

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
JUNE 5, 2012**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Hutchison, Cunningham, Cameron, and at 8:40, Voigt

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Chairman Conze opened the meeting at 8:00 P.M., and read the first agenda item:

GENERAL MEETING

8:00-8:20 p.m. Presentation/informal discussion regarding housing at Edgerton Street.

NOTE: As this is not a public hearing, no public comments will be taken at this time.

Attorney Bruce Hill explained that he is the Chairman of the Darien Senior Housing Initiative, which is a private group of volunteer citizens seeking to develop senior housing at what is currently the Senior Center on Edgerton Street. They are currently seeking formal, non-profit status. They are considering the construction of 20 units of senior housing to replace the Senior Center, which will be demolished. All of the units would be affordable housing, and their preliminary sketches show construction of ten new buildings, each of which would be a duplex structure. They are seeking feedback and input from the Commission.

Dan Conlan, project architect, explained that the site of the current Senior Center slopes down from Middlesex School toward Edgerton Street. There is an existing building known as the Cottage that is a group housing facility. He said that each of the ten buildings would contain two units and each unit would have a single floor of living space so that there would be few steps or stairs and there would be no need for an elevator. None of the proposed units would have garages or covered parking spaces and all of the surface level parking spaces would be located near the entrance to each unit. Part of the plan would be to preserve as much open space around the perimeter of the site as possible. There would be 38 parking spaces to accommodate the 20 dwelling units. Approximately 35-36% of the site is developed with parking and buildings at present, and that would remain approximately the same. Mr. Conlan explained that all the dwelling units would contain two bedrooms and one bathroom. He said each will have approximately 1,100 square feet of floor area and all will be handicapped accessible or be able to be converted for handicap use. Each unit will have a small patio and a parking space located close to the front entrance door. Mr. Conlan said that the design of the buildings would be energy efficient.

Mr. Hill said that the non-profit organization is asking the Town for a long term ground lease after the existing Senior Center is demolished. The intention is to build the units utilizing private funding. He said that they believe that the proposed use is compatible with the nearby educational use, the adjacent "Cottage", and the neighboring houses. He is looking to the Planning & Zoning Commission for comments and input. He said that they have already met with the neighbors in January and May to seek their input. Mr. Hill said that in order to implement the project, they will

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need to follow numerous steps in the approval process. This will include requesting a change of the Zoning Regulations, approval from the Environmental Protection Commission for work within the regulated area, approval from the Board of Selectmen and/or ratification by the RTM for the lease, and then Site Plan and/or Special Permit approval from the Planning & Zoning Commission for the specific site development proposal.

Mr. Conze said that a letter of June 1, 2012 from the neighbors had been received and distributed to all of the Commission members. Mr. Hill said that he too received a copy and would be glad to respond to each of the points that are applicable, but some of the other points are premature. Mr. Hill said that the access drive from Edgerton Street would be left intact because it also provides the school bus access to the back of the Middlesex Middle School. Mr. Hutchison said that the existing soccer field to the north of the Senior Center does not have sufficient parking at this time and he wondered if it might be possible to create a shared parking area in that vicinity. Mr. Hill said that he understands from the neighbors that during the use of the soccer field, many people park along the driveway and this could restrict access to the proposed residences. He said that his group would be willing to work with the Board of Selectmen and the Parks & Recreation Commission and the Board of Education to see if this could be rectified.

Mr. Hutchison mentioned several things that need to be dealt with in the design of the project. They include: the need for fire truck access and turn around area; the need to deal with storm drainage and storm water runoff management; traffic and safety issues; adequacy of onsite parking for this and adjacent uses; and adequate buffers for the protection of the single family residential neighborhood in the area. Mrs. Cameron asked if the units would be owner occupied or rentals. Mr. Hill replied that they will most likely be owner occupied condominium-type units with a perpetual deed restriction to make sure that they always are affordable in accordance with the statutes. Mrs. Cameron said that it is likely that sidewalks would be needed to Edgerton Street and along Edgerton Street to encourage safe pedestrian access from this area to the Noroton Heights shopping area. Mr. Hill said that the construction of sidewalks along Edgerton Street is not within the scope of this site or project; but they will continue to work with the Town to see if it would be feasible for the Town to implement a sidewalk improvement program. Mrs. Cameron noted that there is a spectacular white oak tree on the site that needs to be preserved.

Mr. Conze said that if the Town will not be funding the project, then it will be necessary for the buyers of the units to obtain financing. He said that the ground lease will limit the financing option of the buyers. He asked if there would be private management of this site or if it would be under the control of a homeowners association. He also noted that it is important to design the size and style of each building in keeping with the residential neighborhood. In response to questions, Mr. Hill said that the area that contains the current Senior Center is approximately 3 ½ acres in size but it is hard to define now the specific site area because it is part of a larger complex of uses. He said that the density would be approximately 5-8 units per acre, which is very low for senior housing. Mr. Conze again emphasized the need to blend in with the surrounding single family residential neighborhood.

Mr. Hill said that his sponsoring group will continue to work with the neighbors, and they appreciate the Commission's concerns and issues that need to be dealt with.

Chairman Conze opened the Public Hearing and read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Amendment of Special Permit #42-H/Site Plan, Parklands Office Park, LLC, 3 Parklands Drive. Request for modifications to Site Plan and Special Permit to: 1) construct a 460+/- square foot terrace; 2) relocate Dumpster with associated fence/screen; and 3) revise the previously approved landscaping plan. The subject property is at the terminus of Parklands Drive, and is shown on Assessor's Map #35 as Lot #34 in the DOR-5 Zone. *PUBLIC HEARING OPENED ON MAY 22, 2012.*

Mr. Voigt arrived at 8:40 P.M. Mr. Hutchison decided not to participate in this matter to avoid any perception of a conflict of interest. He left the room.

Attorney Wilder Gleason represented the applicant and submitted a copy of the tax assessor's map with the site highlighted. He said that they tried to meet with neighboring property owners to discuss the application prior to the hearing. Mr. Gleason said that the property is subject to a conservation easement that has been left pristine and natural in order to provide a substantial buffer area to protect the adjacent residential neighborhood. He said that the two office buildings on the site are well maintained by the current owners. The trash Dumpsters were relocated approximately five years ago, and he knows of no records of any complaints regarding the relocation of the Dumpsters.

Earlier this year, the owners started installation of a patio to accommodate the request of a proposed tenant. A parking space near the rear of one of the buildings was converted to use as a picnic table area for employees and visitors to a nearby park. Attorney Gleason submitted photographs of the existing office building and site conditions. The photographs also show the nearest residential house at the end of Fairmead Road. He noted that this house is a rental and not owner occupied. He pointed out the large knoll or high ground that separates the nearest residential house from the location of the patio in question. He also pointed out the landscaping that has been planted around the chiller unit (external air conditioning unit) to provide screening and softening of that mechanical equipment when viewed from the residential neighborhood. Attorney Gleason said that there is more than enough on-site parking to accommodate the operation of the two office buildings. He said that the photograph of the parking area was taken at approximately 11 A.M. on a week day when the parking lot would be at its most utilized. He submitted photographs of the patio that has been constructed and the landscaping that has been installed around the patio. Photographs of the chiller units were submitted both before and after the landscaping was installed.

Mr. Gleason said that in the past, additional air conditioning units had been installed to address the specific needs of the tenants. One air conditioning unit was installed on the north side of the building for a computer room of a tenant. An additional air conditioning (AC) unit was located on the side of the building where the patio has been installed. That AC unit had to be relocated to accommodate the patio. Mr. Gleason said that his application's proposed changes to the site are to get approvals for the consolidation of the Dumpsters and the enclosure of the Dumpsters near the center of the site so that they can serve both of the office buildings on the property. This single location is where the Dumpsters are located at present. The Dumpsters are picked up approximately once a week and after 7 A.M. The Dumpster units will have locking features to prevent un-authorized dumping; and, if the need ever arises, the Dumpsters can be picked up twice

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a week. They are also seeking approval to eliminate the unloading area at the rear of the 3 Parklands Drive building because it is not necessary. The office building is occupied and deliveries usually come via small truck through the front door.

With respect to the patio installation, Mr. Gleason explained that the patio is installed so that it is approximately at the level of the floor of the adjacent building. To accommodate this, the area beneath and adjacent to the patio has been filled and raised. In order to comply with the Building Code Regulations, they will need to bring in approximately ten additional cubic yards of fill to place around the outside of the sitting wall, which is at the perimeter of the patio. This will assure that the distance from the top of the sitting wall to the outside ground will not exceed 36 inches. He said that the applicant has discussed this matter with Building Official, Charles Saverine, and if this additional regrading and landscaping is completed, then a Building Permit is not necessary for the patio because it will be considered on grade and it will not be a building or a structure. Attorney Gleason submitted a list of suggested restrictions regarding the usage of the patio. It is not intended for use by all of the employees but it is to be used only by the CEO and his/her guests. It will only be occasionally utilized. Attorney Gleason also submitted a table of current parking conditions.

Bob Gillon explained that he is the manager of the office park, and that there are approximately 16 residential property owners adjacent to the office park. He said that he has talked to 11 of them, and that 8 have signed off that they have no objection or concerns regarding the work. Mr. Gillon said that one of the neighbors, Mr. McCullough, asked for some screening of the chiller units and the result was that seven evergreen trees, each 8 feet tall, have been installed. Mr. Gillon said that he also spoke to the neighbor who is closest to the Dumpster area, and as a result of that conversation, they will be installing locks on the Dumpster units and have made arrangements so that the Dumpsters will not be picked up until after 7 A.M.

Tina Lirot, of Fairmead Road, said she wants to sell her properties on Fairmead Road and submitted photographs of the patio under construction. She said that the patio was not built at the existing grade level but required substantial fill under and around the wall to raise the grade of the land close to the building. She said that the current patio does require a Permit from the Building Official, and it could be dangerous. The original retaining wall to contain the fill was over six feet in height. She said that the neighbor near the Dumpster wants the Dumpsters to be removed and all of them want the Dumpsters to be moved. She said that the patio is visible from her rental property at the end of Fairmead Road, particularly when the trees lose their leaves during the fall and winter. She said that the patio should not be allowed. She is concerned that the business owner with access to the patio will utilize the patio for evening entertainment and that the parties could last until 10 P.M.

Mr. Gleason said the photographs submitted by Mrs. Lirot show the work in progress and more fill will be brought in to make sure that the patio does not require a Building Permit and does meet Building Code Requirements. Mr. Gillon said that Mrs. Lirot's original request was for a few trees to provide screening but a week later she changed her request to require a 275 foot long line of evergreen trees. He said that there is not much space to plant additional trees between the patio and the conservation easement because of the canopy formed by the existing trees. Mr. Gleason submitted an email chain and noted that the request for 275 feet of trees was contained within the March 27, 2012 email.

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Mr. Conze suggested that it might be possible to relocate the Dumpsters farther away from any neighboring property owners. He also noted that the problem with Dumpsters is not just from seeing the units, but it is also the noise created when the Dumpsters are being filled or emptied. Mr. Gillon said that on the original plan, the Dumpster approved location was in the northeast corner of the parking lot. Zoning Enforcement Officer David Keating said that approximately a year ago there were some complaints about the early morning pick up of the Dumpsters but the complaints were not about the location of the units. He said that the time of trash pickup was not regulated by the original approval granted by the Planning & Zoning Commission.

Tina Lirot said that the current zone does not allow for any exterior activity and this would include the patio. She said that the patio was built without permits and a variance would be necessary due to the size, location and use of the patio and that there are no hardships which would justify the granting of a variance. She said that adequate information was not submitted prior to the meeting and that the neighbors did not have ten days notice of all the information that has been submitted just prior to the Hearing. She said that the patio does not meet the Building Code Requirements and that it is procedurally wrong to have applicants build things first and then seek permission for what has already been implemented. She referred to page 143 of the State Building Code regarding the need for a Permit for structures such as this raised patio. Attorney Gleason said that the project was constructed approximately 28 years ago and that the current application is to correct some problems and procedural defects that have occurred over the years.

There being no further comments, the following motion was made: That the Planning & Zoning Commission close the Public Hearing regarding this matter. The motion was made by Mrs. Cameron, seconded by Mr. Cunningham and unanimously approved.

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

Coastal Site Plan Review #257-C, Flood Damage Prevention Application #289-C, Land Filling & Regrading Application #245-C, Dale & Hillary Miller, 5 Tokeneke Beach Drive. Proposing to raze the existing residence and demolish the existing pool, and to construct a new single-family residence and pool and to perform related site development activities within regulated areas. The subject property is located on the east side of Tokeneke Beach Drive approximately 500 feet south of its intersection with Contentment Island Road, and is shown on Assessor's Map #67 as Lot #67, and is in the R-1 Zone.

Mr. Hutchison returned to the meeting.

Attorney Robert Maslan explained that the application involves Coastal Area Management Review, Flood Damage Prevention Application because the proposed house is in a flood zone, and a Filling and Regrading Permit, if needed. He submitted a copy of the May 15, 2012 approval from the Environmental Protection Commission. He also noted that Health Department approval had been obtained. He said that many of the neighbors had reviewed the plans and signed a note indicating that they had no objection. He referred to his photograph booklet and said that there are tidal wetlands adjacent to the property due to the dam. Director of Planning Jeremy Ginsberg said that the Connecticut Department of Energy and Environmental Protection (DEEP) has not yet commented and he does not expect that they will submit a comment. Mr. Maslan said that the

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applicant has been in contact with the DEP/DEEP for years and the DEEP has approved a dock permit application.

Todd Ritchie, PE of GHD Engineering, said that he met with DEEP officials at the site on several occasions and has responded to their comments and concerns. He said that during the construction process, a line of siltation fence and construction fence type barriers will delineate the State of Connecticut's jurisdiction so that none of the contractors will do any work or have any impact on the coastal resources. No work takes place below elevation 6.8, except for the resurfacing of the existing asphalt driveway. Mr. Ritchie said that the only fill is for the septic system and the patio. He said that the existing septic system is too low per the current Health Code Requirements (and therefore could be affected by ground water). Raising the ground level in that area makes it higher above the ground water level and thus less likely to have a failure or environmental impact. Mr. Ritchie said that storm water quality and erosion control plans have been submitted. Much of the storm water is being treated in various locations around the site rather than being concentrated into a single area. The purpose of the storm water quality measures is to capture the first inch of rain in culvert units and slowly discharge it into the ground. Storm water detention is not proposed at this site because it would not be appropriate. Mrs. Cameron asked if the use of pervious pavement would be better. Mr. Ritchie said that it would be an option that the owners could explore but it is not part of the current plan.

Mrs. Cameron asked what measures could be taken in addition to the installation of silt fence to better protect the sensitive water bodies in the area. Mr. Ritchie replied that the applicant could use tarps or fabric to cover temporary disturbed portions of the site and stockpile areas. Another method to minimizing impacts would be phasing the construction work into smaller sections and additional barriers could be used uphill of the silt fence to make sure that the silt fence is not inadvertently impacted. Mr. Ginsberg suggested that the Commission could require weekly reports and inspections by regular reports submitted by a project environmentalist regarding the effectiveness of the sediment and erosion controls.

Mrs. Cameron expressed concern about the septic system determined by the Health Department. She said that it is currently approved for four bedrooms but the house plans also include a large playroom with a bathroom and a closet that would appear to be an additional bedroom. Mr. Ritchie said the determination was made by the Health Department regarding the adequacy of the septic system. Mr. Hutchison said that stabilization work is necessary on the driveway prior to the milling and resurfacing of the driveway. Mr. Ritchie said that work in that area would be within the State of Connecticut DEEP jurisdiction and would need their approval. Attorney Maslan suggested that the Planning & Zoning Commission could authorize that work if the applicant is able to obtain approval from the DEEP. That way the applicant would not need to return to the Commission.

Dave LaPierre of Cardello Architects said that the house has been designed to comply with the Federal Emergency Management Flood Damage Prevention Regulations. Their lowest floor elevation would be at 13.5. The foundation has been engineered to withstand flood forces. He said that the Millers have been working with all of the neighbors to address the concerns that have been expressed. Attorney Maslan said that all of the backup information has been submitted to the Commission in the application materials and reports. He said that the redevelopment of the property will involve substantial upgrading of the existing septic system and proper management of storm water runoff.

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Sally Knowlton-Keen said that this is a massive house on an extremely vulnerable marsh area. She said that she has been watching this marsh for more than 15 years and much of the beneficial Spartina areas have been disappearing due to development activities. She said that there are over 60 species of birds in the area and this is a very sensitive and truly valuable waterway area. She said that as tides get higher and higher some areas like her lawn are turning into salt marsh. This is an appropriate and natural change, but changes due to development are not appropriate. She said that this is a huge house and it will not be fitting in the neighborhood and is too much for the salt marsh to handle.

Todd Robbins of 7 Edgehill Drive said that he has a concern about the salt marshes. He has spoken in opposition of other proposed houses in and adjacent to the salt marsh. He said that approximately 220 net cubic yards of dirt and fill material will be coming into the site. That is approximately 100 truckloads of fill. At times the driveway is not accessible, particularly during high, high tide conditions. He said that during storm high tides only the house and pool are visible, which means the soil areas are completely covered. Much of the fresh fill would be subject to inundation and would potentially wash into the marsh if not anchored. This would have a devastating impact on the marsh.

There being no further comments, the following motion was made: That the Planning & Zoning Commission close the Public Hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mr. Voigt, and unanimously approved.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #270-A, Flood Damage Prevention Application #306-A, Land Filling & Regrading Application #270-A, Paul & Amy Darrah, 11 Peabody Lane (aka 66 Salem Straits). Proposing to: raze the existing residence and construct a replacement single-family residence with garage and pool; connect to the Town sewer system and abandon the existing septic system(s); raze the existing second residence and detached garage on the property; and perform related site development activities within regulated areas. The subject property is on the east side of Peabody Lane approximately 1,000 feet northeast of its intersection with Hawthorne Road (Salem Straits), and is shown on Assessor's Map #62 as Lot #60, in the R-1 Zone.

Attorney Wilder Gleason submitted a copy of the deed and a copy of the tax assessor's map. He said that variances have been obtained from the Zoning Board of Appeals (ZBA). He also submitted a copy of the Assessor's field card for the property. He said that the site is accessed by a long, narrow 350 foot +/- right of way from the street. It is an odd shaped lot that is adjacent to the waters of Long Island Sound. The site has many natural and regulatory restrictions. There are three existing buildings that will be substantially removed. They will be saving most of the foundations and stone walls that were built around the 1920s. They will be modifying some of those foundation(s) and walls to make sure that they are flood regulation compliant. The existing cottage and detached garage will be removed. They will be rebuilding the house from the foundation on up. They will be replacing the existing septic systems with a connection to the sanitary sewer.

Attorney Gleason referred to Zoning Board of Appeals Calendar Number 26-2012 and submitted a copy of the resolution and approval from the ZBA. He said that the conditions of the ZBA variance

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have been incorporated into the plans. This includes making the wall approximately 18 inches closer to the salt marsh on the east side. Revised plans were submitted but he noted that they were not properly labeled and dated. He will have this error corrected. He said that there will be plenty of landscaping installed to provide some screening using natural vegetation. Attorney Gleason said that storm water management is being managed so that runoff water will be treated before it is discharged into the waters of Long Island Sound.

John Martucci, Project Engineer, noted that his detailed engineering report had been submitted and the supplement had also been submitted. In response a question, he said that fire safety access has been provided. Fire trucks will not bottom out in the long curvy driveway and can negotiate into the site and get out. Mr. Martucci said that the design for storm water management includes a rain garden and the bottom of the wall. The rain garden will be at elevation 6. Attorney Gleason said that silt fences will be provided and sand bags will be installed on the uphill side of the silt fences to provide extra protection. He said the lowest floor will be at elevation 17, which is well above the expected flood level. He said that approvals are required under the Flood Damage Prevention Regulations and Coastal Area Management Regulations. He said that there will be no drainage impact and that filling and regrading will be minor.

There were no comments from the public regrading the application. The following motion was made: That the Planning & Zoning Commission close the Public Hearing regarding this matter. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

Chairman Conze opened the General Meeting and read the following agenda item:

GENERAL MEETING

Amendment of Special Permit #117-D, Noroton Presbyterian Church, 2011 Boston Post Road.
Request to convert an existing first floor Pastor's office to a Tot Drop classroom for four-year olds.

Mr. Ginsberg reviewed the letter from the Noroton Presbyterian Church explaining the changes and said that the Church is a Special Permit use, and therefore, the changes do require Planning & Zoning Commission approval rather than staff action. Commission members reviewed the requested modifications. The following motion made: That the Planning & Zoning Commission approve the requested modification for the Special Permit for Noroton Presbyterian Church. The motion was made by Mr. Voigt, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Special Permit #221-F, T-Mobile Northeast LLC (formerly Omnipoint), 4 Tower Drive.

Request to install three additional antennae within the concrete enclosure; add two cabinets within the fenced enclosure area; and install a fiber line underground within the existing trench.

Mr. Ginsberg reviewed Eric Dahl's letter explaining that they propose to change out three existing antennae and add three additional antennae within the existing structure. T-Mobile (now part of Sprint) will then have a total of six antennae within the tower. Mr. Dahl explained that all of the

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antennae will be located behind the screen wall and will be within the tower and thus are not visible to the public.

Commission members reviewed the application materials and concluded it would be appropriate to approve the requested modifications. The following motion was made: That the Planning & Zoning Commission approve the requested antennae modifications so that T-Mobile will have a total of six antennae within the Tower Drive tower. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

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

Request to install food concession within the building.

YMCA's proposing to have food concession within their building from 7 A.M. to 7 P.M. This will be a relatively minor aspect of the Special Permit use. It will require just one delivery per day. David Genovese, representing the YMCA, said that there will not be any cooking or frying involved. Gillen Bryan said that most of the food preparation will involve blending and juicing. The following motion was made: That the Planning & Zoning Commission approve the requested modification to allow very limited food service within the YMCA in accordance with the submitted materials. The motion was made by Mr. Cunningham, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Special Permit #207-A/Site Plan, New Beginnings Community Church, 65 Tokeneke Road.

Request to install on-grade patio with seating, for use on weekends.

After brief discussion, the following motion was made: That the Planning & Zoning Commission approve the submitted plans and the requested modification regarding 65 Tokeneke Road. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Business Site Plan #135-A, Venture Yoga, 934 Boston Post Road, CBD Zone.

Request to establish a yoga studio in a portion of the second floor above Darien Social (in lieu of office space previously approved by the Commission).

Commission members reviewed the information regarding Venture Yoga, which is proposing to be established in 3,750 square foot space on the second floor above the Darien Social restaurant. Since the site was part of a Special Permit granting an exemption of parking, the Planning & Zoning Commission approval is necessary for each and every prospective tenant within the building. Originally an office use is what was proposed and approved on the second floor. An office use, College Tutors and Nannies, will continue to occupy the Center Street side of the second Floor.

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Erin Huot explained that she has a yoga studio in Westport and the busiest times are at 6 A.M., 8 A.M. and 10 A.M. with an average of 20 to 25 participants at each session. At the most there are 35 participants in a class/session. Private yoga instruction is also conducted on an appointment basis. The floor plan includes an entrance/waiting area and a relaxing area as well as the class space. Nutritious juices will be provided but they are prepared at a different location. There will be no food or drink preparation on site. Concern was expressed about the idea of having a yoga establishment on the second floor directly above a busy restaurant. Mrs. Huot said that she anticipates good inter-play between Darien Yoga and Darien Social restaurant. She said that parking is available in the Center Street parking lot and by permit within the train station parking lot. She said that most classes are limited to 10 participants but a few classes will have as many as 30 participants. Classes will not overlap or end and start back to back; there will be separation time between the end of one class and the beginning of the next. She said that being within the center of Town is important because many people want to work out and then get to the train, or when arriving home from the train will want to work out. She said that she had looked at other potential locations and this seems to be the best spot for her business. She said that lunchtime classes are not an option because that is not when the clients want to attend classes.

The following motion was made: That the Planning & Zoning Commission approve the proposed yoga establishment on the second floor above the Darien Social restaurant in accordance with the submitted application information. The motion was made by Mr. Cunningham, seconded by Mrs. Cameron and unanimously approved.

Chairman Conze read the following agenda item:

Business Site Plan #205-D/Special Permit, 205 Post Road Development Partners, LLC.
Request for extension of time to commence project.

The following motion was made: That the requested extension be granted. The motion was made by Mr. Voigt, seconded by Mrs. Cameron and unanimously approved.

Chairman Conze read the following agenda item:

Discussion, deliberation and possible decisions on the following items:

Special Permit Application #125-E/Site Plan, Town of Darien, Mather Community Center, 2 Renshaw Road. Proposing to construct additions and alterations to the existing Town Hall building for the establishment of the Mather Community Center/Senior Center, and perform related site development activities. *HEARING CLOSED ON 5/1/2012. DECISION DEADLINE: 7/3/2012.*

Commission members reviewed the draft resolutions that had been distributed by staff regarding a number of pending applications. The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolutions aloud because each member has had an opportunity to read the drafts prior to the meeting. The motion was made by Mr. Voigt, seconded by Mr. Hutchison and unanimously approved.

Mr. Ginsberg noted that comments had been received by Mr. Spain and Mr. Voigt and those comments had been incorporated into a revised and highlighted draft. Commission members reviewed the revisions and clarifications. The following motion was made: That the Planning &

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Zoning Commission adopt the following resolution to grant Special Permit approval for the proposed Mather Center subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mrs. Cameron and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 5, 2012**

Application Number: Special Permit Application #125-E/Site Plan
Town of Darien, Mather Community Center

Street Address: 2 Renshaw Road
Assessor's Map #41 as Lot #85

Name and Address of Applicant &
Property Owner: Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Tom Arcari
Quisenberry Arcari Architects, LLC
318 Main Street
Farmington, CT 06032

Activity Being Applied For: Proposing to construct additions and alterations to the existing Town Hall building for the establishment of the Mather Community Center/Senior Center, and perform related site development activities.

Property Location: The subject property, Darien Town Hall, is located on the northeast side of Renshaw Road at its intersection with Park Place.

Zone: R-1/3

Date of Public Hearing: April 24, 2012 and continued to May 1, 2012

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

Publication of Hearing Notices
Dates: April 13 & 20, 2012 Newspaper: Darien News

Deliberations held on: May 22, 2012

Date of Action: June 5, 2012 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:

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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, 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 redevelopment plans, and the statements of the applicant and applicant's representatives 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 project is to construct additions and alterations to the existing Town Hall building for the establishment of the Mather Community Center/Senior Center, and perform related site development activities. The applicant is proposing a small addition in two locations and other related site work. There will be a new kitchen, a new entrance canopy and walkway improvements. This project is one part of the "shuffle". A separate, but related application has been submitted regarding the conversion of a portion of 35 Leroy Avenue for use as Board of Education Administrative Offices. There is no swimming pool as part of the subject application.
2. Two alternates were presented and shown on Sheet L-2.0 of the plans – one was for the terrace and garden; and the second was for emergency generator support. The entire Senior Center/Community Center could be used as a refuge and cooling center with that generator. It was explained at the public hearing that the alternates are "funding driven". At the public hearing, the applicant asked the Commission to approve both alternates so that if the funding is available, these features can be implemented.
3. The Environmental Protection Commission (EPC) approved this project as part of EPC #9-2012 on April 4, 2012. The Architectural Review Board (ARB) approved the renovation and addition at 2 Renshaw Road as part of ARB #7-2012 on March 26, 2012. Those approvals are hereby incorporated by reference.

HOURS/PROGRAMMING/SPACE USAGE

4. It is understood that the new facility at 2 Renshaw Road will allow the Senior Center to move from its location on Edgerton Street and expand its existing programs, and also allow the establishment of a Community Center. Community Center activities will generally occur after 3 p.m., but may occur earlier. Similarly, Senior Center activities will generally run from 9 a.m. to 3 p.m., but depending upon demand and programming, may start earlier or end later. It is noted that under the submitted Program Plan, there is considerable space within the Senior Center/Community Center that will remain unused during substantial periods of time. The Commission notes that

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those spaces could be leased to outside groups when they need to utilize a space for meetings or similar activities—as long as those activities are for Town-related groups and are scheduled so that they do not conflict with the routine and occasional special operations of the Town government, which is the primary use and purpose of the site. No further Commission review or action shall be needed for such activities. It is imperative to remember that first and foremost, the 2 Renshaw Road building is for Town Hall purposes, and that shall remain the priority.

5. It was noted that flexibility has been a key on the design of the floor plans. Programming will change through the years and that the uses of the rooms will also change through the years. At the public hearing, it was noted that the dining capacity at the existing Senior Center on Edgerton Street is now 120, and as part of this application, they will be increasing it to a maximum of 165. They will also be installing brand new mechanical units on the roof of the building.
6. At the public hearing, the Commission reviewed the programming reports and documents that had been submitted. It was noted that the programming for activities conducted within the Community Center as well the existing Town Hall facilities need to be coordinated because these activities will impact the parking demand. The submitted materials detail the current programs and facilities at the Senior Center and the expected programs to be conducted within the Community Center.
7. Peak parking demand for the current Senior Center is generally between 10:00 a.m. and 2:00 p.m. It was also noted that the parking demand does not equal the number of attendees at events because many people share a ride or are dropped off at the site. It was also noted that many people using the Community Center attend numerous events in one day and therefore the number of event participants will not result in a proportional increase in on-site parking demand.
8. Space would be available within The Community Center and the future use of that space would be subject to decisions by the Town. The spaces on the floor plan are planned to be flexible and to be used for many different activities.
9. It is noted that the uses of the revised/new spaces can be programmed by the Town to avoid parking conflicts. The Commission finds that the proposed capacity of the parking at 2 Renshaw Road meets the intent of the requirements, and that on-site parking is sufficient for the proposed new uses, and approves the parking under Section 905 of the Zoning Regulations—Joint Parking.
10. The use of space and the coordination of program facilities at the Town Hall site are currently administered by the Parks and Recreation Department and it is likely that they will coordinate the use of the Mather Community Center facilities as well.
11. The Darien Arts Center currently has a lease for some space within the existing Town Hall Annex. The usage of that space by the Arts Center is the subject of previous approvals. Once the lease of that space is up, it is up to the Board of Selectmen whether to re-lease to the Arts Center or have this space become part of the Mather Community Center.

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12. All improvements include full handicap accessibility. New mechanical infrastructure will be placed on the roof and they will be using the existing screen which is now on the Town Hall roof.
13. At the public hearing, it was noted that the Environmental Protection Commission, as part of the approval, said that there should be 1-to-1 replacement of the trees and that Commission also required some tree wells. Four large trees are proposed to be removed as part of this project, two new trees are shown on the existing plans and two additional new trees will be “field sited” with Planning & Zoning Department staff. Depending on whether either or both of the alternatives (see Finding #2, above) are implemented, two or more additional trees will come out. Replacement trees can be put on the traffic islands in the parking lot but cannot be located close to the building. One of the new trees will be on the east side of the building, one will be on the west side of the building and others could be planted on the north side of the building.

STORMWATER MANAGEMENT/DRAINAGE

14. At the public hearing, Mr. Russ Cyr, P.E., of TO Design, explained the stormwater management, and summarized his March 7, 2012 Drainage Report. He explained that there is a proposed net reduction of pavement and an increase in the walkways. There will be a 2,400 square foot increase in impervious surface as part of this proposal. It was noted that they can design the system either way, to store stormwater on site or not store it on site. Mr. Cyr then read aloud the comments received from Darren Oustafine of the Darien Public Works Department and noted that the Environmental Protection Commission accepted his suggestions on only addressing water quality and not needing to store storm water on site, (address water quantity), due to its specific location near the bottom of the watershed. The basic question was whether the Planning & Zoning Commission should require infiltration for flood control purposes. It was noted that the proposed catch basins would incorporate deep sumps and hoods. These would replace two on-site catch basins. The applicant proposes to install cultec units in the driveway area to cleanse storm water runoff from the site before it reaches Stony Brook. These infiltrators are not intended to provide storm water detention, but will dissipate storm water runoff from the first inch of rainfall, as well as providing storm water quality enhancement.
15. The Commission notes the need for the applicants to file a document outlining the protocol for maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners and managers of the existing on-site drainage system, its design objectives and the need to maintain said facilities to minimize any potential downhill impacts.
16. The Commission notes that requiring certifications and as built drawings of the drainage system will be critical. Monitoring will be necessary, once the new drainage system is installed and that the construction will need to be carefully performed to avoid overflowing any water on to neighboring land.

TRAFFIC, PARKING, SIGHT LINES

17. Mr. Michael Galante, of Frederick P. Clark Associates, did a traffic study at the existing Senior Center and found that the peak was generally at lunch time. The existing Senior Center is now open generally from about 9 A.M. to about 3 P.M. with the peak traffic running from about 12:45 P.M. to 1:45 P.M. Because of that, mid-day traffic increases. At the end of the day, the

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Level of Service for Town Hall improves as there would be no P.M. peak now caused by Board of Education employees going home.

18. Mr. Galante then noted that within his submitted report, he reviewed the possible need for a traffic light at the intersection of Boston Post Road and Renshaw Road: none was recommended. He also looked at the accident data from Table 2 of his report and noted that there is not an accident issue in the area.
19. Relative to parking, Mr. Galante mentioned that he did parking surveys at Town Hall. He noted that the existing Town Hall has a total of 219 parking spaces and now, at most times, at least half of the spaces are empty. He mentioned that the Senior Center on Edgerton Street is now over capacity for parking at certain times. He summarized by noting that the Town Hall site can accommodate the parking needs on a busy day for the Senior Center/Community Center. Mr. Galante noted that although the Town Hall is one building, it contains many uses. He recommended that there be site-wide management of the events occurring at the Town Hall site. He said that the Town has control of the programming and that is the bottom line. Park & Recreation Department manages the on-site room reservations for Town Hall. Other uses include the Darien Arts Center and the ball fields, which are also on site.
20. The applicant proposes to install a full commercial style or grade kitchen and will work directly with the Health Department on appropriate venting. Because of the fact that lunch will now be served for over 100 people on weekdays, there is a need for properly sized Dumpsters and associated garbage pickup. Garbage is now temporarily loaded on the loading dock, and then driven away—no Dumpsters now exist on-site. The applicant will need more frequent pickup of trash and food waste, and that will be accommodated.
21. During construction, there will be no programs ongoing in the Town Hall Annex area. Contractors will be present and situations around the back of the Town Hall building may be interrupted during periods of construction. It would totally be up to the contractor regarding their means and methods of construction. They don't plan on developing a Staging and Phasing Plan until the contractor has been selected and secured. The Commission, in the past, has required such a plan be submitted to the Planning & Zoning Office prior to any construction beginning.
22. There are now no trash Dumpsters on the Town Hall site. The Senior Center does have one trash Dumpster that is picked up on a weekly basis. As part of the proposed Community Center, they will be installing a pad and an enclosure to contain one large, 12 yard Dumpster. This Dumpster enclosure area will be located to the west of the Community Center kitchen.
23. At the public hearing, it was noted that in October of 2010, the Commission issued a Mandatory Referral report and in that report, the Commission required a "full needs assessment." One Town resident noted that she had reviewed the March 12, 2012 memo from Mr. Ginsberg to the Commission which did not meet her expectations as a former Planning & Zoning Commission member when she had served on the Commission.
24. The Commission finds that the proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

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25. 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.
26. The Special Permit application and associated site plan and detailed information has been reviewed by the Commission and, subject to the required modifications discussed herein, is in general compliance with the intent and purposes of Sections 1000 and 1020.
27. Section 1005 of the Darien Zoning Regulations specifically sets Special Permit standards and Subsection 1005(f) requires an adaptability finding. The Commission hereby finds that the applicant has shown the adaptability of a portion of 2 Renshaw Road for the proposed Senior Center/Community Center use, particularly in relation to the public health and safety.
28. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application, as amended herein, is in harmony with the orderly development of the district in which it is located.
29. The location and nature of the proposed use is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
30. The design, location, and specific details of the proposed use and site development, as modified and approved herein, will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
31. The elements of the Site Plan, submitted as part of the application, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
32. The elements of the Site Plan, submitted as part of the application, **AS REQUIRED TO BE MODIFIED HEREIN**, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit #125-E/Site Plan Application are hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. Construction and related activity shall be in accordance with the following plans, as submitted to the Commission:
 - Town of Darien Renovations to Mather Community Center 2 Renshaw Road, by Beinfield Architecture Quisenberry Arcari Architects and TO Design, LLC, 15 March 2012, Sheets L-1.0, L-5.1, ES-1.0, and A1.01 through A4.0.1, all plans dated March 15, 2012 except A.2.01

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and A2.02, which are dated 8 July 2011 and revised 2011-08-19. (received in Planning & Zoning Office March 16, 2012).

- Revised plans were submitted on April 27, 2012 in response to concerns voiced at the first public hearing. These are:
Town of Darien Renovations to Mather Community Center 2 Renshaw Road, by Beinfield Architecture Quisenberry Arcari Architects and TO Design, LLC,
 - Layout Plan, Sheet L-2.0 dated 04/26/12 (showing pervious pavers).
 - Grading and Utility Plan, Sheet L-3.0 last revised 4/26/12(showing cultec recharger).
 - Planting Plan, Sheet L-4.0, dated 04/26/12. (showing trees to be planted).
 - Site Details, Sheet L-5.0, dated 4/26/12 (showing cultec recharger).

- B. Two alternates were shown – one was for the terrace and garden, and the second was for emergency generator support. The entire Community Center could be used as a refuge and cooling center with that generator. It will be a 350kw generator run by diesel. The Commission is approving, but not requiring, the implementation of either or both alternates.
- C. Any new tenant other than the Senior Center/Community Center will require review and action by the Planning and Zoning Commission. Any additional uses of the building and facility will require prior submission to and review and action by the Commission. The Commission notes that while uses are shown on the submitted floor plans, such uses can change through time, however, any and all uses must be Senior Center/Community Center related.

PROGRAMMING, HOURS/SPACE USAGE

- D. The Commission is hereby approving space for a new Senior Center/Community Center. It is not approving specific spaces or specific use—it is only approving overall use of the site and the use of the building within certain areas. However, the Commission is requiring a) proper venting for any proposed woodshop space to be created and b) proper venting and filtration of odors be created for the proposed new kitchen.
- E. Although the existing Senior Center hours are now generally 9 a.m. to 3 p.m., the Commission hereby approves the hours of operation for the combined Senior Center/Community Center as Sunday through Saturday 8:00 A.M. to 11 P.M. Any hours longer than those will require subsequent review and action by the Planning & Zoning Commission. The Commission understands that employees may need to arrive earlier and stay later.
- F. It is incumbent upon the Town (Park and Recreation Department) to properly schedule the use of the new Senior Center/Community Center and field uses around the building to minimize parking and traffic impacts on the neighborhood. It is important to not schedule large Community Center events when large events are scheduled for Town Hall.
- G. The Commission notes that the YMCA and other Special Permit users annually submit a calendar of Special Events and larger activities to the Planning & Zoning Commission for review. It is required that the Community Center do something similar so that there is forethought in the planning and scheduling process and coordination with other Town agencies and surrounding field uses regarding the uses of the Community Center and the parking demands that it will create. Thus, the Commission is requiring that an annual list of Special

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Events (which are events which expect to attract more than 150 attendees), be submitted to the Commission prior to the issuance of a Certificate of Occupancy for the building.

- H. It was acknowledged the Town has to manage the parking and programming. As noted by the Parking and Traffic consultant, Mr. Galante, there may need to be internal signage directing attendees to certain areas of the Town Hall building.
- I. Final venting of the Senior Center kitchen shall be coordinated with the Zoning Enforcement Officer, Fire Marshal and the Darien Health Department. The applicant has assured the Commission that there will be no problem caused by odors or fumes from this kitchen on the site or adjacent sites. The Commission is relying on the expertise of the applicant's engineer regarding the venting system to be used and his assurance that it will virtually eliminate any odors from infiltrating into other Town Hall space. This condition is an integral part of the validity of this Special Permit. Any failure to correct odor problems may result in this Special Permit becoming null and void.
- J. The Commission hereby requires the proposed kitchen facilities have a complete exhaust and filtration system with a full hood that complies with all Fire Code requirements. The filtration system shall include cleanable filter units so that they can be easily and properly maintained.
- K. As part of the proposed Senior Center/Community Center, they will be installing a pad and an enclosure to contain one large, 12 yard Dumpster. This Dumpster enclosure area will be located to the west of the Community Center kitchen. The Dumpster enclosure area shall be neatly maintained, and the doors shall be kept in good operating condition and remain shut at all times that someone is not loading or unloading garbage. The applicant is responsible for maintaining this shared trash area, including ensuring that it is emptied frequently enough to minimize odors. Although the trash facility area may be shared with other uses on the subject property, the applicant shall be responsible for the upkeep and maintenance of the area. The schedule for emptying the Dumpster and/or picking up recyclables shall be adjusted so as to eliminate any odor problem and/or overflowing garbage situations and to keep the area in a sanitary condition at all times, while minimizing impacts to the neighbors and building occupants.
- L. At the public hearing, it was noted that the Darien Junior Football League (DJFL) has recently been given approval to operate using temporary lights run off portable generators in the Fall for a few weeks, and the feasibility of running "hard wire" from Town Hall to that field was discussed. The Commission believes that it would be an opportune time for the town and the DJFL to coordinate their efforts and to install such in building connection panels and/or wiring as part of this project, and hereby approves the installation of such underground wiring to Holahan field. The Commission is NOT approving the use of said wiring or any lights for the field as part of this application.
- M. The applicant has proposed that the building will continue to be served by private driveways that have existed in this location for many years. Since there is no new public or private road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.

DURING CONSTRUCTION:

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- N. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- O. Because there is a likelihood that the rear accessway behind Town Hall may need to be closed off during a portion of the construction, the Commission requires that prior to the issuance of a Zoning or Building Permit, the selected contractor prepare a construction staging/phasing plan for review and action by the Planning & Zoning Director. This plan shall take into consideration ongoing field uses around the Town Hall building.
- P. The revised Planting Plan is an integral part of this approval—including one-for-one tree replacement (which could result in the need for 4-7 new trees to be planted). No deviations from that plan are allowed. If a tree dies, it shall be replaced as quickly as possible. Any trees that are not replaced are a violation of this approval.
- Q. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring. The Commission notes that the building is now served by an underground natural gas line.

STORMWATER DRAINAGE:

- R. Prior to the issuance of a Zoning or Building Permit, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department and a notice in the Darien Land Records. The Drainage Maintenance Plan shall require the Town of Darien and all subsequent property owners of 2 Renshaw Road to maintain the on-site drainage facilities, and 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. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records by the owner as well, within the next 60 days of this approval and prior to the start of any filling or regrading work.
- S. Prior to issuance of a Certificate of Occupancy for this project, the applicant's engineer shall provide a certification that the stormwater management system is installed in full compliance with the approved plans.
- T. A final "as-built" survey is hereby required to certify that all regrading, construction, drainage structures and site improvements are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that all of the work has been fully and properly completed in accordance with the approved plans.
- U. 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.

- V. 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.

- W. This permit shall be subject to the provisions of Sections 1009 and 1025 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within two years of this action (June 5, 2014). Because the renovation and construction work cannot begin until the Board of Education moves to 35 Leroy Avenue, the Commission is hereby granting a two year approval. This approval may be extended as per Sections 1009 and 1025.

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 shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void. All completed requirements and materials, including the drainage maintenance plan, and the filing of the Notice of Drainage Maintenance Plan in the Land Records shall be completed and submitted to the Planning and Zoning Department within 90 days of this action and filed in the Darien Land Records or this approval shall become null and void.

Chairman Conze read the following agenda item:

Business Site Plan #281/Special Permit, Town of Darien, 35 Leroy Avenue. Proposal to: construct alterations to the former Darien Library building at 35 Leroy Avenue; establish the Darien Board of Education as a new Principal Use Requiring a Special Permit; and to perform related site development activities. *HEARING CLOSED APRIL 24, 2012. DECISION DEADLINE: 6/28/2012.*

Clarifications and revisions were discussed and agreed upon. Mr. Voigt said that he feels that the proposed use of this site at 35 Leroy Avenue by the Board of Education does not conform with the Town Plan but said that he would vote on the application based on the resolution as drafted and modified by further discussion of the Commission. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the Special Permit use at 35 Leroy Avenue subject to the conditions and stipulations as noted. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 5, 2012**

Application Number: Site Plan Application #281/Special Permit

Street Address: 35 Leroy Avenue

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Assessor's Map #39 as Lot #30

Name and Address of Applicant &
Property Owner:

Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of
Applicant's Representative:

Rusty Malik, AIA LEED AP
Quisenberry Arcari Architects, LLC
318 Main Street
Farmington, CT 06032

Activity Being Applied For: Proposal to: construct alterations to the former Darien Library building at 35 Leroy Avenue; establish the Darien Board of Education as a new Principal Use Requiring a Special Permit; and to perform related site development activities.

Property Location: The subject property is located on the west side of Leroy Avenue, approximately 350 feet north of its intersection with Boston Post Road.

Zone: DB-1 and R-1/3

Date of Public Hearing: March 27, 2012 continued to April 24, 2012

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

Publication of Hearing Notices

Dates: March 16 & 23, 2012

Newspaper: Darien News

Date of Action: June 5, 2012

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:

June 15, 2012

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, 610, 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 redevelopment plans, and the statements of the applicant and 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.

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

1. The project is to reuse the former library site at 35 Leroy Avenue so that it will become the administrative offices of the Darien Board of Education. The Board of Education is a Special Permit use within the R-1/3 zone. This project is one part of the “shuffle”, and a separate, but related application has been submitted regarding the conversion of a portion of 2 Renshaw Road, which is now used in part by the Board of Education, which will be converted for use as a Senior Center/Community Center. Some of the maintenance type activities at the current Board of Education offices at 2 Renshaw Road will be moved the Darien Public Works garage, rather than being relocated to the 35 Leroy Avenue property.
2. There was a related Mandatory Referral report issued by the Commission on October 20, 2010. That was submitted for the record in this matter.
3. As noted in the application materials, the former Darien Library had a total of 24,214 square feet, and 82 parking spaces, four of which are handicapped accessible. Various changes will be made to the parking lot to bring the overall count to 80 parking spaces, with four of those being handicapped accessible. The Board of Education proposes to use the entire ground (first) floor including a public meeting room; the entire second floor; and a portion of the basement/lower level. There is space in the basement/lower level for potential expansion of Board of Education facilities and/or a future additional use or tenant. Any such use would be the subject of a subsequent Special Permit application to the Planning & Zoning Commission.
4. The applicant conducted and submitted a Traffic Access & Impact Study. It was noted that the proposed traffic would be much less than the former Darien Library, and that the parking spaces provided would be sufficient for the proposed Board of Education use. Part of the plans creates improvements to the site including: revisions to the handicapped parking spaces, installation of an emergency generator, a new screened Dumpster, new on-site exterior lighting, and emergency pedestrian egress from the building to the property to the north (the Darien Red Cross property).
5. It was noted that as part of the application, an emergency egress from the north side of the building will be provided. It will lead directly to the Red Cross property to the north. An e-mail has been received from the Red Cross to allow pedestrian emergency egress through the Red Cross property. The Commission believes that a more formal letter of permission would be better. If, in the future, the Red Cross declines emergency egress onto their property, than a revised emergency egress from the 35 Leroy Avenue building will be required.
6. The applicant plans to improve the lighting so that full cut-off fixtures will be included to minimize the amount of light spillage toward neighboring properties. They are adding low lighting bollards along the walkways for the safety of pedestrians. The main entrance doorway and walkways would be modified and the doorway/walkway on the southwesterly entrance would become handicapped accessible.
7. Commission members have reviewed the floor plans regarding this Special Permit request. Exact room usages will depend on the needs of the Board of Education at any specific time.

STORMWATER MANAGEMENT/DRAINAGE

8. Storm drainage from the existing building and parking lot will not be changed. It currently goes into catch basins in the parking lot and then flows to the wetlands to the south and west. The applicant does not propose any modifications of the storm drainage system. At the public hearing there was discussion about storm water quality, and whether during the renovation of the site and reuse of the building, the Town should make improvements with respect to the storm drainage system. It was suggested that some form of pre-treatment of the storm water would be appropriate before it is discharged into or toward the wetlands.
9. The Commission finds that it is appropriate to stipulate the requirement for oil water separators in the parking lot. This will improve water quality and address Section 880 of the Zoning Regulations.
10. At the public hearing, Mr. Russ Cyr, P.E., of TO Design, explained that as part of this proposal, they are decreasing the impervious area on the site. The peak rate of runoff will therefore decrease. They also proposed to improve the quality of water via a hydrodynamic separator and a “hydroworks” system to replace one of the catch basins. That is the catch basin at the southeast corner of the existing parking lot. It now has a pipe to somewhere, however they aren’t sure exactly where that pipe flows. It was noted that the 35 Leroy Avenue parking lot has basically been in this same condition and configuration for over 25 years. The Commission finds that based upon the plans submitted there will be a decrease in impervious surface as a result of this plan.
11. The Commission notes that requiring certifications and as built drawings of the drainage system will be critical. Monitoring will be necessary, once the new drainage system is installed and that the construction will need to be carefully performed to avoid overflowing any water on to neighboring land.
12. The Commission notes the need for the applicants to file a document outlining the protocol for maintenance of the proposed and installed drainage system in the Planning and Zoning Department, and Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage system, its design objectives and the need to maintain said facilities to minimize any potential downhill impacts.
13. One of the features of the site is that there are now some pumps that are able to lift trapped storm water from a low area on the site and pump it to an area where it now can be discharged and flow away from the site into the lower Stony Brook drainage system. These pumps will be maintained. An emergency generator will be installed to assure that the pumps will be able to work even when the power to the site is cut off. The emergency generator will be located in the basement/lower level of the building and also will serve the emergency power needs of much of the entire building.

SIGHT LINES, TRAFFIC, PARKING

14. Michael Galante, of Frederick P. Clark Associates, testified at the public hearing regarding traffic and parking and sight line issues. He mentioned the sight lines looking left coming out of the existing driveway. He said that one way to improve sight lines would be to modify the

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existing telephone pole, which is at the far left of the property with too many signs on it. He also noted that trees on the Red Cross property also somewhat impede sight lines. Mr. Galante added that the sight distance would improve if the sidewalk extended a little further down the library property to the east/north, however that sidewalk would need a retaining wall. With respect to the sight lines from the driveway along Leroy Avenue, the sight line from the existing driveway looking north will be slightly improved by the minor regrading near the northeast corner of the property. The submitted traffic report indicates that the sight lines do comply with the requirements for a roadway with a posted speed limit of 25 miles per hour.

15. He said that the parking needs assessment discussed within the traffic report were based on the office use during the day time and having some public meetings and public uses of the facilities during the evenings. He added that there is an informal agreement with the owner of the large commercial lot located across the street (adjacent to the Darien Sport Shop) for overflow parking during the evening hours when most of the retail businesses are not open.
16. It was noted that the Board of Education use will be substantially less in terms of traffic, parking, and hours of operation than the intensity of the use created by the old Darien Library at this site.
17. At the March 27 public hearing, the Commission asked about on-site snow storage areas, and the possible use of sand during snowstorms. At the April 24 public hearing, the architect responded to those questions, and noted that sand is no longer used by the Board of Education or Town of Darien in this parking lot, only salt is used.
18. The Traffic Commission has commented that new signage is needed to avoid the blockage of the Hale Lane driveway as it exits on to Leroy Avenue. That the signage should be provided as part of the reuse of the property at 35 Leroy Avenue.
19. As noted, the Board of Education will be using a portion of the basement/lower level. The eventual use of the remaining portion of the lower level of the building is not specified in the submitted application materials. As noted herein, any use of that space will require a further Special Permit.
20. The applicant received an e-mail from Whole Foods Market, noting that their parking lot could be used for overflow parking. Based upon the submitted information, and the fact that the Board of Education will have the ability to schedule the meeting room, it appears that there would be little or no need to have that overflow parking available. Larger Board of Education meetings will still need to be held at Town Hall auditorium, given the seating demand. The determination on whether a meeting should be held at 35 Leroy Avenue or at Town Hall will be up to the Board of Education.

OTHER SITE PLAN CHANGES

21. The applicant proposes to locate a screened Dumpster, as shown on the Layout Plan, Sheet L-2.0.
22. As part of this application, old underground oil tanks will be removed. Natural gas service will be extended to this building. They will be replacing old mechanical equipment on the roof with

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new equipment, and adding some further equipment on the roof. This equipment will generally be lower than the existing equipment and will be screened from view.

23. At the public hearing it was noted that in October of 2010, the Commission issued a Mandatory Referral report and in that report, the Commission required a "full needs assessment." One Town resident noted that she had reviewed the March 12, 2012 memo from Mr. Ginsberg to the Commission which did not meet her expectations as a former Planning & Zoning Commission member when she had served on the Commission.
24. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
25. 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.
26. The Special Permit application and associated site plan and detailed information has been reviewed by the Commission and, subject to the required modifications discussed herein, is in general compliance with the intent and purposes of Sections 1000 and 1020.
27. Section 1005 of the Darien Zoning Regulations specifically sets Special Permit standards and Subsection 1005(f) requires an adaptability finding. The Commission hereby finds that the applicant has shown the adaptability of 35 Leroy Avenue for the proposed Board of Education use, particularly in relation to the public health and safety.
28. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application, as amended herein, is in harmony with the orderly development of the district in which it is located.
29. The location and nature of the proposed use is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
30. The design, location, and specific details of the proposed use and site development, as modified and approved herein, will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
31. The elements of the Site Plan, submitted as part of the application, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Site Plan Application #281/Special Permit is hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

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- A. Construction and related activity shall be in accordance with the following plans:
- Town of Darien Board of Education Offices 35 Leroy Avenue by Beinfield Architecture PC and Quisenberry Arcari Architects TO Design, LLC, scale 1"=20', dated 17 February 2012 and last revised 11 April 2012; Demolition Plan Sheet L-1.0; Layout Plan, Sheet L-2.0; Grading Plan, Sheet L-3.0; Planting Plan, Sheet L-4.0; Site Details, Sheet L-5.0; Site Details, Sheet L-5.1; Site Details, Sheet L-5.2; Erosion and Soil Sedimentation Control Plan, Sheet ES-1.0; Site Utility Plan & Details, Sheet MPE-1.
 - Darien Board of Education Planning and Zoning Submission dated 17 February 2012 Town of Darien, Connecticut 35 Leroy Avenue. Sheets A1.0.0, A1.0.1, A1.0.2 show the floor plans. The Commission is hereby approving space in the basement/lower level, first floor, and second floor for use by the Darien Board of Education. It is not approving specific spaces for specific Board of Education employees, or specific floor plans—it is only approving overall use of the site and the use of the building within certain areas on certain floors.
- B. Any additional use or new tenant in the basement will require prior review and action by the Planning and Zoning Commission. Commission members noted that some spaces within the building are not yet designated for use and any new, additional or different uses of the building and facility will require prior submission to and review and action by the Commission.
- C. The first floor meeting room (the former children's room of the Darien Library) is being approved as a public meeting space, under the scheduling control of the Board of Selectmen or their designee. The Board of Education will have priority in using that space, but it may be used by the general public for Town-related meetings and functions as available. All meetings in this space shall end before midnight, in order to minimize possible disturbance to the neighbors.
- D. The applicant has proposed that the building will be served by a private driveway which has existed in this location for many years. Since there is no new public or private road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond. The Commission does require the installation of a "Don't Block the Box" type sign and "x'd" pavement marking to minimize the likelihood that any queuing along Leroy Avenue will block the driveway for Middlesex Commons, on the adjacent property to the south/west.
- E. During the public hearing, Commission members discussed the proposed driveway and associated sight lines. The Commission cannot require tree cutting or other changes to other properties, such as the Red Cross property to the north, to improve sight lines; however, the Commission does approve the implementation of such sight line improvements. The Commission recommends that the Town investigate improving sight lines from the existing driveway. This approval has been granted without an improvement of sight line condition because of the many years of safe operation of this driveway and the fact that the use approved herein is a less intensive use than the prior Darien Library use.
- F. Site Lighting will be changed as part of this redevelopment. That is shown on plan MPE-1. All lighting shall comply with the Darien Zoning Regulations.

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- G. As part of the proposed redevelopment, the applicant will be installing a pad and an enclosure to contain one Dumpster with associated screening. The Dumpster enclosure area shall be neatly maintained, and the doors shall be kept in good operating condition and remain shut at all times that someone is not loading or unloading garbage. The applicant is responsible for maintaining this trash area, including ensuring that it is emptied frequently enough to minimize odors. The Board of Education shall be responsible for the upkeep and maintenance of the area. The schedule for emptying the Dumpster and/or picking up recyclables shall be adjusted so as to eliminate any odor problem and/or overflowing garbage situations and to keep the area in a sanitary condition at all times, while minimizing impacts to the neighbors.
- H. A generator is an integral part of this approval. A Certificate of Occupancy (CO) shall not be issued until the generator is installed, and connected to the existing storm drainage pump, and emergency lighting.

DURING CONSTRUCTION:

- I. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- J. Because of the fact that the existing building is now vacant, and there are adequate construction parking and storage areas on-site, a construction phasing plan is not required. Every effort shall be made not to allow construction or delivery vehicles to block traffic on Leroy Avenue, a narrow street.
- K. Finding #5 on page 2 of this Adopted Resolution notes that the owners of the adjacent Red Cross property have permitted emergency egress through the Red Cross property. If, in the future, said egress is declined (either by the Red Cross or a subsequent owner), a revised emergency egress from the 35 Leroy Avenue building will be required (ie. The walkway would need to be modified).
- L. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring. The Commission notes that the applicant is hoping to have natural gas lines extended to serve this area. Street excavation for gas and/or electric needs to be coordinated to have minimal impact on traffic.

STORMWATER MANAGEMENT/DRAINAGE:

- M. During the public hearing, on-site drainage was discussed. The Commission hereby requires the installation of oil/grit separators within the 35 Leroy Avenue parking lot as part of this approval.
- N. A Drainage Maintenance Plan was submitted by the applicant during the public hearing process. It shall now be reviewed and acted upon by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning

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Department, with notice in the Darien Land Records. The Drainage Maintenance Plan shall require the Town of Darien and all subsequent property owners of 35 Leroy Avenue to maintain the on-site drainage facilities, and 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. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records by the owner as well, within the next 60 days of this approval and prior to the start of any filling or regrading work.

- O. The applicant shall install the drainage system improvements as shown on the submitted plans. Part of this effort will be to determine the location and direction of the existing drainage pipes. The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at its expense and as quickly as possible.

REQUIREMENTS FOR A CERTIFICATE OF OCCUPANCY:

- P. Prior to issuance of a Certificate of Occupancy for this project, the applicant's engineer shall provide a certification that the stormwater management system is installed in full compliance with the approved plans, and is operating properly.
- Q. A final "as-built" survey is hereby required to certify that all regrading, construction, drainage structures, and site improvements including lighting and landscaping are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that all of the work has been fully and properly completed in accordance with the approved plans.
- R. 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.
- S. 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 permits from the Fire Marshal to remove underground oil tanks, to install any new oil tanks, and for any above-ground or underground propane tanks. The gas line requires a piping permit from the Building Department and a pressure test to be witnessed by the Fire Marshal.
- T. This permit shall be subject to the provisions of Sections 1009 and 1025 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within two years of this action (June 5, 2014). This may be extended as per Sections 1009 and 1025.

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. All completed requirements and materials, including the filing of the Notice of Drainage Maintenance Plan and Special Permit form in the Land Records, shall be completed within 60 days of this action AND prior to the issuance of a Zoning or Building Permit, or this approval shall become null and void.

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Chairman Conze read the following agenda item:

Land Filling & Regrading Application #272, Peter & Suzie Jellinek, 110 Nearwater Lane.
Proposal to use excavated material from construction of new house to fill and regrade the area between the house and Nearwater Lane, and to perform related site development activities.

Commission members noted that the current discussion concerns the filling and the regrading only. The draft resolution does not deal with the request to have a larger cupola-type structure on the top of the house. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the proposed filling and regrading. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 5, 2012**

Application Number: Land Filling & Regrading Application #272

Street Address of Subject property: 110 Nearwater Lane
Assessor's Map #57 Lot #5

Name and Address of
Property Owner: Peter & Suzie Jellinek
26B Wilson Avenue
Rowayton, CT

Name and Address of
Applicant's Representative: Dean E. Martin
Grumman Engineering, LLC
22 Knight Street
Norwalk, CT 06851

Name and Address of Applicant: Steven Kerschner
5 Eversley Avenue
Norwalk, CT 06851

Activity Being Applied For: Proposal to use excavated material from construction of new house to fill and regrade the area between the house and Nearwater Lane, and to perform related site development activities.

Property Location: The subject property is located on the east side of Nearwater Lane, approximately 360 feet north of its intersection with Juniper Road.

Zone: R-1

Date of Public Hearing: May 1, 2012

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

Publication of Hearing Notices

Dates: April 20 & 27, 2012

Newspaper: Darien News

Date of Action: June 5, 2012

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
June 15, 2012

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, 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 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 subject application is to use excavated material from construction of new house to fill and regrade the area between the house and Nearwater Lane, and to perform related site development activities. A new 2-3' high retaining wall is proposed about 20 feet from the western property line. The subject property is served by public water and sewer.
2. At the public hearing, the project engineer explained the proposed stormwater management system. Gallery systems are proposed for both the north and the east of the residence now under construction. The proposed regrading to the west of the house will be performed so that runoff from the site is directed into the new storm drainage system and to the west, not toward the neighbors to the north or south of the site.
3. Also at the public hearing, it was noted that Zoning and Building Permits have been properly obtained for the residence, except that the Zoning Enforcement Officer did not approve the proposed cupolas. The Commission anticipates clarification of allowable cupola dimensions in the near future.
4. 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.

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5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
6. The design, location, and specific details of the proposed work and site development will not adversely affect safety nor increase traffic congestion in the streets, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
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 Land Filling & Regrading Application #272 is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Cutting, filling and regrading and related activity shall be in accordance with the following submitted site development plans:
 - Site Development Plan Jellinek Residence 110 Nearwater Lane, by Grumman Engineering, LLC, last revised 4-24-12, Sheet 1 of 1.
 - Details & Notes, Jellinek Residence 110 Nearwater Lane, by Grumman Engineering, LLC, dated 3-14-12, Sheet 2 of 2.
- B. Two trees are proposed to be removed near the proposed pool patio as part of this application—a 34” maple and a 30” oak. The Commission recommends, but does not mandate that the pool patio design be revised to preserve those two trees.
- C. Although the Commission heard about the property owner’s desire to install cupolas at the public hearing, the cupolas are not part of this land filling and regrading application.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Due to the scope of the proposed work, the provision of a Performance Bond is hereby waived. Great care must be taken to make sure that storm water runoff is directed into the drainage system and to the west, not toward the neighbors to the north or south of the site.
- F. By July 22, 2012 (within the next 60 days) a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the

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property owner and all subsequent property owners of 110 Nearwater Lane to maintain the on-site drainage facilities, and 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. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work around the house.

- G. 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 and Certificate of Occupancy for the house, the applicant shall submit an as-built 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 two foot contours, as well as all drainage facilities and the foundation location of the house. Prior to the request for the Certificate of Occupancy for the new house, the applicant shall submit verification from the project engineer that all aspects of the site regrading and storm drainage system installation have been completed in compliance with the approved plans, with particular attention to make sure that storm water is not directed toward the neighbors to the north or south of the site.
- H. 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.
- I. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- J. This permit shall be subject to the provisions of Sections 858, 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (June 15, 2013). This may be extended as per Sections 858, 1009 and 1028.

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

Chairman Conze read the following agenda item:

Land Filling & Regrading Application #268, Jack Procaccini, 42 Wakemore Street (formerly known as 0 Wakemore Street). Proposing to: relocate a single-family residence from an adjacent parcel to the northwest of the subject property onto the subject property; add to that residence; add a garage and new driveway; and perform related site development activities.

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The draft resolution was discussed. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 5, 2012**

Application Number: Land Filling & Regrading Application #268

Location & Street Address: 42 Wakemore Street (formerly known as 0 Wakemore Street)
Assessor's Map #8 Lot #228 & #229

Name and Address of Property Owner & Applicant's Representative: Jack Procaccini
285 Hoyt Street
Darien, CT 06820

Activity Being Applied For: Proposing to relocate a single-family residence from an adjacent parcel to the northwest of the subject property onto the subject property; add to that residence; add a garage and new driveway; and perform related site development activities.

Property Location: Subject property is located on the north side of Wakemore Street approximately 900 feet east of its intersection with Hoyt Street.

Zone: R-1/3

Date of Public Hearing: May 1, 2012

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

Publication of Hearing Notices
Dates: April 20 & 27, 2012

Newspaper: Darien News

Date of Action: June 5, 2012

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
June 15, 2012

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, 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 development plans, and the statements of the applicant whose

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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 subject application is to relocate a single-family residence from an adjacent parcel to the northwest of the subject property at 285 Hoyt Street onto the subject property; add to that residence; add a garage and new driveway; and perform related site development activities. The lot at 42 Wakemore Street is now vacant, and will be served by public water and sewer. According to the submitted Zoning Location Survey dated January 26, 2012, the subject property is 1.18 acres in size, and is split by a fifty foot wide access easement which provides emergency egress from the CL Darien Partners Kensett Lane project to the north, which is now under construction.
2. The Environmental Protection Commission (EPC) approved this application on March 7, 2012 (EPC #2-2012). Part of that approval requires the creation of a detention area in the northwest corner of the property and the establishment of an associated conservation easement demarked by a stone wall. The inland wetlands are shown on the submitted survey, but have already been altered and must be properly restored. That EPC approval is hereby incorporated by reference.
3. As part of this application, various drainage improvements are proposed. Those are shown on the submitted House Relocation Plan prepared by Samuel Northrop, PE. The overall intent is to address stormwater runoff from the proposed residence. As discussed at the public hearing, there is an existing drainage pipe that conveys water in a northerly direction from the south side of Wakemore Street through the proposed house location. This pipe must be relocated as part of the development of this site, and the new pipe location must be shown on the as-built drawings of the property. This is a private street, not a Town street, and a private drainage pipe. The Town does not take any responsibility for the relocation of the pipe.
4. The Commission notes the need for the applicant/property owner to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the required on-site drainage facilities (the galleries in the front yard) and the need to maintain said facilities to minimize any potential downhill impacts.
5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The location and size of the use, the nature and intensity of the proposed cutting, filling and regrading operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.

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7. The location and nature of the proposed cutting, filling and regrading are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
8. The design, location, and specific details of the proposed work and site development will not adversely affect safety nor increase traffic congestion in the streets, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
9. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
10. 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 Land Filling & Regrading Application #268 is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Cutting, filling and regrading and related activity shall be in accordance with the following submitted site development plans:
 - House Relocation Plan for Jack Procaccini & Family Wakemore Street, Darien, CT, scale 1"=20', prepared by Samuel S. Northrop, PE, dated 12/29/2011 and last revised 2/27/2012.
 - Zoning Location Survey prepared for Angelo Jack Procaccini & Erika H. Procaccini, by J. Robert Pfanner & Associates, PC, scale 1"=20', January 26, 2012, Sheet Number 1 of 1.
- B. By July 22, 2012 (within the next 60 days) a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of the subject property to maintain the on-site drainage facilities, and 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. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work around the house, and prior to the issuance of a Zoning and Building Permit for the new house.
- C. The submitted "House Relocation Plan" prepared by Samuel Northrop shows that there is both cutting, filling and regrading on both sides of and within the proposed emergency access drive which runs down the middle of the subject property. That plan specifically refers to "Piles of fill to be removed" to the east of the access drive. A Certificate of Occupancy for the proposed relocated residence cannot be issued for this project until the cutting, filling, and regrading work is completed for the entire property. No piles of fill or other material shall remain on any part of the property, and all regrading shall be complete

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on the eastern side of the access drive as well as the western part of the access drive prior to the issuance of a Certificate of Occupancy for the new house.

- D. Due to the scope of the proposed work, the provision of a Performance Bond is hereby waived.
- E. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff onto the road and onto the adjacent properties. Prior to the request for the Certificate of Occupancy for the new house, the applicant shall submit written verification from the project engineer that all aspects of the site regrading and storm drainage system installation have been completed in compliance with the approved plans (this is similar to Condition #7 in the EPC approval).
- F. A first as-built survey shall be submitted as soon as the existing drainage pipe through the site is relocated and the foundation for the house is installed. The as-built map shall include the location, size and invert elevations of the relocated pipe, as well as the location and elevation of the foundation. Prior to the request for the Certificate of Zoning Compliance and Certificate of Occupancy for the house, the applicant shall submit a second as-built 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 two foot contours, the restoration work in and near the wetlands, the removal of all piles of material from the entire site, as well as all drainage facilities and the foundation location of the house. This Commission is also requiring a full “as-built” for the location of any and all underground utility lines on the entire property, including the sizes of the sanitary sewer pipes installed, including those installed in the emergency egress driveway portion of the site.
- G. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the “House Relocation Plan” and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- H. 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.
- I. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- J. This permit shall be subject to the provisions of Sections 858, 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan

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within one (1) year of this action (June 5, 2013). This may be extended as per Sections 858, 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements, including the filing of a Special Permit form and Notice of Drainage Maintenance Plan in the Darien Land Records, shall be accomplished within 60 days of this action, AND prior to the issuance of Zoning and Building Permit for the new residence or this approval shall become null and void.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #110-A, Flood Damage Prevention Application #93-A, Thomas & Nancy Cornacchia, 7 Baywater Drive. Proposing to construct additions and alterations to the existing single-family residence and perform related site development activities within regulated areas.

The draft resolution was discussed and the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Hutchison, seconded by Mr. Cunningham and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 5, 2012**

Application Number: Coastal Site Plan Review #110-A
Flood Damage Prevention Application #93-A

Location & Street Address: 7 Baywater Drive
Assessor's Map #55 Lot #103-#104

Name and Address of
Property Owner: Thomas & Nancy Cornacchia
7 Baywater Drive
Darien, CT 06820

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

Activity Being Applied For: Proposing to construct additions and alterations to the existing single-family residence and perform related site development activities within regulated areas.

Property Location: The subject property is on the south side of Baywater Drive approximately 150 feet east of its intersection with Nearwater Lane.

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Zone: R-NBD (Residential - Noroton Bay District)

Date of Public Hearing: May 1, 2012

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

Publication of Hearing Notices

Dates: April 20 & 27, 2012

Newspaper: Darien News

Date of Action: June 5, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 15, 2012

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 410, 810 and 820 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 development 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 subject application is to construct additions and alterations to the existing single-family residence and perform related site development activities within regulated areas. The subject property is served by public water and sewer. The proposed deck is on piers, in order to comply with the Flood Damage Prevention regulations.
2. As noted in the March 6, 2012 letter from architect Lance Zimmerman, the value of the proposed work is less than 50% of the value of the existing residence, thereby complying with the Flood Damage Prevention regulations and not requiring that the entire, existing structure be modified to comply with all of the Flood Damage Prevention requirements.
3. This proposed residence is on a property immediately adjacent to Long Island Sound. It was noted by the architect at the public hearing that the proposed new residence will not have any drainage impacts on adjacent or nearby properties, and will comply with the Flood Damage Prevention regulations.

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4. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.
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 Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #110-A and Flood Damage Prevention Application #93-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and related development activity shall be in accordance with the following submitted site development plans as required to be modified herein:
 - Zoning Location Survey 7 Baywater Drive prepared for Thomas W. Cornacchia Nancy L. Cornacchia, by William W. Seymour & Associates, scale 1"=20', last revised March 12, 2012.
 - "Cornacchia Baywater Residence", by Zimmerman Architecture, dated 3-16-12, Drawings No. A1-A5.
- B. Due to the subject property's location immediately adjacent to Long Island Sound, and the minimal amount of new impervious surface proposed (249 square feet), the Commission hereby waives the requirement for stormwater management under Section 880 of the Zoning Regulations.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Once the construction work is complete, and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer or architect that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. A final "as-built" survey is hereby required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations.

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- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- G. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (June 5, 2013). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #271, Flood Damage Prevention Application #307, The Tokeneke Association, Inc., Cross Road Causeway, Pound Gut Seawall, Arrowhead Causeway.

Proposing to: a) repair an existing stone masonry and concrete causeway at Cross Road at its intersection with Scott Cove; b) repair an existing stone masonry seawall and causeway adjacent to Pound Gut; and c) repair an existing stone masonry and concrete causeway located at the junction of Arrowhead Way and Tokeneke Trail; and perform related site development activities within regulated areas. *DECISION DEADLINE: JULY 26, 2012.*

Mr. Hutchison said that it was a very good job of presenting the information. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project in accordance with the conditions and stipulations as noted. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 5, 2012**

Application Number: Coastal Site Plan Review #271
Flood Damage Prevention Application #307

Locations: Cross Road Causeway, Pound Gut Seawall, Arrowhead Causeway

Name and Address of Applicant: Tokeneke Association, Inc.
c/o Samuel Fuller
30 Contentment Island Road

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Darien, CT 06820

Name and Address of
Property Owner: Tokeneke Association, Inc.
c/o William Epifano II
14 Shennamere Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Tim DeBartolomeo
Roberge Associates Coastal Engineers, LLC
2499 Main Street, Unit F
Stratford, CT 06615

Activity Being Applied For and Associated locations:

Proposing to:

- a) repair an existing stone masonry and concrete causeway at Cross Road at its intersection with Scott Cove, which is adjacent to the properties shown on Assessors Map #65 Lot #8A (4 Cross Road), and on Assessor's Map #67 as Lot #87 (22 Searles Road) and Lot #88 (1 Coves End Road) in the R-1 Zone;
 - b) repair an existing stone masonry seawall and causeway adjacent to Pound Gut, which is adjacent to the properties shown on Assessor's Map #67 as Lot #65 (2 Contentment Island Road), Lot #47 (31 Edgehill Drive), and Lot #85 (28 Searles Road) in the R-1 Zone; and
 - c) repair an existing stone masonry and concrete causeway located at the junction of Arrowhead Way and Tokeneke Trail, which is adjacent to properties shown on Assessor's Map #69 as Lot #21 (36 Tokeneke Trail), Lot #41 (33 Tokeneke Trail), and Lot #20 (71 Arrowhead Way) in the R-1 Zone;
- and perform related site development activities within regulated areas.

Date of Public Hearing: March 27, 2012 continued to May 22, 2012

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

Publication of Hearing Notices

Dates: March 16 & 23, 2012

Newspaper: Darien News

Date of Action: June 5, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 15, 2012

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 and 820 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 development plans, and the statements of the applicant whose

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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 subject application is to:
 - a. repair an existing stone masonry and concrete causeway at Cross Road at its intersection with Scott Cove, which is adjacent to the properties shown on Assessors Map #65 Lot #8A (4 Cross Road), and on Assessor's Map #67 as Lot #87 (22 Searles Road) and Lot #88 (1 Coves End Road) in the R-1 Zone;
 - b. repair an existing stone masonry seawall and causeway adjacent to Pound Gut, which is adjacent to the properties shown on Assessor's Map #67 as Lot #65 (2 Contentment Island Road), Lot #47 (31 Edgehill Drive), and Lot #85 (28 Searles Road) in the R-1 Zone; and
 - c. repair an existing stone masonry and concrete causeway located at the junction of Arrowhead Way and Tokeneke Trail, which is adjacent to properties shown on Assessor's Map #69 as Lot #21 (36 Tokeneke Trail), Lot #41 (33 Tokeneke Trail), and Lot #20 (71 Arrowhead Way) in the R-1 Zone; and perform related site development activities within regulated areas.
2. Each of the three locations of work has received approval from the Department of Energy and Environmental Protection (DEEP). The Cross Road causeway received COP #201105961-KB on October 13, 2011. The Pound Gut work between Searles Road and Contentment Island Road received COP #201105948-KB on October 14, 2011. The Arrowhead Way Causeway work received COP #201105959-KB on October 13, 2011. Those approvals are hereby incorporated by reference. At the public hearing, the May 22, 2012 e-mail from Kristal Kallenberg- Dorismond was read aloud, noting that the applicant has received the necessary permits for the proposed work.
3. This proposed work is property immediately adjacent to Pound Gut/Scott's Cove/Long Island Sound. It was noted at the public hearing that the proposed work will not have any drainage impacts on adjacent or nearby properties, and will comply with the Flood Damage Prevention regulations.
4. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.
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.

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6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #271 and Flood Damage Prevention Application #307 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and related development activity shall be in accordance with the following submitted site plans:
 - COP Application Cross Road Causeway Improvement Project—Scott Cove-LIS, the Tokeneke Association, Inc., by Roberge Associates Coastal Engineers, LLC, last revised 9-5-2011, Drawing 1-9.
 - COP Application Arrowhead Way Causeway Improvement Project—Scott Cove-LIS, the Tokeneke Association, Inc., by Roberge Associates Coastal Engineers, LLC, last revised 9-5-2011, Drawing 1-11.
 - COP Application Pound Gut Seawall & Causeway Improvement Project—Scott Cove-LIS, the Tokeneke Association, Inc., by Roberge Associates Coastal Engineers, LLC, dated 6-6-2011 (with some pages last revised 9-5-2011), Drawing 1-17.
- B. During the hearing, it was apparent that there would be a need for a staging/construction plan. Such a plan would show the areas of construction operation/vehicle and equipment storage. It was noted that such a plan could not be prepared until a contractor(s) for the project were selected. Prior to the start of work in each of the three areas, a staging/construction plan shall be submitted to the Planning & Zoning Department for review and action by the Director, who will coordinate with emergency services, utilities, the Sewer Commission, and other directly affected agencies. This is particularly important for the Pound Gut Causeway project, where no alternate access routes are available.
- C. The Commission acknowledges that there may be a need for some underwater work as part of this application. That work is hereby approved as shown within the plans.
- D. The Commission notes that at the public hearing, there was concern voiced regarding a proposed railing/guardrail. Since the railing/guardrail will not touch the ground, it will not affect coastal resources or flooding. Thus, any railing/guardrail put forth by the applicant will not require review or action by the Commission. The Commission strongly recommends that the applicant work with neighbors on an appropriate design which will not impact sight lines, and will not impact the natural beauty of the area.
- E. Due to the subject property's location immediately adjacent to Pound Gut and Scott's Cove, which flows into Long Island Sound, the work's specific location within the watershed, and the very, very minimal amount of new impervious surface proposed, the Commission hereby waives the requirement for stormwater management under Section 880 of the Zoning Regulations.

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- F. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- G. Once the construction work is complete for each of the three separate but related projects, the applicant shall submit verification from the project engineer that all aspects of the construction for that project have been completed in compliance with the approved plans and the flood damage prevention regulations. A final “as-built” survey for each project is hereby required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant and applicant’s representative. 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.
- I. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. The applicant should check with the Darien Building Department to determine if any of the proposed work requires a Building Permit.
- J. At the public hearing, the applicant noted that these three separate, but related, projects are likely to be implemented over a multi-year period. He requested that the Commission issue a multi-year approval. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within five (5) years of this action (June 5, 2017). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Chairman Conze read the following agenda item:

Discussion and deliberation ONLY on the following item:

Proposed Amendments to the Darien Zoning Regulations #1-2012, put forth by Baywater 745 BPR, LLC. Zoning Regulation amendments are proposed to Section 585 which would allow the Commission to grant an incentive for building coverage for inclusionary zoning projects.
DECISION DEADLINE: JULY 3, 2012.

Discussion of this agenda item will be postponed to June 12. Chairman Conze then read the following agenda item:

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Approval of Minutes

May 1, 2012 Public Hearing/General Meeting

The minutes of May 1, 2012 were discussed. The following motion was made: That the Planning & Zoning Commission adopt the minutes with the clarifications as discussed. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

May 22, 2012 Public Hearing

Several modifications and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the minutes of May 22, 2012 as corrected. The motion was made by Mr. Voigt, seconded by Mr. Hutchison and unanimously approved. Mrs. Cameron noted that she had watched the video of the meeting even though she had not been able to attend the meeting in person.

There being no further business, the following motion was made: That the meeting be adjourned. The motion was made by Mr. Hutchison, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 10:55 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director

06.05.2012min