

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING  
December 7, 2010**

Place: Auditorium, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

TELEVISED BY: Channel 79

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**PUBLIC HEARING**

**Mr. Conze opened the public hearing and read the 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 AND CONTINUED TO NOVEMBER 23, 2010 AND DECEMBER 7, 2010. PUBLIC HEARING MUST CLOSE ON DECEMBER 7, 2010, UNLESS AN EXTENSION OF TIME IS GRANTED BY THE APPLICANT.*

Joseph Canas, licensed Professional Engineer of Tighe and Bond engineering said that he is the consultant hired by the Town to review the engineering aspects of the project. He said that the applicants' engineer had responded to his previous comments in a letter dated November 23, 2010. Earlier today, December 7<sup>th</sup>, he issued a response to those comments. He said that there is still a need for additional information from the applicant and clarification regarding the drainage design, the piping, the utilities, and the sanitary sewer system. Mr. Canas said that he has reviewed the letter from Mr. McMahon of Redniss and Mead and he agrees with those comments, issues and concerns. Essentially, Mr. McMahon agreed with Mr. Canas that more information is necessary to make a determination that the system meets the standards, requirements, and regulations. Copies of Mr. Canas' December 7, 2010 letter were submitted and a copy was provided to Mrs. Stefanoni by Planning Director, Jeremy Ginsberg.

Michael Galante, of Frederick P. Clark Associates, had reviewed the plans on behalf of the Town with respect to traffic and parking as well as safety issues. Mr. Galante said that more information and more detailed design specifications are needed regarding the driveway and the bypass lane. He said that the submitted plan does not go far enough north and south to provide enough details for an adequate review. Mr. Conze said that this information will be requested of the applicant. It needs to be a plan which shows all of the component pieces.

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In response to a question from Mr. Hutchison, Mr. Galante said that he understands the bypass lane for southbound traffic on Hoyt Street was necessitated by the Connecticut Department of Transportation due to the proposed development. Details are needed to ensure compliance with the safety aspects, including visibility from cars exiting the site and turning south, so that they can see cars that are in the bypass lane, even when another vehicle is in the southbound travel lane and waiting to turn left into the site. Mr. Galante said that the volume of traffic on Hoyt Street is high, and the installation of the bypass lane has downsides, although it should allow traffic to flow more quickly and easily through the area. He said that generally, a bypass lane is not a requirement, but the Connecticut Department of Transportation will sometimes require it if they believe it is needed. He said that if no one is turning left from the southbound direction of Hoyt Street, then drivers would stay in the main travel lane and would not shift into the bypass lane.

In response to a question from Mr. Conze, Mr. Galante said that in his experience, it is very rare that the Connecticut Department of Transportation would approve a plan prior to the application being submitted to the town. He said that it is very rare for a letter of approval from the Connecticut Department of Transportation at this early stage. Mr. Conze said this Planning and Zoning Commission will send a letter to the Connecticut Department of Transportation regarding the unusual events dealing with this matter.

Attorney Robert Fuller from Wilton explained that he was hired to review the legal aspects of the previous subdivision involving the subject property, and whether the 25 foot rear yard setback normally required by the Zoning Regulations had become a deed restriction that must be adhered to with respect to this development. Attorney Fuller said that in January of 1995, the Planning and Zoning Commission approved a 2-lot subdivision and open space parcel on the east side of Hoyt Street. One of those parcels is the subject property. Map #4575 was filed in the Land Records to show the division of the 1.43 acre parcel of land into the 2 building lots and an open space parcel. One of the conditions of the approval was that the open space parcel to the rear be jointly owned by the owners of each of the two separate building lots. He said that Map #4575 shows a table of zoning data, including the 25foot rear yard setbacks for the building lots, and the 25 foot rear setbacks are shown graphically on the map. There is a deed restriction and open space declaration regarding the open space parcel to the rear, and indicating that it will be jointly owned and maintained in its natural condition and the restriction cannot be modified without the consent of the Planning and Zoning Commission. Attorney Fuller said that Volume 1370, page 630 of the Darien Land Records is the deed regarding the acquisition of this parcel by the Stefanonis. It indicates the conveyance is subject to the setbacks, as shown on the map. The Map includes the 25 foot setback from the rear lot line and the restriction on the use of the land constituting the open space parcel. Attorney Fuller's opinion is that the commission can enforce the restrictions as shown on the map. He said that he cannot find anything in Section 8-30g that would waive this type of deed restriction. He explained that section 8-30g may excuse compliance with the standard Zoning Regulations in general, but does not mention any waiver of conditions documented as part of a previous subdivision approval. He stated that the proposed construction must meet the 25 foot setback as specified in the previous subdivision approval and the deed. Despite Section 8-30g, the Commission can require the building to be at least 25 feet from the rear lot line per the previous approval.

Mr. Spain asked about the other setback requirements. Attorney Fuller said that as they are shown on the map and detailed in the chart on the map, they are applicable. He said that the Commission

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and the owner of the other lot would need to agree to any modifications of the open space and might have private rights of enforcement based on the declaration. He noted that there is a difference between private enforcement and public enforcement of the restrictions.

Mr. Conze asked about the building height and building coverage and other setback requirements as noted on the previously filed map. Attorney Fuller responded that the key part is the setbacks specifically shown on the map. With respect to a previous case known as Poirier, which grants certain rights to the owners of a lot that was part of a subdivision after which the Zoning Regulations were changed, Attorney Fuller said that if the subdivided land was vacant, then the owner could rely on the old Regulations despite changes made to the Zoning Regulations that are more restrictive. He said that Poirier would not apply in this case because the Regulations have not changed.

Margaret Stefanoni said that on a lot to the south at 65 Hoyt Street, owned by the Carlo family, the Planning & Zoning Commission granted approval to build outside the setback area shown on a previously approved Subdivision Map. She asked if the Planning & Zoning Commission has the ability to modify the buildable area shown on the approved Subdivision Map.

Attorney Fuller said that he is not familiar with the example cited by Mrs. Stefanoni, but the owner can request the modification and the Commission could decide whether the modification is acceptable. Mr. Spain asked if there is a distinction between the Regulations that generally apply to all lots and other unusual lots that need or have distinctive or unique setback requirements. Attorney Fuller replied that he has only examined the facts regarding the subject application and is not commenting on other situations. He said that if the owner requests a modification, the Commission may require a formal application to modify the previously approved restriction.

Mrs. Stefanoni asked what makes this subdivision different from the general subdivision approvals and recording of maps on the Land Records. Attorney Fuller said the map, in this case, shows the setback lines and includes the unique table and refers to the restrictive covenants.

Mark Gregory, of Georgian Lane, asked that Attorney Fuller discuss his credentials regarding legal matters such as this. Attorney Fuller responded that in 1965 he started practicing law in the area of land use and zoning and that he was a former attorney for Wilton for many years, and for New Canaan for a while. He has served as a Superior Court Judge for 8 ½ years, and has written books on land use, and been an expert lecturer on the topic of land use.

Mark Gregory said that the applicant has omitted important parts of documents that would be detrimental to their claims. Specifically, he referred to the M.I.T. Study cited by the applicant. He said the applicant omits portions that show that their examples are not near or comparable to the examples used in the M.I.T. Study.

Mr. Gregory said that the applicant has filed a lawsuit alleging that their due process rights have been denied.. He entered that Complaint (lawsuit) into the record and said that the applicants have indicated that they were required to submit a Traffic Study and now they have admittedly submitted only a Traffic Statement. He said based on their admission that more information is necessary, the application is incomplete and should be denied. He said the applicant has failed to submit any analysis of the costs to do any of the required work and an analysis of what the units would sell for.

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Mr. Gregory said that there is insufficient on-site parking being provided and insufficient room for emergency vehicles to access onto, maneuver within, and egress from the property. He said that in the applicant's other application regarding West Avenue and Leroy Avenue, Mrs. Stefanoni testified that 1.5 parking spaces would be sufficient due to the proximity of the train station and other extra parking in the immediate vicinity. He said that the application on Hoyt Street is nowhere near the train station and there is no other nearby parking, thus the justification for reducing the required parking spaces to only 1.5 per unit is not applicable in this case.

Mr. Gregory said that the applicant has provided inaccurate information and/or otherwise not indicated the truth and, just like a jury situation, if the juror feels that a witness has lied, then they can disregard any other testimony that the witness provides. He said that this application fails the honesty test due to the deletion of major portions of documents that would be applicable.

Mr. Gregory said that the proposed by-pass lane is really a swerve lane right up against a sidewalk and the reconstruction of this area would eliminate the cushion between the vehicles and the sidewalk, thus endangering pedestrians. He said that Echo Drive is heavily trafficked due to the residences of that neighborhood and the presence of The Middlesex Club. He said that many cars, bikes, pedestrians from the neighborhood use that portion of Hoyt Street. He said that he and other neighbors requested a meeting with Department of Transportation officials and, to his surprise, Mrs. Stefanoni showed up unexpectedly. He said that she was allowed to stay at the meeting because the neighbors have nothing to hide. He said that at the meeting, the State itself acknowledged that there can be inaccuracies in the information that's provided to it.

Mr. Gregory submitted to the Commission, corrections to newspaper articles and letters to the editors. Copies of those materials were given to Mr. Stefanoni. Mr. Gregory asserted that the defects of the application cannot be cured by modifications. He said that the application should be denied.

Mrs. Stefanoni said that she had been called a liar and wanted a chance to defend her actions. She said that she is not trying to fool the Commission by submitting only two pages of the multi-page report that had been produced by the Sub-Committee of the Planning & Zoning Commission. She said at the Department of Transportation meeting, it was made clear that the D.O.T. approval is subject to Town approval of the entire project and that the D.O.T. approved driveway cannot be built unless an approval is obtained from the Town. She said that the D.O.T. had requested the installation of the bypass lane. With respect to the Leroy/West project, she said that since that application had been submitted, she had learned more about the services available to senior citizens, including transportation services that are offered. She opined that this project, with 1.5 on-site parking spaces per unit, will be sufficient.

Steve Olvany of 49 Echo Drive North explained that he is a local resident of the area and has been professionally involved in real estate development for more than 25 years. He said that he and other neighbors have hired professional consultants to analyze this application. He said that Hoyt Street is very busy and he and other residents will not allow their children to walk to school on the busy sidewalks along Hoyt Street. He said that Holmes School is the neighborhood elementary school and is located approximately 450 feet to the south of the subject property. He said the density of this proposed development is very high and it partly depends on the gas line in Hoyt Street,

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however, the pressure in that gas line is too low to adequately serve the neighborhood and this intense development. He said that budgeting for the project is very important, yet the applicants have indicated that they have not looked at the financial aspects of the viability of the project. He said that even based on a 600 to 650 square foot unit, they would need to have a \$36.00 per square foot rental income per year. This would mean that the rents for the units would be about \$3,000 per month. He said that no one builds a two bedroom unit this small. He also said that the on-site parking ratio is too low compared to all of the other similar projects that he has reviewed. He submitted letters signed by many of the neighbors. He said that there are 620 children members at The Middlesex Club and that many of those children are from the neighborhood, and therefore walk or bike to the Club from the surrounding neighborhood. Mr. Olvany said that recent traffic accident data indicates that there have been 21 accidents on Hoyt Street within the past three years, and yet the applicant's consultant only found one accident.

Brian McMahon, licensed Professional Engineer from Redniss & Mead Land Surveyors and Civil Engineers, said that he had submitted a letter to the record last week regarding the drainage; the site plan; and the improvements in Route 106 (Hoyt Street). With respect to drainage, Mr. McMahon said that there is a 7 to 7½ acre watershed that drains through the site and that some of that water flows into a catch basin in Hoyt Street and other water flows to the south as surface flow. He said that the proposed on-site storm drainage system would intercept some of that water and the water from the impervious surfaces of the site. Mr. McMahon said that the applicants' engineer, Mr. Hammons, had designated a point of interest at the southwest corner of the site and at that location, a new catch basin would be installed in Hoyt Street.

He said that the drainage design has changed from what was originally submitted and it now takes into account a large drainage area. He said that the storm drainage system's capacity has been lowered, but the system volume has increased from 59 cubic feet per second to more than 70 cubic feet per second due to increased rainfall amounts in the calculations. He said that there are still discrepancies between the mapping and the model and this fluctuates the time of concentration and alters the amount of storage capacities. He said that the hydrology study indicates that the two inch diameter orifice is too small for this large an area. He said that there is also a lack of a backwater analysis.

At 9:35 P.M., Mrs. Riccardo left the room. She returned at 9:37 P.M.

With regard to the soils, Mr. McMahon said that more soil testing is needed to verify that this site will accommodate as much water as the applicants' engineer thinks it will. It will need to accommodate substantial amounts of water. He said that the drainage engineering aspects of the project contain many discrepancies and insufficient information. He said that there is no appreciable storage of storm water on the site. In response to a question from Mr. Conze, Mr. McMahon said that more than 50% of the necessary drainage information has been submitted, but key information is still needed. In response to a question from Mrs. Cameron, Mr. McMahon indicated that regular maintenance of any drainage system is very important, otherwise, sediment will clog it and the system will back up or not function properly. He encouraged the Commission in any decision to require a strict maintenance agreement for drainage.

With respect to the site plan aspects of the proposal, Mr. McMahon questioned whether everything could fit on the site. The applicant has pushed the envelope of construction right to the limit. He

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noted that the plans call for cutting or reducing the height of the grade on the north side of the site and filling, or raising the grade, on the south side of the site. He said that walls are proposed right up to the property lines, and special footings will be needed to make sure that these walls are properly constructed entirely on the applicants' site. No details of these special footings have been provided. On the north side of the site, a new wall will be built right against the existing wall, which is on the adjacent property.

Mr. McMahan said that no electrical transformer is shown, but will probably be needed. He said that the transformer could not go within the landscaped island because of the proposed underground drainage system. If there is a generator, it should also be shown. He said that light poles are shown in the plan but are in very restricted spaces and thus, may not be feasible to install. He said that the handicapped parking space next to the building needs to have at least a five foot wide walkway to the building, but it only scales as four and a half feet wide. He said that details about the trash enclosure and the number of containers have not been provided. There is no information about how many containers are necessary or will be provided. Mr. McMahan said the snow removal will be a problem due to the density of the development. He also noted that the oil and grit separators illustrated in the plan are much too small compared to the actual size that is required in accordance with the Department of Environmental Protection (DEP) standards.

Mr. McMahan said that specifications regarding the bypass lane are insufficient. He said that the proposed storm water infiltrators are much closer to the structure than normal, due to so much being proposed on this very small site. Mr. Spain said that it seems that because the proposed development is so tightly packed, and there are so many items of concern that still need to be addressed, he wondered if more information is necessary as to how they could actually construct all these features.

Mr. McMahan said that the bypass lane on Hoyt Street is included in some of the drawings to show some of the existing and proposed conditions. He noted that the vehicles would be right up against the relocated sidewalk, and there would be no green space between the new sidewalk and the travel lane or the stone wall. The existing sidewalk would be eliminated. He said that more information about this relocation is necessary. That information would include things like grading and cross section details. Another important aspect is the edge of the right of way, which would need to be surveyed to verify that the relocated sidewalk would fit between the property line and the street. He said that no information regarding pedestrian safety in that area had been provided. There is a concern about the safety at the intersection of Echo Drive and Hoyt Street and the need to maintain the work within the State D.O.T.'s right of way, or obtain a permit from the town to do work within the Echo Drive right of way. He noted that the stop sign and stop bar of Echo Drive would need to be moved to facilitate the bypass lane. Photographs were submitted illustrating the viewpoint looking north and south from the Echo Drive intersection. He said that these photographs were taken closer to the travel lane than the driver of a vehicle would be located when they are stopped at the stop bar. Thus, the sight line distances would be less in reality than they would appear to be in the photographs. He said that much of the green space would be removed as part of the installation of the bypass lane.

In response to a question from Mr. Hutchison about the need for the proposed bypass lane, Mr. McMahan said that the Connecticut Department of Transportation apparently believes that the bypass lane is needed for this project due to its density, but if this was just a single-family home, a

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bypass lane would not be required. Mr. McMahon added that queuing of cars and inefficient traffic flows are also D.O.T. priorities.

Mr. Conze said that he had concerns about the maintenance of the storm drainage system and about the financial feasibility of this project. If the project is not financially viable, then the maintenance of the drainage system would be one of the first things that would be eliminated from the budget.

Bernie Adler, licensed Professional Engineer in the State of Connecticut, explained that he has been a traffic consultant for more than 40 years, and was retained by neighbors of the proposed project. He said that his concerns with this application are not the capacity of Hoyt Street to handle the additional traffic load, but the safety aspects of this project. He said that his firm had been granted permission from the Connecticut Department of Transportation to install traffic counting devices on Hoyt Street for a week prior to Thanksgiving. At that point they measured approximately 10,200 vehicle trips per day in this area. He said they also measure the travel speed of vehicles. He said that although the area is posted as a 25 mile per hour zone, the 85<sup>th</sup> percentile of travel speed was 39 miles per hour in the northbound direction, and 40 miles in the southbound direction. He said they performed traffic counts on November 18 and November 23, 2010. He said that the backup of vehicles on Hoyt Street extended from Middlesex Road in a northerly direction for approximately 1,700 feet. He mentioned that during peak times, this queuing lasted more than 6 minutes. He said that the subject property is approximately 1500 feet north of Middlesex Road, and therefore, the queue extends past the subject piece of property.

Mr. Adler said that the sight line distances from Echo Drive are only about 120 feet, if a vehicle is properly stopped at the stop sign, and about 220 feet if the driver noses out to the edge of the travel lane. He said that for a 40 mile per hour traffic road, sight line distances of 305 feet are necessary to provide adequate safety.

Mr. Adler said that he attended the Department of Transportation meeting organized by the neighbors and specifically questioned why the bypass lane was required. He said that that in general, the bypass lane is not required by standard warrant and the D.O.T. determined that there was not a need for a designated left turn lane, or for a second full lane. He said that the proposed bypass lane does not meet the Department of Transportation's standards for creating a bypass lane. He was told at the meeting by the D.O.T. officials that the D.O.T. standards for bypass lanes are more like guidelines, even though such standards set forth minimum distances for such lanes. He said that if he was designing a bypass lane, it would need to be much longer than the one being proposed. He said that no survey information was provided, thus, he does not know if the required bypass lane would even fit within the state's right of way, and there is no way of knowing whether the D.O.T. will require further modifications of the design.

Mr. Adler said that constricting the Echo Drive intersection will have negative safety aspects. Mr. Spain said that no details were provided north of Echo Drive even though the bypass lane would, if designed to meet D.O.T. standards, extend beyond Echo Drive. He wondered if the D.O.T. had even visited the site before acting on the application. Mr. McMahon said that he specifically asked the D.O.T. officials, who said that someone from D.O.T. had visited the site as part of their analysis. With respect to the photographs taken in the Echo Drive area, Mr. Adler said that the standard sight line is measured from three and a half feet above the pavement level, which would correlate to the approximate height of the driver's eyes, and is taken ten to fifteen feet back from the stop sign to

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correlate to the location of where a drier would be sitting. He said that the distance from the travel lane to the sidewalk is now approximately four feet. If a bypass lane is constructed, the relocated sidewalk would not be separated from the southbound traffic using the bypass lane, and that such traffic could be traveling at approximately 40 miles per hour. He said that that is a great concern and a serious safety issue. Mr. Adler said that access into the site is another issue. He said that large delivery trucks proceeding northbound on Hoyt Street will need to turn into the site's exit lane, in order to enter the property. He said that this would also be a problem for senior drivers. He said that trucks exiting the site would need to go into the entrance drive in order to properly turn right.

Mr. Adler said that the Traffic Statement submitted by the applicant is sketchy and that in any situation like this, he would recommend a more thorough traffic study due to the safety concerns. He said that the traffic counts conducted near Thanksgiving did not account for the traffic that is generated in the summer months by the Middlesex Club, a nearby social / swim club that operates during the summer months. He said that seniors entering or exiting the site need more "gap" time in the traffic in order to get out in to the traffic flow. He said that there are many insufficiencies regarding the submitted plans and that he has never seen a State permit approval like this. When asked if a bypass lane would be used as a second lane during traffic backup times, he indicated that it might be, therefore there would be a merging problem farther down the road. He also noted that creating a wider paved surface and an additional lane like this bypass lane, makes it more difficult for people to safely cross a wider street. He said that the Traffic Statement submitted recently contains no discussion of crosswalks at this site or in nearby areas. He said that he is not sure that seniors living in this type of project would venture to cross this wide street and that they would be more likely to take a casual walk on the site. Mr. Spain said that he visited the site the Tuesday, Wednesday, and Thursday after Thanksgiving and saw the back up of traffic in the morning and the afternoon when he visited. Mr. Adler said that the morning traffic backup is longer than the afternoon backup.

Mr. Conze noted that it might be necessary to continue this public hearing. Mr. Ginsberg said that if a continuation is needed, it would probably be scheduled for January 18 or 25 because January 4 and 11 are already full. Mrs. Stefanoni consented to an extension of the statutory time period to allow the public hearing to continue on January 18.

Mr. Gene Coyle of 15 Echo Drive, said that he has lived next to the Middlesex Club for approximately 35 years. He said that the area around his house is within a flood plain and at times, his lawn has been washed away. He is very concerned about the proper management of storm water runoff from the subject property, because it may affect downstream property owners. He said that the sightline coming out of Echo Drive is already limited. He explained that although 85% of the traffic on Hoyt Street is traveling at 40 miles per hour or less, it only takes one motorist driving 60 miles per hour to do lots of damage. He said that, as a senior citizen, if these units cost approximately \$600,000, he would not move into one of them. He said that he hopes that the application is denied.

Joe Cugno, an architect, said that he practices from Greenwich to Fairfield, and had already submitted a letter in opposition to the application. He said that the proposed building lacks buffers and separation from property lines and provides no recreation space. He said that it ignores the needs of the would-be residents and has major flaws in the design. He said that any architectural design needs to be sensitive to the site, and this is not. He said that the trees to be planted should not

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be planted right against the property line, as shown in the submitted plans, because as much as 50% of the vegetation will overhang the property line. He said that as the trees mature, they get closer to the building, thus limit emergency access. He said that this is a massive building, located too close to the property lines. Even if the building is sprinklered, the sprinkler system will slow down a fire, but the fire could spread to other units and to the property to the south because the building would be so close. He said that a project like this would ruin the residential neighborhood and reduce neighboring property values.

Richard Windels explained that he had been a Darien resident for 59 years and is president of the "Friends of Goodwives River". He agrees that Darien needs senior citizen housing, but he is opposed to this project because of two environmental issues. He said that in all likelihood, the development of this density will have an adverse impact of the natural qualities of the Noroton River based on the density of the site, the concentration of storm water runoff, the reduction of water quality, and any water flow eventually goes through the Department of Transportation drainage system in Hoyt Street, which is already inadequate environmentally. Various environmental groups submitted letters of opposition to this project, although many are reluctant to get involved in local zoning issues.

Mr. Windels explained that the plans have many discrepancies including lack of transformer and generator, and the proximity of the stone walls to property lines. He said that approximately 93.7% of the site would be covered by impervious surfaces, and, if the added impervious surface of the street widening and relocation of sidewalk is added in, then more than 100% of the area of the lot would be covered by the impervious surfaces required by this project. He explained that based on the many aspects of the application that are deficient, it almost seems that the applicants are expecting to be denied and then to go to court to get a judge to approve the project. He said that he would be submitting a 179 page report regarding Holly Pond and its water quality. He said that the applicant's strategy seems to shift jurisdiction away from the Town to the D.O.T. and the judge. He said that he shared the concerns expressed by Brian McMahon regarding the drainage system and other site development aspects. He said that there is a lack of on-site parking spaces to accommodate for extra parking needed for special events and activities that would normally be associated with a residential use. He submitted his letter and attached letters from many others who are concerned with environmental protection issues. These letters were submitted to the Director of Planning, Jeremy Ginsberg.

Dot Kelly said that she is a resident in that area and is admittedly not familiar with the details of CGS Section 8-30g, but noted that the town has recently acquired a moratorium regarding such applications. She said that the proposed development is much too dense and should be denied. She said that she has been involved in transportation, safety and environmental issues for many years. She is very surprised by the D.O.T.'s approval letter of August 2, because she has worked with the Department of Transportation and could not believe that this type of application was properly reviewed before it was acted on. She said that Map #136 of the Darien Land Records, which dates back to 1919, shows the Leeds Cemetery which is on Hoyt Street. Ms. Kelly said that she discussed the D.O.T. permit with Wayne Moadlo and Ernie LaGoja of the D.O.T.. They were clear that Town approval would be necessary in order to implement the D.O.T. approved plan. She said that the D.O.T. will require improvements to best accommodate whatever the town approves. Ms. Kelly explained that Mr. LaGoja did comment that if a four unit building had been requested by the applicant, then no bypass area or roadway improvements would probably have been required by

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D.O.T. Ms. Kelly believed that the density of the proposed development and 40 years of affordable housing units at this location are not worth the harm to be done by the implementation of the project.

Susan Cameron asked that this application be referred to the Sewer Commission for comment. Mr. Ginsberg said that the plan had been referred to the Environmental Protection Commission (EPC), but he had not yet received comments from the EPC.

Due to the late hour, the following motion was made: That the public hearing regarding this matter be continued at 8pm in the Darien Town Hall on January 18, 2011. The motion was made by Mrs. Riccardo, seconded by Mrs. Cameron, and unanimously approved.

There being no further business, the meeting was adjourned at 11:10 P.M.

Respectfully submitted,

David J. Keating  
Assistant Planning & Zoning Director

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