

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
November 23, 2010**

Place: Auditorium, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

TELEVISED BY: Channel 79

PUBLIC HEARING

Chairman Conze called the meeting to order at 8:00 P.M. and read the following agenda item:

Continuation of Public Hearing regarding Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the east side of Hoyt Street approximately 100 feet south of its intersection with Echo Drive, and is shown on Assessor's Map #27 as Lot #168-1, within the R-1/3 zone. *PUBLIC HEARING WAS OPENED ON NOVEMBER 2, 2010.*

Margaret Stefanoni explained that the project will involve construction of 16, age restricted (62 years of age or older) dwelling units, thirty percent of which will be affordable under the guidelines established under Section 8-30g of the Connecticut General Statutes. This means that five of the units would be deed restricted for 40 years. Mrs. Stefanoni said that under Section 8-30g, the State establishes a threshold of 10% of all housing units be affordable as defined by the Statutes. The Department of Economic and Community Development (DECD) promulgates a list annually. Currently, Darien has only 2.5% of its housing stock affordable, which is beneath 10%. However, there are other ways to look at the need for affordable housing. One way is to review the average cost of home ownership. Mrs. Stefanoni pointed out that in Connecticut, the median value of a home is \$235,000, whereas in Darien the median value is \$1.55 million. The other way to look at need is to review the wait lists for the existing affordable units in Town. She said that of the 30 affordable housing owner-occupied units in the Clock Hill Homes development that were first occupied in 1995, only 17-18 of those units have been conveyed since that time. This is an average of slightly more than one sale per year, and there is a waiting list of 60 people. Darien now has 30 age-restricted affordable units. Five of the 16 proposed units in this project would be affordable— 11 would be market rate. The maximum sale or rental price of the affordable units is restricted.

Mrs. Stefanoni said that the proposed building would be a simple Georgian colonial type structure that would be taupe siding, gray, with white trim. There would be a total of 20,210 square feet of living space located on three floors. The building would be 36.4 feet high as defined per the Darien Zoning Regulations. All units are two-bedroom, with two bath, and range in size. An Affordability

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 2

Plan has been submitted to define the price restrictions and the application process for people who will qualify to live in the affordable housing units. The affordable dwelling units would be comparable in size and quality with the rest of the dwelling units in the complex. One of the affordable housing units would be located on the first floor, two of the units would be on the second floor, and two of the affordable units would be the third floor. All of the affordable units have balconies. The affordable units would have an average of 980 square feet, the market rate units average 981 square feet.

Stuart Sachs, Landscape Architect, reviewed the perspective drawing, including the hedge and trees that would be placed in the front yard to soften the view of the parking area from the street. He said that the rest of the landscaping plan utilizes many native species to be compatible with the surrounding area. Evergreens will be placed along the south property line.

Barry Hammons, Professional Engineer and Land Surveyor, explained that this is a half-acre parcel of land and has additional open space land to the rear. There is no proposed use or activity proposed within the open space parcel. Mr. Hammons said that 1.5 parking spaces will be provided for each of the 16 units and some of the parking spaces will be compliant with the Americans with Disabilities Act. He said that he was aware of the concerns about density, traffic flow and storm drainage management and has tried to avoid scrunching too much development into too little space. Storm water runoff will be directed into catch basins and then directed into underground storage and infiltrator units. He said that the plan has been revised in accordance with the comments from the engineer hired by the Town, Joseph Canas of Tighe & Bond Engineering. He said that Section 880 of the Zoning Regulations requires a 50 year design storm of 7.5 inches of rain in a 24 hour period. He said that the drainage system that he has designed will result in no increase in the peak rate of discharge. He noted that this parcel is only a small portion of the watershed area.

David Spear of DLS Traffic Engineering explained that he is a Traffic Consultant regarding the project. He reviewed his November 11, 2010 Traffic Statement. He said that Hoyt Street is State Route 106 and has a 30 foot wide paved area allowing one lane of traffic flow in each direction. According to the State D.O.T. information, estimated travel speed is 34.3 miles per hour. There are 972 vehicle trips past the site during the afternoon peak hour. To accommodate the 16 unit age restricted proposed project, the Connecticut D.O.T. has required that the southbound lane be widened to allow traffic to bypass a car that is stopped in the travel lane and waiting to turn left into the site. He said that during a three year recent period, only two accidents were recorded in the area. Mr. Spear said that the expected traffic to be generated by the proposed 16 age restricted dwelling units would involve a peak A.M. hour of 4 vehicle trips and a peak afternoon hour of 6 vehicle trips. He expected that there would be sufficient gaps in the traffic flow to allow vehicles to enter and exit the site. He said that there would be no impact whatsoever on area traffic operations. He said that a request had been submitted to the Connecticut Department of Transportation District office for the proposed driveway and had been approved.

Margaret Stefanoni submitted a compilation of transportation options available to senior citizens. These include the use of the Gallivant van service, Red Cross transportation and taxi vouchers. In response to questions, Mrs. Stefanoni said that she and her husband (the applicants) had never built any senior or affordable housing. She also said that the size of the proposed units was based in part on the experience of the architect. All the units will be two bedrooms and will vary slightly in size. She said that the market rate units will fluctuate in their value and the affordable housing units will

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 3

be sold or rented in accordance with the price structure established by the Statutes. She said she was not sure whether the units would be for sale or for rent and would reserve that option for the future. She said that the goal was to design functional dwelling units, each with two bedrooms and two bathrooms.

Mrs. Cameron said that she had served on the Environmental Protection Commission for years and is very concerned about the drainage issues involved with this intense development activity. She said that she is concerned about the impacts on water quality when the percentage of land coverage by impervious surfaces is increased. She questioned whether the proposed underground drainage units would serve as the primary method of cleaning water before it is discharged. Mr. Hammons replied that the units will recharge the ground water and will detain storm water before it is allowed to run off the site. He said that petroleum and other volatile chemicals that could accumulate on the paved area will be caught in the drainage system to provide storm water quality improvements. Mrs. Cameron said that she prefers the use of above ground (rain garden type) detention systems, rather than depending on underground infiltrator type systems, because underground systems are hidden from view and problems such as siltation or lack of function are not easily observable. Maintenance of underground systems is more difficult and expensive than above ground systems for detention and infiltration. Mr. Hammons said that the lack of space dictates that they use underground systems. Otherwise they would need another half acre of land for above ground storm water detention. In response to questions, he said that the operations and maintenance of the underground drainage systems is a critical aspect that will be addressed to make sure that water will continuously be allowed to percolate into the ground. Mrs. Cameron said that people do not maintain underground drainage systems because they cannot see them and cannot easily detect a problem. She said that if fewer dwelling units were proposed, then there would be space above ground to accommodate an above ground storm drainage system.

Mr. Hammons said that the system has been designed to release storm water at a slower rate than the existing storm water flow so that the proposed development will not have a negative impact on downstream properties or conditions. He said that at this time the existing runoff is discharged into a pipe in the Connecticut Department of Transportation drainage system under Hoyt Street. The proposed system would release the water at a slightly lower rate, but there would be more volume over a longer period of time. In response to questions, Mr. Hammons said that sanitary sewer connections appear to be fine per the Stearns & Wheler study that had previously been conducted. The applicant will need to apply to, and get a permit from, the Sewer Commission in order to connect to the sanitary sewers.

Questions directed to Mr. Sachs, Landscape Architect, concerned the maple trees near the north property line and the use of trees in the parking area. Mr. Sachs said that many trees in this area die due to environmental pressures, not old age. He said that the rate of decline is estimated to be 2.3% annually due to urban stresses. That number will increase due to additional development. He said that soil preparation is very important for the planting of the new trees. He estimated that approximately 90% of the site will be covered with impervious surfaces (roof, parking area, walkways, etc.).

Mr. Conze said that he wants comments from the Environmental Protection Commission regarding the impervious surface areas because normally a maximum of 20% building coverage is allowed in the residential zones.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 4

Mrs. Cameron said that she is not in favor of a by-pass lane to allow people to speed up. She would prefer traffic on Hoyt Street to be slowed down.

Barry Hammons said that the parking spaces and back-up aisle area have been designed to comply with the Zoning Regulations and standard traffic engineering practices. He said that having 1.5 parking spaces for each dwelling unit in a senior restricted housing complex is just the right amount of parking. Mr. Hammons said that the drainage design is based on the Darien Zoning Regulations and Town rules. He noted that studying hydrology and design of a drainage system is dealing somewhat with a moving target. He understands that there is concern about the impact on water quality due to the expansion of impervious surfaces.

Mrs. Stefanoni said that the proposed development has a density of 16 units on ½ an acre which would be comparable to 32 units on one acre. She said that the Garden Homes development is a greater density and thus this is not a moral issue about a number of dwelling units per acre. She said that the questions before the Commission are whether the project meets the requirements of Section 8-30g of the State Statutes in a town where there is a need for affordable housing. She said that their goal is to build 11 market rate and 5 affordable housing units that are age restricted and are safe, functional units. Christopher Stefanoni said that 1.5 parking spaces per unit is a lot of parking. He said he wants the units to be big for seniors to live and enjoy. He said that some of the units in the Garden Homes project are 490 square feet (most of the units in Garden Homes are studio units or one bedroom units).

Mr. Spain asked about the permission granted by the Connecticut Department of Transportation for a new driveway. Mrs. Stefanoni replied that she contacted the Department of Transportation District 3 offices and met with an engineer (Mr. LaGoja) in spring of 2010. Plans were presented for the proposed new driveway and the drainage to be connected into the State drainage system. D.O.T. suggested widening the southbound lane and creating wider turning radiuses at the driveway and other detailed changes. Changes were made and a letter of approval dated July 30, 2010 was produced. That approval was subject to a number of minor changes and conditions. She said that as far as she knows that is the only written response from the D.O.T. She said that there was no information of substance provided to the D.O.T. that has not been submitted to the Planning & Zoning Commission. Mr. Spain asked about the status of the bypass. Mrs. Stefanoni responded that the by-pass lane was suggested by D.O.T. and then designed by her consultants to meet the D.O.T. specifications. Mrs. Stefanoni said that the developer would be responsible to build all of the proposed improvements, including the by-pass lane and drainage connections. In response to a question, she said that they have not sought an estimate of the cost to implement the design as shown on the site plan. She said that the by-pass lane is an aspect of the plan that would need to be implemented only if the project is to be built. If the parcel is to remain vacant, then there would be no need for the by-pass lane or any of the other improvements required by D.O.T. She said the standard condition of approval is that all of the improvements on the State land be completed before the building becomes operational. She will need a formal permit from the D.O.T. before starting the work on the driveway and the bypass would be a conditional aspect of the driveway permit.

Mr. Spain then asked about parking standards. Mrs. Stefanoni replied that under the Section 8-30g application procedures, the project is not subject to the normal zoning restrictions or regulations. They have, however, used the Darien Zoning Regulations as guidance with respect to the number of

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 5

parking spaces required for elderly units and the number of parking spaces required for Housing Authority projects. She said the standard requirements of two on-site parking spaces for each dwelling unit is not for age restricted units. For seniors, there are special transportation options available and, thus, less parking spaces are necessary. She said that one option might be that the Planning & Zoning Commission reserve the right to limit one parking space for each dwelling unit if experience demonstrates that such limitations are necessary. That would assure that at least ½ a parking space would be available for visitors for each unit.

She said that under Section 8-30g the decisions made by the Commission must make sense and not just comply with the standard rules.

Mr. Spain noted that the Commission is free to apply the principles that underlie the Regulations even if the specific Regulations and rules are not going to be adhered to.

David Spear of DLS Traffic Consultants said that he first learned of this project and the Tokeneke Road project two or three weeks ago. He said that in this case a Traffic Statement was prepared and that a Traffic Statement is different from a Traffic Study that the Planning & Zoning Commission had requested. He confirmed that he had prepared traffic studies regarding the Stefanoni's proposed project at 77 Leroy Avenue and their other project proposed at 77 Nearwater Lane. He said that he felt a Traffic Statement was sufficient due to the size of the project and the number of units and the low level of expected trip generation. He said that he visited the site and observed traffic in the area for approximately 45 minutes as part of the preparation of the Traffic Statement. He said that the proposed driveway location had previously been reviewed by the Connecticut Department of Transportation (D.O.T.) and the sight line issues had already been addressed. He was not involved in that process, but learned later that the plans had been reviewed and approved by D.O.T. He said that he had not had any direct contact with D.O.T. about the plan. He said that he had prepared the traffic statement and that nothing of substance changed due to client review of the statement in draft form.

In response to questions, Mr. Spear said that previous traffic studies submitted had included observation of area traffic and the operation and conditions of the traffic flow. He did not mention those types of things in this Traffic Statement. He also confirmed that he had not performed an automated traffic count as part of this Traffic Statement. Instead, he used counts performed by the Department of Transportation and that were available. He said that the 85th percentile speed calculation was taken at an off-peak time usually in the middle of the day and again he counted on the D.O.T. statistics rather than making his own measurements. He said that the 85th percentile speed calculation is based on free flowing cars and traffic, not congested traffic.

In response to questions, he said that he did not have a projection of combined traffic volume including other projects that may take place in the area. This is due to the small size of the subject property and project. He said that he knew that there were gaps in the traffic that would allow traffic to turn left into and out of the site. He said that with respect to the number of parking spaces, he felt that due to the age restricted housing units, between one and two parking spaces per unit would be sufficient. He said the trip generation for this type of housing has been studied extensively and confirmed that many single people do want to have a second bedroom to allow guests to stay. He confirmed that the distance from the site to Lake Drive was not specified in his report.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 6

Mr. Spain said that the Traffic Statement indicates that there would be sufficient breaks in the traffic to allow vehicles to turn into and out of the site. He asked about possible queuing, especially relative to vehicles going south and questioned that conclusion. Mr. Spear responded that the bypass lane would eliminate queuing of vehicles driving south and turning left into the site. Mr. Spain asked about left turns into Echo Drive. Mr. Spear said that there may be some queuing of vehicles turning into Echo Drive.

Mr. Spear said that there will be little or no queuing due to the by-pass lane required by the D.O.T. He did not feel that it was necessary to do an analysis of possible delays northbound because vehicles would be turning right from the northbound lane into the site. He said that during the afternoon peak hour, only 4 vehicles are expected to be turning into the site.

Mr. Spear said that the projection is that three vehicles would be leaving the site in an A.M. peak hour and one arriving within that hour, because it is a senior housing project and would not have the same traffic characteristics as general housing. He said that if there were 16 single family detached houses, then engineers would expect one vehicle trip per unit during the A.M. peak hour (about 12-13 exiting, and 3-4 entering). For apartments, the peak hour generation is less, and for senior apartments, the peak hour traffic is even less than for "standard" apartments. These are numbers that are found across the board by ITE and other engineering folks. The ITE has limited studies for the various types of age-restricted housing. He said that in the studies that he has seen, the senior housing had larger units and/or three bedroom units.

In response to a question from Mr. Spain, Mr. Spear said that the widening of Hoyt Street would start approximately 100 feet to the north of the site, near Echo Drive and would extend past the site and then proceed in a southerly direction. He said that the bypass lane would involve making the pavement approximately 6 feet wider. The sidewalk on the west side of Hoyt Street would have to be relocated. He said that he would expect the center line of the street would remain in its present location.

Stuart Sachs, Landscape Architect, said that he was aware of the Fire Marshal's comments regarding the need for access. He said that no exact dimensions were given. Mr. Spain said he believed that 12 feet would be needed for fire safety access to a building this large. Mr. Sachs said that the plants that are proposed will not be solid like a fence, but will have gaps in them that will allow for fire access ladders to be placed between the trees and extending up to the building. He said that the exact placement of the trees could be coordinated with the Fire Marshal. Mrs. Stefanoni said that this issue is one that is addressed by the Project Architect, Mr. Stein (who could not be present for this portion of the public hearing).

Barry Hammons said that space has been provided for delivery vehicles and for emergency access by fire apparatus. He said that the turning radius needs to be at least 47 feet, which is fulfilled. He said that any fire truck that does enter the site would be able to turn around on the site and would then be able to pull out onto the street in a forward manner. He said that this turnaround movement would be possible even if all of the parking spaces are full.

Mrs. Stefanoni said that each unit will have a gas powered heating and cooling system located in the wall, thus there would be no need for large main utility units. There is natural gas available in the

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 7

road. Mr. Sachs said that snow removal and plowing would be accomplished using the east end of the site and the north of the parking lot located in front of the building (on the west side of the site).

Mr. Spear said the traffic counts conducted by the Connecticut Department of Transportation and which he referred to in his reports were conducted on a Wednesday and a Thursday in August. Mr. Spain said that he felt that the presence of the nearby school would make it more appropriate to have traffic counts conducted when school was in session. Mr. Spear said that he used State published information that is representative of real traffic conditions.

Mr. Spain said that the August counts are not accurate conditions of what exists at the site and on the street during a typical October day. He said that the grammar school is just a few blocks to the south and that many people in the community are on vacation in August. He questioned the adequacy of using the old State D.O.T. numbers measured during August.

Mr. Spear said that this is such a small use relative to the large number of actual traffic that uses Hoyt Street. He said that even if the Traffic Statement had adjusted the traffic counts by one or two percent per year, there would be no different conclusion or results. Mr. Spain asked if Mr. Spear had observed rush hour traffic on Hoyt Street. Mr. Spear replied that he had observed afternoon traffic and noted that it was heavy. He said that there are still enough gaps in the traffic to allow limited access into and out of the site.

Mr. Conze said that it is beyond belief that an August 20 summer count of traffic is acceptable when there is a school just to the south of the site, particularly when the site is 470 feet north of an elementary school. Mr. Voigt then asked the maximum number of units in which a bypass would be required by DOT. Mr. Spear replied that the bypass area is a safety feature and is not dependent on the number of the units. Mr. Voigt asked about sidewalk clearances. Mr. Spear said that he did not study any change that might result in the sight line as vehicles exit from Echo Drive if the street revisions were implemented.

Mrs. Cameron questioned how the creation of a bypass lane would be a safety feature when it actually increases the speed that motorists will travel. Mr. Spear replied that motorists using the bypass lane are still likely to slow down, but they would not have to wait to proceed southbound if a car was waiting to turn left. He said that the bypass lane prevents rear end accidents. Mr. Spear explained that the sight line distance requirements established by the D.O.T. already account for senior drivers who may need more time to react than other drivers might need. Mrs. Cameron mentioned that people drive too fast on Hoyt Street.

Mr. Spear said that due to economic conditions, the actual traffic counts are down in some areas, but not in Fairfield County. He said in some instances the actual traffic counts have increased in recent years.

At about 10:15 p.m., Joseph Canas of Tighe & Bond Engineering explained that he had been hired on behalf of the Town to analyze the storm water management aspects of the project. He referred to his October 13, 2010 letter with 23 comments. In general, more information is needed to verify that the proposed drainage system would work and to modify the project in accordance with Town Regulations and good engineering practices. He said that the applicant also needs to perform a downstream analysis to verify that the project would not have any impacts to the downstream

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 8

conditions. Once that analysis is prepared by the applicant's engineer, the Town would require time to analyze that information. He confirmed that he had just received November 22nd responses from the applicant. Some of the items previously mentioned in his October letter have been corrected including the use of a 50 year design storm which would involve more rain than was used in the original analysis. He said that the use of infiltrators under the building would not be advisable and he, too, would prefer to have above ground water storage areas rather than solely depending on underground systems. He said that the above ground system can be easily seen and inspected and maintained. He said that if the size of the proposed development was reduced, then there could be room on the site for some surface storage area. He said that an important aspect of designing the storm water drainage system is the timing of when the water will be released. If the increased volume of water is released at the wrong time, it could negatively impact the properties that are downstream. He said that this site is in the lower half of the Noroton River watershed.

At about 10:30 p.m., Michael Galante of Frederick P. Clark Associates reviewed his November 23, 2010 report that is an analysis of the applicant's information. He said that a Traffic Study should have been submitted rather than the Traffic Statement which relies on data that is based on August counts and then slightly adjusted for seasonal conditions. He said that due to the economy in the past two years, some areas have had traffic reductions. He said that he and the Commission have specifically asked for a Traffic Study and what the applicant has submitted is a Traffic Statement. He said that the 85th percentile of speed calculation should be based on a 24 hour study rather than a short period of time. In short, he said that more clarifications are needed and that the applicant should use standard trip generation counts and not downgrade the expected traffic for senior projections. He said that these things were asked for in his October 6th letter and have not been addressed.

Mr. Galante said that the Department of Transportation has not given a permit to build anything. He noted that the bypass lane designed by the applicant does not meet the Department of Transportation standards. The bypass lane would require that the sidewalks be relocated and would reduce the area between the travel portion and the relocated sidewalk. He said that this is a safety concern that should be taken into account. Mr. Galante said that he is concerned about providing only 1.5 parking spaces per unit in part because of the small number of units, and also because there is no overflow parking in the area that could safely be used in the event that more cars need to park on the site. He said that more information is needed regarding truck access and said that the radius on the north side of the driveway will not get a D.O.T. permit without revision.

Mr. Conze asked if the Traffic Statement was sufficient. Mr. Galante responded that the site being near a school and on a very busy street and, due to the other traffic concerns, that a full Traffic Study is warranted. He said that in his analysis, he has been to the site three times (whereas the applicants' Traffic Representative indicated that he was at the site only once).

At about 10:50 p.m., Mr. Marc Gregory of 23 Georgian Lane said that he has many objections and concerns with respect to the application because the quality of life of the residents and the neighborhood will be impacted. He said that the application and materials distributed by the applicants frequently contain misinformation regarding the project. For example, he said that a letter from the applicant refers to 16 affordable housing units when, in fact, there will only be 5 affordable housing units. He said another example is the applicants' representation that the project site meets the criteria of desirable locations as established by the Planning & Zoning Commission

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
NOVEMBER 23, 2010
PAGE 9

Subcommittee. Only two pages of the Subcommittee Report were submitted, but the actual Report is 7 pages long. The applicant left out very important criteria indicating that this site does not qualify as a desirable location for senior housing.

Mr. Gregory said that the subject property was part of a 1994 subdivision that was approved and recorded as Map No. 4575 in the Darien Land Records. That approved plan includes the setback lines that are then referred to in the Deed as limitations and restrictions that would apply to the property. This includes a 25 foot rear yard setback from the edge of the open space parcel to any proposed building. He said that this proposed building is located just 5 feet from the open space parcel and therefore does not comply with the deed restriction.

Due to the late hour, the Chairman indicated that this matter regarding the possible deed restriction would be referred to counsel for legal opinion. He said that it would be necessary to continue the public hearing at a later date

The following motion was made: that the Commission recess the public hearing and continue the public hearing regarding this matter at 8:00 P.M in the Auditorium on December 7, 2010. The motion was made by Mr. Voigt, seconded by Mr. Hutchison and unanimously approved. The meeting was adjourned at 11:00 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director

11232010min