

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING  
FEBRUARY 23, 2016**

Place: Room 206

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Voigt, Cunningham, DiDonna, Sini, Jr.

STAFF ATTENDING: Ginsberg  
RECORDER: Syat  
Channel 79

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Secretary and Acting Chair Voigt opened the meeting at 8 P.M. and read the first agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Proposed Amendments to the Darien Zoning Map (COZM #1-2016) and Proposed Amendments to the Darien Zoning Regulations (COZR #1-2016), put forth by Parklands Office Park, LLC.** Proposal to modify the Darien Zoning Map.

The subject properties proposed to be rezoned are:

- Parklands Office Park (#1 and #3 Parklands Drive) - shown on Assessor's Map #35 as Lot #34 - which is proposed to be rezoned from DOR-5, R-1/2 and R-1 to be entirely DOR-1. Parklands Office Park is property 7.9+/- acres in size generally located between the I-95 northbound rest area and properties on the westerly side of Fairmead Road. It is located at the end of Parklands Drive approximately 400 feet south of its intersection with Old Kings Highway North; and
- A portion of State of CT DOT I-95 right-of-way and a portion of the adjacent northbound rest stop property (#1 CT Turnpike East) - shown on Assessor's Map #35 as Lot #36 - which is proposed to be rezoned from DOR-5 to DOR-1; and
- A portion of the Fairmead Road right of way south of #23 Fairmead Road which is proposed to be rezoned from DOR-5 to R-1. This portion of right-of-way is 0.13+/- acres in size and shares its northerly point with the southerly point of #23 Fairmead Road and is 26+/- feet wide and 281+/- long.

Proposal to modify the Darien Zoning Regulations to: modify the definition of Assisted Living Facility (ALF) and to permit senior living facilities in the DOR-1 and DOR-5 zones and make other regulation changes to allow the adaptive re-use and expansion of an office building to be used as an Assisted Living and Memory Care facility (Modifying Section 210 and Sections 701, 703, 705, and 706). *PUBLIC HEARING ORIGINALLY OPENED 1/26/2016.*

Professional engineer Craig Flaherty of Redniss & Mead was present to discuss the application. He distributed a one page application summary, and then outlined the proposed zoning map amendment and zoning regulation amendment. He summarized the Regulation changes by noting that they propose to make adjustments to the standards. These include allowing some finished space in the basement and allowing for an increase in Building Coverage.

Mr. Flaherty explained that the regulation amendments regarding the open space make sense in this context. He said that 8,300 square feet of the proposed open space would be the existing lake.

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Some of the proposed open space would be EPC-regulated area. Protected open space would be created. They are not changing the 50% impervious coverage limit now in existence. The open space requirement as part of this regulation amendment was then read aloud. Mr. Voigt asked if they were to not count the 8,300 square foot lake as open space, what would that leave them with? Mr. Flaherty then distributed a one-page sketch and noted that they have extra parking along the driveway on the plan, which would not be constructed, but could be designated as protected open space. So the plans for the building would not be affected, even if the lake is not counted towards the required open space.

Mr. Voigt then opened the hearing up for questions from the general public. Mr. Manohar Pasumart asked why they are proposing to rezone part of the Fairmead Road right-of-way as part of this application. Mr. Flaherty responded that it is proposed to be rezoned from DOR-5 to R-1. Mr. Flaherty then referred to the submitted proposed zoning map of the subject area, and showed that this area at the end of Fairmead Road is now surrounded by R-1 Zoning. He also mentioned that because the sliver to be rezoned is so small, it would have no practical effect of changing it.

There were no further comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. DiDonna and unanimously approved.

At about 8:20 p.m., Secretary Voigt then read the following agenda item:

**Continuation of Public Hearing regarding Proposed Amendments to the Darien Zoning Regulations put forth by John Hertz & Robert Wood (COZR #2-2016).** Proposing to modify Section 210 (Definitions) and Sections 540 to 550 (3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing) of the Darien Zoning Regulations to define Self Storage Facility and to allow self storage facilities with associated office, workforce housing, and commuter parking in that zone by Special Permit. *PUBLIC HEARING ORIGINALLY OPENED 1/26/2016.*

Attorney Michael Murray was present on behalf of the contract purchasers. He explained that they are seeking to modify the zoning regulations to allow the proposed use. He said that the sellers believe in the current zoning, which was enacted in 1999, so they are not looking to preclude those permitted uses. He then showed a copy of sewer lines map. He mentioned that the documentation distributed at the last public hearing reflects that Avalon will not allow for a tie in to their sewer line. Attorney Murray said that the proposed use is a passive, low-impact use.

Attorney Murray then reviewed the proposed Area and Bulk Requirements. He noted that there is no change in the maximum building height allowed, or the number of stories. The maximum building size would be larger for this use. He said that they have swapped out some open space for the establishment of commuter parking.

Mr. John Hertz, the contract purchaser, then explained that the subject property is a 3.7 acre site. The proposed building will have a 34,000 square foot footprint, and possibly a basement for wine storage. The self-storage facility may have 670 units. There are four components to the site plan: the building; the outside storage for boats and trailers; the office building with a resident manager; and commuter parking. There will be garages within the first floor of the building, and the building

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will have elevators. The commuter parking will likely have yearly reserved parking spaces for approximately 14 vehicles. Mr. DiDonna then asked how the parking spaces would be determined, would it be via lottery? Mr. Hertz replied that he was not yet sure how that would be accomplished.

Mr. Neil Olinsky, the traffic consultant of Milone and MacBroom, noted that his January letter was submitted. He said that there is no change to the Level of Service during peak hours. He said that Hollow Tree Ridge Road in this vicinity has 7,500 vehicles per day. Mr. DiDonna asked where Level of Service C was. Mr. Olinsky responded that it is at the intersection of Hollow Tree Ridge Road and Heights Road. He mentioned that the Town has the ability to re-time the lights/signals in this vicinity. Mr. Sini asked whether the traffic study and report would be peer reviewed. Mr. Ginsberg responded that at this point, the request is only for a zoning amendment. It is likely that the traffic and parking related to the site plan will be peer reviewed, if the Commission decides that such is appropriate.

Attorney Murray then showed a sketch of what could be built under the current affordable housing regulations. He added that they are considering putting solar panels atop the proposed self-storage building. Mr. Cunningham asked whether they would be putting generators and/or HVAC units on the roof. Mr. Hertz responded that these items would be on the ground, not on the roof. The building would be climate controlled, and there would be no signage. Mr. Sini asked about lighting. Mr. Hertz responded that lighting would be minimal. He said that there would be some screening, and they will install a black chain link fence. They will also include decorative planting along Hollow Tree Ridge Road near the commuter parking. They want to plant in front of the chain link fence. Mr. Ginsberg explained that since this is a Special Permit use, a 25 foot buffer requirement under Section 944 would apply.

Mr. DiDonna believed that windows would make the proposed building look more residential. Mr. Hertz said that he would prefer to have no windows due to the nature of the building's use. Mr. Cunningham asked about the hours of operation. Mr. Hertz responded that the office hours would be 9am to 6pm.

There were no further comments from the Commission, and no comments from the general public. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. DiDonna, seconded by Mr. Sini and unanimously approved.

At about 8:45 p.m., Secretary Voigt then read the following agenda item:

**Continuation of Public Hearing regarding Subdivision Application #615, Flood Damage Prevention Application #189-A, Land Filling & Regrading Application #372, Michael Nikolas, 2 Silver Lakes Drive.** Proposal to subdivide the existing property into two building lots, with association construction of single-family residences and associated filling and regrading and to perform related site development activities within a regulated area. The subject property is located on the northeast corner formed by the intersection of Silver Lakes Drive and Tokeneke Road, and is shown on Assessor's Map #37 as Lot #15 in the R-1/2 Zone. *PUBLIC HEARING ORIGINALLY OPENED 1/26/2016.*

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Attorney Bruce Hill said that he was present on behalf of the property owner, and had received an e-mail given to him earlier this evening from Susan Cameron, with questions regarding the application. He said that they will respond to those questions.

Professional engineer Steve McAllister of McChord Engineering then read aloud the questions from Mrs. Cameron, and responded to each one. These include:

*FLOODPLAIN STORAGE REPLACEMENT*

*It would be good to get on the record exactly what is going on with regard to excavation to provide new floodplain storage required to compensate for the proposed filling. EPC mentions this in their Conservation Commission comments of 1/20/16. Where exactly is the cutting and filling occurring (see Compensatory Storage Earthwork numbers on drawing SE1).*

*STORMWATER GALLERIES*

*Stormwater galleries on Lot B are practically on property line. First, how will the layout change given that Joe Canas has pointed out that the groundwater is too high for the proposed underground detention systems?*

Mr. McAllister said that 12 inch galleries will be used, not 24 inch galleries.

*Second, each underground stormwater drainage system will have an overflow catch basin grate for larger storm events. How will the overflowing of the system on Lot B affect Lot A?*

*Item #7 in Joe's letter of 12/2/15 states that reducing the depth of the galleries will increase the drawdown time. Does this mean it will take longer? Will it still drawdown in 72 hours?*

Mr. McAllister pointed out the swale on the plans. He showed where runoff will flow.

*It would appear that no screening plantings should be placed between the two lots given the placement of the stormwater galleries. How far away from stormwater galleries should plantings be sited?*

Mr. McAllister noted that any shrubs should be at least three feet away from stormwater galleries, and larger trees, depending on which type, should be even further away. Mr. Voigt said that plans will need to be revised based upon the final house plans.

*WATER VOLUME*

*I would like the engineers to weigh in on volume coming off the site post development. Engineering reports speak generally only to peak flow – a point where the greatest volume of water occurs during a defined storm event. Designing to handle peak flow is not the same as designing to handle increased volume. Will volume off the redeveloped site be greater post development?*

Mr. McAllister then showed the property on a USGS map, and its location relative to Tokeneke Brook. That was submitted for the record.

*How will the additional volume impact the surrounding properties? How will it affect the confluence point? Will it increase the time the confluence point will be flooded? The confluence point (p.3 of McChord report) is a RR culvert, but it is not clear exactly where this is and what properties or roadways could be impacted.*

Mr. DiDonna then asked about the January 20, 2016 memo received from the EPC, and asked the applicant to respond to that. Mr. Hill said that the EPC did approve the two-lot subdivision.

Mr. Joe Canas, professional engineer from Tighe and Bond, said that he was hired to peer review the application. He noted that there was an error in his letter regarding drawdown time.

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There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Cunningham, seconded by Mr. DiDonna and unanimously approved.

At about 9:00 p.m., Secretary Voigt then read the following agenda item:

**Continuation of Public Hearing regarding Flood Damage Prevention Application #351, Land Filling & Regrading Application #374, Blas Hernandez, 15 Waverly Road.** Proposal to raze the existing residence and construct a replacement single-family residence and perform related site development activities within a regulated area. The subject property is located on the east side of Waverly Road approximately 450 feet south of its intersection with Shipway Road, and is shown on Assessor's Map #55 as Lot #32-33 in the R-NBD Zone. *PUBLIC HEARING ORIGINALLY OPENED 2/2/2016 AND WAS IMMEDIATELY CONTINUED TO 2/23/2016.*

Attorney Wilder Gleason was present on behalf of the applicant. He explained that this is a 0.39 acre "double lot" within the Noroton Bay neighborhood. The property is now at 20.8% building coverage. The new replacement house will have a first floor at or above elevation 15, and will meet all building setbacks and building height. He then distributed an 11" x 17" color plan. The amount of fill has been reduced so that there are nine steps to get into the house. They have reduced the fill down markedly to 511 cubic yards of fill (down by 33% over the original plan). The street has a history of flooding. Attorney Gleason mentioned that a 100 year storm event can be detained on site. Water treatment is included in the plan with three particle separators. Yard drains and associated extensive curtain drains are also proposed.

Mr. Wayne D'Avanzo, of Fairfield County Engineering, explained that all runoff is planned on going into detention. There will be seven yard drains and 230 feet of curtain drain. The curtain drain has perforated pipe, and they will be grading toward the yard drains. Three driveway drains will flow into the Cultecs. There will be three particle separators. The driveway drains have a sump. Mr. Sini and Mr. Voigt both noted the importance on maintaining the various aspects of the proposed drainage system, and asked what would be required in this specific instance. Mr. D'Avanzo responded that the owner should inspect the drains two times a year, and remove any grit and material. The owner will need to inspect the gutters and the yard drains each twice a year.

Mr. DiDonna noted the need for a corrected survey to be done, as mentioned in Mr. Ginsberg's and Mr. Keating's February 18, 2016 e-mail. Attorney Gleason confirmed that a revised survey has been submitted. Mr. DiDonna asked for clarification on the proposed building height. Mr. Ginsberg said that he would check into that.

Attorney Gleason said that they have designed for a 100 year storm. They prefer to have no retaining walls. They have met with some of the neighbors. He said that Joe Canas of Tighe and Bond has been hired to peer review the application relative to stormwater management. He added that the proposed residence meets all of the flood damage prevention standards. Mr. Voigt asked about the height of the retaining wall next to the driveway. Mr. D'Avanzo responded that it will be 1.8 feet high. Mr. Blas Hernandez said that he has solicited feedback from the neighbors and wants to be part of a long-term solution.

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At about 9:15pm., Mr. Peter Sikora said that he had submitted a two page email dated February 23, 2016. He then distributed a photo of the back yard at 15 Waverly Road. The property in the back yard is flat. He noted that it is a narrow back yard. He said that the proposed drains are not at the lowest point. Mr. Cunningham pointed out that yard drain 3 is at elevation 8.3. There is one foot between that drain and the property line. Mr. Sikora asked how fast the water will flow and will it flow past the drain.

Mr. Peter Wilson of 186 Nearwater then spoke. He applauded the capacity of the proposed system, however his concern was the proposed slope. He said that the nearby street systems are inadequate. Rain and snow is a complicating factor. Mr. Ed Grejtak of 7 Mayflower Road said that there is nowhere for the water to go. The houses which have brought in fill have not improved drainage as much. He is not sure why so much fill is desired, and he said that he prefers a flatter yard. Mrs. Jan Raymond of 11 Waverly Road, said that she is the adjoining neighbor. She had the same concerns as Peter Sikora. She asked why the Commission should allow more fill in Noroton Bay. She noted that the streets have sunk over time, and she is concerned with the potential of making things worse. Mrs. Carolyn Miller of 12 Mayflower Road said that she had sent along a letter to the Planning and Zoning Commission with her comments. She noted that Mayflower Road floods the worst of the streets in Noroton Bay. Mr. Grejtak said that the storm drains were building in 1975+/-, and that they are insufficient.

It was then agreed that this matter will be continued to March 22, 2016 at 8pm in room 119 of Town Hall.

At about 9:40 p.m. Secretary Voigt then read the following two agenda items:

**Proposed Amendment to the Darien Zoning Map (COZM #2-2016), Proposed Amendments to the Darien Zoning Regulations (COZR #3-2016), put forth by the Darien Housing Authority, 719 Boston Post Road.** Proposal to: 1) modify the Darien Zoning Map by applying the Municipal Use Zone to the subject property as an overlay zone; and 2) modify section 420 *et. seq.* of the Darien Zoning Regulations to modify the MU Zone to allow a maximum building coverage of 25 percent, and to permit more than one principal use on a parcel. The subject property is located on the north side of Boston Post Road at the northeast corner formed by its intersection with Academy Street, and is shown on Assessor's Map #16 as Lot #59, now in the DB-1/DBR Zone.

**AND**

**Site Plan Application #291/Special Permit, Land Filling & Regrading Application #378, Darien Housing Authority, 719 Boston Post Road.** Proposal to raze the residential structures on the property and construct 55 units of multi-family housing with associated parking and stormwater management and perform related site development activities. The subject property is located on the north side of Boston Post Road at the northeast corner formed by its intersection with Academy Street, and is shown on Assessor's Map #16 as Lot #59, now in the DB-1/DB-R Zone.

Attorney Bruce Hill was present on behalf of the Darien Housing Authority. He introduced Jan Raymond, the Chairman of the Housing Authority, who explained that there are now six separate buildings on the subject property of two stories each. There are now a total of 30 affordable units on-site. She said that there is a need for elevators and community space. The subject land is now owned by the Darien Housing Authority.

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Attorney Hill said that the threshold matter is the use of the MU Zone. He said that two issues are why can't the DBR Zone work on this property, and what applicability is there to this zone landing elsewhere. He then reviewed his February 18, 2016 memo. Attorney Hill said that the MU Zone is about taking appropriate development of a scarce resource--Town land. The MU Zone is flexible to also allow public housing. It was originally envisioned regarding public schools. It was then applied to the Darien Library.

Mr. DiDonna said that the proposed regulation change notes that there can be more than one use on a property, and wondered whether that needs to be included in the Regulations. Attorney Hill responded that he is not sure that it needs to be there. As an example, he said that the Town Transfer Station has many buildings/uses. Attorney Hill said that the MU Zone is an overlay zone--the underlying zone is still in place. The proposal continues to allow multi-family use.

Mr. Peter Bigelow, a member of the Housing Authority, said that he had served as a member of the Planning and Zoning Commission for over ten years. He said that the subject property was the site of Town Hall from approximately 1947 to 1985. He then gave general background on the MU Zone, and noted that the intent of the MU Zone was a tool for the Planning and Zoning Commission.

Attorney Hill said that Section 420 gives Background and Purposes. The Police Department is also in the MU Zone. The MU Zone gives density and building height flexibility. Mr. Voigt then asked whether it may be better to tinker with the DBR Zone. Mr. Hill responded that a broader look is needed, and this is now the DB-1 and DBR overlay.

Mr. Voigt then asked if there were any members of the public who wished to speak regarding the zone change application, noting that the site plan and special permit will be discussed shortly. Mr. David York, of 40 Fairview Avenue, said that he has concern about a second use on the site. He said that he represents 29 neighbors in the vicinity. He opposes the change to the MU Zone.

Attorney Hill said that the development across the street at 745 Boston Post Road has no bearing on the subject application. He said that this is a different use. The Community Fund building is now owned by the Town of Darien.

At about 10:15 p.m., Bill Crosskey reviewed the Site Plan, Sheet L-2.0. He said that the subject property is 2+ acres in size, and they propose to demolish the existing affordable housing buildings on-site. They will be keeping the existing curb cuts. The proposed Dumpster will be built into the slope. There will be a drop off area near Boston Post Road. There will be sixty parking spaces for 55 proposed affordable units. Both proposed driveways are two-way. Mr. Crosskey then showed floor plan sheet A-1. The building will be 57,000+/- square feet. All units will be one-bedroom, except there will be two 2-bedroom units. Mr. Sini asked why there will be two 2-bedroom units. Mr. Hill responded that there could be personal situations that require a second bedroom in certain instances. Mr. Crosskey showed on the floor plans where those units would be, and confirmed that there would only be two 2-bedroom units.

At about 10:30 p.m., Mr. Chris Moheka of Stantec presented the parking and traffic information. He said that they did a screening analysis. They used the ITE Trip Generation Manual. There would be 21 and 19 trips during the peak hour. The ITE Manual says that there should be in the

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range of 0.45 to 0.65 parking spaces provided per unit. The overnight demand (which is the peak for residential parking) is less than 1.0 parking spaces per unit. They also looked at other similar projects regarding parking demand. Mr. Voigt asked whether on-site observations would be helpful. He asked if overflow parking would be needed. Mr. Moheka responded that the peak demand is overnight. The overflow parking is now on-street, with some parking now on Academy Street. Mr. Sini noted that there is also now on-street parking on Boston Post Road. Mr. Hill said that the Darien Zoning Regulations allow one parking space per unit, and they are not asking for relief. Mr. DiDonna mentioned the on-street parking on Academy Street. Mr. Hill said that they can investigate the continuation of on-street parking. Mr. DiDonna noted that some residents may have caregivers. Mr. Moheka said that they are providing sixty on-site parking spaces for the 55 units, so there will be some extra parking spaces available.

Mr. Michael Galante, of FP Clark Associates, said that he was hired to peer review the application relative to parking and traffic. He referred to his January 18, 2016 letter. He would like to see the parking data collected. He mentioned that this is a low traffic generator. Traffic counts at the existing driveways would also be helpful. Mr. Sini then made reference to the possibility of a new bus shelter to be placed on Boston Post Road in front of the development. Mr. Hill responded that they can gather more parking information. Mr. Cunningham asked that a building height/elevation comparison be made. Mr. Sini mentioned that they should consider the existing on-street parking, and the installation of a bus stop.

Mr. Ginsberg noted that this matter (both the zone change and site plan/special permit) would be continued to March 1, 2016 at 8pm in Darien Town Hall. At that meeting, stormwater management, drainage, and engineering issues relative to this project will be discussed.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved. The meeting was adjourned at 10:59 P.M.

Respectfully submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director

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