

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING/PUBLIC HEARING  
June 23, 2009**

Place: Room 206  
Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Conze, Spain, Hutchison, Finke

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat

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**GENERAL MEETING**

Chairman Conze read the first general meeting agenda item:

**Mandatory Referral #5-2009, Hoyt Street Partners. Hoyt Street/Wakemore Street.**  
Report Request for street improvements and sewer line extensions. *DEADLINE TO ISSUE  
REPORT: 6/26/2009.*

Commission members discussed the draft report. The following motion was made: that the Commission waive the process of reading the entire direct resolution aloud and adopt the draft report as submitted. The motion was made by Mr. Spain, seconded by Mr. Finke and unanimously approved.

**DARIEN PLANNING AND ZONING COMMISSION  
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT  
HOYT STREET PARTNERS, HOYT STREET/WAKEMORE STREET  
IMPROVEMENTS AND SEWER LINE EXTENSIONS  
June 23, 2009**

**Mandatory Referral #5-2009, Hoyt Street Partners. Hoyt Street/Wakemore Street.**

The Commission has reviewed the letter dated May 22, 2009 from Attorney Bruce Hill explaining the intent and extent of the changes to the sewer lines and the modifications proposed to the westerly end of Wakemore Street as it intersects with Hoyt Street. The detailed drawings and plans of the proposed work are illustrated in the application materials submitted with respect to a separate application previously submitted to the Commission and which is pending a decision. This proposal will create a new, primary entrance to the approved, but not yet constructed, Cedar Lane housing development that will contain 62 dwellings. The original plan, which was approved on October 9, 2007, was to have the Cedar Lane access directly to/from Hoyt Street, but the Connecticut Department of Transportation has not permitted that access location due to its proximity to the railroad track crossing of Hoyt Street. The revised main entrance to the Cedar Lane development is now proposed to be from Wakemore Street.

The Commission notes that the grade of the westerly end of Wakemore Street is currently very steep, approximately 12%. The proposed realignment and reconstruction of that portion of the

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street would result in the grade being approximately 5% near its intersection with Hoyt Street. Although this new design will not comply with the design requirements for a new street, it will be a substantial reduction of the steepness of the grade and will be a significant improvement with respect to safety.

The proposed modifications to the street are consistent with the policies found on page 4-3 within the Traffic and Transportation chapter, and the Recommendations found on page 4-4 of the same chapter within the recently-adopted 2006 Town Plan of Conservation and Development. This proposal for storm sewer improvements is also consistent with the recommendations on page 3-9 of the Environmental Resources chapter of the Plan.

Overall, the proposal is consistent with the 2006 Town Plan of Conservation and Development and town policies.

### **PUBLIC HEARING**

Chairman Conze read the first Public Hearing agenda item:

**Continuation of Public Hearing regarding Land Filling & Regrading Application #207-B, William & Rose-Marie Shanahan, 58 Sunswyck Road.** Proposing to fill and regrade in association with the construction of a new residence and pool, and perform related site development activities. The subject property is located on the east side of Sunswyck Road, approximately 650 feet south of its intersection with Tory Hole Road, and is shown on Assessor's Map #62 as Lot #22-1 in the R-1 Zone. *PUBLIC HEARING OPENED ON MAY 26, 2009. DEADLINE TO CLOSE PUBLIC HEARING IS: JUNE 30, 2009.*

Attorney Wilder Gleason explained that the regrading is to accommodate the house and swimming pool under construction. He said that the high point, or the ridge line, of the ground is adjacent to the house being constructed. Most of the regrading is on the Scott's Cove side (the east side) of the ridgeline. No storm water flow from the proposed house or regrading will flow toward the Rodgers' property, to the south, or toward Delafield Island Road, to the west. Attorney Gleason says that as he understands it, Mrs. Rogers is concerned about the driveway area on the west side of the site and adjacent to Delafield Island Road. There is an existing drainage problem in that area because the existing 6" (six inch) diameter pipe is too small and easily gets clogged. Attorney Gleason said that the applicants, Mr. and Mrs. Shanahan, are actively working with their neighbors and the homeowners association that owns the private road to solve this drainage problem at the applicants' expense. At their expense, they will install a new inlet structure to be built with proper screens and filters to minimize debris from getting into the pipe. An alternative is to install a catch basin near the road and then a 15" (fifteen inch) diameter pipe into the wetlands. That work will require a permit from the Environmental Protection Commission (EPC). They have already received EPC staff approval for the cleaning out of the pipe and installing a small grate to catch debris and they have applied to the EPC for a formal permit to install the larger pipe to the wetlands. They have received verbal approval from the Homeowners Association Road Committee and hope to get written permission to do that work within the street right-of-way within the near future. Attorney Gleason said that the work involving the clogged 6" diameter pipe or the new catch basin near Delafield Island Road are not related to the pending application before the Planning and Zoning Commission, which involves regrading adjacent to the swimming pool and house.

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Attorney Amy Zabetakis represented Patricia Rogers and said that she was pleased that a resolution of the drainage problem has been worked out. She said that that maintenance of that drainage system should be a condition of the Planning and Zoning Commission approval, and it should also be a condition of approval that the applicant obtain written confirmation from the Delafield Island Association before doing any work within the street right of way. She said that the driveway to the Shanahan site is a shared curb cut between the Shanahan property and the Rogers' property. She is very concerned that this would be turned into a truck turn around area. She said apparently it has been approved by the EPC, but has never been approved by the Homeowners Association. She said one of the problems is that the applicant keeps on changing the plans, and this has been very confusing to the neighbors. She said that if there are any further changes, the applicant should be required to provide notice to the neighbors.

Attorney Gleason said that the pending application before the Planning and Zoning Commission involves work on the east side of the house and has nothing to do with the driveway. He said that it would not be appropriate for the Planning and Zoning Commission to condition the regrading permit for the east side of the property on work that may or may not take place on the west side of the site. He said that the project on the west side of the property is subject to an EPC permit application which is pending for July 1.

There being no further comments or questions, the following motion was made: That the Planning and Zoning Commission close the public hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mr. Finke and unanimously approved.

Chairman Conze read the following agenda item:

**Land Filling & Regrading Application #145-B, Gene Sykes, 5 Homewood Lane (formerly known as 14 Cross Road).** Proposing to construct a swimming pool, terrace, spa, pool house, with associated retaining wall and steps, and perform related site development activities. The subject property is located on the north side of Cross Road at the northwest corner formed by its intersection with Homewood Lane, and is shown on Assessor's Map #65 as Lot #3, R-1 Zone.

Ed Figura represented Mr. Sykes and explained that the application involves some regrading of the ground around the house and a proposal to make a series of level lawn areas stepping down from the house toward the road. They will also be building a swimming pool, spa and terraces. Each terrace will be an approximate 3 foot change of grade and they will use boulder retaining walls to accommodate the different terrace levels. A drainage system has been designed to handle the increased amount of run-off caused by the creation of impervious services. Mr. Figura noted that there is no work proposed within the flood hazard area and no work proposed within the regulated area surrounding the wetlands. He said that a previous approval to accomplish much of the same work had been obtained, but was never implemented, and has since expired. He said that the major change between the previous plan and the current application is the inclusion of a spa, or hot tub, area. In response to questions, Mr. Figura said that the existing septic system is located down slope of the swimming pool and approximately 26' (twenty six feet) away from the pool.

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There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mr. Finke and unanimously approved.

At about 8:30 p.m., Chairman Conze read the following agenda item:

**Special Permit Application #255/Site Plan Application #270, Land Filling & Regrading Application #227, 333 West Avenue Associates, LLC, 329-333-339 West Avenue.** Proposing to merge five properties and construct eight single-family residences in a “Single-Family Open Space Development” with associated drainage, open space, and parking areas, and perform related site development activities. The subject properties are located on the south side of West Avenue approximately 185 feet west of its intersection with Patton Drive, and are shown on Assessor’s Map #48 as Lots #37, #38, #39, #41, and #42, in the R-1/3 and R-1/5 Zones.

John Hertz represented the applicant and stated that he lives at 609 Hollow Tree Ridge Road. Mr. Hertz explained that they propose to construct 8 single family houses within a development specially designed for the 1.86+/- acre site. He said that they will be utilizing the Single Family Open Space Regulations, recently adopted by the Planning and Zoning Commission. He noted that they have distributed information packets to approximately 130 neighbors and that the applicants understand that major concerns of the neighbors include: storm water management; traffic and the new driveway; whether sidewalks should/will be provided; the existing condition of the property; impacts on the neighboring properties; and the right of way located adjacent to the site. Mr. Hertz said that in the discussion, some of the neighbors were in favor of the application because they understand that the new 8 single family residences will improve the neighborhood.

Attorney Wilder Gleason explained that revised plans had been submitted on Friday, so that they could be distributed to the Commission in preparation for the meeting. He also submitted revised architectural plans dated June 23, 2009. He said that this is the first application under new single family, open space development regulations and that the project equals or exceeds the minimum requirements of that new regulation and of the underlying single family residential zones. This is the first residential development that has a maximum impervious surface area limitation. Attorney Gleason said that although the proposed development is located in the R-1/5 zone, that normally requires a minimum 8 foot side yard setback requirement, and therefore could result in new houses being built sixteen feet apart from each other, the shortest distance between any neighboring house and any of the proposed houses is 50 feet. He also noted that although the application was submitted prior to the effective date of the town’s new drainage regulations (Section 880 of the Darien Zoning Regulations) the applicant has designed the plan to meet or exceed all of those new requirements. He said that each of the new single family houses will contain two bedrooms, with an option for a third bedroom in each dwelling. He said that there will be a private deed restriction that prevents and of the dwellings from having a fourth bedroom. He said that the number of dwelling units allowed on the proposed project is 4.3 buildings per acre. In the surrounding neighborhood where there are 4.7 dwelling units per acre (even if the street right of way is included in the gross acreage calculation). If the street right of way acreage is not included in the latter calculation, then the density of the existing neighborhood is even higher.

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Attorney Gleason said that the proposed eight single family house development will have two relatively narrow curb cuts along West Avenue. The common driveway serving the houses will be only 15 feet of pavement in order to discourage parking on or along this common driveway. There will be no access to or from Patton Drive. Much of the open space area is located between the proposed development activities and the houses on Patton Drive. He said that they do **not** have an option to purchase the easement from this site out to Patton Drive, and that the applicant could not object to a provision in any approval which stated that by completing this project, the applicants had abandoned the right-of-way.

Attorney Gleason explained that the proposed development meets or exceeds all the requirements set forth in the new zoning regulations allowing for single family open space developments. Approximately 37.5% of the proposed site would be impervious surfaces (driveways, terraces, roof area, decks, etc.). In the surrounding neighborhood; approximately 41% is covered by impervious surfaces. He also noted that the proposed houses would have less floor area than would be allowed by the underlying single family residential zone. He said that there would be a storm water bio-retention basin on the east side of the site to accommodate the storm water run off that already flows through the property and the additional storm water runoff created by the new impervious surfaces. Each dwelling will have a minimum of two parking spaces that will be within their own garage. An additional two cars could park within the driveway leading to each garage (although these areas do not officially count as a parking space) and additional off-street parking is provided on the site to accommodate guests or parties and large gatherings. He said that a total of 34 on-site parking areas are provided within the development for 8 houses, if one were to include areas in the drive and access areas.

Attorney Gleason said that in accordance with the new regulations, they have applied to the Architectural Review Board (ARB). He submitted a letter of approval, indicating that the three styles of houses were acceptable to the ARB and that the proposed development would be appropriate within the single family neighborhood. He said that each of the three houses along West Avenue will be of different designs so that there will not be a project, or a cookie-cutter development appearance. The use of different designs will create a diverse architectural style to emulate the single family neighborhood, and therefore they will be satisfying requirements of section 1052.7 of the regulations. Attorney Gleason said that none of the houses will have basements. Houses 6, 7, and 8 will have crawl spaces, but the slab of the crawl spaces have been designed to be at or above the ground water level, so there will be no need for sump pumps.

Attorney Gleason said that the storm water drainage system has been designed to reduce the existing ponding problem that has been experienced on the site and to reduce the peak volume of runoff for various design storms. The overflow from the storm water detention system will connect to the town's storm drainage system in West Avenue. He said that as a condition of approval, the applicant needs the Planning and Zoning Commission to require that connection because the Public Works Department will need confirmation that the plan is acceptable to and approved by the Planning and Zoning Commission.

Attorney Gleason noted that the traffic report had been submitted. The traffic consultant sees no trouble or problems to be created by the additional traffic generated by 8 single family dwellings. Attorney Gleason said that the Fire Marshal's comments have been received and reviewed. He said that the Fire Marshal finds that the emergency access into the site is adequate.

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Landscape Architect, Victoria Landau, said that substantial landscaping will be installed on the site to provide screening and privacy. Approximately three times as many trees will be planted, as well being removed. The open space plantings will enhance the existing conditions rather than having the overgrown and untended vegetation that is there at this time. The meadow mix to be used in the storm detention area will grow to be about 36" high and will be mowed two times annually so that it will remain hearty and trees will not grow in the area. She noted that White Pavers will be used to minimize heat buildup. Each house will have a rain garden area so that storm water runoff from that house can drain into a specified location. Water from the raingarden areas would then proceed into the storm drainage system under the driveway and then to the bio-filter storm water retention area. She said that six street trees would be planted along West Avenue and they would be set back from the street edge to avoid conflicting with the existing overhead wires. Shrubs would surround each house and there would be a lot of vegetation and/or gate along West Avenue for each of the houses.

Chris LaVigna, the project architect, reviewed the architectural plans for each of the houses; he noted that no garage doors will be facing the neighbors across West Ave. He said they have created varied designs on the outsides and within the buildings so that each will be different. They will be using classic New England styles and materials for each of the small to moderate-sized houses. He said each will have fixed attic stairways for easy access to the storage area in the attic and for possible finishing of a portion of the attic space within each house. He noted that each house is designed with two bedrooms, but could have a third bedroom if the buyer wishes to have one. He noted that the first floor of each building is approximately 22" above grade. There are three styles of houses, a colonial design, a gambrel design, and a Victorian style. He also noted that each house is designed so that it can easily be modified to accommodate an interior elevator in case handicapped accessibility to the second floor is needed.

Ted Milone, professional engineer from Redniss & Mead said that the drainage design has taken into account the existing drainage problems in the area. He said that they have used very conservative design criteria to make sure that there will be no negative impacts on any of the neighboring properties. He said one of the assumptions is that the existing site was classified as an open meadow and therefore, they did not take into account that there had been 9,000 square feet of impervious surface on the site. He said that they ground water level was monitored for the months of February, March, and April in 2009 to determine the likely ground water level.

Mr. Milone said that best management practices will be utilized; these include the installation of rain garden areas for each house to handle the first half inch of rainfall. The existing large depressed area of the east side fills with water after a 2 year storm. Water from that filled area currently would proceed into the gutter along West Avenue. The proposed bio-retention basin to be located on the east side of the property will take the place of that existing depression. It will create a greater storage capacity and then will have a designated overflow pipe into the West Ave drainage system (rather than allowing the excess water to flow over land). He said that piping the water into the drainage system will not have any negative impact on the drainage system in the street. He said that the drainage design for the project increases the amount of water that will infiltrate into the ground and it reduces the amount of water that will be flowing within the gutter along West Avenue. The drainage system also reduces the peak rate of

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discharge from the site to offsite areas and reduces the water depth to be retained on the site. Mr. Milone reviewed the sediment erosion controls to be utilized on the site. He noted that the town had referred the plans to a private consultant (Tighe & Bond) for a peer review, and that Tighe & Bond had found no major problems. Mr. Milone said that the sanitary sewer connection will be made to the sewer lines on the south side of West Avenue. The sanitary sewer is of adequate size and capacity to handle the proposed 8 single family dwellings.

Mr. Milone said that the storm water bio-retention area on the east side of the site will drain dry within about 10 hours after the end of the rain storm. Mr. Spain said that the ponding does not seem to go away that quickly now and wondered why the water does not infiltrate into the ground. He said that the design seems to be based on the premise that the water will infiltrate into the ground. Mr. Milone said that the water does not have an overflow out until it reaches the height of the weir, and then only after a two-year storm, or greater. Mr. Spain asked how deep the water would get, and Mr. Milone responded that it would get to be a maximum of 3 or 4 feet deep from the bottom of the storm water retention area to the top of the weir. (He later corrected this to 2.3 feet – see page 11). Mr. Milone said that the pervious pavement technology will be used for the common driveway construction, yet they have not taken engineering credit for, nor factored it into, the drainage calculations. They have assumed that all the runoff will go directly into the retention basin. The runoff will go from the west and south, through underground pipes, to the northeast portion of the property.

Mr. Milone explained that surface drainage in the site is designed to flow towards the center of the property, where it will then go into a catch basin and into an 18” diameter pipe, directed to the retention area. Mr. Spain noted that if there will be 3-4 feet of water depth in the retention area, it could stay in that area for as much as 24 hours. He thought that this could be a potential safety hazard. Mr. Gleason said that a fence could be installed around the retention area if the Commission feels that it is necessary. Mr. Spain said that the retention area might be a safety issue because it is an unknown hazard due to the fact that it is not normally filled with water, but would fill only in storm situations.

Attorney Gleason noted that the traffic consultant was present to answer any questions that the Commission might have. There were no questions about traffic issues. Attorney Gleason said that the lights on the eight houses will be ordinary porch lights that are found on typical single family residential structures. There will be no street lights on the common driveway, and no bollards illuminating pathways or walkways. He said that the houses have been designed so they will not include any spotlights shining towards any neighbors. Attorney Gleason explained that the application meets or exceeds all the requirements for approval.

John Hertz said that he has been building homes in the area for over 26 years. He said that these 8 single family residences are designs for, but not limited to, people who are downsizing from a larger home and want to avoid having to do major maintenance work on a routine basis. He said that the houses are designed to be “green”. In the fact, they will have heavily insulated windows, heat pumps, super insulation packages, light colored roofs and patios to avoid heat absorption, rain gardens and other environmentally sensitive features. He said that the fact that there will be 8 homeowners, forming a private association under condominium ownership, means that the association will handle the maintenance work on all of the common elements, such as the outside of the buildings and the common landscape areas.

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Joe Canas, professional engineer from Tighe and Bond, explained that he is a consulting engineer retained by the town to analyze the drainage study that had been submitted by the applicant. He referred to his June 15, 2009 letter which contained 10 comments. All of those comments and issues have satisfactorily been addressed by the applicant. He said that there is a June 23, 2009 follow-up letter, indicating that all the issues have been addressed. Mr. Canas said that the applicant has proposed the use of a porous paving material, not the standard paving. The porous pavement leaves out the fine materials within the pavement mixture, thus allowing water to drain through the pavement. He said that this new porous pavement design allows water to move through the area more slowly than if it was standard pavement. He said that winter freezing is not expected to be a serious problem with the porous pavement. Mr. Spain asked about the impact to the water table. Mr. Canas said that he does not foresee any measurable impact on the water table due to the use of porous pavement or the impervious surfaces, such as the roof areas. He said that fencing around the retention area should be considered because the side slopes of the retention area are not gentle slopes that would allow someone to walk into or out of the retention area very easily.

Public comments started at about 9:45 p.m. Robert Marciano, from 322 West Avenue, said that the proposal is not impacting just this one neighborhood, but is impacting other areas as well. His main concerns are the zoning issues from the density created by the proposed development. He said the flooding is pandemic in the community and that adding more runoff water would be making an existing problem area even worse. He said that the Supreme Court has ruled that municipalities are financially responsible for flooding problems caused by subdivisions.

Linda Saverine Santarella, of 341 Rear West Avenue, said that she is disappointed that the Commission had previously approved the amendment to the Zoning Regulations that would allow this type of development. She said that she was glad to hear from the applicant that there would be no floodlights. Mrs. Santarella said that she did not like the proposals to have a fancy sign indicating "Westerly Court" which is the name of the project. She is particularly concerned about the landscape buffering, especially between her house and the two proposed nearest houses. She said that there are no sidewalks on the south side of West Avenue, and she questioned whether a new sidewalk should be provided across the front of this new development. She did not believe that a sidewalk in front of the proposed project would be necessary. She also noted that transformer units should be carefully located and screened, as should air conditioning compressors. She mentioned that HVAC units in a front yard are problematic. She did ask how tall and big the houses would be.

Ruth Swetye said that in the letter from the applicant to the neighborhood, it was noted that there were five properties on which three houses once stood. Now they have proposed to create one large lot and eight houses. She believed that in reality, there were only four properties because some of the land was not developable, and some of the land that is to be designated as open space will actually be a cesspool. She said that the eight new houses will each be double in size compared to what was there before, and that the eight houses will be on what is really four lots. Those eight houses will be squashed together. She said that open space and development are not compatible terms, and that the Commission should say good-bye to any real open space. She said that there is no doubt that the open space will be eliminated, and that many of the homes in the area are small houses like hers, which is 800 square feet in size. She said that the

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development should be reduced from eight units to four units to truly preserve some of the developable land and to save the remainder of the land as open space. She said that the storm water retention area will really be like a cesspool that will be smelly standing water, and will be unsightly.

Mrs. Swetye questioned whether the new houses would really be for people who are downsizing or whether they would truly be family homes. She said that the school system already experiences overcrowding as evidenced by the fact that there are two portable classrooms at the Holmes School, and they might need another portable classroom next year. She said that she also does not want signage in the neighborhood because it would be inappropriate. Mrs. Swetye said that the applicant claims that 30% of the land would be left as open space, but it is already undevelopable land to begin with. She also noted that approximately 45% of this so-called open space would be the cesspool/retention area. She said that the water that already collects on the east side of the site is greater than ankle deep even after a rainstorm ends.

Mrs. Swetye criticized the traffic report, noting that the placement of the traffic counting devices failed to count cars that cut through Patton Drive to avoid the back-up at the traffic light located at the intersection of West Avenue and Hollow Tree Ridge Road. She said that traffic already backs up on the street. She also noted that the creation of a one-way street or common driveway is a hazard because people do not know which way the traffic flows. She said the proposed development will negatively impact traffic and the school system, and that there is already an 80-unit development on a nearby site. The neighbors are counting on the Commission to protect the neighborhood.

At about 10:25 p.m., Maureen Meehan of Oak Park Avenue explained that she is opposed to the project because it would not be in character with the single-family residential neighborhood that involves just one house per lot. She said that this is not a condo-complex type of neighborhood, nor is it a neighborhood of oversized lots. She said making eight houses on one lot is not in character with the neighborhood, and the result would be doubling the density on these four lots. She said this is not acceptable.

Mrs. Meehan said that when the AvalonBay project on Hollow Tree Ridge Road was proposed, it was promised that there would only be 10 school children attending the Darien Schools. In reality, there were 30 school children enrolled from the AvalonBay project. She claimed that the storm water calculation submitted by the engineer should not be trusted. She pointed to the fact that the Middlesex Middle School addition resulted in residents on Oak Park Avenue having to install sump pumps because they were getting water in their basements for the first time. She said that based on such experiences, the Commission should not believe the claims made by the drainage engineers. She noted that the sewers backed up into her house in April of 2007, and there has been no resolution of the problem since that time. She said that drainage has gotten significantly worse due to all the development activity that has occurred, and that the neighborhood is now being asked to accept too much development activity. She said that the schools are already overtaxed, and that Royle School and Holmes School are too full. Mrs. Meehan said that the removal of trees reduces important buffers located between the neighborhood and the railroad tracks and Turnpike area. She said that traffic is already bad in the Noroton Heights neighborhood, and that West Avenue is a cut-through when the Turnpike is

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backed up. She said that the burden should not be borne by the neighborhood for the benefit of the developer.

Michael Kadish of 4 Robinson Street said that there will be problems due to the unstable water table. He said that if the project is approved, the Commission must better enforce the street regulations. He noted that when 400 West Avenue was developed, it resulted in the street being uneven and now poses a danger.

Sean Stevens of 17 Oak Park Avenue said that the rules should not be changed to circumvent the typical requirements of the Regulations that are applied to all other people. He said that he has had to retrofit two sump pumps into his crawl space due to water problems created by other development activities. He questioned what the Town would do about the fact that the infrastructure of the neighborhood, the storm sewer pipe in the road, and the existing road are already problematic. He questioned how construction trucks will be handled on the site and not be parked along West Avenue or other side streets. He said that traffic is already bad at peak times in the morning. He noted that it is frequently difficult to get out of Oak Park Avenue onto West Avenue because of the high volume of traffic using West Avenue. He said that the proposal should not be approved because they are trying to put too much onto a site and the amount of development will not fit.

Mrs. Kratochvil of 4 Brown Street said she has lived in the neighborhood for 18 years and is totally opposed to the plan. She said that the development proposal is built on assumptions that are inaccurate. She said that her house has 1700 square feet, and the proposed new houses would be bigger than the typical small houses in the neighborhood. She said that the Commission should not be fooled by the use of the term "bio-retention basin". She said that this low, wet area will actually be a swamp. She said that due to other activities, her basement is now regularly wet and she has had to install a sump pump. She said that when the engineering assumptions don't work out, the developers will be long gone and the neighborhood and the neighbors will have to deal with the burden of the problems.

Bob Stelben said that the developer claims that the construction of eight new homes will be an asset to the community. He disagrees and feels that the eight new homes will not be better for the community compared to three or four homes that would normally be allowed.

Mrs. Kristensen of 365 West Avenue said that she is opposed to the application because it will negatively impact the neighborhood. Marian Martinelli of 305 West Avenue said she is opposed to all the changes in the Regulations and to the proposed development.

Mrs. Stewart of 348 West Avenue said that she has a stream that runs through her property and that flooding has occurred in the area after the Avalon project was built on the south side of the railroad tracks. She said that she is very concerned about the drainage problems that will be created or made worse by the proposed eight house development. She said that the drainage problem has gotten worse over the past 30 years that she has lived at the site.

Ellen Corneliusen of 7 Oak Park Avenue said that she is very opposed to the development because there will be too many homes sharing one access driveway and one site. She noted that the groundwater monitoring was conducted in February, March and April of 2009 when it was a

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very, very dry spring. She said that the engineers do not actually know the real extent of the groundwater conditions because of the inaccuracies of the study. Project engineers do know, however, that groundwater is a problem, and that's why they have designed each of the houses to avoid having a basement. She also said that she is afraid that parking for the development, or guests of the residences, will park on Oak Park Avenue.

There being no further comments from the public, at about 10:55 p.m., Mr. Hertz responded to several of the questions that had been raised. John Hertz said that the signage involved would be two small plaques to be located at pillars at the entrance driveway. One pillar would say "333 West Avenue", and the other pillar would say "Westerly Court". He explained that there would be one air conditioning per house, and that they will be high-efficiency, quiet units that will be well screened. The transformers will also be landscaped and screened so that they will not be very noticeable. Mr. Hertz said that the buildings would be 26-29 feet in height. (30', thirty feet is the maximum allowed by the Zoning Regulations.) Each unit will be approximately 2400 – 2500 square feet of finished first and second floor, and will have space in the attic that will be designated for storage, but some of that storage space in the attic could become finished area. With respect to the street, he said that the maintenance of the existing street is fairly simple, and he is very experienced with such activities. He said that the street needs to be patched properly, and he agreed that if any problems do occur, he will address those issues. He said that the property is still in the R-1/3 and R-1/5 Zones, and that the change to the Zoning Regulations is not spot zoning because it allows for this type of development any place within the R-1/3 and R-1/5 Zones provided several criteria are satisfied and a Special Permit is obtained from the Planning and Zoning Commission.

Mr. Spain said that something more akin to a standard street sign would be appropriate rather than the proposed pillars and brass plaques. Mr. Hertz said that would be fine if that is what the Commission wants. Mr. Gleason noted that they will need to post something about the street numbers in order to make sure that there will be quick recognition and easy access by emergency vehicles.

Mr. Hertz said that building a house of any sort is a "messy" process, and there will be noise and disturbance that occurs. He said when the houses are finished, and people move in they will love their homes just as the existing neighbors love their own homes.

Ted Milone said that he is aware of the drainage concerns that existed before he started the design. He has used a very conservative approach and utilized greater rainfall amounts in all of his calculations. He noted that the maximum depth of water in the storm water retention area would be 2.3 feet, not the 3-4 feet as previously stated. He said that the storm drainage system designed for this project, like any storm drainage system, will need to be properly built and properly maintained in order to function as designed. He explained that the retention area will drain within a 24 hour period, and that if any problems arise during construction, they will need to be figured out and corrected. He said that the under drain throughout the retention area will collect any water that does not percolate into the ground. He added that monitoring could be conducted to be sure that the entire drainage system does function properly. Mr. Spain asked how the monitoring or measuring will make sure that water is not just being passed through the system and put into the Town drainage pipes. Mr. Milone said that systems can be put in place

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to measure the depth of water within the drainage system during storm events. Mr. Gleason said that a maintenance condition could be part of the approval by the Commission.

Mr. Spain asked how the engineer knows that the Town drains in West Avenue and all of the downstream drains will be able to handle the flows anticipated as a result of the proposed development. He said that he understands that there is already a problem that this drainage system cannot handle the volume of water that presently flows to and through the system. Mr. Milone responded that he did a detailed analysis of the entire system to make sure that the new system that he designed on the site will reduce the peak flow going to the existing Town drainage system. Mr. Gleason said that there is a 36" pipe in West Avenue, and that drains toward Moore Street and Kelsey Street, and then underneath the railroad tracks and toward the Noroton River.

Mr. Gleason said that the timing of the discharge of water from the applicants' property is important because it avoids a surge or increase in the peak flow time. Joe Canas, consulting engineer from Tighe & Bond and consulting on behalf of the Town, said that his analysis concurs that it appears that the capacity of the downhill drainage system will be adequate to handle the runoff water. Mr. Gleason said that the pipe at Kelsey Street is already inadequate, and is already a problem due to a step up at the invert to that pipe. He said that it is a 54" diameter pipe, and it should be a 60" diameter pipe. Mr. Milone said that the West Avenue drainage system can handle the flow of water for a 25 Year Design Storm, but a storm that is more severe than that causes problems for the system.

Joe Canas said that the field testing conducted by the applicant of the permeability verifies that the soil is permeable enough to achieve the infiltration rates that are anticipated. He said that tests can be conducted on the water table again to account for the heavy rain conditions that we have experienced in June and to account for the light rain conditions that were experienced during February, March and April.

Jay Fain, the soil scientist for the applicant, said that the engineer has used a "belts and suspenders" approach to design the storm drainage system. He said that the storm water retention area will not be a swamp with standing water, but it will have a damp bottom so that the vegetation in that area will continuously grow, and it will not be a dry, barren area.

There being no further questions or comments, the following motion was made: That the Planning and Zoning Commission close the Public Hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mr. Spain and unanimously approved.

Due to the late hour, the Planning and Zoning Commission decided to defer the General Meeting, and will conduct that business at a meeting on a different date. There being no further business, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

David Keating  
Assistant Director of Planning