

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 19, 2016**

Place: Room 206

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Cameron, Cunningham, DiDonna, Olvany, Voigt, Sini, Jr. (arrived 8:37pm)

STAFF ATTENDING: Ginsberg, Keating (arrived at 10:10pm)

RECORDER: Syat

Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

EXECUTIVE SESSION

Executive Session with Town Counsel and Staff to discuss pending litigation.

Mr. DiDonna made a motion, which was seconded by Mr. Cunningham, to go into Executive Session with Town Counsel and staff to discuss pending litigation. That motion was unanimously approved by the Commission. During the Executive Session, Town Attorney John Louizos explained the status of a pending case and scheduling orders. No motions were made and no actions taken during this session.

At about 8:37 p.m., Mrs. Cameron read the first agenda item, and Mr. Voigt left the room, and Mr. Sini arrived.

PUBLIC HEARING (starting at 8:30 or later)

Continuation of 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.

AND

Continuation of 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. *PUBLIC HEARING OPENED ON 2/23/2016, DEADLINE TO CLOSE PUBLIC HEARING IS 4/19/2016 UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Mr. Sini said that he had watched the video of the last meeting and was okay with the zoning regulation amendment. He suggested closing the public hearing on that aspect of the application.

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Attorney Bruce Hill was present on behalf of the Housing Authority, and distributed two documents. The first was a report from the Office of Legislative History regarding Housing Authorities. The second was a portion of a field card from the Assessor, with the designation "municipal". Mr. Sini then made a motion to close the public hearing on the zoning map and zoning regulation amendment proposals. That motion was seconded by Mr. Olvany, and unanimously approved.

Mr. Hill then explained that the Site Plan and Special Permit were discussed at three prior public hearing sessions on February 23, March 1, and March 22. He said that the issues of traffic and parking appear to be complete, as are the engineering and drainage issues. They have also responded to Olive Hauser's e-mail.

Mr. Hill noted that a number of letters have been received for the record. This includes a March 22 letter from Attorney Amy Zabetakis on behalf of the neighbors. Mr. Hill then distributed a three page DHA response to that March 22 letter which includes a distance to nearby houses. He also distributed the DHA response to the March 24, 2016 e-mail.

At about 9:00 p.m., Bill Crosskey then showed the revised elevation with the design adjustments to the cupola and approved colors. He described the height above Academy Street. It will be 42' 8" to the highest point of the ridge. He showed the proposed building in relation to the building at 745 Boston Post Road. They are 2'2" taller than that building. Mr. Olvany asked about the ceiling heights. Mr. Crosskey responded that standard ceiling heights are 8 foot ceilings with two foot trusses. Mr. Sini asked if would be possible to match the height of the building at 745 Boston Post Road. Mr. Olvany asked how a smaller building would affect the project. Mr. Crosskey replied that the roof pitch affects the building height, especially on a larger building such as this, since it has a larger span. Mr. Crosskey then noted that they can live with eight foot ceiling heights and two foot trusses, but they need room for sprinklers within the trusses. Mr. Olvany said that he does not have an issue with the three stories, but does have a concern about the height, especially the 42 feet from the ground to the ridge. Mr. Hill said that they did study a lower roof line and ran it by the Architectural Review Board (ARB). Flat roofs are not as attractive. Mrs. Cameron asked if they could bring the roof line down.

Mr. Crosskey said that he might be able to squeeze six inches off each floor and condense the floor framing as well, which might allow for some reduction in the height. Ms. Cameron noted that there appears to be 2' 8" between the trusses. Mr. Crosskey confirmed that it is 42' 8" to the peak of the building and he wasn't sure if he could save any space on the trusses. Mr. Olvany then asked how high the existing building is relative to Highland Avenue. Mr. Crosskey then showed the existing elevation and the proposed building relative to existing buildings. Mr. Olvany noted that they are proposing to put the new building closer to Boston Post Road than the existing buildings. Mr. Crosskey then reviewed the floor elevations of the existing buildings as well as the proposed building. Mr. Olvany mentioned that the new construction will be further away from both Fairview and Academy Street and at generally the same elevation of the existing buildings. Mr. Crosskey then showed the view from the balconies and showed this site relative to nearby houses. He also showed the site relative to fencing and plantings. Mr. Crosskey noted that on the first floor there will be 15 units, on the second floor there will be 20 units, and on the third floor there will be 20 units for a total of 55 units. Mr. Olvany asked how many balconies there will be. Mr. Crosskey responded that it will be a total of 36 balconies, but no balconies on the front of the building, which is the Boston Post Road frontage. Ms. Cameron then asked if they could have a third floor bay window in lieu of the balconies on the back of the building. Mr. Hill suggested that the two end units closest to the neighbors to the

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north have the balconies eliminated on the second and third floors. Mr. Olvany said that this would result in an elimination of four balconies. Mr. Crosskey noted that subject property is now at 22.3% coverage and 2,200 square feet of excess footprint is proposed beyond the 20% maximum; 1,100 square feet of this would be the existing building at 701 Boston Post Road. He noted the building at 745 Boston Post Road has 24% building coverage. Mr. Ginsberg noted that the MU Zone covers both of the structures. Ms. Cameron mentioned that 701 Boston Post Road is a historic structure. Mr. Olvany then asked whether they could get below the 20% coverage maximum. Mr. Crosskey responded that they must, in this design, meet CHFA and Department of Housing design guidelines. There needs to be a combination of wheelchair turning radiuses and other changes implemented as part of this proposal. They must also prove that certain furniture would fit inside each apartment. Mr. Olvany then asked how enclosing balconies on part of the building could affect square footage. Mr. Hill responded that seniors like having outdoor space and Olive Hauser of the Social Services Department noted that outdoor space is valuable to these residents.

Mr. Phil Barlow, a landscape architect of T.O. Design, then read reviewed the Planting Plan dated March 23, 2016, Sheet L-4.0. He described the lighting plan, which had LED fixtures and shows 15 foot high poles. He confirmed that no light will trespass over the property line. They have added a 6' high PVC fence on the eastern property line. Mr. Barlow explained that the junipers will be 8-10' tall and crabapple trees behind it will be 12-15' tall. Linden trees will be 18-20' tall when planted. He then showed a row of arborvitae on the plans. Mr. Cunningham then pointed out areas where additional plantings could be helpful. Mr. Barlow replied that he could add bigger trees in that corner of the property.

At 10 p.m., Attorney Amy Zabetakis of Rucci Law Group then spoke on behalf of a group of neighbors. Attorney Zabetakis explained that new information has been provided. She noted that they propose a 9' tall cupola on the building, whose height has not been included in the proposed measurements. There are also chimneys which need to be considered by the Commission in determining whether this complies with town building height. She explained that the plan being put forth is predicated on the MU Zone and the additional height allowed by Section 424b of the Darien Zoning Regulations. She emphasized that the Planning & Zoning Commission needs to look at the impact on the neighbors; for example: what are the hours of lighting. She also asked what about the parking setback requirements. Sections 425d and 940 require a 25' buffer. There is a parking area and Dumpster within that 25' buffer. She said that under the Regulations, the buffer can only be eliminated or reduced if compliance is "impossible." She asked whether this development is appropriate for this lot. Ms. Cameron stated that they will be re-using existing parking which now exists in that area. Mr. Sini asked Attorney Zabetakis whether moving the parking and Dumpster would be helpful. Attorney Zabetakis responded that the buffers have traditionally been enforced by the Commission.

Attorney Zabetakis then continued by noting that they now show a stonewall with a chain link fence atop it. They need to clarify about the chain link fence. She said that she does not agree with the perspective shown this evening and she showed the relationship of the existing building to the proposed building. Mr. Olvany said that four balconies may be removed as part of the plan revision. Attorney Zabetakis believed that this is still a tall building and they did not show where the air conditioning units are. Her concerns continue to be hours of lighting and hours of trash pick-up, and methods to muffle potential noise of any generator. She asked whether a limit could be placed on the number of vehicles per unit which will help minimize any parking impacts and ensure that parking is

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appropriate. Ms. Cameron then asked if Mr. Crosskey could modify and step down the back 1/3 of the building or modify the roofline in that area to minimize impacts to neighbors. Mr. Crosskey said that this might be possible. Ms. Cameron said that this might assist in minimizing the building impact, say for example the back four units were removed from the building. Mr. Cunningham noted that egress might be a concern. Mr. Hill said that they could certainly look into revising the plans to address those concerns.

At about 10:20 p.m., Ms. Annalise Brown of 20 Academy Street then spoke. She asked what is the current lighting on this property, and noted that it is on all day long. She said that there is now a cut through of traffic which uses Academy Street to get from Boston Post Road to Mansfield Avenue. There is also some on-street parking now on Academy Street. She mentioned that without an irrigation system, the plants may not survive so it would be imperative to install an irrigation system. Mr. David York of 40 Fairview Avenue said that the proposed balconies in the back of the building would look into the bedrooms of his house. He also noted that the proposed trees will not totally block his view.

Mr. Ben DiFabio of 18 Highland Avenue said that the new building is more of a monolith. There is now space between the existing Old Town Hall Homes buildings. He said that the changes discussed tonight relative to the back of the building will help address his concerns. Mr. Joe LaRizza of 12 Highland Avenue asked how they will plant the trees near Academy Street in the stone wall. He noted that there is a grade change between the wall and the parking lot. Whether they are replacing the existing chain link fence atop the wall needs to be clarified. He suggested replacing the chain link with 6 foot PVC fence. He emphasized that all construction should use Boston Post Road and there should be no right turn out of the Academy Street driveway.

Mr. Mike Avalos of 38 Fairview Avenue said that he had submitted a letter to the Commission earlier today with photographs. Mr. Chris Raia of 14 Highland Avenue said that he is opposed to the height and density of this project and had a concern about traffic issues. Ms. Karen Armour of 35 Fairview Avenue said that there needs to be respect for the 25 foot buffer zones at the back of this property.

Mr. Hill concluded by saying that he consents to an extension of time for the public hearing on this matter. That extension will give them an opportunity to look at the feasibility of a height reduction in the back of the building. Ms. Cameron asked whether they could give the Commission 25' of buffer in the back as required. Mr. Olvany asked Mr. Hill to explore whether 12' high parking lot lights would be more appropriate than 15' parking lot lights so that the amount of light over the existing 6' fence would not be as great. There being no other questions or concerns from the public, the hearing was then continued to April 26, 2016 at 8 P.M. in Room 206 of the Town Hall.

At about 10:55 p.m., Mrs. Cameron then read the first General Meeting agenda item:

GENERAL MEETING

Mandatory Referral #1-2016—Board of Selectmen, Eversource Gas expansion.

Proposal to expand gas lines in Darien.

Mr. Ginsberg explained the proposal by Eversource, which was outlined in a memo from the Town Administrator Kathleen Buch. Mr. Ginsberg said that this proposal is not inconsistent with the

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Town Plan of Conservation & Development. Mr. Olvany made a motion to have Mr. Ginsberg draft a brief report noting such. Mr. DiDonna seconded that motion, which was unanimously approved. The final report read as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
EVERSOURCE GAS LINE EXPANSION
APRIL 19, 2016**

Mandatory Referral #1-2016—Board of Selectmen, Eversource Gas expansion.

Proposal to expand gas lines in Darien.

At its April 19, 2016 meeting, the Darien Planning & Zoning Commission reviewed the April 5 letter from Town Administrator Kathleen Clarke Buch regarding the utility expansion planned by Yankee Gas/Eversource. The submitted map entitled, “Darien Proposed Natural Gas Expansion Project” shows the location of the proposed lines and the municipal facilities and other developments that may tie into those gas extension lines.

The Commission agreed that the proposal is not inconsistent with the 2006 Town Plan of Conservation and Development, and town policies.

Ms. Cameron then read the next agenda item:

Amendment of Special Permit Application #173-A, Koko’s Café, 841 Boston Post Road.

Request to modify indoor seating and to establish outdoor dining in front of the building.

Mr. Ginsberg explained the proposal which involved both a change to the type of indoor seating (getting away from stools); adding street furniture such as benches and trash cans; and placing tables and chairs adjacent to the building for patrons to eat at. Mrs. Cameron noted the proposal’s similarity to that recently approved for Kirby and Company on Boston Post Road next to the Sugar Bowl, which had small chairs and a small table immediately adjacent to their building’s frontage on Boston Post Road. Mr. Olvany hoped that this seating help drum up business, and he made a motion to approve the tables and chairs for a one year term, with the applicant to return to the Commission if future time beyond that one year is desired. That motion was seconded by Mr. Sini, and unanimously approved.

Request for “Artists at Grove Street Plaza” event on September 24 (rain date: October 1)

Mr. Ginsberg explained the request for an event similar to that which occurred last year. Mr. Olvany made a motion to approve the event for 2016. That motion was seconded by Mr. DiDonna and was unanimously approved.

It was noted that due to the late hour, the Commission would not get to the following agenda items:

Discussion, deliberation and possible decisions regarding:

Business Site Plan #33-D & #33-E/Special Permit, Brian McKay, 537-567 Boston Post Road

Proposal to establish a karate studio (personal service) tenant on the second floor above Compleat

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Angler at 537 Boston Post Road; and to establish a reflexology (personal service) tenant at 555 Boston Post Road in the first floor space formerly occupied by Core Health. *PUBLIC HEARING CLOSED: 3/29/2016. DECISION DEADLINE: 6/2/2016.*

Land Filling & Regrading Application #381, John & Lindsay O'Donnell, 48 Old Farm Road. Proposal to remove existing Searles Road driveway, and relocate the existing curb cut on Old Farm Road and create an associated parking court with retaining wall and perform related site development activities. *HEARING CLOSED: 3/29/2016. DECISION DEADLINE: 6/2/2016.*

Coastal Site Plan Review #225-A, Brian & Sheryl Ramsay, 229 Long Neck Point Road. Proposal to remove the existing structures from the property and construct a replacement single-family residence, pool, and spa, and perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 4/5/2016.*

Deliberation only on the following applications:

Special Permit Application #35-C/Site Plan, Coastal Site Plan Review #79-B, Flood Damage Prevention Application #68-B, Noroton Yacht Club, 23 Baywater Drive. Proposal to construct a launch shed, improve the existing docks, and construct a replacement clubhouse, and to perform related site development activities within regulated areas. *PUBLIC HEARING CLOSED ON 3/29/2016. DECISION DEADLINE: 6/2/2016.*

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. *PUBLIC HEARING CLOSED: 4/5/2016.*

Amendments to the Darien Zoning Regulations put forth by Knobel Hill, LLC (COZR #4-2016). Proposal to amend various subsections of Section 430 of the Zoning Regulations, which address the below market rate (BMR) units required for Active Senior Residential developments. These changes would: reduce the minimum average size of off-site BMR units to 45% of the average of the on-site market-rate units; and would remove the age restriction from the off-site BMR units.

Amendments to the Darien Zoning Regulations put forth by Darien ALF Property, LLC/Maplewood Darien, 599 Boston Post Road (COZR #5-2016). Proposal to amend Section 627 of the Zoning Regulations to allow that Area and Bulk Requirements for an Assisted Living Facility (ALF), Memory Care Facility (MCF), or a combination thereof be determined on a case-by-case basis by the Commission. The proposal seeks to correct an internal inconsistency that exists within Section 620 (DB-2 Zone). *PUBLIC HEARING CLOSED: 4/5/2016.*

Approval of Minutes

March 22, 2016 *Public Hearing*

March 29, 2016 *Special Meeting/Public Hearing/General Meeting*

Mr. Ginsberg mentioned the upcoming meetings on April 26, and throughout the month of May. Due to the late hour, 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 11:06 P.M.

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Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

David J. Keating
Planning & Zoning Assistant Director

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