

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
NOVEMBER 13, 2012**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
CHANNEL 79

Chairman Conze opened the meeting and read the following agenda item:

GENERAL MEETING

Election of Officers (Chairman, Vice-Chairman, Secretary, SWRPA Representative)

Susan Cameron nominated Mr. Conze for **Chairman** and Mr. Hutchison seconded the nomination. There were no other nominations. Mr. Conze was unanimously elected to serve as Chairman for 2013.

Susan Cameron nominated Mr. Spain for **Vice Chairman** and Mr. Hutchison seconded the nomination. There were no other nominations. Mr. Spain was unanimously elected to serve as Vice Chairman for 2013.

Mr. Hutchison nominated Susan Cameron for **Secretary** and Mr. Cunningham seconded the nomination. There were no other nominations. Mrs. Cameron was unanimously elected to serve as Secretary for 2013.

Susan Cameron nominated Mr. John Marr for **SWRPA representative** and Mr. Hutchison seconded the nomination. There were no other nominations. Mr. Marr was unanimously re-elected to serve as SWRPA representative for a two-year term.

Adoption of Year 2013 meeting schedule for Commission & Aquifer Protection Agency.

Susan Cameron moved that the proposed meeting schedules for 2013 be adopted. Mr. Hutchison seconded the motion and it was unanimously approved.

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.

Mr. Ginsberg said that the Commission had discussed the proposed expansion of the community building in October. He has distributed to the Commission members the 10/12/12 letter from Todd McClutchy and all the related materials including information about community buildings at other developments. He has also distributed the emails that have been received from the neighbors and the Connecticut Housing Finance Authority design standards and guidelines.

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Mr. Conze said that one of the concerns raised by the neighbors has to do with a fence along the easterly property line, but it has nothing to do with the proposed expansion of the community building. There is a liability issue regarding the old wire fence on top of the stone wall and the new solid fence a few feet away. Mr. Ginsberg said that Mr. McClutchy is willing to remove the old wire fence but will not remove the metal poles in the wall because doing so would destabilize the wall. Hopefully, he will discuss this plan with the neighbors and have it resolved within a few weeks.

Mr. Conze said he was always in favor of a more substantial landscape buffer instead of a fence. Mr. Ginsberg will work with the developer next spring to have the landscape materials installed in the most advantageous locations prior to the request for the first Certificates of Occupancy. He noted that the leasing office and offices of the Housing Authority were not part of the existing approved use of the site. Those proposed uses will need to go back to the Commission for future consideration and action.

Mrs. Cameron said that she feels that the site is already over developed and does not favor the expansion of the community building. Mr. Voigt said that he understands that the on-site parking and drainage can accommodate the proposed expansion of the community building and that the neighbor's concerns are not really about the expansion. Adding a few washers and dryers for some of the residents within the development will not make this into a Laundromat and it will not draw off site people to this facility.

Mr. Ginsberg said that the Open Space layout and map will need to reflect the proposed changes. A revised Open Space map must be filed in the Darien Land Records if the expansion is approved. Mrs. Cameron said that perhaps a smaller addition is all that is needed instead of what is proposed. She said the development of the site is already too intense and she cannot support the proposed expansion. In response to questions, Mr. McClutchy said that the site is over 400,000 square feet in area and the Building Coverage is less than 16% of that area. Mr. Conze said that the Commission could approve the expansion and have the revised Open Space map filed and the request for the office uses would need to be considered at a later date. Mr. Hutchison said he questions whether the proposed expansion is necessary or desired but not necessary.

The Commission agreed to table the matter and discuss it, and possibly vote, on November 27th.

PUBLIC HEARING

At about 8:45 p.m., Chairman Conze read the following agenda item:

Continuation of Public Hearing Regarding Special Permit Application #273, Brendan Johnson, 30 Stephanie Lane. Proposing to establish a 30' x 30' asphalt sport court and perform related site activities. The subject property is located on the south side of Stephanie Lane, approximately 1,700 feet west of its intersection with Hollow Tree Ridge Road, and is shown on Assessor's Map #8 as Lot #60, in the R-1/2 Zone. *TO BE IMMEDIATELY CONTINUED TO 11/27/2012.*

No discussion was conducted. This matter will be on the agenda for November 27, 2012.

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Chairman Conze then read the following agenda item:

Continuation of Public Hearing Regarding Business Site Plan #86-D/Special Permit, Bob Bantle, 365 Boston Post Road. Proposing to remodel/renovate the existing 365 Boston Post Road building formerly occupied by United Rentals, and to establish a new personal service use with related retail sales and office use, and perform related site development activity. The subject property is located on the north side of Boston Post Road, approximately 250 feet west of its intersection with Birch Road, and is shown on Assessor's Map #14 as Lot #50, in the DB-2 Zone. *PUBLIC HEARING ORIGINALLY OPENED 10/23/2012.*

No discussion was conducted. This matter will be on the agenda for November 27, 2012. Chairman Conze then read the following agenda item:

Special Permit Application #274, Dominick Briganti, 1936 Boston Post Road. Proposing to establish a dwelling unit on the second floor of the existing building at 1936 Boston Post Road. The subject property is located on the south side of Boston Post Road, approximately 200 feet west of its intersection with Ring's End Road, and is shown as Assessor's Map #51 as Lot #39, NB Zone.

Felicia Veneruso, daughter of Dominick Briganti, represented her father, and explained that the proposal is to convert the existing, vacant second floor of the building into an apartment. They will comply with all Fire Code and Building Code requirements. There should be no traffic or parking impacts and no impact to the neighbors. They have notified the neighbors and have not had any objections. The submitted plan also shows a proposed office in the attic, but she understands that the office use is not allowed by the regulations. The attic will remain unfinished, and will not be used.

Mr. Ginsberg noted that a handicap access ramp from the parking area to the first floor was recently approved by the Commission and is currently being built. The proposed apartment use on the second floor will require that they comply with the comments of the Fire Marshal regarding egress windows and fire separation.

There were no comments from the public or Commission members. Mr. Hutchison made a motion to close the Public Hearing. The motion was seconded by Mr. Voigt and was unanimously approved.

GENERAL MEETING

Chairman Conze read the following agenda item:

Amendment of Special Permit #15-H/Site Plan, Wee Burn Country Club, Hollow Tree Ridge Road. Request for terrace room alterations, including a new fireplace.

Mr. Ginsberg and the Commission reviewed the plans to modify the terrace and dining areas. The changes were deemed acceptable by the Commission. The following motion was made: That the Commission approve the requested modifications in accordance with the submitted plans. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron, and unanimously approved.

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Discussion, deliberation, and possible decision regarding the following closed public hearing matters:

Mr. Voigt made a motion to waive the process of reading each of the draft resolutions aloud because each Commission member has had an opportunity to read the drafts prior to the meeting. The motion was seconded by Mr. Hutchison and was unanimously approved. Chairman Conze then read the following agenda item:

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. *PUBLIC HEARING CLOSED: 10/16/2012. DECISION DEADLINE: 12/20/2012.*

After a brief discussion, the following motion was made: That the Commission adopt the following resolution to grant the application in accordance with the stipulations and conditions as noted. The motion was made by Mrs. Cameron and seconded by Mr. Hutchison. All voted in favor except Mr. Cunningham, who abstained because he had not attended the hearing regarding the matter. The motion passed by a vote of 4 – 0 – 1. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 13, 2012**

Application Number: Special Permit Application #60-L/Site Plan

Assessor's Map #5 Lot #40

Name and Address of Property Owner: Country Club of Darien, Inc.
300 Mansfield Avenue
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Chris Casiraghi
RPTC, LLC
300 Boston Post Road
Orange, CT 06477

Activity Being Applied For: Proposing to construct new platform tennis hut immediately adjacent to the platform tennis courts, move two existing courts, and perform related site development activities.

Property Location: The subject property is located on the east side of Mansfield Avenue, approximately 1,250 feet south of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: October 16, 2012

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

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Publication of Hearing Notices

Dates: October 5 & 12, 2012

Newspaper: Darien News

Date of Action: November 13, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 23, 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, 1000, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant'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.

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

1. The subject application is to construct new platform tennis hut immediately adjacent to the platform tennis courts, move two existing courts, and perform related site development activities in order 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. The distances from the courts to the nearest residential properties range from about 250 feet to 1300 feet. The warming hut will be placed east of the existing drive.
2. 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.
3. Comments on this application were received from the Darien Fire Marshal regarding egress to a paved area. The Architectural Review Board has approved the façade of the proposed paddle hut.
4. There is no stormwater management plan proposed, but since the property is so large (well over 100 acres), and the proposed paddle hut is in the middle of the property, and the fact that the hut is only 800 square feet, the Commission believes that a formal stormwater management plan is not necessary for this application.
5. No change in membership or general activities at the club is proposed as part of this application. Any changes to the nature of on-site uses would require an amendment of the existing Special Permit (review and approval by the Planning and Zoning Commission).

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6. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The 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.
8. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #60-L/Site Plan is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Activity shall be in accordance with the plans submitted to the Commission entitled:
 - Darien Country Club, 300 Mansfield Ave, by RPTC, LLC. Proposed Warming Hut and Platform Tennis Courts for: Country Club of Darien: Scheme "A", Site Plan, dated 9-3-12, Sheet T-100.
 - Plans, dated 9-3-2012, Sheet A-100.
 - Sediment & Soil, dated 9-3-2012, Sheet T-102.
 - Elevations, dated 9-3-2012, Sheet A-200.
 - Structure, dated 9-3-2012, Sheet S-100.
 - Details, dated 9-3-2012, Sheet A-300.The plans shall be modified to have the exits of the warming hut to discharge to a driveway with a solid surface as noted by the Darien Fire Marshal.
- B. Since there is less than 1,000 square feet of new impervious surface, and because of the large land area of the Club, and the specific location of proposed work which is generally in the middle of the subject property, the Commission hereby waives the requirement for Stormwater Management pursuant to Section 880 of the Darien Zoning Regulations.
- C. During construction, the applicant shall utilize any sediment and erosion control measures as shown on the plans noted in Condition A, above, and any that may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the project 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. As noted by the applicant, this application proposes no change or increase in the uses or membership in the Country Club of Darien. Any such proposals would require an amendment

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of the Club's Special Permit, and action by the Planning and Zoning Commission.

- E. The applicant noted that for many years, paddle tennis court lights have been turned off at 10:00 p.m. The Commission hereby stipulates that the paddle tennis court lights be turned off at 10:00 p.m.
- F. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. If the paddle tennis court building/warming hut is to be connected to the Town sanitary sewer system, a Sewer Connection Permit is needed from the Darien Sewer Services Department.
- G. 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.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 13, 2013).

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 shall be filed in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning or Building Permit for the warming hut, or this approval shall become null and void.

Chairman Conze read the following 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. *PUBLIC HEARING CLOSED: 10/16/2012. DECISION DEADLINE: 12/20/2012.*

After a brief discussion, the following motion was made: That the Commission adopt the following resolution to approve the application in accordance with the conditions as noted. The motion was made by Mr. Cunningham and seconded by Mr. Voigt. All voted in favor of the motion.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 13, 2012**

Application Number: Land Filling & Regrading Application #280

Street Address: 241 Hollow Tree Ridge Road
Assessor's Map #26 Lot #11

Name and Address of
Property Owner

George & Pat Chieffi
241 Hollow Tree Ridge Road

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Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Jacek Bigosinski
PB Architects
277 Rowayton Avenue
Rowayton, CT 06853

Activity Being Applied For: Proposing to construct a loose boulder wall and place fill behind it, and perform related site activities.

Property Location: The subject property is located on the west side of Hollow Tree Ridge Road approximately 300 feet north of its intersection with Middlesex Road.

Zone: R-1 Zone

Date of Public Hearing: October 16, 2012

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

Publication of Hearing Notices

Dates: October 5 & 12, 2012

Newspaper: Darien News

Date of Action: November 13, 2012

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:

November 23, 2012

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed 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 activities are described in detail in the application, the submitted plan, 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 a loose boulder wall and place fill behind it, and perform related site activities. House additions and alterations at 241 Hollow Tree Ridge Road are now under construction. The proposal is to fill the backyard and create a driveway expansion and

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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, and one on the south side of the property.

2. 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 two bio-retention areas. The applicant, Mr. Bigosinski, mentioned that plants can be added in the bio-retention area on the south side of the property so that it is less likely that the property owner will fill it in or alter it in the future.
3. During the public hearing, a Commission member asked about the Department of Public Works policy on having two driveways on the same property. A Street Opening Permit would be needed for another curb cut, 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.
4. At the public hearing, questions were asked about whether water will be flowing near the boulders, and if that water will be more concentrated. Mr. Bigosinski responded that there is very little new impervious surface proposed as part of this application, and that the plans were revised to incorporate additional stormwater management.
5. 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 two bioretention areas on the property) and the need to maintain said facilities to minimize any potential downhill impacts.
6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
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 and Regrading Application #280 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

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

- Stormwater Plan prepared for George & Pat Chieffi 241 Hollow Tree Ridge Road, by Trinkaus Engineering, LLC, last revised 10/7/12.

The Commission hereby requires that plantings be installed in the bioretention area proposed for the south part of the property. This will reduce the likelihood that this area will be regraded in the future. Details of the plantings to be installed shall be submitted to the Planning and Zoning Department prior to completion of the project and no later than November 13, 2013.

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- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. By January 13, 2013 (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 241 Hollow Tree Ridge 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 within the next 60 days of this approval and the commencement of the proposed grading work.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Trinkaus Engineering, LLC Stormwater Plan as noted in Condition A, above, 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. A final, written certification is hereby required to be submitted by November 13, 2013, certifying that all of the regrading and on site bio retention systems have been installed in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the proposed grading has been properly completed.
- 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). 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. 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.
- H. 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. It was noted that a Street Opening Permit from the Public Works Department would be needed for the new driveway curb cut, and it has already been obtained.

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Property Location: The subject property is located on the north side of Middlesex Road approximately 500 feet east of its intersection of Ox Ridge Lane.

Zone: R-2

Date of Public Hearing: October 16, 2012 continued to October 23, 2012

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

Publication of Hearing Notices

Dates: October 5 & 12, 2012

Newspaper: Darien News

Date of Action: November 13, 2012

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:

November 23, 2012

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed 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 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 construct new single-family residence on a now-vacant lot, with associated driveway and perform related site development activities. Because of the associated grading required for the new driveway, an application was required pursuant to Section 850 of the Darien Zoning Regulations.
2. At the public hearing, it was confirmed that the trees to be removed as part of this project are shown on the submitted plan. There is now bamboo along the southern property line, which is also going to be removed. The house shown on the submitted plan is the actual house to be constructed on the property.
3. At the October 16, 2012 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, whose foundation is now under construction. The proposed regrading to the west of

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the house will be performed so that runoff from the site is directed into the new storm drainage system and toward the northwest, not toward the neighbors to the north or south of the site. It was acknowledge that the subject property has an open space parcel to its northwest, which was required as part of the previous subdivision, which created this building lot.

4. At the same hearing, a nearby property owner had questions and concerns regarding the proposed stormwater management. The public hearing was continued to October 23, 2012 to provide more time for him to review the plans, and for the applicant to determine if additional stormwater management could be incorporated into the proposed plan.
5. At the October 23, 2012 public hearing, revised plans were distributed reflecting an increase of the detention system by two sections of 18" pre cast galleries for an additional 128 cubic feet of storage. The applicant's engineer noted that they are placing the house and driveway in a location which will direct some of the runoff to the north towards the open space, which will provide less runoff towards the neighbor's house which is west of this property, but not adjacent to it.
6. 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.
7. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
8. 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 and Regrading Application #281 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling, excavation, and regrading work shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Shay Homes, LLC, 569 Middlesex Road, Proposed On-Site Subsurface Sewage Disposal System, by DiVesta Civil Engineering Associates, Inc., scale 1"=30', last revised 10/19/12, Sheet 1 of 2. (this revised plan reflects the additional galleries described above)
 - Shay Homes, LLC, 569 Middlesex Road, Details, by DiVesta Civil Engineering Associates, Inc., scale as noted, last revised 08/20/12, Sheet 2 of 2.
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the above-noted plans, and other measures as may be necessary due to site

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conditions, including tree protection. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading 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, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.

- D. 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, not toward the neighbors to the southwest of the site.
- E. By January 13, 2013 (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 569 Middlesex 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 within the next 60 days of this approval and prior to the start of any filling or regrading work around the house.
- F. 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 or Certificate of Occupancy for the new house, the applicant shall submit an as-built survey 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 the foundation location of the house.
- G. Prior to the request for the Certificate of Zoning Compliance or 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..
- 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 agency.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 13, 2013). This may be extended as per Sections 858 and 1009.

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All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon 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 any filling, excavation or regrading work proposed as part of this application, or this approval shall become null and void.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #252-A, Land Filling & Regrading Application #278, Hans Mende (253 Long Neck Point Road, LLC), 253 Long Neck Point Road. Proposing to raze the existing residence and construct a new single-family residence and perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 10/23/2012. DECISION DEADLINE: 12/27/2012.*

After a brief discussion, the following motion was made: That the Commission adopt the following resolution to grant the application in accordance with the stipulations and conditions as noted. The motion was made by Mr. Cunningham and seconded by Mr. Hutchison. All voted in favor except Mrs. Cameron who abstained because she had not attended the hearing regarding the matter. The motion passed by a vote of 4 – 0 – 1. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 13, 2012**

Application Number: Coastal Site Plan Review #252-A
Land Filling & Regrading Application #278

Street Address: 253 Long Neck Point Road
Assessor's Map #61 Lot #13-4

Name and Address of
Property Owner: Hans Mende
253 Long Neck Point Road, LLC
c/o 256 Long Neck Point Road
Darien, CT 06820

Name and Address of Applicant &:
Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road, Suite 201
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 a regulated area.

Property Location: The subject property is located at the east side of the terminus of Long Neck Point Road.

Zone: R-1

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Date of Public Hearing: September 18, 2012 continued to September 27, 2012 and to
October 2, 2012 and October 23, 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: November 13, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 23, 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, 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 redevelopment plans, and the statements of the 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.

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

1. The application is to raze the existing residence and construct a new single-family residence and perform related site development activities within a regulated area. The part of the subject property where the house is to be located is in Flood Zone X, not a flood hazard zone on the Flood Insurance Rate Map that is currently in effect. The subject property is served by public water and public sewer, and is directly adjacent to Long Island Sound.
2. The work proposed as part of this application is within the 1,000 foot regulated area established by the Coastal Area Management Program. Minimal work is proposed for the area within 100 feet of Mean High Water. Work within the 100 foot regulated coastal area includes the construction of a proposed terrace, installation of sediment and erosion controls, and the installation of stormwater management to address stormwater quality. The stormwater management plan is not to detain stormwater, rather it is to deal with stormwater quality before it is discharged to Long Island Sound, which is immediately adjacent to the property. The proposed stormwater management is shown on the submitted Site Plan last revised 10/1/2012.
3. The public hearing on this matter was opened on September 18, 2012, and no testimony was taken at that hearing. It was continued to September 27, 2012, and no testimony was taken that evening

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as well. A letter was sent on September 27, 2012 from the attorney for the neighbors to the north, the Dilenschneiders at 249 Long Neck Point Road, requesting additional information. That information was subsequently provided to the Dilenschneiders as well as to the Commission. One issue is a private deed restriction regarding the height of the proposed structure on the subject property. At the October 23, 2012 meeting, the applicant explained that the proposal has been reviewed with the Dilenschneiders. The Dilenschneiders sent a letter through their attorney noting that they have withdrawn their objections to the application.

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.
5. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.
6. The Commission finds that the proposed activities, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. 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.
8. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. 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 #252-A and Land Filling & Regrading Application #278 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the new replacement residence, stormwater management, and other site development activity shall be in accordance with the following plans as submitted to the Commission:
 - Site Plan prepared for Mende Residence, #253 Long Neck Point Road, by LBM Engineering, LLC, dated August 14, 2012 and last revised 10/01/2012.
 - Topographic & Zoning Location Survey depicting Proposed Conditions 253 Long Neck Point Road prepared for Hans J. Mende, by William W. Seymour & Associates, dated July 30, 2012 and last revised August 10, 2012.
 - Architectural Plans by Renato D'Ettorre Architects, last revised 10/08/12, Drawing No. A102 through A108.

The specific design and elevation of the proposed pool shown on the plans does not appear to require a pool fence, and none is shown on the submitted plans. Thus, no pool fence has been proposed by the applicant, and none is required herein. If a pool fence is required by the

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Building Official to fulfill Building Code requirements, the applicant must return to the Commission for an amendment of this approval.

- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. The Commission finds that the proposed structure does comply with the Darien Zoning Regulations with respect to building height. There is a private deed restriction regarding the height of the building. The Commission is not making any finding with respect to the private deed restriction or any enforcement of the private matter.
- D. The Commission must base its decision on the current flood regulations and Flood Insurance Rate Map. The applicant is aware that FEMA has provided to the Town draft flood maps that would appear to modify the extent of the flood zone on this site and if those new maps are adopted in the future, the house location might be in the extended flood zone. What impact the changes might have on the flood insurance for the house cannot be determined at this time.
- E. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the above-noted Site Plan, and other measures as may be necessary due to site conditions, including tree protection. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading 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, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. By January 13, 2013 (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 253 Long Neck Point 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 within the next 60 days of this approval and prior to the issuance of a Zoning and Building Permit for the replacement 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 or Certificate of Occupancy for the new house, the applicant shall submit an as-built survey 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 one foot or two foot contours, as well as the foundation location of the house.
- H. Prior to the request for the Certificate of Zoning Compliance or Certificate of Occupancy for the new house, the applicant shall submit verification from the project engineer that all aspects of

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the site regrading and storm drainage system installation have been completed in compliance with the approved plans.

- I. Once the project is complete, and prior to November 13, 2013, the applicant shall certify in writing and/or photographs that all work has been properly completed in accordance with the approved plans. This includes the house, pool equipment, and the HVAC equipment as shown on the submitted and approved plans.
- J. 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.
- K. 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, a Demolition Permit from the Darien Building Department, and a Sewer Disconnection Permit and Sewer Connection Permit for the disconnection of the existing residence from the sanitary sewer, and the connection of the new residence to the sanitary sewer line. Separate Zoning and Building Permits will be needed for the replacement residence and the pool.
- L. This permit shall be subject to the provisions of Sections 815, 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 13, 2013).

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon 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 issuance of a 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 #277, Land Filling & Regrading Application #279, Chris & Christine Barkley, 5 North Road. Proposing to construct an addition to the existing residence, install a new driveway, and perform related site development activities within a regulated area.

After a brief discussion about the driveway and the drainage and the use of a hoe ram, the following motion was made: That the Commission adopt the following resolution to grant the application in accordance with the stipulations and conditions as noted. The motion was made by Mr. Hutchison and seconded by Mr. Voigt. All voted in favor except Mrs. Cameron who abstained because she had not attended the hearing regarding the matter. The motion passed by a vote of 4 – 0 – 1. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
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Application Number: Coastal Site Plan Review #277
Land Filling & Regrading Application #279

Street Address: 5 North Road
Assessor's Map #67 Lot #71

Name and Address: Chris & Christine Barkley
And Property Owner: 5 North Road
Darien, CT 06820

Name and Address of Applicant's Representative: Andy Glazer
Glazer Construction
189 Rowayton Avenue
Rowayton, CT 06853

Activity Being Applied For: Proposing to construct an addition to the existing residence, install a new driveway, and perform related site development activities within a regulated area.

Property Location: The subject property is located on the west side of North Road, approximately 450 feet north of its intersection with Butler's Island Road.

Zone: R-1

Date of Public Hearing: October 23, 2012

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

Publication of Hearing Notices
Dates: October 12 & 19, 2012 Newspaper: Darien News

Date of Action: November 13, 2012 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
November 23, 2012

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, 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's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

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- 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 application is to construct an addition to the existing residence, install a new driveway, and perform related site development activities within a regulated area. The subject property is served by an on-site septic system. The existing driveway on the east side of the property will remain as-is, and is not proposed to be modified as part of this application.
2. The subject property is abutting Butler's Island Creek and a portion of the addition is within 100 feet of mean high water. The proposed addition is to the west side of the existing house and includes a two car garage at the lower basement level, a kitchen and family room addition on the first floor level. They will also be adding a new driveway on the west side of the property. The driveway on the east side of the property will remain intact. The elevation of the proposed new garage is 18 feet and the existing flood zone in the area is only up to 11 feet, thus the proposed addition is not within the flood hazard zone. A deck will be constructed on the north or water side of the proposed addition and it will connect with the existing deck on part of the existing house. Stormwater runoff from the roof area will be directed into a splash pad and then will flow down into Butler's Island Creek.
3. At the public hearing, questions arose regarding stormwater management. Particularly, the fact that the new driveway would slope down toward the street and discharge its stormwater runoff into the narrow part of the street, the water would then flow down the street toward the neighbors' properties. The submitted plans show a CB/DW (catch basin/dry well) near the end of the driveway to catch much of the driveway runoff. As shown on the submitted plans prepared by Land-Tech Consultants, the stormwater infiltrator would be eight feet in diameter and six feet deep. The surface of the catch basin would be at an elevation between 10 and 10.6, thus the bottom of the infiltrator would be at approximately elevation 4, just a few inches above high tide.
4. The proposed new driveway and drywell/stormwater infiltrator will involve a 6 or 8 foot deep cut into a rocky area. In response to a question at the public hearing, the applicant's representative, Mr. Ryder, said he believes that a hoe ram will be used to remove 65 to 75 cubic yards of rock. Mr. Ryder said that it is anticipated that the hoe ram would take a maximum of two day's work to remove the rock/ledge. The Commission and staff have recently been dealing with numerous complaints about the disruption to neighbors caused by extended and prolonged hoe-ramming to implement previously approved development projects on sites with similar rocky conditions.
5. 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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6. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.
7. The Commission finds that the proposed activities with respect to the proposed addition to the residence, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
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 application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
10. As required to be revised herein, 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 #277 and Land Filling & Regrading Application #279 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the new driveway and associated retaining wall, addition to the existing residence, and other site development activity shall be in accordance with the following plans as submitted to the Commission, and as required to be modified herein:
 - Proposed Garage Addition & Driveway Modification, prepared for Chris & Christine Barkley, by Land-Tech Consultants, Inc., last revised 10/18/12, Sheet 1 of 1.
 - Addition and Alterations to the: Barkley Residence 5 North Road, by Glazer Construction, dated 23 July 2012, Dwg. No. A1.01, A1.02, A2.01, A2.02.
- B. In order to reduce and/or minimize the amount of ledge removal, the Commission hereby allows (but does not require) the applicant to move the proposed driveway slightly to the west (closer to the Schlinkert property at 3 North Road). This shall only be done with the approval of the owner(s) of 3 North Road. This will reduce the amount of hoe-ramming, as the applicant is moving the driveway further away from the ledge knoll near elevation 22. The Commission also authorizes (but does not require) the applicant to make the driveway area between the two proposed retaining walls slightly smaller (by one or two feet), in order to minimize the amount of hoe-ramming.
- C. Due to the minor nature of this project, the Commission hereby waives the requirement for a performance bond.
- D. In order to determine the best way to properly address stormwater management and to minimize the amount of water that flows down the new driveway into North Road, the applicant shall dig test hole(s) to determine if a drywell or shallow depth infiltrator design will function properly in this location. If the drywell or infiltrator design will not work due to the presence of rock and/or water, the applicant shall install a biofiltration area to the west of the driveway between the

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driveway and the proposed wall. In that case, a berm and/or bowl shall be installed near the end of the driveway in the southwest corner of the property to address stormwater management. The driveway shall be pitched to the west to minimize sheet flow coming down the driveway toward the street.

- E. At the public hearing, a question was asked about removal of the existing ledge. The applicant's representative, Tom Ryder from Land-Tech, noted that two days of hoe-ramming will likely be needed. The modifications noted above should minimize and reduce the amount of hoe-ramming needed for this project. If any hoe-ramming is needed, the Commission hereby requires that the applicant notify all the neighboring property owners within 100 feet of the subject property, in writing, prior to the use of the hoe ramming. In order to minimize the impact to the neighbors during the hoe-ramming process, the Commission hereby caps the amount of hoe ramming to a total of 20 hours over the course of no more than four consecutive days.
- F. By January 13, 2013 (within the next 60 days) and prior to the start of work, 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 5 North 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 within the next 60 days of this approval and prior to the start of work.
- G. Once the project is complete, and prior to November 13, 2013, the applicant shall certify in writing and/or photographs that all work has been properly completed in accordance with the approved plans.
- 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 agency. This includes, but is not limited to, approval from the Darien Health Department.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 13, 2013).

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon 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 any work, or this approval shall become null and void.

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Chairman Conze read the following agenda item:

Coastal Site Plan Review #156-B, Flood Damage Prevention Application #268-A, Land Filling & Regrading Application #282, Contentamiento, LLC, 12 Shennamere Road. Proposing to: construct additions to the existing residence; install new components to the septic system; update the stormwater management system; and perform related site development activities within regulated areas. *PUBLIC HEARING CLOSED: 10/23/2012. DECISION DEADLINE: 12/27/2012.*

After a brief discussion about the use of a hoe ram vs. blasting and about the risk that the applicant is taking by building the garage below the expected flood level, the following motion was made: That the Commission adopt the following resolution to grant the application in accordance with the stipulations and conditions as noted. The motion was made by Mr. Hutchison and seconded by Mr. Cunningham. All voted in favor except Mrs. Cameron who abstained because she had not attended the hearing regarding the matter. The motion passed by a vote of 4 – 0 – 1. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
NOVEMBER 13, 2012**

Application Number: Coastal Site Plan Review #156-B
Flood Damage Prevention Application #268-A
Land Filling & Regrading Application #282

Street Address: 12 Shennamere Road
Assessor's Map #68 Lot #5

Name and Address of:
Property Owner: Contentamiento, LLC
12 Shennamere Road
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates, PC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to: construct additions to the existing residence; install new components to the septic system; update the stormwater management system; and perform related site development activities within regulated areas.

Property Location: The subject property is on the east side of Shennamere Road approximately 400 feet south of its intersection with Contentment Island Road.

Zone: R-1

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Date of Public Hearing: October 23, 2012

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

Publication of Hearing Notices

Dates: October 12 & 19, 2012

Newspaper: Darien News

Date of Action: November 13, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 23, 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, 820, 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 redevelopment plans, and the statements of the 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.

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

1. As noted by the applicant, the application is to construct additions to the existing residence and to modify portions of the existing building to comply with the flood damage prevention regulations; install new components to the septic system to comply with current septic system regulations; update the stormwater management system; and perform related site development activities within regulated areas. A close reading of the application materials and plans reflects that the existing residential structure will be demolished and removed, and the existing foundation modified. The subject property is 4.2+/- acres, adjacent to Long Island Sound, and is served by public water and an on-site septic system.
2. The Darien Environmental Protection Commission (EPC) approved this application on October 3, 2012 as part of EPC #32-2012. That approval is hereby incorporated by reference.
3. The Darien Health Department noted that the septic system plans have been reviewed and approved. The septic system has been designed to serve both the swimming pool cabana and the proposed five-bedroom house.
4. As part of this application, on-site galleries are proposed to address stormwater quality. The runoff from the house and the modified driveway will be managed before it is discharged to Long Island Sound. Portions of the existing driveway must be regraded in order to make way

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for the new septic system and access to the new two level garage. Stormwater runoff from the addition will be managed treated for water quality before its discharged to Long Island Sound. Because of this property's specific location directly adjacent to Long Island Sound, there is no need to address stormwater quantity—but solely the quality of the stormwater. Part of the drainage modifications will disconnect the existing roof drains currently directed from the house toward the fresh water pond. This should improve the quality of water within that pond.

5. The bottom of the proposed house addition will be in the Flood Hazard Zone and will be a large garage area which is permitted to be below the expected flood level. The upper level of the addition will be comparable to the first floor of the house and is above the expected flood elevation. Because some of the house will be in the V Flood Zone, which is impacted by wave velocities, some modifications must be made to the existing house to make it compliant with the Flood Damage Prevention Regulations.
6. The lower levels of the residence will not be finished occupied space, but will be a ten-car garage and storage areas at elevation 9.4. The applicant's representative noted at the public hearing that a special floor will be installed to avoid any uplift that might be created by the wave impact or flooding.
7. The draft FEMA maps are not yet effective and they might become effective in the spring of 2013. The subject application being reviewed must comply with today's regulations and requirements.
8. At the public hearing on this matter, the architect for the project reviewed the plans. It was noted that the ten car garage on the lower level would be accessed from the southwest side of the house. The three car garage on the first floor level would be accessed from the northwest side of the house. A second floor addition over the existing house would be constructed over the existing house and over the proposed garage. He said the proposed building height would be 29 feet, 9 ½ inches, and would therefore comply with the 30 foot maximum height limitation.
9. Also at the public hearing, Commission members asked whether the regrading of the site would require any blasting or hoe-ramming. Tim DeBartelomeo, Professional Engineer, responded that the applicant does not anticipate the need for any blasting, but will instead use hoe-ramming to remove any rock that must be regraded in the vicinity of the proposed addition or driveway. Mr. Conze, Chairman of the Commission, said that hoe-ramming has been a problem and that the Commission would rather have the applicant use blasting rather than long term ramming of the stone, which caused considerable nuisance to the neighbors.
10. The Commission notes the need for the applicant or property owner(s) to submit a Drainage Maintenance Plan for the proposed galleries as shown on the Site Plan, and to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners and/or tenants of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential stormwater impacts.
11. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.

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12. The Commission finds that the proposed activities, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
13. 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.
14. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
15. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
16. 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.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #156-B, Flood Damage Prevention Application #268-A, and Land Filling & Regrading Application #282 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction, stormwater management, and other site development activity shall be in accordance with the following plans as submitted to the Commission:
 - Zoning Location Survey depicting proposed conditions prepared for Contentamiento, LLC 12 Shennamere Road, by William W. Seymour & Associates, LLC, scale 1"=40', dated June 8, 2012 and last revised September 14, 2012.
 - Proposed Site Plan, Contentamiento, LLC, 12 Shennamere Road, by GHD Inc., dated 9/14/2012.
 - CAM Planting Plan 12 Shennamere Road, by Gregory Lombardi Design, Inc., scale 1"=20', dated 14 September 2012, Sheet L3.00.
 - Contentamiento, LLC 12 Shennamere Road, by Brooks & Falotico Associates, Inc., dated 2012.9.14, Sheets 100-104, 200-201.
- B. Due to the nature of this project, the Commission hereby waives the requirement for a performance bond.
- C. During the excavation, filling, regrading, and site work, the applicant shall utilize the sediment and erosion controls illustrated on the Site Plan referred to in Item A above, and any additional measures as may be necessary due to site conditions, including tree protection measures, as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading 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

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controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.

- D. As part of this application, a Drainage Maintenance Plan shall be submitted for the record. This Drainage Maintenance Plan requires the property owner and all subsequent property owners of 12 Shennamere 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 address water quality. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval and prior to the issuance of a Zoning or Building Permit.
- E. At the public hearing, a question was asked about removal of the existing ledge. The applicant's representative noted that hoe-ramming will likely be needed. Prior to the issuance of any Zoning and Building Permits, the applicant shall prepare a detailed plan of how the existing rock and ledge is to be removed, and how long such work is expected to take via blasting and/or hoe-ramming.
1. If any blasting is used, a permit from the Darien Fire Marshal is needed.
 2. In order to minimize the impact to the neighbors, if any hoe-ramming is needed/desired, the Commission hereby requires that the following be done:
 - prior to the start of any hoe-ramming, the applicant shall prepare a plan to be reviewed and acted upon by the Planning & Zoning Director in order to minimize hoe-ramming and its associated impacts to neighbors. This plan shall include the proposed days and hours of operation, including total duration of hoe-ramming.
 - The applicant shall notify all the neighboring property owners within 100 feet of the subject property, in writing, prior to the use of the hoe ramming, including any plan that is approved by the Planning and Zoning Director as noted above.
- F. The Commission requires that once the foundation has been installed, an "as-built" survey illustrating the location and elevation of the foundation be submitted to verify compliance with approved setbacks and flood elevations.
- G. The proposed construction will result in a large, ten car garage that will be lower than the expected flood level. This is allowed by the Flood Damage Prevention Regulations. It is possible that, in the future, flood damage could occur to the vehicles in the garage during severe storms and flooding conditions, especially in the light of the flooding experienced in recent storm events. However, since the design complies with the current regulations, the Commission will allow it. The Commission must base its decision on the current flood regulations and Flood Insurance Rate Map. The applicant is aware that FEMA has provided to the Town draft flood maps that would appear to modify the extent of the flood zone on this site and if those new maps are adopted in the future, the house location might be in a different flood zone. What impact the changes might have on the flood insurance for the house cannot be determined at this time.
- H. The applicant shall install the stormwater management system as shown on the submitted Site Plan (in Condition A, above). The applicant/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 tidal wetlands and other environmentally sensitive areas. If such

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problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at such owner's expense and as quickly as possible.

- I. Once the project is complete, and prior to November 13, 2013, the applicant shall certify in writing and/or photographs, and with an 'as-built' survey map that all work has been properly completed in accordance with the approved plans. This shall include written certification by the project's professional engineer that the drainage facilities have been installed according to the approved plans, and certification that all construction complies with the Flood Damage Prevention Regulations.
- J. As always, authorization from the State of CT DEEP is required prior to any work proposed waterward of the coastal jurisdiction line in tidal, coastal or navigable waters of the state or in tidal wetlands. No work or disturbance is proposed within the DEEP jurisdiction, and adequate barriers must be installed and maintained to assure that no intrusion or disturbance occurs without obtaining the proper prior approvals.
- K. 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.
- L. 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: approval from the Darien Health Department for the septic system; possibly a Blasting Permit from the Darien Fire Marshal; and a Dismantling and/or Demolition Permit from the Darien Building Department.
- M. This permit shall be subject to the provisions of Sections 815, 829, 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 13, 2013).

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Drainage Maintenance Plan needs to be prepared and submitted per the above, and 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 issuance of a Zoning or Building Permit, or this approval shall become null and void.

Chairman Conze read the following agenda item:

Proposed Amendment to the Darien Zoning Map (COZM #1-2012) put forth by the Nielsen Company and One Thorndal Circle Inc., 1, 22, 28, 16 and 20 Thorndal Circle. Proposing to amend the Darien Zoning Map to rezone the subject properties and a portion of the Hecker Avenue, Thorndal Circle, and I-95 rights-of-way from DOR-1 (Designed Office Research-1 Acre) to Office Business (OB). The subject properties are located on the north side of Boston Post Road, approximately 650 feet north of its intersection with Thorndal Circle, and are shown on Assessor's Map #39 as Lots #18, #17B, and #11, now located within the DOR-1 Zone.

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After a brief discussion, the following motion was made: That the Commission adopt the following resolution to approve the Zone change application in accordance with the findings as noted. The motion was made by Mr. Hutchison and seconded by Mr. Voigt. All voted in favor except Mrs. Cameron who abstained because she had not attended the hearing regarding the matter. The motion passed by a vote of 4 – 0 – 1. The Adopted Resolution read as follows:

**PROPOSED AMENDMENT TO THE DARIEN ZONING MAP
PUT FORTH BY
THE NIELSEN COMPANY AND ONE THORNDAL CIRCLE, INC.
NOVEMBER 13, 2012**

Application: Amendment of the Darien Zoning Map (COZM #1-2012)

Street Address: 1, 22, 28, 16, 20 Thorndal Circle
Assessors Map #39 Lots #18, #17B, #11

Name and Address of Applicant & Property Owner(s): The Nielsen Company/One Thorndal Circle, Inc.
3 Thorndal Circle
Darien, CT 06820

Name and Address of Applicant's Representative: William J. Hennessey, Jr., Esq.
Sandak Hennessey & Greco, LLP
707 Summer Street
Stamford, CT 06901

Activity being applied for: Proposing to amend the Darien Zoning Map to rezone the subject properties and a portion of the Hecker Avenue, Thorndal Circle, and I-95 rights-of-way from DOR-1 (Designed Office Research-1 Acre) to Office Business (OB).

Subject property: The subject properties are located on the north side of Boston Post Road, approximately 650 feet north of its intersection with Thorndal Circle.

Zone: DOR-1

Dates of Public Hearing: October 23, 2012

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

Publication of Hearing Notices
Dates: October 12 & 19, 2012

Newspaper: Darien News

Action: ADOPTED, WITH AN EFFECTIVE DATE OF SUNDAY, DECEMBER 30, 2012 AT 12:01 PM.

Scheduled Date of Publication of Action:

Newspaper: Darien News

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November 23, 2012

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

1. This is an application prepared by the the owners of the Thorndal Circle office park. This includes a number of lots/properties, and existing buildings. The applicant had presented a similar related application in 2005 to rezone the entire office park. At the time, the Commission only approved the rezoning of one of the properties within the office park to the from DOR-1 to OB Office Business Zone.

Description of subject property and vicinity

2. The subject properties are: located on the north, west, and south sides of Thorndal Circle, approximately 650 feet north of its intersection with Boston Post Road, and are shown on Assessor's Map #39 as Lots #11, #17B, and #18. Other areas to be rezoned include the areas within the rights-of-way of Hecker Avenue; Thorndal Circle; and the Connecticut Turnpike (I-95). The subject properties are served by public water and sewer.
3. Within the submitted application materials, it is noted that the entire Thorndal Circle office park consists of 12+/- acres; six lots; seven buildings, about 550 parking spaces and 145,000+/- total square feet. This application seeks to rezone 8.655 acres within the Office Park (the remainder of the office park that wasn't rezoned in 2005).
4. The area around the office park is a mix of zoning districts and uses. Immediately adjacent to the site are the R-1/3 (to the north and west), R-1/5 (to the west and south) and SB zones (to the north and east). Surrounding uses include Miller Automotive to the north east, a florist to the southeast, the Darien Police Department to the south, and Interstate 95 to the north.
5. The subject property is currently in the DOR-1 Zone. This zone allows for Executive and Administrative Office uses but does not allow for Professional Office uses, such as doctors, dentists, lawyers and accountants. The application is to re-zone the remaining office park now zoned DOR-1 to the Office Business (OB) Zone, which allows for both executive and administrative offices and business and professional offices. The uses allowed in the Office Business Zone are more inclusive than the DOR-1 zone.
6. At the public hearing, the applicant's representative said that the current office park has some vacancies and it is always difficult to fill the vacant spaces given the limitation of the executive and administrative office zone. He said that there will be no increase in size of the building or the office park. He said that the differences between the DOR-1 Zone and OB Zone are the number of tenants allowed in the building (which is restricted in the DOR-1 Zone and the fact that businesses and professional offices are not allowed in the DOR-1 Zone).
7. The applicant's representative said changing to the Office Business Zone would allow professional office uses with no limit on the number of tenants within a particular building. He said that the parking requirement is the same whether the office use is an Executive and Administrative office use or a Business and Professional office use. Observation of the site on

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numerous occasions indicates that there is plenty of on-site parking available to accommodate the existing and potential tenants. In fact, in 2005, the Planning & Zoning Commission changed the zoning for only the office building on Thorndal Circle, closest to the Boston Post Road. That office use became the Darien imaging center and experience has indicated that there is sufficient on-site parking for that use.

8. It was represented at the public hearing that the existing Executive and Administrative office uses will not leave as a result of the zone change. The applicant's representative said that most of them will stay at least until their leases expire and some will obviously want to renew their lease. Other will want to downsize or relocate. The proposed change to the Office Business Zone will allow the landlord to fill any vacant spaces with Executive and Administrative offices OR Business and Professional offices. The change of zone gives the owner the flexibility to get the best possible tenant with the most space.
9. The Design Office and Research One (DOR-1) Zone appear to have been created in the 1970s or 80s to encourage the development of executive and administrative office buildings for single or few tenants. The DOR-1 or DOR-5 Zones are located remote from the Central Business District and are frequently adjacent to residential zones. The use of the space in the DOR-1 Zone generally does not create much traffic, except for the workers within the building because there are few visitors to the DOR office uses. Other DOR Zones are now located on Parklands Drive off of Old King's Highway North and on Tokeneke Road to the east of the Turnpike.
10. It was specifically noted at the public hearing, and as specifically shown on the submitted survey, the entire area to be rezoned consists of 13.686+/- acres. This includes a portion of the I-95 (CT Turnpike right-of-way), the Hecker Avenue right-of-way, and the Thorndal Circle private road right-of-way. It was noted that the zone boundaries in this area extend to the centerline of nearby streets.
11. In the OB Zone, Executive and Administrative Offices are permitted as-of-right. In the DOR-1 Zone, such uses are Special Permit uses. The OB Zone also allows Business and Professional Offices as-of-right, while the DOR-1 Zone does not allow them at all. The definitions are listed below.

From Section 210 of the Darien Zoning Regulations:

- a. *Offices, Administrative and Executive: An office facility which is designed to serve a headquarters or central administration type function and is not designed or oriented to provide goods and services directly to the local public. Parking facilities shall be used on a non-transient basis. In order to minimize the impact on traffic and parking by such facilities on neighboring residential areas, the Commission shall have the right to impose a limit of one employee per 250 square feet.*

Also from Section 210 of the Darien Zoning Regulations:

- b. *Offices, Business and Professional: An office structure which supplies office space for businesses and professional persons who primarily provide goods or services directly to the local population. Such facility is generally subdivided into multiple units and typical tenants include doctors, lawyers, real estate agents, architects, engineers, and similar office uses. Requirements for pedestrian access and parking reflect the largely transient nature of the business activities.*

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12. Per Section 8-3 of the Connecticut General Statutes, the Commission must state upon the record the reason why such change is made, and note whether it is consistent with the Town Plan.
13. As noted, Business and Professional offices include doctor's offices and such facilities. For example, a doctor's office would be considered a business and professional use. The purpose of the OB Zone, as stated in Section 711 of the Darien Zoning Regulations, "This zone is designed to provide an area suitable for a combination of Executive and Administrative Offices and Business and Professional Offices." Since the existing building has had Executive and Administrative Offices, it is clearly suitable for that use.
14. Rezoning the remaining portion of the existing office park would provide flexibility for the existing property owner, and allow for more options for use of the buildings. This rezoning will enhance the viability of this existing office district.
15. In 2005, before rezoning the entire office park, the Commission wanted to consider the effects of this rezoning of a portion of the property. It allowed the Commission and the property owner to review potential traffic impacts, tenant mix, potential parking impacts, and other issues related to the rezoning from DOR-1 to OB. Thus, the Commission believes that rezoning the remainder of the office park is consistent with the 2006 Town Plan of Conservation & Development, as amended.
16. If the change to the uses within the Thorndal Office Park results in more traffic going into and out of the site, then it might be necessary to install a traffic light in the future. The installation of a traffic light would not be appropriate at this time, because the traffic would not yet warrant that expense.

Decision

NOW THEREFORE BE IT RESOLVED that the subject Amendment to the Official Zoning Map is hereby adopted.

1. After a review and examination of the record, the Commission hereby adopts the proposed change to the Zoning Map with an effective date of Sunday, December 30, 2012, at 12:01 p.m., for the following reasons:
 - (a) The proposed rezoning as shown on the submitted map entitled, "Compilation Plan for Zone Change from DOR-1 to OB prepared for the Nielsen Company by William W. Seymour & Associates, dated September 19, 2012 is fully consistent with the 2006 Town Plan of Conservation & Development; and
 - (b) it does not appear that the proposed rezoning will have an adverse impact on nearby residential properties on Hecker Avenue; and
 - (c) The proposed rezoning as shown on the submitted map will alleviate some of the difficulties in the use of the subject properties which have resulted from its zoning as DOR-1.

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These changes shall take effect on Sunday December 30, 2012 at 12:01 p.m.
This effective date and time will give staff an opportunity to publish this decision in a local newspaper, and file the new official zoning map with the Town Clerk.

* * *

Discussion of status of the following application:

Chairman Conze read the following agenda item:

Proposed Amendments to the 2006 Town Plan of Conservation & Development, put forth by the Darien Planning & Zoning Commission. Proposal put forth by the Darien Planning and Zoning Commission for amendments to the 2006 Town Plan of Conservation & Development (the “Town Plan”) in three groups. The first group of amendments would modify pages 8-2, 8-3, 9-5, 9-6 and A9-17 of the Town Plan relative to classification of private land as open space for certain properties within Darien per Section 12-107e of the Connecticut General Statutes. The second group of amendments would add a new #20 on page 9-5 of the Town Plan, which would specifically reference the Town of Darien Commercial Design Guidelines document. The third group of amendments is to modify the inside cover page, table of contents, and index of the Town Plan to reflect any amendments adopted by the Commission.

Mr. Ginsberg explained that this matter was brought up as a result of issues between the Assessor and several of the Country Clubs, Hunt Club, and other large open properties. Those issues have been resolved, so the possible amendment of the Plan is no longer relevant. He recommended that the Commission formally withdraw or drop this matter from the list of pending applications. All of the Commission members agreed.

Discussion, deliberation and possible decision on the following, if the public hearing has been closed:

Chairman Conze read the following agenda item:

Special Permit Application #274, Dominick Briganti, 1936 Boston Post Road. Proposing to establish a dwelling unit on the second floor of the existing building at 1936 Boston Post Road.

The Commission discussed the pending application and concluded that it was simple enough to vote on without the drafting of a lengthy resolution. The following motion was made: That the Commission authorize the amendment of the previous approvals and permits to allow the second floor apartment in accordance with:

- the discussion at the Public Hearing and specifically noting that the third floor / attic is to remain unfinished and not utilized; and
- that the applicant must comply with all comments and requirements of the Fire Marshal as part of the renovation and use of the second floor apartment; and
- that the applicant must obtain all of the proper Zoning and Building Permits to implement this project.

The motion was made by Mr. Hutchison, seconded by Mr. Voigt and unanimously approved.

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Discussion of impacts of recent storm Sandy

Mr. Ginsberg said that many neighborhoods in town were impacted by fallen trees. The newer houses in the Noroton Bay neighborhood were not impacted by flooding because they are above the expected flood level. Many of the older homes are still below the expected flood level and were damaged by floodwaters. Some of those owners now want to elevate or raise their homes so that the damage will not reoccur. A few of the homeowners will need variances due to setback or height issues. The Planning and Zoning Commission and Zoning Board of Appeals have agreed to conduct extra meetings if necessary to expedite the processing of such applications.

Mr. Ginsberg asked if the Commission wants to see each application in the flood zones to raise mechanical equipment such as air conditioning units or generators. He said that if the proper engineering certification is submitted, the staff could administratively process such applications. Mr. Conze and the Commission said that the staff could approve simple applications provided the applicant has designed the location and landscaping of the equipment to minimize the visual impact upon the neighbors.

Approval of Minutes

October 2, 2012 Public Hearing/General Meeting

Motion to approve the minutes subject to correction of typos was made by Mr. Voigt, seconded by Mr. Cunningham and unanimously approved.

October 16, 2012 General Meeting/Public Hearing

Motion to approve the minutes subject to correction of typos was made by Mr. Voigt, seconded by Mr. Cunningham and unanimously approved.

October 23, 2012 Public Hearing

Motion to approve the minutes subject to correction of typos was made by Mr. Voigt and seconded by Mr. Hutchison. All voted in favor except Mrs. Cameron, who abstained because she had not attended the meeting. The motion passed by a vote of 4 – 0 – 1.

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

The following motion was made by Mr. Voigt: That the Commission discuss and possibly act upon the request to modify **the antenna facilities at the tower covering the water tank at 4 Tower Drive**. The motion was seconded by Mr. Hutchison and unanimously approved.

Mr. Ginsberg explained that T-Mobile had obtained approval in June to switch over and increase the number of its antenna within the tower that covers the water tank. Now Sprint wants to replace six of their antenna with 3 replacement antenna and 6 new 'radio head' devices. All of the antenna, devices and new equipment control boxes will be contained within the tower and will not be visible from the outside. The report from the consultant indicates that the RF waves emanating from the all of the equipment within the tower will be well under the allowable amounts determined by the FCC.

After a brief discussion, the Commission concluded that it would not be appropriate to require a Public Hearing for this application amendment. The following motion was made: That the Commission approve the requested antenna and equipment replacement and modifications in

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accordance with the submitted materials. The motion was made by Mrs. Cameron, seconded by Mr. Voigt and unanimously approved.

Mr. Ginsberg informed the Commission that a traffic consultant is continuing to work on the possible widening of the intersection of West Avenue and Noroton Avenue. This could create an extra lane on the westbound portion of West Avenue. Commission members noted the importance of coordinating the timing of the series of traffic lights on Noroton Avenue, including the light at the intersection of Ledge Road and Noroton Avenue.

Mr. Ginsberg informed the Commission that the old pink building at 1015 Boston Post Road (at the corner of Day Street) has been demolished and construction of the replacement building will be started soon.

Mr. Conze said that based on the recent experience of storms Irene and Sandy, emergency planning and storm management should be included in the next update of the Town Plan of Conservation and Development.

Several Commission members noted that political signs for a few candidates which were displayed for the election are still on some sites. Mr. Ginsberg said that he would follow-up with both political parties for their assistance in this matter.

There being no other business, the meeting was adjourned at 9:30 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director