

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016**

Place: Room 206

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, Cunningham, DiDonna, Sini, Jr., and Voigt (arrived at 9:10 p.m.)
STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

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

PUBLIC HEARING

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. *DEADLINE TO CLOSE PUBLIC HEARING IS 4/26/2016 UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

First Selectman Jayme Stevenson said that she offers her support for the project. She noted that it is in a great location, and is transit-oriented, and walkable. Mr. Ginsberg explained that revised plans were submitted today, and tonight's meeting is to allow the applicant to explain how they address each of the outstanding issues and concerns. Attorney Bruce Hill then referred to the April 26 e-mail which highlighted the changes made.

Bill Crosskey then reviewed the plans. He said that the biggest change is to the northern end of the building. They took two units and moved them to the first floor. They have eliminated five balconies total. They have reduced the building area and building coverage. This plan has the same number of units, and is the same height (42'8") to the ridge. The building is slab on grade, and is 10'8" from the first to the second floor with eight foot high ceilings. Mr. DiDonna asked about the maximum height, and noted that the MU Zone only allows up to 45 feet with certain findings made. Mr. Olvany stated that the proposed building is a few feet above the grade of Boston Post Road. Mr. Crosskey responded that the proposed building will be at the same elevation as the existing front apartment buildings. Mr. Olvany then asked about the AC condensor units. Mr. Crosskey responded that these will be "suitcase units", which will sometimes be placed on the patios. Those are shown as red rectangles on the plans.

Landscape Architect Phil Barlow explained that they will be narrowing up the curb cut to make a right turn out of Academy Street more difficult. They have added upright junipers, and changed the lindens to maples. They have also added an arborivate screening plants. They will replace the chain link with PVC atop a stone wall. The other fence will remain.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 2 OF 17

Mr. Olvany asked about the proposed dumpster location. Mr. Barlow responded that the dumpster will be twelve feet below the elevation of the road. Fifteen foot high light poles are proposed. Smaller poles will require that more poles be installed. He said that they will be using LED technology. Mr. Crosskey said that the parking lot lights will go off at midnight. They will have full cut off fixtures. There will be zero light at the property line.

At about 8:30 p.m., Attorney Amy Zabetakis of Rucci Law Group spoke on behalf of the neighbors. She said that there is a need to correct the light pole size on the plans. She noted that only 21 light poles are shown on the plans, and other lights are now shown. She asked whether Academy Street will be used for construction, since there is a "CE" (construction entrance) notation on the site plan. Mr. Olvany noted the importance of adding an anti-tracking pad on the Boston Post Road curb cut, which will be used during construction. Attorney Zabetakis then asked whether the air conditioning units will be put on the balconies. She noted that the dumpster and light pole(s) and parking are still within the 25 foot buffer area. She confirmed that the existing Maplewood assisted living facility at the corner of Boston Post Road and Brookside Road is 32 feet tall with a huge open space behind it. Mr. Sini asked whether the parking will be getting closer to the existing buffer. Mr. DiDonna said that the cupola is nine feet tall, and there are two fake chimneys proposed. Mr. Sini mentioned that the cupola and chimneys can help minimize the perceived height impact. Mr. Cunningham believed that the cupola and chimneys do not make it look as good.

Attorney Hill said that there is now not a consistent buffer. A look through the MU Zone allows for reasonable flexibility. The cupola is not included in the building height, and the ARB asked that the cupola be installed to help break up the roof. Mr. Crosskey said that the first floor to the top of the cupola is 50' 8". Mr. Cunningham asked whether the chimneys were functional. Mr. Crosskey explained that they help screen the exhaust vents on the roof. It was noted that Sheet L1.1 is wrong, and that Boston Post Road is the construction entrance. There will be lights in the soffits of the proposed building entrances. Mr. Cunningham noted that there will be no lights on upper floors. Mr. Crosskey mentioned that the air conditioning units will be 37" x 37" and many will be behind a railing. Mr. DiDonna asked about the acreage of the property. Mr. Hill responded that the property is 2.2 acres. Mr. Crosskey said that there will be no bollard lighting, and that was confirmed by Mr. Barlow. In all, there will be 55 air conditioning units.

Mr. Ben Larrabee, a neighbor, then asked what the brightness of the proposed lights would be. He asked whether it would be possible to not include vents on the roofs. He also asked that the building be lowered. Attorney Hill said that he did not have an answer for the brightness of the lights, but the cut off fixtures would prevent any light spillage beyond the property boundaries. He said that the ARB liked the chimneys to disguise the vents on the roofs. Ms. Brown of Academy Street then showed a photo of the existing lighting on the eave of the top of the roof. It is clearly visible beyond the property boundary.

Attorney Hill then read aloud a letter received from Sam Fuller, which urged approval of the project.

There being no further questions or comments from the Commission or the general public, the following motion was made: That the Planning & Zoning Commission close the public hearing

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 3 OF 17

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 9:10 p.m., Vice Chairman Olvany read the following agenda item, and Mr. Voigt joined the meeting:

Continuation of Public Hearing regarding Flood Damage Prevention Application #352, Land Filling & Regrading Application #377, Everett Schenk, 19 Salisbury Road. Proposal to fill and regrade in conjunction with the construction of a replacement residence, with associated stormwater management and septic system, and to perform related site development activities within a regulated area. The subject property is located on the east side of Salisbury Road, approximately 700 feet south of its intersection with Pembroke Road, and is shown on Assessor's Map #1 as Lot #101 in the R-2 Zone. *PUBLIC HEARING TO BE IMMEDIATELY CONTINUED TO 5/24/2016.*

Vice Chairman Olvany announced that this matter was continued to May 24, 2016 at 8 P.M. in Room 206 or the Auditorium of Darien Town Hall. He then read the following agenda item, and noted that it, too would be continued to May 24, 2016 at 8:00 p.m.:

Continuation of Public Hearing regarding Business Site Plan Application #292, Carnegie Hill Skin Care, 1472 Boston Post Road. Proposal to remove the existing garage and walk-in refrigerator and construct an addition to the rear of the structure, and perform related site development activities. The subject property is located at the northeast corner formed by the intersection of Boston Post Road and Cross Street, and is shown on Assessor's Map #63 as Lot #18 in the Service Business (SB) Zone. *HEARING WAS OPENED 3/29/2016 AND WAS IMMEDIATELY CONTINUED TO 4/26/2016.*

Vice Chairman Olvany then read the following agenda item:

Coastal Site Plan Review #60-C, Land Filling & Regrading Application #318-A, Thomas & Elizabeth Ritchie, 8 Cross Road. Proposal to install a pool, patio, stormwater management, and perform related site development activities within a regulated area. The subject property is located on the north side of Cross Road, approximately 150 feet east of its intersection with Tokeneke Trail, and is shown on Assessor's Map #65 as Lot #8-4 in the R-1 Zone.

Mr. Ginsberg explained the application. He said that the Commission had approved the development of the house on this lot about a year ago, and that this proposal is to construct an in-ground pool with associated filling and regrading and stormwater management in the back yard. Professional engineer Rob Frangione was present on behalf of the applicant. He noted that some of the cherry trees on the property are in decline.

There were no questions from Commission members, and no members of the general public spoke regarding this 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. Voigt, seconded by Mr. Sini, and unanimously approved.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 4 OF 17

At about 9:15 p.m., Vice Chairman Olvany then read the following agenda item:

Land Filling, Excavation, & Regrading Application #380, Jeff Urban, 10 Crane Road. Proposing to fill, excavate, and regrade and construct retaining walls in association with the construction of a replacement single-family residence, and to perform related site development activities. The subject property is located on the east side of Crane Road, approximately 650 feet south and east of its intersection with Pear Tree Point Road, and is shown on Assessor's Map #60 as Lot #27 in the R-1 Zone.

Mr. Ginsberg explained the proposal. He said that the proposed new residence would be in the front part of the property, and most of the proposed regrading is in the rear of the property, and is actually a "cut", rather than fill. Professional Engineer John Martucci said that there would be a tiered retaining wall, and he explained the proposed drainage system. Mr. Olvany asked about the number of bedrooms and bathrooms in the proposed residence. Architect Bob Cardello said that the proposed residence would have five bedrooms and 4-1/2 bathrooms. Mr. Martucci said that the new residence would tie into the sanitary sewer system.

A gentleman of 14 Crane Road then asked about the proposed drainage system. He asked what would happen if the system gets clogged, and noted the importance of proper maintenance. Mr. Martucci explained that a Drainage Maintenance Plan is required by the Commission, and notice of such must be filed in the Darien Land Records. Mr. Cardello then showed a revised plan A-1.0, which related to the house construction, and not the proposed regrading.

There being no further questions or comments from the general public or the Commission, 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 9:30 p.m., Vice Chairman Olvany then read the following agenda item:

Special Permit Application #290, Daniel Lew d/b/a UBreakIFix, 115 Old King's Highway North. Proposal to establish a personal service use in the space formerly occupied by State Farm Insurance. The subject property is located on the west side of Old King's Highway North, approximately 250 feet south of its intersection with Boston Post Road, and is shown on Assessor's Map #35 as Lot #19 in the DB-2 Zone.

Mr. Ginsberg explained the proposal. Mr. Daniel Lew was present to respond to Commission questions or concerns. He said that there are about 12 on-site parking spaces, and usually 3-4 employees on-site. Mr. Lew noted that an interior floor plan has not been finalized. Mr. Ginsberg noted that prior to the State Farm Insurance use, it was Pelletier Alarm Company.

There were no questions or comments from the 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. Voigt, seconded by Mr. Sini and unanimously approved.

At about 9:35 p.m. Vice Chairman Olvany then read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 5 OF 17

Coastal Site Plan Review #309, Flood Damage Prevention Application #353, Robert & Carol Gray, 1 Brush Island Road. Proposal to construct a 4' x 60' open grate pier with a 3' x 8' cantilevered platform and an attached 21" wide x 7' high access ladder and perform related site development activities within regulated areas. The subject property is located on the north side of Brush Island Road, at its northwestern intersection with Nearwater Lane, and is shown on Assessor's Map #56 as Lot #22, in the R-1 Zone. The proposed activity will occur on Brush Island Road approximately 950 feet west of the intersection of Nearwater Lane and Brush Island Road.

Mr. Ginsberg explained that the State of Connecticut DEEP has approved the dock, and read aloud their comments on the application. He agreed with Mr. Olvany that the Commission's jurisdiction on the dock is just a small area of approximately 100 square feet. Jeff McDougal, of William Seymour & Associates, was present to describe the proposed dock. He noted that he has applied for, and obtained Darien EPC approval. They also have Army Corps of Engineers approval. The design of the pier and walkway will let light through, and that design is becoming more common. It will be made of aluminum.

No members of the public were present to speak to the application. Mr. McDougal confirmed that the Darien Land Trust was notified of 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. Voigt and unanimously approved.

At about 9:37 p.m., Vice Chairman Olvany then read the first General Meeting agenda item:

GENERAL MEETING (TIME PERMITTING)

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 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. *HEARING CLOSED: 3/29/2016. DECISION DEADLINE: 6/2/2016.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. Sini, seconded by Mr. DiDonna and unanimously approved.

Mr. Voigt noted that he had a few typographical corrections. Those were agreed to by the other members. The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. DiDonna, seconded by Mr. Cunningham and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 26, 2016**

Application Number: Business Site Plan #33-D & #33-E/Special Permit

Street Address: 537 Boston Post Road
Assessor's Map #14 Lot #36

Name and Address of Applicant: Brian McKay
and Property Owner 537 Post Road, LLC
18 Beach Drive
Darien, CT 06820

Activity Being Applied For: Proposing to establish a karate studio (personal service) tenant on the second floor above Compleat 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.

Property Location: The subject property is located on the north side of Boston Post Road approximately 700 feet east of its intersection with Brookside Road.

Zone: DB-2

Date of Public Hearing: March 29, 2016

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices
Dates: March 18 and 25, 2016

Newspaper: Darien News

Date of Action: April 26, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: May 6, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 620, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 7 OF 17

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to relocate the karate studio (personal service) tenant to the second floor above Compleat 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. At the Public Hearing, Douglas McKay represented the applicant. Mr. McKay said that the karate studio will operate in late afternoon and early evening and on the weekends. There are several large parking areas to serve all the tenants within both buildings on the site. He said the karate studio is actually relocating from the building at 555 to the building at 537. At present they occupy approximately 800 square feet and the proposed occupancy will be approximately 1800 square feet at 537 Boston Post Road. Commission members expressed possible concern of having the karate studio located above a retail store. They questioned whether the noise from the karate studio would affect the retail store on the lower floor. Mr. McKay said that he did not feel it would be a problem. Commission members said that if the use is approved, it will be up to the landlord to address any concerns and problems with the tenants.
2. There had been concern that the reflexology business might not want to follow through with their proposal. If that is the case, the property owner, represented by Mr. McKay, would need to return to the Planning & Zoning Commission if a different use is sought.
3. Regarding on-site parking, it was noted that shared parking agreements do not allow for reserved parking spaces, and thus, the apartment renters, employees who work on the site and the customers shall all share the use of all of the parking spaces. None of them will have reserved parking on-site. The Commission does find that sufficient on-site parking exists for the proposed uses in addition to the other uses on site.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
6. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #33-D & #33-E/Special Permit is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 8 OF 17

- A. The approval is to relocate the karate studio (personal service) tenant to the second floor above Compleat 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.

The survey entitled, "Property Survey prepared for Brian McKay 537-567 Boston Post Road", Darien, CT, by William W. Seymour & Associates, dated August 23, 2007, shows the buildings involved in this application and the common parking areas.

- B. The Fire Marshal and Building Official may require modifications to the floor plans in order to meet the Fire and Building Codes. For example, the Fire Marshal has already commented that a second means of egress will be needed from the karate studio.
- C. If, at some time in the future, the property owner wishes to change the use(s), then they will need to return to the Planning & Zoning Commission with details of the different use(s) and the Commission will decide if said use or uses will be acceptable.
- D. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The renovation work will require Zoning and Building Permits and review by the Fire Marshal.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- F. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (April 26, 2017). This may be extended as per Section 1009.

All provisions and details of the application and related materials shall be binding conditions of this action and such approval shall become final upon filing of a Special Permit in the Darien Land Records.

Vice Chairman Olvany read the following agenda item:

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.*

Mr. Voigt made a motion to approve the resolution as drafted. That motion was seconded by Mr. Sini, and approved by a vote of 5-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 26, 2016**

Application Number: Land Filling & Regrading Application #381

Street Address: 48 Old Farm Road
Assessor's Map #68 Lot #11

Name and Address of &
Property Owner & Applicant: John & Lindsay O'Donnell
48 Old Farm Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Bruce Eckerson
Eckerson Design Associates
21 Ann Street, Unit AC-1
Norwalk, CT 06854

Activity Being Applied For: 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.

Property Location: The subject property is located at the southwest corner formed by the intersection of Old Farm Road and Searles Road.

Zone: R-1

Date of Public Hearing: March 29, 2016

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices
Dates: March 18 & 25, 2016 Newspaper: Darien News

Date of Action: April 26, 2016 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
May 6, 2016

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 10 OF 17

- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is 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.
2. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #381 is hereby approved, subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, excavation, and regrading work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - "Site Plan SP-1.0 O'Donnell Residence 48 Old Farm Road Darien, CT" prepared by Eckerson Design Associates Landscape Architecture and dated 02.11.2016
- B. Because of the minor nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- C. Due to the location of the subject property within the watershed, the Commission hereby waives the requirement for stormwater management. The approved plans show that stormwater quality measures will be implemented, but stormwater detention has not been required and will not be implemented because the site is so low in the watershed area.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans listed in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 11 OF 17

- E. A Stormwater Management Operation and Maintenance Plan for the proposed Cultec units will need to be submitted for review by the Director of Planning and for the record in this matter. It shall be filed in the Darien Land Records or with the Planning and Zoning Commission file on this matter. This Operation and Maintenance Plan shall require the property owner and all subsequent property owners of 48 Old Farm Road to maintain the drainage facilities pursuant to the Maintenance Plan.
- F. A “Notice of Drainage Maintenance Plan” shall be filed in the Darien Land Records within the next 60 days of this approval and prior to any on-site filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the foundation for the proposed new residence.
- G. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. It is critical that commencing throughout the redevelopment of the site, even before the final drainage system is installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors and/or the street.
- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including, but not limited to, implementation of the approved plan within one year of this action (April 26, 2017). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days.

Vice Chairman Olvany then read the following agenda item:

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

Mr. Sini recused himself on this application. Mr. Voigt had some minor typographical changes in the draft resolution. The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve the project subject to the conditions and

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 12 OF 17

stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. DiDonna, and approved by a vote of 4-0-1, with Mr. Sini abstaining. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 26, 2016**

Application Number: Coastal Site Plan Review #225-A

Street Address: 229 Long Neck Point Road
Assessor's Map #61 Lot #11

Name and Address of Applicant & Property Owner: Brian & Sheryl Ramsay
229 Long Neck Point Road
Darien, CT 06820

Activity Being Applied For: 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.

Property Location: The subject property is located on the east side of Long Neck Point Road, approximately 2,000 feet south of its southernmost intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: April 5, 2016

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: March 25 & April 1, 2016

Newspaper: Darien News

Date of Action: April 26, 2016

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:

May 6, 2016

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 13 OF 17

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is 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.
2. Stormwater management has been proposed by the applicant, and an associated Operations and Maintenance Plan was prepared by the applicant's engineer. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
3. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
4. The proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.
5. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #225-A is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. All proposed work shall be in accordance with the following plans submitted to and reviewed by the Commission, entitled:
 - "Zoning Location and Topographic Survey 229 Long Neck Point road Prepared for Brian Ramsay Sherry Ramsay Darien Connecticut" dated September 23, 2015 and Revised February 11, 2016 by William W. Seymour & Associates, P.C.: and
 - "Site Development Plan 229 Long Neck Point Road Darien, Connecticut" dated February 19, 2016 and revised 2-26-16 prepared by McChord Engineering Associates, Inc.
- B. Because the property fronts on Long Island Sound, the applicant does not need to address stormwater quantity, but rather solely water quality. The submitted Site Development Plan illustrates how this will be accomplished.
- C. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- D. During the implementation of this project, the applicant shall utilize the sediment and erosion control measures as shown on the submitted plans and as may be necessary due to site

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 14 OF 17

conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- E. An Operations and Maintenance Plan for the storm water drainage plan will need to be submitted for review by the Director of Planning. This Plan shall require the property owner and all subsequent property owners of 229 Long Neck Point Road to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of work.
- F. Upon completion of the work, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with the approved plans.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, a Sewer Connection Permit from Darien Sewer Services. The existing septic system must be properly abandoned.
- I. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (April 26, 2017). This may be extended as per Section 815.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning and Building Permit for the proposed house, or this approval shall become null and void.

At about 9:40 p.m., Vice Chairman Olvany read the following agenda item:

Deliberations 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. *HEARING CLOSED ON 3/29/2016. DECISION DEADLINE: 6/2/2016.*

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 15 OF 17

Mr. Ginsberg said that the application has many components: Coastal Site Plan Review; Flood Damage Prevention Application; Site Plan; and Special Permit. Mr. Sini said that relative to the issues of events and parking, those can be addressed similar to that of the Tokeneke Club. Mr. Ginsberg then confirmed that Commission members were comfortable with the coastal and flood aspects.

Mr. Olvany said that an annual list of events should be required by the Commission. Mr. Voigt said that he was confused by some of the membership categories. Mr. Sini said that the Club proposes to stick with the existing membership limit, and the Commission should require annual certification of such. Mr. Olvany said that legacy members need to be included. Mr. Voigt noted the importance of managing parking. Mr. Olvany's concern was that there seems to be too much winter boat storage, and not enough winter parking. Mr. Voigt said that it is important that 94 parking spaces be guaranteed. Mr. Olvany said that there needs to be a list of annual events, or at least six months at a time. They need off-site parking for large events. Mr. DiDonna said that having a liquor license is better than the existing BYOB policy. Mr. Sini agreed with the control aspect. He said that it is important to differentiate between high season and low season. He suggested that the Club could serve liquor 7 days a week during the high season. Mr. Sini said that the Club could serve maybe only 2-3 days during the low season. Mr. Cunningham suggested that a monthly schedule of the bar be posted and published. Staff will draft a resolution for consideration at a future meeting.

At about 10:05 p.m., Vice Chairman Olvany then read the following agenda item:

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.

Mr. Olvany said that he does not like the proposal. Mr. Cunningham, Mr. Voigt, Mr. Sini and Mr. DiDonna all said that there is no legal reason to deny the application, even though the fill may not achieve the goal originally proposed of providing a flat yard space. Mr. Olvany said that placing large amounts of fill in the flood zone is not sustainable. Mr. Ginsberg noted that plan revisions were made throughout the application process. Mr. Voigt said that he is troubled by the idea of such large amounts of fill on such a small lot within the flood zone, and said that it is essential to maintain the proposed stormwater management system. Mr. Sini pointed out that changes were made to address the neighbors' concerns. Staff will draft a resolution for consideration at a future meeting.

Vice Chairman Olvany read the following agenda item:

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.

It was noted that Mrs. Cameron had sent in her thoughts and comments on the application. Mr. Sini

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 16 OF 17

said that it is difficult to acquire off-site units and match the size. Mr. Olvany said that he is comfortable removing the age-restriction, and is okay with the change to 45%. There was some discussion as to whether 40% or 45% is the appropriate number. Mr. Sini and Mr. Olvany said that they were comfortable with 45%. Staff will draft a resolution for consideration at a future meeting.

Vice Chairman Olvany read the following agenda item:

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.*

Mr. Olvany said that the issue of consistency is important, as ALFs and MCFs are allowed in various different zoning districts in Darien. It will be important for the applicant to address the parking problem and truck delivery safety issues as part of any future application. Staff will draft a resolution for consideration at a future meeting.

At about 10:30 p.m., Vice Chairman Olvany read the following agenda item:

Deliberations only on the following, if the public hearings are closed on the items on April 26, 2016:

Coastal Site Plan Review #60-C, Land Filling & Regrading Application #318-A, Thomas & Elizabeth Ritchie, 8 Cross Road.

Commission members noted that they do not have any issues or concerns with this application. They asked Mr. Ginsberg to draft a resolution with the typical findings and conditions.

Vice Chairman Olvany read the following agenda item:

Land Filling, Excavation, & Regrading Application #380, Jeff Urban, 10 Crane Road.

Commission members noted that they do not have any issues or concerns with this application. They asked Mr. Ginsberg to draft a resolution with the typical findings and conditions. They noted the importance of the proposed stormwater management and maintenance of the proposed system.

Vice Chairman Olvany read the following agenda item:

Special Permit Application #290, Daniel Lew d/b/a UBreakIFix, 115 Old King's Highway North.

The Commission said that the proposed use is straightforward. Mr. Ginsberg will draft a resolution for Commission review at an upcoming meeting.

Vice Chairman Olvany read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
APRIL 26, 2016
PAGE 17 OF 17

Coastal Site Plan Review #309, Flood Damage Prevention Application #353, Robert & Carol Gray, 1 Brush Island Road.

The Commission said that the proposed use is straightforward. Mr. Ginsberg will draft a resolution for Commission review at an upcoming meeting.

Vice Chairman Olvany read the following agenda item:

Approval of Minutes

March 22, 2016 Public Hearing

Mr. Sini explained that he was not at that meeting, so he would not be voting on the minutes. Mr. DiDonna had comments on page 2 and page 5 of the draft minutes. Mr. Voigt then made a motion to approve the minutes with those changes. That motion was seconded by Mr. Cunningham, and approved by a vote of 4-0-1, with Mr. Sini abstaining.

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

Mr. Sini had a comment on page 3 of the draft minutes. Mr. Voigt and Mr. DiDonna also had typographical corrections. Mr. Voigt then made a motion to approve the minutes as amended. That motion was seconded by Mr. Cunningham, and approved by a vote of 5-0.

April 5, 2016 Public Hearing/General Meeting

Mr. Voigt had a typographical correction on page 3. Mr. Voigt then made a motion to approve the minutes with that one correction. That motion was seconded by Mr. Sini, and was approved by a vote of 4-0-1, with Mr. Cunningham abstaining, since he was not at that meeting.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Cunningham and unanimously approved. The meeting was adjourned at 10:40 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

04.26.2016min