

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
OCTOBER 16, 2012**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg
RECORDER: Syat
CHANNEL 79

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

GENERAL MEETING

Amendment of Site Plan Application #268/Special Permit, The Heights at Darien (former Allen O'Neill), Allen O'Neill Drive. Request to modify previously approved community building.
THIS ITEM HAS BEEN POSTPONED TO NOVEMBER 13, 2012.

Mr. Conze confirmed that this matter has been postponed until the meeting of November 13, 2012.

Mr. Conze then read the first Public Hearing item:

PUBLIC HEARING

Special Permit Application #60-L/Site Plan, Country Club of Darien, 300 Mansfield Avenue. Proposing to construct new platform tennis hut immediately adjacent to the platform tennis courts, move two existing courts, and perform related site development activities. The subject property is located on the east side of Mansfield Avenue, approximately 1500 feet north of its intersection with Buttonwood Lane, and is shown on Assessor's Map #5 as Lot #40, in the R-2 Zone.

Mr. Cunningham recused himself from this matter and then left the meeting room.

Mr. Rex Gedney explained that the proposal is to relocate two platform tennis courts to accommodate a new proposed paddle hut. The paddle hut will include toilet facilities and a gathering area. The elevation of the paddle courts and the associated lighting of the courts will not change. He then showed aerial photographs showing the distance from the proposed paddle hut to nearby properties. The distances range from about 250 feet to 1300 feet. The warming hut will be placed east of the existing drive. Paddle tennis is currently played from 8 A.M. to 10 P.M. with the lights going off at 10 P.M. There is no proposed change to those hours.

Mr. Ginsberg noted that comments had been received from the Darien Fire Marshal regarding egress to a paved area. He also noted that the Architectural Review Board has approved the façade of the proposed paddle hut. He explained that there is no stormwater management plan proposed but since the property is so large (well over 100 acres) and that the proposed paddle hut is in the middle of the

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property, and the fact that the hut is only 800 square feet, stormwater management does not seem to be necessary in this specific instance.

Mr. Conze then asked if there were any comments or further questions from the Commission members, or any from the general public. There were none. Mr. Spain then made a motion to close the Public Hearing on this matter. The motion was seconded by Mr. Hutchison and unanimously approved.

At about 8:07 P.M., Mr. Conze the read the next agenda item:

Land Filling & Regrading Application #280, George & Pat Chieffe, 241 Hollow Tree Ridge Road. Proposing to construct a loose boulder wall and place fill behind it, and perform related site activities. The subject property is located on the west side of Hollow Tree Ridge Road approximately 300 feet north of its intersection with Middlesex Road, and is shown on Assessor's Map #26 as Lot #11, R-1 Zone.

Mr. Cunningham then returned to the room. Architect Jacek Bigosinski of PB Architects explained that the house at 241 Hollow Tree Ridge Road is now under construction. The proposal is to fill the backyard and create a driveway expansion and remove part of the driveway which is now on the right side of the house. They propose to add a bio-retention pond on the west side of the property.

There is a loose boulder wall proposed near the west property line. The area to be filled in is about 4,450 square feet, and will include 175 cubic yards. The resulting slope will be +/- 2%. The land now naturally slopes in this direction. Some water will be directed into the bio-retention areas. Mr. Bigosinski mentioned that plants can be added in the bio-retention area so that it is less likely that the property owner will fill it in in the future. Mrs. Cameron suggested that if necessary, the property owner or Mr. Bigosinski could ask Mr. Jacobson of the Planning & Zoning Department for any guidance on planting within this area. Mr. Hutchison then asked about the Department of Public Works policy on having two driveways on the same property. Mr. Ginsberg said that a Street Opening Permit would be needed and the proper driveway standards and policies established by Public Works require that the two driveways not be too close to each other and have the proper permits. Mr. Spain then asked about the existing and proposed surface water flow; he asked whether the water would be flowing through the boulders and if that water flow would be more concentrated. Mr. Bigosinski responded that there is very little new impervious surface proposed as part of this application. Mr. Spain noted that if there is a change in topography and an increased water flow results, further steps should be taken. He suggested the possibility of getting a curtain drain, if needed, as he does not wish to have any increased stormwater flow impacting the neighbor to the west. He is not suggesting that it be put in now; however, it would be a consideration for the future. Mr. Bigosinski said that there is not a water problem and certainly curtain drains could be installed in the future. However, he noted that the backyard will be just a little more level than existing conditions and they are including stormwater management for the impervious areas as part of the application.

Mr. Conze then asked whether there were any further questions or comments from Commission members, or if there were any members of the general public in the audience who wished to comment on the application. There were none. Mr. Hutchinson then made a motion to close the Public Hearing on this matter. That motion was seconded by Mr. Spain and unanimously approved.

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At about 8:20 P.M., Mr. Conze read the next agenda item:

Land Filling & Regrading Application #281, Shay Homes, LLC, 569 Middlesex Road. Proposing to construct new single-family residence with associated driveway and perform related site development activities. The subject property is located on the north side of Middlesex Road approximately 500 feet east of its intersection of Ox Ridge Lane, and is shown on Assessor's Map #2 as Lot #2A, R-2 Zone.

Professional Engineer Doug DiVesta was present on behalf of Shay Homes. He reviewed the zoning location survey, which had been submitted as part of the application. He mentioned that the property is now a vacant lot with a mostly manicured lawn. They are proposing a new house and driveway. He explained that the septic system, which he designed, has been reviewed and approved by the Darien Health Department on September 7, 2012. They're also including a stormwater management plan as part of this application. He proposed to fill 135 cubic yards and build a retaining wall. The wall will range in height from zero to three feet. Mr. DiVesta noted that this stormwater design and modeling show a zero increase in runoff. He explained that Mr. Oustafine of Darien Public Works Department commented that it would be an improvement if they could re-locate the level spreader further away from the shared property line. Mr. DiVesta responded that he could not move it further back as this could impact the septic system. Mr. Cunningham noted the open space which now exists to the northeast of the subject property. Mr. Ginsberg distributed a portion of the Town Assessor's Map for this area, which shows the location of the open space and the location of the Ox Ridge School nearby.

Mr. Ginsberg then summarized a letter received on October 16, 2012 from Attorney Michael Nedder asking that the applicant discuss ground water issues. Mrs. Cameron then noted that a ditch was shown in the plans in the rear of the subject property. Mr. DiVesta then said that there is no evidence of flows within the ditch. Mr. Hutchison asked if there is any way to do better on stormwater management and drainage. Mr. DiVesta responded that he cannot move the level spreader as he needs separation from the septic system. He did note that the property owner can add a few more galleries in the backyard to handle additional water. Mr. DiVesta mentioned that the bamboo along the property line will be removed as it is invasive. Mrs. Cameron asked Mr. DiVesta to review the trees on the property which will be removed as part of this new construction. Mr. DiVesta then noted the various trees that will remain and which will be removed. Mrs. Cameron asked whether he could save the Ginko tree by moving the galleries and the level spreader. In response to a question, Mr. DiVesta noted that this is the actual house to be constructed.

Mr. Rhett Drugge of 11 Ox Ridge Lane then explained that he lives downhill from the subject property to the west of 569 Middlesex Road. He was concerned about drainage and water pouring from this property into the open space and on to his property. He said that he does anticipate some runoff. He asked whether a curtain drain could be installed to the west of the septic system to accommodate even more water. Mr. DiVesta responded that they could not, as any curtain drain would need to be 50 feet away from the proposed septic system. Mr. DiVesta then showed existing and proposed flows of water on the subject property.

Mr. Spain asked about the possibility of including a condition that if there was more surface flow than expected, then the property owner would need to augment the system to make the condition no

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worse than existing. Mr. Hutchison added that there are ways to be productive during construction to capture more surface water and the Commission would applaud that. The net result must achieve the objectives. Mr. Conze discussed the possibility of an affirmative requirement on the property owner for any unforeseen event in the future. Mr. Hutchison countered that it would be more appropriate to properly engineer it now and make the infiltrator larger. Mr. DiVesta noted that the house runoff is being collected as part of the stormwater management proposal. Mrs. Cameron said that she wishes to see a revised design which can handle more water. Mr. DiVesta responded that they meet all the current Darien Zoning Regulations regarding stormwater management. Mrs. Cameron mentioned that Mr. Oustafine recommended moving the level spreader. Mr. Conze suggested that Mr. DiVesta review the plans, possibly tweak the plans as needed and return to the Commission for a continued Public Hearing next week. Mr. Hutchison confirmed that he would like to see a revised plan. Mr. DiVesta noted that there is about 32,000+/- square feet of lawn on the property and that they meet all the Zoning Regulations. He again confirmed that he cannot put a swale near the septic system. The Commission then continued the Public Hearing on this matter to October 23, 2012 at 8 P.M. in Room 206 of Town Hall.

Mr. Conze read the following first General Meeting item:

GENERAL MEETING

Amendment of Subdivision Application #602, Nastro/Blair, 360, 362, 366 Brookside Road.

Discussion regarding Commission's October 2, 2012 approval of a proposed modification of previously approved subdivision, by eliminating a shared driveway; and the subsequent October 6, 2012 letter from Attorney Robert F. Maslan, Jr. on behalf of the Lowmans.

Mr. Ginsberg summarized the letters submitted from Attorney Robert F. Maslan, Jr. dated October 6, 2012. Mr. Conze then asked Mr. Ginsberg what the options were for the Commission. Mr. Ginsberg noted that one option would be to uphold their existing decision of October 2, 2012 regarding the drive and then just publish it. Another option would be for the Commission to hold a Public Hearing, as has been requested by Mr. Maslan to hear more evidence from both parties regarding the driveway. After a brief discussion by the Commission, Mr. Cunningham made a motion to hold a Public Hearing on this matter. That motion was seconded by Mrs. Cameron and was approved by a vote of 6 to 0.

Mr. Conze read the following next item:

Amendment of Subdivision Application #471-B, Welsh, 1 Musket Lane.

Request to modify/clarify previously approved setbacks for the subject property.

Attorney Robert F. Maslan, Jr. then distributed maps/updated survey dated October 16, 2012. He then summarized his previously submitted letter regarding the subject property. He said the existing house now complies with all the setbacks. He then showed the location of this building lot relative to the larger subdivision which was approved by the Commission in the 1970s. Mr. Maslan confirmed that this lot (Number 12) is tied into the sanitary sewer system. Lot Number 14 is not. Mr. Spain noted that the increased setbacks provided by the 90 foot setbacks on Lots 12 and 14 may give a vista from Raymond Street, but there is no covenant or restriction that currently applies to these lots relative to the vista. Mr. Maslan noted that as part of the subject Commission's original

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subdivision approval, it was mentioned that sanitary sewers were expected to be installed in this area five to seven years after the subdivision was approved. Mr. Hutchison mentioned that this could explain why the setbacks could be changed from 90 feet to the more standard setbacks now in place for other R-1/2 properties. Mr. Hutchison asked whether the Commission should notify neighbors of this change. Mr. Voigt asked what the benefit would be of holding a Public Hearing on this matter. Mr. Conze mentioned that the standard the Commission should use when deciding whether to hold a Public Hearing is whether the Commission by acting on an application or amendment would be affecting other properties and/or possibly affecting adjacent property values. Mr. Hutchison noted that there is also a fairness issue in holding a hearing. Mr. Hutchison then made a motion to hold a public hearing on the possibility of adjusting the setbacks for the 1 Musket Lane property. That motion was seconded by Mr. Cunningham and approved of a vote of 6 to 0.

At about 9:05 P.M., Mr. Conze read the next agenda item:

Site Plan Application #279/Special Permit Application #266, Maplewood of Darien, 599 Boston Post Road.

Request to allow issuance of a Temporary Certificate of Occupancy to allow on-site staff training prior to all required work being completed.

Mr. Ginsberg then explained the submitted letter of October 11, 2012 from Attorney Amy Zabetakis. She noted that they wish to receive a Temporary Certificate of Occupancy (TCO) for Maplewood of Darien prior to landscaping being installed. This would allow for staff training to occur with a TCO. Ms. Zabetakis then noted that she would like to have the TCO to allow both residents and staff training to occur. After a brief discussion about how long they wish to have the Temporary Certificate of Occupancy, Mr. Spain made a motion to allow a Temporary Certificate of Occupancy to be issued for up to 60 days, which will allow residents to move in, as well as to allow staff training to occur during that time. That motion was seconded by Mrs. Cameron, and was approved by a vote of 6 to 0.

Mr. Conze read the next agenda item:

Amendment of Business Site Plan #143-A, Dominick Briganti, 1936 Boston Post Road.

Request to construct a handicap-accessible ramp. Informal discussion regarding establishment of a residential use on the second floor and an office on the third floor of the existing building.

Mr. Ginsberg explained the request from Mr. Briganti. He noted that the pending request is to construct a handicap accessible ramp. Mr. Ginsberg then showed the Commission a picture of the ramp, which was started but then was halted by the Building Official noting that a permit was needed. Mr. Ginsberg said that such a ramp would likely not impede any parking on site and does not really have any impact on adjacent properties.

Mr. Ginsberg said that while he was speaking to Mr. Briganti about this issue, Mr. Briganti noted his desire to have a residential use on the second floor, and possibly an office on the third floor of the building. Mr. Ginsberg explained that Section 600 of the Darien Zoning Regulations allows residential use on the upper floors of the building, including the second floor of the building, by a Special Permit. Therefore, a Special Permit application would need to be submitted and a Public Hearing will need to be held. Mr. Ginsberg said that unfortunately, finished third floor space is not

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allowed in the Neighborhood Business Zone. Mr. Hutchison then asked what options are available to the property owner in a case like this where third floor has existed for many years. Mr. Ginsberg replied that the two options available would be to have unfinished storage space on the third floor or to request a variance from the Zoning Board of Appeals. Mr. Spain then made a motion to approve the handicap ramp that is shown on the submitted sketch and plans, then noted that a Special Permit with public hearing is needed for any second floor residential use; and, as to the third floor storage area, unfinished storage is the only use that could be approved by the Planning & Zoning Commission. That motion was seconded by Mr. Cunningham and was approved by a vote of 6 to 0.

Mr. Conze then read the next agenda item:

Deliberations and possible decision on the following closed public hearing item:

Coastal Site Plan Review #276, Flood Damage Prevention Application #308, Bryan & Sara Murphy, 1 Baywater Drive. Proposing to raze the existing residence and construct a new single-family residence and perform related site development activities within regulated areas. The subject property is located on the northeast corner of the intersection formed by Baywater Drive and Nearwater Lane, and is shown on Assessor's Map #55 as Lot #12 & #13, in the R-NBD Zone. *PUBLIC HEARING CLOSED ON OCTOBER 2, 2012.*

Mr. Voigt then made a motion to waive the reading of the draft resolutions aloud. That motion was second was Mrs. Cameron and unanimously approved. Commission members then reviewed the draft resolution. Mr. Spain then made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Cunningham and approved by a vote of 6 to 0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 16, 2012**

Application Number: Coastal Site Plan Review #276
Flood Damage Prevention Application #308

Street Address: 1 Baywater Drive
Assessor's Map #55 Lot #12 & #13

Name and Address of Property Owner: Bryan and Sara Murphy
c/o 17 Pleasant Street
Darien, CT 06820

Name and Address of Applicant: Mark S. Lebow
And Owner's Representative: William W. Seymour & Associates
170 Noroton Avenue
Darien, CT 06820

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

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Property Location: The subject property is located on the northeast corner of the intersection formed by Baywater Drive and Nearwater Lane.

Zone: R-NBD

Date of Public Hearing: September 18, 2012 continued to September 27, 2012 and October 2, 2012

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

Publication of Hearing Notices

Dates: September 7 & 14, 2012

Newspaper: Darien News

Date of Action: October 16, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
October 26, 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 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 proposes to raze the existing residence and construct a new single-family residence and perform related site development activities within regulated areas. The subject property is served by public water and public sewer. The plans show a proposed increase in building coverage from 17.5% to 19.5%.
2. The existing residence was constructed prior to the implementation of Flood Damage Prevention regulations in Darien, and has a first floor elevation of 10.5, which is below the expected flood elevation, which is now 11.0. Darien Zoning Regulations require that all finished space be at least one foot above that, which would be elevation 12.0.
3. At the public hearing, the owner's representative Mr. Lebow explained that the proposed residence has been originally designed to meet draft new flood maps that are likely to take effect in 2013, which would require the first floor elevation of the proposed residence to be at elevation 14.0. Mr. Lebow noted that one of the neighbors' comments was a request to lower

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the overall building height. In order to accommodate the concerns of the neighbor, the revised plans have a proposed first floor elevation of 12.0, which complies in all respects with the flood map in effect at the current time, which shows the property in flood zone AE11. This would allow the applicant to increase by one foot the interior floor to ceiling height within the second floor, and to decrease by one foot the height from the ground to the proposed ridge of the roof.

4. At the October 2nd public hearing, revised plans were submitted showing a revised first floor elevation of the proposed residence, along with a certification from a professional engineer from Ruspini Consulting Engineers, LLC. It was noted that if the Commission were to approve the project, other revised plans would need to be submitted reflecting that new first floor elevation, and the lowering of the overall building height.
5. The State of Connecticut DEEP sent an e-mail dated October 1, 2012, noting that they will not be commenting on the application.
6. This proposed residence is on a property across the street from Long Island Sound and the Noroton Bay neighborhood beach. It was noted at the public hearing that the proposed new house and pool will not have any drainage impacts on adjacent or nearby properties, and will comply with the Flood Damage Prevention regulations. The submitted Site Development Plan from McChord Engineering Associates shows a proposed underground storm water detention system to be installed in the southwest corner of the property in order to address water quality concerns.
7. 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 underground detention system in the southwest corner of the property) and the need to maintain said facilities to minimize any potential downhill impacts.
8. 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.
9. 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.
10. 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.
11. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
12. The proposed activities also include filling and regrading a portion of the existing property and managing storm water runoff so that it does not negatively impact the nearby properties.
13. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

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14. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #276 and Flood Damage Prevention Application #308 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

A. House construction, pool construction, and other related development activity shall be in accordance with the following plans submitted to and reviewed by the Commission, as required to be revised herein:

- Murphy Residence 1 Baywater Drive, by James Schettino Architects, AIA, last revised 09/17/2012, Sheet A5.1 and A5.2.(which reflects a first floor elevation of proposed residence of 12.0, and a building height of 28' 10 31/32").
- Zoning Location and Topographic Survey #1 Baywater Drive prepared for Bryan Murphy Sara Murphy, by William W. Seymour "& Associates, last revised August 13, 2012. (which needs to be revised because it shows first floor elevation of the proposed residence at 14.0).
- Murphy Residence, by Spaulding Landscape Architects, LLC, scale 1"=10', dated August 2012, Sheet 1 of 1.
- Site Development Plan 1 Baywater Drive, by McChord Engineering Associates, Inc., dated August 8, 2012, scale 1"=10', Drawing No. SE1. (which needs to be revised because it shows first floor elevation of the proposed residence at 14.0).
- 1 Baywater Drive, by Ruspini Consulting Engineers, LLC, dated 8/9/12, Drawing No. S1 and S2.

All plans shall be revised to reflect an approved first floor elevation of 12.0 for the proposed residence, and an overall building height of no greater than 28' 10 31/32".

B. The submitted plans show the mechanical units on a raised terrace adjacent to the north side of the residence. Those mechanical units shall be screened from the neighbors to the north and east with fencing, walls, and/or plantings. All mechanical units shall be placed at or above elevation 11.0.

C. Due to the subject property's location across the street from Long Island Sound, the Commission hereby waives the requirement for stormwater volume management under Section 880 of the Zoning Regulations. The applicant has proposed a stormwater system to address water quality concerns. That system shall be implemented as shown on the McChord Engineering Site Development Plan.

D. By December 16, 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

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60 days of this approval and prior to the issuance of a Zoning and Building Permit for the new house.

- E. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted McChord Engineering Associates 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.
- F. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site of the regrading will not have any negative impacts upon the adjacent property(ies) and/or Nearwater Lane or Baywater Drive. If such problems do become evident in the future, the owner of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- G. Once the construction work is complete, and prior to the use of, or issuance of a Certificate of Occupancy for the house, or a Certificate of Zoning Compliance for the pool, the applicant shall submit verification from the project designer that all aspects of the house construction or pool construction and site work including but not limited to: grading, drainage and landscaping, 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.
- 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 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 agencies. This includes, but is not limited to, Sewer Disconnection and Sewer Connection permits from the Sewer Services Department, and a Demolition Permit from the Building Department.
- J. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (October 16, 2013). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan, as required to be revised herein, 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 Notice of Drainage Maintenance Plan in the Darien Land Records, shall be accomplished within

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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.

Mr. Conze then read the next agenda item:

Deliberations ONLY on public hearing items closed on October 16, 2012.

Mr. Conze stated that the applications for the Country Club of Darien and for 241 Hollow Tree Ridge Road seemed to be very straight forward. He confirmed that the Public Hearing on 569 Middlesex Road was continued to next week.

Mrs. Cameron then made a motion to go into “Other Business” to discuss Allen O’Neill and Kensett Lane. That motion was seconded by Mr. Spain, and was unanimously approved.

Any Other Business (Requires two-thirds vote from Commission)

Mr. Ginsberg explained that photographs from Marc McEwan of West Avenue had been e-mailed to him, and copies were included in the Commission members’ packets. Commission members questioned how such a runoff problem could occur. Mrs. Cameron said that there are State guidelines regarding open areas under construction. She asked about any requirements for a DEEP permit since more than two acres of property appear to be disturbed. Mr. Conze noted the need for the developer and/or the Housing Authority to force the water into the catch basins, rather than have it run around the catch basins. He asked that Mr. Ginsberg continue to keep the Commission informed on drainage and other problems on site. Mr. Conze also said that Mr. Ginsberg should alert the Allen O’Neill and the developer for any State requirements relative sediment and erosion controls because of the large amount of disturbed area.

Mr. Ginsberg noted that prior to tonight’s meeting, he printed an e-mail for all Commission members from Bruce Hill in response to a question from Mrs. Cameron. Mrs. Cameron noted that she has visited the Kensett property, and mentioned that the units are gorgeous. She then read aloud from the Commission’s original resolution with their finding that the proposed units will be age targeted. She said that her belief is that having bedrooms on the second floor is not as age targeted as having bedrooms on the first floor. She said that only one of the different building designs has all the bedrooms on the second floor. Mr. Spain confirmed that it was represented to the Commission that the project would be age targeted. Commission members then discussed briefly the development and the response from Mr. Hill. It was noted that various potential condominium buyers will determine the actual floor plan they desire, and that no action was needed from the Commission at this time.

There being no further business, Mr. Spain then made a motion to adjourn the meeting. That motion was seconded by Mr. Hutchison and unanimously approved. The meeting was then adjourned at 9:30 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

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