

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JUNE 12, 2012**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
CHANNEL 79

In the absence of Chairman Conze, Vice Chairman Spain served as Chairman. He read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Proposed Amendment to the Darien Zoning Regulations (COZR #2-2012) put forth by the Darien Junior Football League (DJFL). Proposing to modify subsection 405b(3) of the Darien Zoning Regulations to allow temporary lighting of outdoor recreational facilities to be up to thirty (30) feet high. ***THIS MATTER WILL BE IMMEDIATELY CONTINUED TO JUNE 26, 2012.***

Mr. Spain read the following agenda item:

Continuation of Public Hearing regarding Special Permit Application #89-G/Site Plan, Darien Public Works Department, 126 Ledge Road. Proposing to temporarily establish recycling of waste concrete, asphalt, rock and dirt over a 90 day period in the summer of 2012 at the existing Transfer Station at 126 Ledge Road. The subject property is located on the north side of Ledge Road, approximately 1500 feet west of its intersection with Boston Post Road, and is shown on Assessor's Map #39 as Lots #20 and #21 in the Service Business (SB) Zone. ***HEARING OPENED: 5/22/2012.***

Director of Public Works, Robert Steeger, explained that the proposal is to process on-site and remove from the site, material that has been brought to the transfer station. He submitted an aerial photograph of the transfer site and said that the work would be taking place on the hill overlooking the fire training centers. The operations would be approximately 440 feet from the Middlesex Commons to the east. At present, there are approximately 17,000 cars into and out of the transfer station per month. There are also approximately 1,800 trucks into and out of the transfer station per month. Typically, there are 780 vehicles that enter and 780 vehicles that leave the site on a daily basis. The proposed operations would add 5 trucks in and 5 trucks out per day. The purpose of the project is to make room for Town operations that include bringing broken concrete and used asphalt to the site in the future. He said that the cost to remove this material from the site as it sits there would be \$150,000 to \$173,000 if the Town were to do the work. The current proposal is to have a private contractor process, that is, break up and grind up the material on the site and haul it away from the property. The material has no commercial value except as fill.

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D.J. Cavaliere explained that they have done this work at other locations. They will install the necessary sediment and erosion control buffers and make a working pad area. The machinery that crushes and processes material is relatively quiet compared to the old fashioned crushers. Once the material is processed and separate, it will be hauled out of the site. A water truck will be used to control dust on the haul road. He said that this is not a big, crushing operation and that mostly what they are doing is crushing the material down to a three-quarter inch and minus size for various uses and local projects. The machinery serves as a crusher, screener, sorter and recycling system. Each load that is dumped into the machinery takes approximately 30 seconds to process. In general the owner material (here, the Town's material) that would be processed would be rubble that is already stored at the site and must be removed from the site. He said that there was a very slim chance that some material from another nearby job site of D.J. Cavaliere will be brought into this site for processing and removal. No new material is being brought in by any other contractor.

Mr. Cavaliere said that it will take approximately 5 days to prepare the site and set up the operation. He said that diesel engines run the electric generator and that electric motors run the machines. In addition, a loader excavator will be transporting the material from the piles and dumping it into the machine. Then, the material will be loaded into trucks and hauled away from the site.

Mr. Steeger said that the operation will not be conducted every single day for three months. Rather, it will be conducted over a three month period, depending on weather conditions and the need for the material. It is estimated that 230 to 300 truckloads of material will be hauled out from the site. He said that the crusher noise is shielded and screened so that it should not have any effect on the residential neighbors. Mr. Steeger said that approximately four years ago a similar operation took place. It was in conjunction with the school building project at the High School. He also said that this is not the first time that this site has been used for this purpose.

Mr. Ginsberg said that the application was brought to the Planning & Zoning Commission because the processing material on the site is different from the day-to-day operations of the Transfer Station. He said that the Board of Selectmen has authorized the application to be submitted to the Planning & Zoning Commission.

First Selectman Jayme Stevenson spoke and said that she too has authorized Mr. Steeger to bring the application materials to the Planning & Zoning Commission.

Mr. Graham Powell of 71 Hale Lane said that the Middlesex Commons development pays approximately \$400,000 per year in taxes to the community. He said that the Transfer Station has accumulated approximately 5,000 tons of material on-site over many years. He claimed that the proposed processing and crushing operations will be in direct line of sight from some of the residents within the Middlesex Commons Development. He said that in the summer of 2010, Whole Foods had a crusher on their site and, although that site is separated from Middlesex Commons by a fence, it was still an unacceptable impact on the residential neighborhood.

Mr. Powell expressed his concern for the surrounding wetlands. He said that a watercourse also goes through the site and that the trucks will need to go over the watercourse. He said that wetland mitigation procedures are needed due to the high risk of impacts to wetlands. He said that controlling dust by using water will make it more likely that there will be impacts to the wetland and watercourse. He said that the crusher makes a very annoying noise, but a screening operation

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makes an even more annoying constant noise that is different than a crusher operation. Mr. Powell said that Hale Lane residents purchased their property knowing that their properties were adjacent to a Transfer Station, but not a rock crushing and screening operation. He said that the residents have a right to quiet enjoyment of their property and that this Transfer Station is for household waste, not a commercial crushing or quarrying like operation. He said that if such an operation is permitted, then the residents should expect approximately one-third rebate of their taxes for the year because this is comparable to the 18 weeks that are proposed compared to a 52 week year. The hours of operation were discussed.

Mr. Steeger said that broken concrete and asphalt and dirt are the materials that are being processed.

Mr. Cavaliere said that there is no more runoff now than there would be with the material in place and when the material was dumped there. He said that any material that the Town wants for its future use will be piled on the site wherever the Director of Public Works wants it to be stored. Mr. Steeger said that approximately 5% of the material being processed will be saved on site for future Town use. This would include topsoil, leaf mulch, wood chips and road sweepings.

In response to questions, Mr. Cavaliere said that the noise level of the crusher and screener will depend on the material being processed. He said that the Whole Foods site was mostly solid rock being crushed. He said that this project is broken material and asphalt which is much quieter. He also noted that this is a much smaller and better equipped machine compared to what was used at the Whole Foods site.

Mr. Powell said that Whole Foods operation also involved crushing up the demolished Howard Johnson's buildings and the old asphalt parking lot. Even then, the noise was unacceptable.

There being no further comments from the public, the following motion was made: that the Commission close the public hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

Mr. Spain read the following agenda item:

Continuation of Public Hearing regarding Special Permit Application #34-I/Site Plan, Woodway Country Club, 540 Hoyt Street. Proposing to replace the existing pool complex and reconfigure the existing adjacent parking lot together with improvements to site drainage and utilities, and to perform related site development activities. The subject property is located on the west side of Hoyt Street, approximately 1000 feet north of its intersection with Woodway Road, and is shown on Assessor's Map #3 as Lot #137 in the R-2 and R-1/2 Zones. *PUBLIC HEARING OPENED: 5/22/2012.*

Mr. Day explained that he is the Chair of the Facilities Committee of the Board of Governors of Woodway Country Club. He said that the pool facility is approximately 53 years old and needs to be replaced. The proposed replacement facilities will not expand the capacity of the Club or the membership of the Club. The new facilities will be code compliant and are simply replacements of what are there.

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Richard Redniss displayed a photograph of the existing site conditions. He noted that now there are no curbs and no drainage facilities provided. The runoff from the impervious surfaces travels directly toward the pond. The proposed facilities will have curbs and will have catch basins to collect the storm water so that it can be directed into a filtering system. He also noted that there will be less impervious surface as part of the renovated pool facilities. A safer drop-off area will be created and they will connect the waste water into a sanitary sewer line. New replacement buildings and pools will be installed and there will be 10 to 15 on-site fewer parking spaces within paved areas. They have obtained an approval from the Environmental Protection Commission. Over flow parking areas to the east of the paved parking lot will allow for the on-site parking during high volume days and special events. He said that approval of the new building designs has been obtained from the Architectural Review Board. Mr. Redniss stressed that there will be no change in the membership or operations or use of the site just improving the quality of the facilities. In response to questions, Mr. Redniss said that there will be no lighting of the tennis courts and the only lights will be in the parking lot and on the buildings.

There were no comments from the public regarding the application. Mr. Ginsberg noted that the Fire Marshal had a few comments that the applicant will need to address, and the Police comments included that there will be no change in the anticipated traffic volumes.

There being no further comments, the following motion was made: that the Commission close the public hearing regarding this application. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

Mr. Spain read the following agenda item:

Continuation of Public Hearing regarding Business Site Plan #146-C/Special Permit, Anthony's Coal Fired Pizza, 319 Boston Post Road. Proposal to install additional parking with related landscaping and stormwater management; to install outdoor dining on a proposed terrace in front of the existing restaurant; and to perform related site development activities. The subject property is located on the north side of Boston Post Road, at the northeast corner formed by its intersection with Birch Road, and is shown on Assessor's Map #13 as Lots #1 and 2, in the SB-E and R-1/2 Zones. *HEARING OPENED ON 4/24/2012. DEADLINE TO CLOSE HEARING IS 6/12/2012, UNLESS EXTENSION IS GRANTED BY APPLICANT.*

Mr. Ginsberg reviewed the June 7, 2000 letter from Architect Nick Aivalis indicating that they are no longer seeking the outside patio dining area.

Mr. Aivalis confirmed that they are deleting the patio which seems to be a controversial issue so that the parking aspect of the project can proceed and be built. Mr. Aivalis reviewed the revised Planting Plan to establish more screening and buffering between the parking and the residential neighbors. Parking spaces immediately adjacent to the front entrance of the building will be for customers picking up food. Mr. Aivalis said that they are also keeping arrangements with neighboring business properties to have employees park off-site wherever possible. He said that they have also changed the garbage pick-up time so that it is after 9:00 a.m. so that it will not affect the residential neighbors. A fence along Birch Road is included to direct people closer to the Boston Post Road (the front of the site) so that they will not be crossing Birch Road in dangerous locations. He said the fence would be on private property (not within the street right-of-way) and a

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few feet from the parking. The fence will be worked around the existing vegetation. The revised landscaping plan adds rhododendron and other plants in the openings between existing vegetation. This will improve the screening to benefit the neighbors.

Mr. Spain said that it is important to discourage people from climbing over ducking through the new fence along Birch Road.

Nick Aivalis said the new fence will have three rails to avoid ducking through. Mr. Aivalis also mentioned that the light fixtures on the side and rear of the building have been replaced and the outdoor speakers have been disconnected.

Mr. Spain said that the letter withdraws the request for the patio and outside dining. He asked if the applicant was now seeking to reinstate that request. Mr. Aivalis said that they would like to reinstate the request for the patio and outside dining. Mr. Spain said that such a request does raise many other issues. Mr. Aivalis said that the 6 tables with 4 chairs each would be the most that the patio could accommodate. The use of the patio would cease shortly after the last food is served on the patio at 10:00 p.m. Mr. Voigt said that the letter of June 7th is very clear that the patio is withdrawn and he does not feel that it is appropriate to reinstate the request for the patio because everyone has come to the meeting knowing that the patio request is withdrawn.

Chris Fusaro, the Northeast Director of Anthony's Coal Fired Pizza, said that the applicant would not be requesting the patio or outside dining at this time. He said that the additional on-site parking is more important because the customers need and want to be able to park on the property. He said that at the busiest time, there are 10 to 15 employees at the site, but many of them do not drive to the property.

Mr. Spain said that as far as he and the Commission members are concerned, the patio request is withdrawn. That does not preclude the applicant from reapplying for the patio at a future time, but for the record, the patio and outside dining request is not part of the pending application.

Terry Bock of 7 Birch Road said that he was very pleased that the patio and outside dining portion of the request is withdrawn. He said that if it is re-submitted in the future, he wants to make sure that the neighbors would be properly notified. He said that it would be appropriate to have a 30 to 60 day time period where the employees park off-site before time and money is spent on building more parking spaces on the property.

Molly Brown of 5 Birch Road said that she and the neighbors were not properly notified about the variance request that was submitted to the Zoning Board of Appeals. She said that notice was sent to the previous owners of the property. She, too, said that she was pleased that the patio portion of the request was withdrawn. She said that she had not had a chance to review the revised Landscape Plan. She believed that the landscaping must block the view of the big, black wall. The parking seems very tight now and wants to make sure that new parking spaces are the correct size. She said that having employees park across Birch Road on the nearby commercial property is dangerous because of people crossing the street. She said that restaurants have been at the site for many years without needing extra parking spaces across the street.

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Mr. Spain said the operator of this restaurant realizes that their customers need more parking on-site. Ms. Brown said that landscaping is critical. She also said that the speakers have been disconnected, but the outside speakers really need to be removed.

Mrs. Almy of 6 Birch Road said that changes have been made on the plans, but not yet implemented on the site. She said that kitchen lights on the back of the building have not been turned off since the last meeting. She said that the lights shine out from the kitchen, out the windows and toward the neighbors. Chris Fusaro, the manager of Anthony's Coal Fired Pizza, said he will look into the matter to try to resolve it. Mrs. Almy said the garbage pick-up time has been changed and it is greatly appreciated.

Terry Bock of 7 Birch Road asked when the landscaping would be installed. Mr. Ginsberg said that once the Planning & Zoning Commission acts on the application, then the applicant would be able to implement it. Typically, the landscaping would be done after the parking lot is expanded and would most likely take place in the Fall of the 2012.

Mr. Cunningham questioned whether the Commission could regulate the timing of the installation of the landscaping and the parking lot construction.

Mr. Ginsberg said that if it was necessary the Commission could specify the timing.

Mr. Aivalis said that the new parking spaces are properly sized, even though some of the older parking spaces are smaller than the current regulations. He said that new parking spaces in front of the building would be for customers who are picking up food only and will not be parked for more than a few minutes. He submitted a revised Landscaping Plan showing all of the revisions. This sheet, SP-1, is dated revised May 25, 2012.

There being no further comments from the public, the following motion was made: that the Planning & Zoning Commission close the public hearing regarding this application. The motion was made by Mr. Hutchison, seconded by Mr. Cunningham and unanimously approved.

Mr. Spain read the following agenda item:

Continuation of Public Hearing regarding Special Permit Application #173-A, KJD Properties, LLC, 841 Boston Post Road. Proposing to establish an ice cream shop in the space formerly occupied by Annie's House of Needlepoint. The subject property is located on the north side of Boston Post Road, approximately 100 feet east of its intersection with Mansfield Avenue, and is shown on Assessor's Map #16 as Lot #1 in the CBD Zone. *PUBLIC HEARING OPENED: 5/22/2012.*

William Andriopoulos, Project Architect, explained that the proposal is to create a 750 sq. ft. ice cream shop in the space next to Post Corner Pizza. There will be a small seating bench at the inside window, but there will not be tables and chairs. At present, the space is used as a retail store. That retail store would be moving one space to the east in a space that had formerly been a beauty shop with 5 or more work stations. The proposed ice cream shop will have a new handicapped accessible bathroom (behind the customer counter), but it will not have a rear door to the parking lot. The back portion of the space will become a storage area for Post Corner Pizza. Deliveries for the ice

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cream shop will come through the Post Corner Pizza storage area or from a truck parked on the Boston Post Road. Deliveries will be infrequent. No street furniture (benches) have been proposed, but if any are to be installed, they will need approval from the Department of Public Works.

Mr. Ginsberg pointed out that there are 23 on-site parking spaces to serve the Post Corner Pizza, the retail store, the apartments on the second floor and the proposed ice cream shop. Mr. Andriopoulos said that on-street parking and the parking in the rear of the building will need to be sufficient for the customers and employees. Mr. Hutchison noted that many of the customers will park elsewhere and walk to the site. Mr. Andriopoulos said the customers will not be at the ice cream shop very long because there are no tables and chairs to eat at. Although there will be a bench, those customers will not linger.

There were no public comments regarding the application. The following motion was made: that the Commission close the public hearing regarding this application. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

Mr. Spain read the following agenda item:

Continuation of Public Hearing regarding Coastal Site Plan Review #233-A, Flood Damage Prevention Application #261-A, Mitchell Ross, 10 Nickerson Lane. Proposing to install an in-ground swimming pool and spa, with associated terrace, retaining wall and drainage, and perform related site development activities within regulated areas. This plan is different than the one approved by the Commission in September 2008. *PUBLIC HEARING OPENED: 5/22/2012.*

Chris Olsen of Wagner Pools explained that the Commission's 2008 approval for the swimming pool and terrace/deck has expired. The Ross' now wish to revise the plans and build a swimming pool. The design has been modified to create a vanishing edge pool with a catch pool on the lower, outside edge of the pool. The required safety fence will be brought in closer to the house and shorter walls will be built on the site. Mr. Olsen said that storm water infiltrators have been constructed on the east side of the house and the yard drains from the pool area will be connected into those infiltrators in accordance with the originally approved design.

Mr. Ginsberg said the comments from the Public Works Department indicate that no permits are required from that department, but they recommend that storm water retention not be provided on the site. Water quality provisions have been incorporated which involves connecting storm drainage into the infiltrators.

Mr. Ginsberg read the comments from the Connecticut Department of Energy & Environmental Protection, as noted in their letter of May 22, indicating that the proposed plan is not inconsistent with the Coastal Area Management Statute. Mr. Ginsberg said that there is a letter from a neighbor concerned about the site lines from the neighboring properties to pond.

Mitchell Ross, the homeowner, said that due to the design of the pool, the Conovers won't see the pool, and the Ross' will not be cutting any trees to install the pool so he did not see that there would be any visibility issue.

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There were no comments from the public regarding the application. The following motion as made: that the Commission close the public hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

GENERAL MEETING

Mr. Spain opened the General Meeting and read the following agenda item:

Update regarding Allen O'Neill project. (NOT A HEARING—no testimony from the general public will be accepted). *THIS ITEM HAS BEEN POSTPONED UNTIL A FUTURE MEETING. TIME AND DATE TO BE DETERMINED.*

Commission members noted that this matter will be discussed at a future meeting.

Mr. Spain read the following agenda item:

Modification of Subdivision Application #323-A, Coastal Site Plan Review #222-A, Flood Damage Prevention Application #244-A, Land Filling & Regrading Application #176-A, James & Katherine Kane, 147-149 Five Mile River Road. Proposal to modify the previous approval to raze the existing residence, garage and cottage; abandon the existing septic systems; subdivide the subject property; construct one new residence on each of the two properties and a pool on one of the properties; tie the new residences into the existing sanitary sewer system; and to perform related site development activities within regulated areas. The subject property is located on the east side of Five Mile River Road approximately 1,500 feet south of its intersection with Davis Lane, and is shown on Assessor's Map #67 as Lot #9 in the R-1/2 Zone.

Leonard D'Andrea explained that the May 12, 2009 approval from the Planning & Zoning Commission is still in effect. At 147 Five Mile River Road, the plan is to build a smaller house and a detached garage. At 149, a slightly larger house with a swimming pool would be built. He explained that basically the development on the two parcels is being flip flopped rather than increasing both development designs.

Mr. D'Andrea said that the draft Flood Maps have been distributed by the Federal Emergency Management Agency and those draft Maps would indicated that the expected flood level would be higher than when the original approval was granted in 2009. Accordingly, they propose to raise the height of the retaining wall on the water side of the proposed houses so that it would be built approximately one-half foot higher than the expected flood level shown on the draft Flood Maps. Mr. D'Andrea said that the total amount of impervious surface from the two parcels would be less than the 2009 approval and that storm water detention should not be provided, but storm water quality will be properly managed. Mr. D'Andrea said that they sent notices to the neighboring property owners and received letters of support from those neighbors.

Jim Kane of 143 Five Mile River Road said that he lives at that site and owns the parcel at 147. The revised plans would allow him to build a small house and a detached garage building at 147. He said that his father owns the property at 149 Five Mile River Road and the revised plans would allow his Dad to build a house on that lot. He said that he spoke to the neighbors and none have expressed any concerns.

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Mr. D'Andrea noted that the emergency vehicle turnaround required by the Commission's 2009 approval is still part of the current plans.

There were no comments from the public regarding the request. The following motion was made: That the Planning & Zoning Commission conclude that the proposed modifications do not require a public hearing and that the reconfiguration of the development is acceptable and therefore approved by the Commission. The motion was made by Mr. Hutchison, seconded by Mr. Voigt and unanimously approved.

Mr. Spain read the following agenda item:

Amendment of Coastal Site Plan Review #269, Flood Damage Prevention Application #305, Land Filling & Regrading Application #269, Francis & Catherine Gallagher, 32 Pasture Lane
Request to increase size of previously approved pool/spa.

Plans for the redevelopment of this property had previously been approved by the Commission and are being implemented. Earlier in the Spring, the applicants had returned to the Commission requesting the removal of two large trees to the south of the house. The Commission approved that request for the removal of the two large trees subject to the planting of replacement trees.

John Doherty said that the replacement trees will be Crimson King Maples (not Norway Maples as originally discussed). Mrs. Cameron noted that Crimson King Maples are the same as Norway Maples, and should not be installed.

The Commission members discussed the requested modification with respect to the swimming pool size. The following motion was made: that the Commission approve the request to increase the size of the proposed pool in accordance with the submitted plans. A motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

Mr. Spain read the following agenda item:

Discussion of cupolas, and possible other zoning regulation amendments.

The Darien Zoning Regulations indicate that cupolas will not be counted in the building height calculation, provided they are only as tall as necessary and they do not cover more than 15% of the roof area or only as much as is needed.

Mr. Hutchison said that a more specific formula should be provided. He noted that if a cupola would impact the view of a neighboring property owner, the size of the cupola should be further reviewed. In some cases, perhaps a cupola should not be allowed. Mr. Hutchison said that the proposed cupola at the Jellinek property on Nearwater Lane is somewhat larger than the design standards that he was able to find at a manufacturer's on-line website. However, the current size approved by staff is substantially smaller.

Commission members asked the staff to consider this matter for discussion at a future meeting.

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Mr. Spain read the following agenda item:

Discussion and deliberation ONLY on the following items:

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.*

Commission members discussed the draft Amendment to the Regulation and felt that it would be appropriate to allow a modification to permit an increase in the development provided there are ramifications to other sites can be minimized. The exception should be granted only on a very limited basis. Staff will work on a draft resolution regarding this matter.

Mr. Spain read the following agenda item:

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. *PUBLIC HEARING CLOSED 6/5/2012. DECISION DEADLINE: 8/9/2012.*

Mr. Spain said that he was not able to attend all of the public hearings, but has listened to the tapes of the meetings. It was noted that the 120 foot setback is not standard within the zone, but it happened to be the distance from the property line to the building when it was built. The creation of this patio is not a violation of the setback.

Commission members agreed that the number of on-site parking spaces is clearly enough to satisfy the need. They also noted that the question of whether the patio is a structure as defined by the Building Code needs to be resolved and the Commission has not received a structural plan of the patio. It was agreed that the matter will be placed on an agenda for discussion at a future meeting.

Mr. Spain 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. *DECISION DEADLINE: 8/9/2012.*

Commission members seemed satisfied with the proposed development activity and asked the staff to draft a resolution for consideration at a future meeting.

Mr. Spain 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

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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.

Mr. Spain said that he had listened to the tape of the public hearing.

Mrs. Cameron said that she was not pleased with the septic system design and the very large spaces within the house that could become additional bedrooms in violation of the Health Department approval. She also noted that there seemed to be 8½ bathrooms within the proposed building and that lots of fill is needed to bring the site high enough to comply with the septic system requirements. She said that it will be important to do the site work in phases or steps and to have each area stabilized early in the process rather than to have a very large, disturbed site because this property is surrounded by water. Especially in high tide conditions, work areas will be susceptible to erosion. She said that monitoring of the erosion controls will be critical as will the landscaping of the site.

Mr. Hutchison said that the building that is proposed is as much as the site could possibly handle. He noted that the driveway to the house from the street does flood and will continue to flood. He said that the replacement house seems to be an over design because it includes 8½ bathrooms and many large rooms. He also noted that lots of fill is needed to regrade around the swimming pool.

Mrs. Cameron said that the existing septic system is probably in the ground water level at times and that the new septic system will be an improvement in that respect. Mr. Spain said issues about the septic system are not concerning the Health Code, but rather are a question of protecting the Coastal Area Management Resources.

Mr. Hutchison said that the proposed development seems to be too much for the site. He asked the Commission members if they cut back, what would they cut and how much do they cut. Staff will draft a resolution for consideration at a future meeting.

There being no further business, the following motion was made: That the Commission adjourn the meeting at 11:23 p.m. The motion was made by Mr. Hutchison, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 11:23 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director