks. Mr. O'Rourke said that he limited his study to the west side of the railroad tracks (adjacent to Day Street) because that is more likely the area that customers would park and walk to the restaurant because it is psychologically or practically more likely to be used as such. Mr. O'Rourke said that the parking demand is based on the overall use. Customers of the wine bar and restaurant are not counted the same as customers of the general retail use because retail customers are generally there for 15 minutes where restaurant patrons are there for an hour or more. Employee parking would be in long term parking space (not the one hour or three hour parking spaces in the area). He said that the parking demand number is based on the type of use and the size of the use. He also said that he is not aware of any arrangements made for employees of the other businesses on the property. Mr. Spain noted that Paragraph G of the Planning & Zoning Commission approval that was granted several years ago, indicates that the Grove Street parking lot area cannot be counted on to provide any customer or employee parking spaces associated with this property. Mr. O'Rourke said that he spoke with Mr. Ginsberg and that the changes anticipated at the time of Commission's action had not yet been made so they were included in the parking count that was recently performed. Mr. Spain said the approval of the retail use within this building had already taken into account on-street parking that was available in the area. A restaurant use needs a Special Permit and the parking requirements are greater for restaurant use both a practical basis and within the Zoning Regulations. He said that the Commission in deciding the Special Permit application needs to determine if the standards of the Regulations have been satisfied. Mr. O'Rourke said that he looked at the peak parking demand for the proposed use. He noted that the peak parking demand for residences is the building would be at night, not at lunch time. Mr. Spain noted that people coming to a restaurant for lunch or a meal will walk farther to the site compared to a patron who is just picking up something at a retail store. Mr. DiDonna mentioned that the Squab Lane restaurant approval has already been granted and it will add considerably to the need for parking spaces in the area. Mr. O'Rourke said that he had not taken into account the Squab Lane restaurant because it will not become operational until at least 2014. Ms. Cameron said the Commission has already approved the restaurant, whereas this site was approved as a retail use, not a restaurant use.

Mr. Ginsberg said there are numerous emails of support for the proposed restaurant in the file, and have been forwarded to the Commission.

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At about 8:30 P.M., Peter Troilo, the applicant, spoke and said that the refuse removal design has been reviewed by their consultant and deemed to be acceptable. He said that the hood system to contain the odors in the kitchen facilities has been designed and will be implemented at the site. Mr. Spain said that it is important that anything that is proposed to control the odors must be properly installed and maintained. Ms. Cameron said that there are other issues that need to be addressed for the proposed restaurant use.

Amy Dixon explained that the approved Site Plan already includes the trash enclosure area that is accessible from the driveway from Grove Street. The trash enclosure of 5 feet by 12 feet will be large enough for up to two (2) 6-yard Dumpsters. City Carting has been consulted and they can pick up the Dumpsters six days per week. In response to questions, she said that the pick-up would happen at approximately 7 A.M. to avoid traffic problems and it is already on their regular route for City Carting. Ms. Cameron and Mr. Spain noted that there are 6 proposed residential units on the site and that the residents will be awakened by the truck entering the site, picking up the trash, backing up and then exiting the site. Mr. DiDonna expressed a similar concern. Ms. Cameron asked if the driver will need to roll out the Dumpster from the enclosure area or if it will be picked up by the front loader of the truck. There was some discussion about whether the truck would need to back up. Mr. Spain noted that the previous approval for retail uses would not have required that the trash truck be at the site six days per week. Ms. Cameron said that the application mentions a food delivery service. Ms. Dixon said that they do not plan on having a huge catering service but they will have a delivery vehicle on site to deliver to customers at lunch time from 11 A.M. until 2 P.M. only. They would expect maybe six deliveries per day. She said that there is sufficient on-site parking to accommodate that delivery vehicle. Ms. Cameron asked what would happen if that parking space is filled by a customer. Ms. Dixon said that she feels the delivery truck would function properly. She said that food deliveries to the restaurant and wine retail store would happen from 8 A.M. until 10 A.M. and they would generally be made by small box truck that would park within the parking lot on the site. They do not expect deliveries from large tractor trailer type vehicles.

Bill Harke, Project Architect, said that he walks across Route 1 and walks a mile each day for lunch near where he works in Greenwich. He said that the exact locations of the doors, windows and entrances to the building has yet to be determined based on the floor plan. He said that the Architectural Review Board had discussed this matter and given the general approval regarding the types of windows and doors and the types of finished materials on the exterior of the building knowing that the exact locations of the doors and windows would change. He concurred that the delivery of food and products to the site by many smaller vehicles would be less intrusive than having one large truck trying to deliver to the site. Mr. Spain expressed a concern about guest being dropped off at the restaurant in inclement weather. If the parking lot is not accessible, then motorists will park on the street to drop off their guest. This will clog the traffic flow of the street as well as the parking area. Mr. Harke said that the main entrance to the restaurant will be on the parking lot side of the building. He said that he does not know what the retail use would be in the other building on the property at 1015 Boston Post Road (that shares the parking lot) but noted that the restaurant would not be open until 10 A.M. and would operate into the evening. It would not be a 9 A.M. to 5 P.M. business like other on-site businesses are likely to be.

Mr. Troilo said that the new wine retail shop will be slightly smaller than the existing wine shop that he operates on the Boston Post Road. By state law, they are only allowed to have one customer entrance into the retail store. He said that the proposed wine retail shop would be 647 square feet plus the 180

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square foot office. In response to questions, Mr. Dixon said the original proposal for outdoor dining is off the table, and the discussion about having valet parking for customers is also off the table. Mr. DiDonna said that comparing the 2008 approval to the current floor plan indicates that there is approximately 500 square feet of extra floor area being created at this time. Mr. Harke said that the outside dimensions of the building have not changed. He could not explain the difference between the approved square footage in 2008 and the proposed square footage in this application.

Ms. Cameron asked about the fact that the original proposal in 2008 had two buildings with one owner, now there are two owners, each of whom would own a separate building on the same property. Mr. Orlando said there is a shared parking agreement that specifies that they will share the parking lot and six parking spaces are designated for each building. Chris Bristol explained that he is an attorney who was not involved in the original approval process but now works for Mr. Orlando. He said that after the original approval was granted, Mr. Orlando anticipated that there would be two separate owners of the two separate buildings and thus he created a shared parking agreement with himself. It is recorded on Volume 1477, Page 500 in the Darien Land Records. It references the approval under Business Site Plan #248. Mr. Bristol said that the intent is to have a high end focused restaurant which will be complimentary to the other uses in the area. He said that foot traffic in the downtown area will be enhanced by adding the restaurant in this location.

Allison Kreuch said that she has been in the restaurant business for 19 years. She expressed support for the applicant and for the proposed business use. She said that she and many other patrons would walk a quarter mile or more to patronize a desired restaurant.

Attorney Robert Maslan was representing the owners of 1019 and 1021 Boston Post Road, which is an adjacent property. He said that they are all in favor of reasonable development; however, this proposed use is not compliant with the Regulations. He said that the application has been pending since June, yet the parking study was only conducted and submitted in September. He said the results of the parking study are clear, that the proposed use does not comply with the Regulations which require that there be on-site parking sufficient to satisfy the proposed use. He said that parking in the area is very tight and nearby parking spaces are often privately owned or designated for commuter use or otherwise restricted by time limitations. He said that there is an approval by the Planning & Zoning Commission for the redevelopment of 2 Squab Lane which is close by. He said that that approval is still valid and includes a 5,500 square foot restaurant and 5,500 square feet of retail space. He said that the proposed restaurant use at 13 Grove Street will create too much parking demand and when that happens, people will park where they are not supposed to park. He said that he is often in the area and notices that the on-street parking spaces are frequently not available. He said that they are very often full. He said that the 12 on-site parking spaces cannot be allocated for each building or for a specific tenant or for a valet use or other restriction. He said that the Darien Zoning Regulations require that the 12 on-site parking spaces be available to all of the patrons and employees of the site. Mr. O'Rourke said that there are 12 shared parking spaces on the site. He said that the parking study was not allowed to be conducted in July or August because those are not typical months due to seasonal vacations.

Ms. Dixon said that the proposed business use will generate approximately 3 million dollars per year. They will be hiring veterans or disabled persons and patronizing local farms for their produce and products.

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There were no other comments from the public or the Commission. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter. The motion was made by Ms. Cameron, second by Mr. Voigt and unanimously approved.

At about 9:15 P.M., Chairman Spain then read the following agenda item:

Special Permit Application #278/Site Plan, Darien Spa & Nails, 355 (aka 351) Boston Post Road. Proposal to establish a nail salon on the first floor and in a portion of the unfinished basement of the existing building, in the space formerly occupied by Knock on Wood. The subject property is located on the north side of Boston Post Road at its northwest corner formed by its intersection with Birch Road, and is shown on Assessor's Map #14 as Lot #51 in the DB-2 Zone.

Mr. Olvany arrived at 9:15 P.M.

Grace Choe explained that she has operated Darien Spa & Nails adjacent to Orvis (near Trader Joe's) for approximately 11 years. Daniel Choe explained that in order to relocate to the building down the street, at 355 Boston Post Road, they need a Special Permit approval from the Planning & Zoning Commission. He said that the space that they will occupy has been the Knock on Wood retail sales facility.

Mr. Ginsberg said that he understands there will be no external use or storage outside the building and there will be no finished space and no customers in the basement. He said that the parking in the front of the building seems to be more than adequate for the customers and employees of the businesses in the rest of the building. He understands that employees frequently come to the nail salon by van and that the busiest times are on Friday and Saturday afternoons. He said the business would be operated from 10 A.M. to as late as 8 P.M. but the busiest time is between 4 and 6 P.M. He said that the parking lot seems to be busiest between 4 and 6 P.M. when the music business on the property has lessons for students who have finished their school day. Mr. Ginsberg said that he understands that the van that brings employees to the site will park in the rear of the building. When asked if the business would be the same as the current use operated next to Orvis, Ms. Choe said that it will be a slightly smaller space and slightly fewer number of work stations compared to the existing nail salon near to Trader Joe's. Mr. Ginsberg said that Health Department approval will be necessary and that the Fire Marshal has indicated that the basement will be used for storage and a washer and dryer, and that there will be no finished space in the basement. It was noted that there are restrooms in the basement and that a new handicap bathroom will be provided on the first floor for customers. There will be 7 pedicure stations and 7 other workstations at the new site. At the existing site, there are 10 pedicure stations and 10 other workstations. Mr. Ginsberg said that the parking on the subject site is grandfathered and that the parking requirement for retail use and personal service use under the current Regulations is one parking space for every 150 square feet of gross floor area. Since the parking requirement is the same for the retail use and the personal service use, in accordance with the Regulations, no variance is necessary from the Zoning Board of Appeals.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding the application and will render a decision at a future meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

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At about 9:30 p.m., Chairman Spain read the following agenda item:

Land Filling & Regrading Application #313, Eric Roemer, 49 Birch Road. Proposing to remove the existing paved driveway, install a circular driveway and surface the driveway with permeable paver stones, and perform related site development activities. The subject property is located on the west side of Birch Road approximately 450 feet north of its intersection with Point O'Woods Road, and is shown on Assessor's Map #11 as Lot #11 in the R-1 Zone.

Doug DiVesta, Professional Engineer, explained that the applicant wished to modify the existing driveway in front of the house and create a new circular driveway with two curb cuts along Birch Road. Instead of asphalt paving, they will be using stone paver surface material with a Belgian block curbing. This will allow stormwater to soak into the ground rather than running off of the driveway. He noted that there is an area on the south side of the proposed driveway that is about 30 feet long where they will be very careful not to disturb the roots of the trees in that area. Ms. Cameron said that she looked closely at the trees and said that the old beech tree probably should be removed and that the oak tree would be impacted by the proposed work so close to the root structure. She said the roots of the oak tree are near the surface and even disturbing the soil 12 inches deep would probably impact the oak tree. She said that it does not appear to be 12 feet of space for the driveway between the roots of the 2 trees in that area. Mr. DiVesta said they could raise the grade of the proposed driveway by 6 to 12 inches to minimize the disturbance of the roots or they could move the driveway farther from the oak tree but it would definitely require removal of the beech tree.

In response to questions, Mr. DiVesta said that flooding happens on the rear portion of the property, not in the front yard. He also noted that the pervious stone pavers need to be maintained and this involves literally vacuuming out fine, sandy material and fines that tend to accumulate. It will be the homeowners' responsibility to maintain the driveway so that water continues to soak through the driveway rather than being shed off of the new driveway.

Mr. Ginsberg said that Environmental Protection Commission had submitted comments indicating that they have no concerns about the impact of the new driveway on any wetlands or watercourses.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Voigt, and was unanimously approved.

At about 9:45 p.m., Chairman Spain read the following agenda item:

Coastal Site Plan Review #272-A, Land Filling & Regrading Application #273-A, Eric Richards/Estate of Beatrice Richards et. al., 121-123 Five Mile River Road. Proposing to raze the existing residence and garage, implement the "free cut", and construct two single-family residences and in-ground pools with associated filling/excavation and regrading work, and perform related site development activities within a regulated area. The subject property is located on the south and east side of Five Mile River Road approximately 700 feet south of its intersection with Davis Lane, and is shown on Assessor's Map #67 as Lot #2 in the R-1/2 Zone.

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Eric Richards explained that he is the court appointed executor of his mother's estate and they propose to divide the existing lot into two separate building lots, each of which conforms with the minimum lot size, setbacks, height and coverage allocations. Two proposed houses have been designed with terraces and each with a swimming pool. The existing driveway will continue to serve the north lot and a new driveway will be constructed to serve the proposed south lot. The existing house is located on what would be the new dividing line between the north and south lot and therefore it must be removed before they can implement the "first cut" or "free split." He said that a 2010 letter from the Director of Planning confirms that the property is entitled to be divided into two conforming building lots. Mr. Richards explained that they have obtained a permit from the Environmental Protection Commission (EPC) and that the southeast portion of the property, a rock outcrop will remain. Also, in accordance with the EPC approval, the oak tree on the east side of the north lot will be trimmed and will remain. The 46 inch diameter tree was examined by an arborist and was determined to be healthy enough to be preserved. Also the pool and pool patio had been reduced to preserve the tree. In addition, a large tree near the driveway on the north lot will be preserved. Mr. Richards explained that the proposed development includes a vegetative buffer planting area that will be installed. Trench drains have also been added to the proposed driveway on the south lot to collect the stormwater from the driveway and avoid it traveling down to the neighbor to the west. To implement the plan, approximately 5,000 cubic yards of rock material must be removed. He said that on an adjacent lot to the south of the Richards property, blasting was necessary to create the basements and that blasting caused no damage or any of the trees on the Richards' property. Similarly, he believes that the rock material on the Richards property can be removed without causing any damage to any of the adjacent structures or properties. He said that the blasted rock would be removed by 10 yard trucks. He consulted with Darren Oustafine of the Darien Public Works Department who indicated that those 10 yard trucks are comparable to the Town trucks that plow the streets, and no damage to Five Mile River Road is expected as a result of the use of the trucks carrying the blasted rock. Mr. Richards said that the phasing plan calls for the development of the south lot first, so that the north lot can be used to facilitate the construction on the south lot. Then the north lot will be developed without needing to utilize the south lot as a construction staging area. He said the new driveway for the south lot will pass through a portion of the private section of Five Mile River Road. In response to questions, he said that approximately 700 truck trips will be necessary to remove the blasted stone. It is anticipated that that part of the project will take 6 to 8 weeks to implement. He said that in recent years, houses at 125, 129, 134, 135, 137, 144 and 147 Five Mile River Road have all had houses that have been substantially reconstructed or houses that have been demolished and new structures built.

Megan Raymond, Senior Ecologist at William Kenny Associates, reviewed her report on the Coastal Area Management (CAM) aspects of the project. She said that the property is 1.1 acres in size and is along the westerly shoreline of Five Mile River. The existing house and barn structure will be removed and new residential development will take its place. There are many rock outcrops on the site and the coastal resources include: the Five Mile River watercourse; the high water vegetation which is a narrow band along the top edge of the water and the lowest part of the land; the seawall, which is on most of the easterly boundary of the site; the flood hazard area which extends up to elevation 14, that the major coastal resource is shore land which is a majority of the site. She said that each of the proposed lots will comply with the minimum lot size requirements of the Zoning Regulations and stormwater runoff has been designed to be treated through a series of infiltrators before it is discharged into the Five Mile River. Sanitary sewers will be extended to each of the lots and they will use the existing septic system on the site as part of a rain garden area. She said that part of the EPC permit findings is that it is highly unlikely to impact or pollute the watercourse or wetlands. She said much of

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the proposed work is within the shore land coastal resource. She said the State Statutes call for the shore land to be protected in order to minimize impacts on the other resources. She said that the planting plan has been submitted and she reviewed a colored version of the planting plan with the Commission. Some of the work will be along the shoreline, some of the work will involve lawn areas, some of the plantings will create screening and buffer areas. She said there will be no interference with potential water dependent uses given the fact that the area is zoned for single family residential structures. Ms. Cameron said that preserving the rocky shorefront area is an important aspect of the Coastal Area Management Program. Ms. Raymond said that the rocky shorefront is only that area which is within the flood zone or immediately adjacent to the River. In the upland shore lands there are rocky outcrops but they are not considered rocky shorefront. Ms. Cameron expressed concern about the visual impact of modifying the grades so substantially and removing so much rock. Ms. Raymond said that there are 8 specified impacts in the State Statutes including significant alteration of scenic overlooks and vistas but this is not a public park, although the public might see it from a road and it would look different, but they are not obstructing the view to the water and there is no view easement or overlook that has been created. They are proposing to stabilize any disturbed soil and to install sediment and erosion controls throughout the construction process to make sure there are no impacts to coastal area resources. Mr. Spain asked about the existing dock. Ms. Raymond said there is no proposed work on the dock at this time. Any work on the dock would require State Department of Energy and Environmental Protection (DEEP) permits. Ms. Raymond said that the entire site is within the 1,000 foot CAM zone and much of the site is within the 100 foot critical area adjacent to the Five Mile River. She said that what is proposed are two conforming houses on two conforming lots. Mr. Spain asked if there could be a two house design that would be less development occurring within the 100 foot critical CAM area. Ms. Raymond said that the northern lot is the most restricted, and that is not possible in the northern lot. Mr. Spain asked if it was possible for the lots to be developed with less house and/or with less patios and pool area within the critical 100 foot area. Ms. Raymond said that under the definitions of the CT CAM Act, rivers and the fringe vegetation are the resources to be protected. She said that no work is proposed on the water side of the seawall and that the seawalls will not be changed because DEEP permits would be necessary for that work. She said that both lots have less than 20% building coverage proposed.

Mr. Ginsberg said that the EPC approvals refer to application EPC#14-2013 and it was approved on August 7, 2013. He confirmed that the 7 page letter of approval is part of the file. There is also a one page memo dated September 24, 2013 from the EPC in their capacity as Conservation Commission. He said that the EPC meets again during the month of October and may submit additional information in their advisory capacity to the Commission.

Rob Frangione, Professional Engineer, said that the existing on-site septic system is approximately 20 feet from the Five Mile River. He said that the proposed building coverage on Lot 1 is 15.2% plus the swimming pool and, on Lot 2, the proposed building coverage is 16.9% plus the swimming pool. He said that sanitary sewer lines were installed in the area and provision was made for two lots because two laterals were installed. Each new house will need an ejector pump to connect to the sanitary sewer in the street. Mr. Frangione said that the existing storm water runoff goes directly to the River untreated or it goes toward the street and then to the River. He said that there is a small PVC pipe in the private portion of Five Mile River Road, and that directs water in a northerly direction toward the public street or toward the River.

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Mr. Frangione said that each of the new lots/houses will have its own storm water drainage system of infiltrators to accommodate storm water quality management. Patios will be constructed with an under-drain system and a rain garden will be installed in the location of the existing septic system. Bio-filtration plantings will be installed along the seawall. He said that this design was exhaustively reviewed by the Environmental Protection Commission and Mr. Frangione said that the EPC concluded that it will adequately treat storm water runoff for water quality purposes.

He said that he has received the comments from Mr. Canas in his September letter and will respond to those comments and will provide that information to the Planning & Zoning Commission in the future.

Mr. Spain asked if it was possible to provide profiles of the rock conditions as they exist now and of the proposed excavation and removal of rock. He questioned whether it would be possible to develop the properties with less impact to the existing rock conditions. Mr. Frangione said that he will respond to that concern and will provide additional information to the Commission.

At about 10:40 p.m., Marion Castell, Town Historian, submitted photographs of the site from a book which is a catalogue of the works of John Frederick Kensett. She read comments into the record expressing the importance of preserving the history and environment of the area and that the shoreline of Darien is an important landmark visually, historically and environmentally. She said that the subject property is part of a public vista in Darien and is visible from the Rowayton side of the Five Mile River. She said that this area was painted extensively by artist John Frederick Kensett. She urged that development be designed to have the least amount of disturbance to the rock and natural conditions rather than the current proposal which would cause considerable disturbance of the natural conditions. She suggested that the State Archeologist visit the site before it is disturbed or while it is being developed to see if there are any important archeological items on the site.

Joseph Canas, Professional Engineer, explained that he has been retained by the Town of Darien's Environmental Protection Commission and Planning & Zoning Commission to review the pending application. He referred to a September 27, 2013 letter that contains 11 comments regarding the current proposal. Among other things, he noted that the sediment and erosion control design needs reinforcement and that the storm water management design appears to meet the Town's requirements for water quality purposes. He said that the submitted plans refer to the old flood elevations instead of the new flood elevations that were adopted in July 2013. He said that there is not an enormous change in the location of the flood lines due to the steep slopes on the property, but a change in the flood line location might impact the pools and terraces, but not the houses. He said that a 25 year design storm was used for the water quality analysis.

Mr. Richards said he provided a video to the Darien Environmental Protection Commission regarding one of the neighbor's concerns that storm water travels from the Richards property down the neighbor's (the Burke) driveway. Mr. Richards said that the video clearly shows that the source of the water is not the Richards property, but it is other properties in the area.

Mr. Canas said that drainage from the proposed driveway on the west side of the site is now proposed to be collected in several trench drains and directed easterly (away from the neighbor) in a pipe that

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would be approximately 15 feet deep into the ground in the vicinity of the proposed house on the southerly lot.

Mr. Greg Richards said that there will be a trench that will be created along the south side of the proposed southerly house in order to facilitate the installation of this storm drainage pipe.

Mr. Frangione said that the house will have a basement so all they need to do is widen the excavation area.

Mr. Spain said that it would be important to provide a detailed profile of that area to illustrate the extent of the change of the grade.

Noting that it was after 11:00 P.M., the Commission members concluded that it would be necessary to continue the public hearing on a different date. After discussion, it was agreed that the public hearing regarding this matter will be continued at the October 8, 2013 meeting of the Planning & Zoning Commission that will begin at 8:00 P.M. in Room 206 of the Darien Town Hall.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting for the evening. The motion was made by Mrs. Cameron, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 11:07 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director

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