

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
JULY 12, 2016**

Place: Room 213

TIME: 7:30 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Cunningham, Olvany, Voigt

STAFF ATTENDING: Ginsberg, Keating
TOWN COUNSEL: Louizos

Chairman Cameron opened the meeting at 7:30 P.M. and read the first agenda item:

EXECUTIVE SESSION

Executive Session with Town Counsel and Planning and Zoning Department staff to discuss pending litigation.

Mr. Voigt made a motion to go into Executive Session with Town Counsel and Department staff to discuss pending litigation. That motion was seconded by Mr. Olvany and was unanimously approved.

Attorney John Louizos then discussed one pending litigation matter with the four Commission members present. No votes were taken; no actions were taken.

At about 8:25 p.m., Mr. Olvany made a motion to adjourn the Executive Session. That motion was seconded by Mr. Voigt, and unanimously approved by a vote of 4-0.

**PLANNING AND ZONING COMMISSION
DRAFT MINUTES
PUBLIC HEARING / GENERAL MEETING
JULY 12, 2016**

Place: Auditorium

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8:27 P.M. (delay due to Special Meeting/Executive Session) and read the first agenda item:

PUBLIC HEARING

Continuation of Proposed Amendments to the Darien Zoning Map (COZM #3-2016) and Proposed Amendments to Darien Zoning Regulations (COZR #7-2016) put forth by Baywater Corbin Partners, LLC. Proposal to amend the Darien Zoning Map to create a new Corbin Subarea within the Central Business District (CBD). The proposed zoning regulation amendments would provide for larger, mixed use developments in the subarea. The regulation amendments would also allow for: redevelopment in the Corbin Subarea by Special Permit; a minimum building height of two stories and 25 feet, and a maximum building height of six stories and 95 feet if the building meets certain setbacks; 9' x 18' parking spaces, rather than the 9' x 20' parking spaces allowed elsewhere in Darien, and would require that Building Height be calculated differently in this zone than elsewhere in Darien. It would also require that public plaza space be provided, and sets out criteria and required features for such public plazas.

Ms. Cameron said that she had not been able to attend the last public hearing regarding this matter but has since watched the recording. She noted that the Zoning Regulations are a dynamic document that continues to change.

Attorney Robert Maslan represented the applicant and said that this is the third public hearing session. He referred to his letter of June 21, 2016 addressing several of the issues and concerns expressed by the Commission. He had also submitted a letter dated July 8, 2016 and another letter dated July 12, 2016. He said the building height was originally proposed as 95 feet for a six story building. That has since been changed to request 85 feet maximum building height for a six story building. He said that he has worked with staff regarding a concern about the plaza size and configuration. They now propose at least one plaza must be able to contain a minimum square measuring at least 50 feet on each side.

He said that the triangular space created by the Turnpike, Boston Post Road, and Corbin Drive was never part of the rear building line established in other areas of the Central Business District. That is why they have created the proposed designation of a minimum 5% of the land being set aside as public plaza.

He referred to the chart of some of the details regarding the proposed six buildings. He and the architect described the two story building as being a maximum height of 40 feet. The other buildings would range up to a six story building with a maximum height of 85 feet. The three stories would be along the Boston Post Road, four story buildings would be along Corbin Drive and the four, five and six story buildings would be within the triangle but not adjacent to the two streets. Attorney Maslan said that the plans no longer refer to any of the buildings as two stories because portions of the buildings would be three stories in height.

Architect Gary Brewer showed one drawing of a perspective from Old King's Highway South, where due to the elevation of the highway and the sound barriers, not even the six story building would be visible from a person standing on the north side of Old King's Highway South. Similar perspective views from Corbin Drive and the Boston Post Road were shown.

David Genovese of Baywater Corbin Partners LLC showed slides of various six and seven story buildings in Greenwich and a five story building up against a front property line in Fairfield where

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there would be no public plaza. He said that the proposed amendments to the Zoning Regulations are consistent with the recently adopted Town Plan of Conservation and Development and that there are other examples in the area of similar development. He said that the proposed development would increase tax revenues from approximately \$238,000 per year to over \$3 million per year. He said other reasons to approve the project include the world-class architectural team, the project will attract high caliber retail tenants, the project will not require any municipal subsidies and will have new interior streets to pull traffic off the Boston Post Road. He said that the project will create an enormous number of off street parking spaces as well as some affordable housing and a highly visible town green. He said that the amendments to the Regulations should be approved because it is proposed by local property owners and will increase residential property values and the vitality of the downtown area. Mr. Genovese said that this is a “once in a century” opportunity for the redevelopment for a substantial portion of the downtown area of Darien. Mr. Genovese said that with the Special Permit application materials, they will file a parking management plan and will carefully consider shared parking. He said that the overall development should not require more than two parking spaces per thousand square feet for office use because the buildings are near the train station. He said that they will be providing two parking spaces per residential unit. He said that three parking spaces per thousand square feet of office will be sufficient. Mr. Genovese said that the proposed redevelopment will make the downtown more pedestrian friendly. He said that the original plan in 2014 did not have any parking on the Boston Post Road but they are reconsidering that at this time. He said he would prefer not to have parking in front of the proposed town green/public plaza. He said that they would be providing approximately 715 parking spaces.

Attorney Maslan and Mr. Genovese said that 66 housing units would be provided and 12 of those units would be affordable units. This will provide 30 credit points toward a moratorium. If they are age or handicap restricted, they will not provide as many credit points for the moratorium but will be needed by community members. Mr. Sini said that it is important to include at least 10% of the units as affordable, so that the Town does not fall behind the 10% suggested in the State Statute 8-30g. Mr. Sini believed that there was not a need for proposed Section 662c of the Regulations. Mr. Maslan said that in “b”, they could remove the age restriction. Mr. Voigt noted that these affordable units may be smaller units.

Mr. Genovese showed a slide to illustrate that the total buildings have approximately 108,400 square feet of footprint and will contain approximately 363,161 square feet of gross floor area. Retail uses will make up approximately 73,761 square feet, office uses will have approximately 103,300 square feet and residential will have approximately 186,100 square feet for 66 units (approx. 2,820 sq ft per unit). Contained within the proposed amendments to the Regulations, the two story buildings will have a maximum building height of 40 feet; a three story building will have a maximum height of 55 feet; a four story building would have a maximum height of 65 feet; a five story building would have a maximum building height of 75 feet; and a six story building would have a maximum building height of 85 feet. The architect noted that a typical retail store being constructed these days will have approximately 16 feet between the first floor and second floor and 12 feet between the second floor and third floor; this means 28 feet to the top of the second floor. A three story building would have approximately 40 feet to the top of the second floor. He said that the additional building height allowance would provide for a pitched roof and for mechanical equipment to be enclosed in the attic space. Mr. Ginsberg said that based on a 55 foot building height, the peak of the roof of a three story building might be at 60 feet or greater.

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At about 9:35 p.m., Mr. Genovese then submitted some letters of support for his project. Ms. Suzanne Papsun of West Avenue questioned the height of the existing Corbin building on Corbin Drive. It is a three story building with a flat roof. It was estimated to be between 30 and 35 feet in height. A new three story building could be 1 ½ - 2 times that height.

Ms. Cindy Hampton then spoke about the view from Old King's Highway South. She is concerned that the proposed buildings are much larger than typically allowed in Darien and are similar to those allowed in much larger communities. She said that she is concerned that having taller buildings will set precedent for other properties.

There being no further questions or comments from the public or 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. Sini, seconded by Mr. Olvany and unanimously approved.

After a five minute recess, at about 9:52 p.m., Chairman Cameron called the meeting to order again and read the following agenda item:

Continuation of Public Hearing regarding Business Site Plan Application #293/Special Permit, John Hertz & Robert Wood, 131 Hollow Tree Ridge Road. Proposal to construct a self-storage facility with associated office, housing, and commuter parking, and to perform related site development activities. The subject property is located on the west side of Hollow Tree Ridge Road, approximately 100 feet south of its intersection with Heights Road, and is shown on Assessor's Map #48 as Lot #3 in the 3.7AH Zone.

Attorney Michael Murray represented the applicant and explained that this was a continuation to wrap up any questions that the Commission members might have. He said that there would be 16 commuter parking spaces created between Hollow Tree Ridge Road and the proposed front building. The front building would have two residential units on the upper floor and would have a basement level office use for the self-storage business. The rear building will be the large, three story self-storage building. Ms. Cameron said that the existing site is mostly woods now and the view will be shockingly different once construction starts and the new three story building is constructed. She asked if landscaping could be added between the fence and the driveway to soften the view. Landscape Architect Matt Popp said there is limited space in that area to create viable planting beds for trees but he will try to get four trees planted on the south side of the fence. Mr. Cunningham asked if the fence along the driveway will obstruct the view of motorists entering or exiting the site. He is concerned about pedestrians and vehicles along the access drive to Avalon. That issue was discussed and Mr. Hertz said that they can make some parts of the fence into sliding gates.

Doug DiVesta, Professional Engineer, submitted two revised plans, each dated July 6, 2016. He said that these plans include revisions and more catch basins to collect storm water and snow melt water. He said that based on the amount of material that is needed for construction, they will use approximately 85 large dump trucks (approximately 16 cubic yards each) to move approximately 1,360 cubic yards of material into the site. It was noted that there is an easement on the front portion of the site.

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Todd Ritchie, Professional Engineer, explained that he is the engineer hired by the Town to review the submitted drawings and plans. He said that the runoff and drainage plan adequately and satisfactorily manages stormwater. He referred to his letter dated 6-8-2016.

Mr. Voigt noted that the plans refer to car covers over portions of the storage parking spaces. These would apparently contain solar panels. Mr. Ginsberg said that these structures would count towards Building Coverage. The architect said that these are solar panel covered carports and that they will comply with the maximum Building Coverage limitation. Mr. DiVesta reviewed the areas on the site where snow can be piled in the grassy areas to the west end of the storage building and on the island near the office building. Mr. Ginsberg said that lighting of the site is a concern. He said that the lighting plan was revised July 7, 2016. Mr. Popp said that the lights would be facing downward and would be about 15 feet high. Also there will be lights on the building near the entranceway.

Mike Galante, traffic consultant for Darien, said that he had been working with Neil Olinski of Milone and MacBroom, the traffic consultant for the applicant. There were recommendations and a letter being incorporated into the revised plans. He said that this is not a large traffic generator and it will not change the Level of Service in the area.

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. Sini, seconded by Mr. Olvany and unanimously approved.

At about 10:30 P.M., Chairman Cameron read the following agenda item:

GENERAL MEETING

Amendment of Site Plan Application #283, Royle School, 133 Mansfield Avenue.

Proposal to install generator.

Michael Lynch of the Darien Public Schools said that the emergency generator is being proposed on the north side of the Royle School building. The building will be between the generator and houses on Royle Road. Like other generators, at other schools, each week they will test run the generator in the morning when some school staff is present, probably on a Tuesday or Wednesday.

Commission members reviewed the request to amend the site plan. The following motion was made: That the Planning & Zoning Commission approve the request to install an emergency generator at Royle school in accordance with the submitted application materials. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Chairman Cameron read the following agenda item:

Discussion and deliberations and possible decisions regarding the following:

Land Filling, Excavation & Regrading Application #382, CL Darien Partners, LLC, 277 Hoyt Street. Proposal to fill and regrade in association with the construction of a new single-family residence and to perform related site development activities.

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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. Voigt and unanimously approved.

After brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 12, 2016**

Application Number: Land Filling, Excavation & Regrading Application #382

Street Address: 277 Hoyt Street
Assessor's Map #8 Lot #210 & #211

Name and Address of Applicant & Property Owner: CL Darien Partners LLC
c/o 40 Wakemore Street
Darien, CT 06820

Name and Address of Applicant's Representative: D. Bruce Hill, Esq.
Law Office of Bruce Hill, LLC
30 Old King's Highway South
PO Box 1103
Darien, CT 06820

Activity Being Applied For: Proposal to fill and regrade in association with the construction of a new single-family residence and to perform related site development activities.

Property Location: The subject property is located on the east side of Hoyt Street, approximately 60 feet north of the intersection of Hoyt Street and Wakemore Street.

Zone: R-1/3

Date of Public Hearing: June 28, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: June 17 & 24, 2016

Newspaper: Darien News

Date of Action: July 12, 2016

Action: APPROVED WITH CONDITIONS

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Scheduled Date of Publication of Action: Newspaper: Darien News
July 22, 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.
- 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 fill and regrade in association with the construction of a new single-family residence and to perform related site development activities. The subject property has frontage on Hoyt Street (State Route 106), and is adjacent to Kensett Lane. The property is separated from the Wakemore Street right-of-way by a small parcel of land that was left over when Wakemore Street was reconfigured to accommodate the Kensett driveway. The proposed residence will be adjacent to the Kensett property, but will not be part of that development.
2. As noted within the application materials, all construction access to the site will be through Kensett Lane. As shown on the submitted plans, the driveway for the proposed residence shall be from the private Kensett Lane driveway.
3. The applicant has proposed Cultec units to address stormwater management. Darren Oustafine, PE, of the Darien Public Works Department sent an e-mail dated June 9, 2016 with his comments on the application. At the public hearing, the applicant's professional engineer, Joanne McKenzie responded to those comments. She noted that a written response to those comments could be submitted for the record if desired by the Commission.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. 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 #382 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 plan submitted to and reviewed by the Commission entitled:

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- Site Plan, 277 Hoyt Street (Single Family Home) by Insite Engineering, last revised 5-23-16, Drawing No. SP-1.
 - Erosion & Sediment Control Plan, 277 Hoyt Street (Single Family Home) by Insite Engineering, dated 5-23-16, Drawing No. SP-2.
 - Details, 277 Hoyt Street (Single Family Home) by Insite Engineering, last revised 5-23-16, Drawing No. D-1.
 - Details, 277 Hoyt Street (Single Family Home) by Insite Engineering, last revised 5-23-16, Drawing No. D-2.
- B. Prior to the issuance of a Zoning or Building Permit for the foundation of the proposed residence, the project engineer shall prepare a written response to the June 9, 2016 e-mail from Town Engineer Darren Oustafine and submit such to the Planning and Zoning Department.
- C. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the “Erosion & Sediment Control Plan” 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.
- E. A long-term drainage maintenance plan for the proposed Cultec units (subsurface infiltration system) was submitted as part of this application. It is on page 5 of the May 23, 2016 Stormwater Pollution Prevention Plan prepared by Insite Engineering. The maintenance plan requires the property owner and all subsequent property owners of 277 Hoyt Street to maintain the on-site drainage facilities.
- F. A related “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 of the 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. Prior to the request for the Certificate of Occupancy for the residence, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.

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- I. The granting of this Permit does not relieve the applicant of responsibility for complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes Zoning and Building Permits for the foundation of the proposed residence. Subsequent Zoning and Building Permits are required for work above the foundation, as well as a Sewer Connection Permit from Sewer Services. Those subsequent Zoning and Building Permits may be issued once an as-built survey of the foundation has been submitted to the Planning and Zoning Department.
- J. 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.
- K. 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 (July 12, 2017). This may be extended as per Sections 858 and 1009.
- L. Access to the single family house to be built on this site will be through Kensett Lane, which is a private driveway providing access to the units within the Kensett development. This proposed house is not part of the past approvals by the Commission for Kensett. Access from the Kensett Lane private driveway is being allowed by the Commission due to safety and site conditions. Whether the owner of the subject property becomes a member of the Kensett homeowners association, now or in the future, is up to the controlling authority of Kensett, not the Commission.

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 AND prior to the start of the proposed work in order to finalize this approval.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #385, Michael & Devin Conroy, 20 Wakemore Street. Proposal to regrade within fifteen feet of a property line in association with the construction of additions and alterations to an existing residence, and to perform related site development activities.

After a brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and unanimously approved. The adopted resolution reads as follows:

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ADOPTED RESOLUTION
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Application Number: Land Filling & Regrading Application #385

Street Address: 20 Wakemore Street
Assessor's Map #8 Lot #219

Name and Address of Applicant & Property Owner: Michael & Devin Conroy
20 Wakemore Street
Darien, CT 06820

Name and Address of Applicant's Representative: Kent Eppley
ERI Building & Design, LLC
199 West Avenue
Darien, CT 06820

Activity Being Applied For: Proposal to regrade within fifteen feet of a property line in association with the construction of additions and alterations to an existing residence, and to perform related site development activities.

Property Location: The subject property is located on the north side of Wakemore Street, approximately 450 feet east of its intersection with Hoyt Street.

Zone: R-1/3

Date of Public Hearing: June 28, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: June 17 & 24, 2016 Newspaper: Darien News

Date of Action: July 12, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
July 22, 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, 850, and 1000 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 plan, 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.

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

1. The proposal is to regrade within fifteen feet of the eastern property line of 20 Wakemore Street in association with the construction of additions and alterations to an existing residence, and to perform related site development activities.
2. The Zoning Board of Appeals (ZBA) approved this application as part of ZBA Calendar #53-2015. That approval is hereby incorporated by reference.
3. The applicant has proposed Cultec systems to address stormwater management. One Cultec unit will address stormwater from the driveway, and two Cultecs will be connected to the roof leaders from the house.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. 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 #385 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling and regrading work shall be in accordance with the plan submitted to and reviewed by the Commission entitled:
 - Site Plan prepared for #20 Wakemore Street Darien, Connecticut, scale 1"=10', by LBM Engineering, LLC, last revised 04/15/2016.
- B. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the "Site Plan" 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.
- D. A Drainage Maintenance Plan for the proposed Cultec units shall be prepared by the applicant's engineer and submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records or with the Planning and Zoning Commission file on this matter. The maintenance plan shall require the property owner and all subsequent property

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owners of 20 Wakemore Street to maintain the drainage facilities pursuant to the maintenance plan.

- E. A related “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 additions and alterations to the residence.
- F. 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 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.
- G. Prior to the request for the Certificate of Occupancy for the residence, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plan referred to in Condition A, above.
- H. The granting of this Permit does not relieve the applicant of responsibility for 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 (July 12, 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 AND prior to the start of the proposed work in order to finalize this approval.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #310, Flood Damage Prevention Application #355, Land Filling & Regrading Application #384, Susan Weaver, 21 Baywater Drive. Proposal to remove the existing residence, and construct a replacement single-family residence, and to perform related site development activities within regulated areas.

Commission members reviewed the draft resolution. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt and seconded by Mr.

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Sini. All voted in favor expect Mr. Olvany, who abstained because he had not been present for the public hearing. The motion was approved by a vote of 4-0-1. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 12, 2016**

Application Number: Coastal Site Plan Review #310
Flood Damage Prevention Application #355
Land Filling & Regrading Application #384

Street Address: 21 Baywater Drive
Assessor's Map #55 Lot #97

Name and Address of
Property Owner: Susan Weaver
21 Baywater Drive
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road, Suite 201
Darien, CT 06820

Activity Being Applied For: Proposal to remove the existing residence, and construct a replacement single-family residence, and to perform related site development activities within regulated areas.

Property Location: The subject property is located on the south side of Baywater Drive, approximately 720 feet east of its intersection with Nearwater Lane.

Zone: R-NBD

Date of Public Hearing: June 7, 2016 continued to June 28, 2016

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: May 27 & June 3, 2016 Newspaper: Darien News

Date of Action: July 12, 2016 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
July 22, 2016

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

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- the proposed use and activities must comply with all provisions of Sections 410, 810, 820, 850, and 1000 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.
- 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 the existing residence, and construct a replacement single-family residence, and to perform related site development activities within regulated areas. The subject property is the smallest within the R-NBD zone, and has frontage directly on Long Island Sound.
2. The applicant's representative notes that some area of the property has been lost to erosion through time. The structure is now below the Base Flood Elevation (BFE), and the entire existing structure, and most of the property, is within the 100 foot critical CAM area.
3. The Zoning Board of Appeals (ZBA) approved this application as part of ZBA Calendar #19-2016 on May 18, 2016. That approval is hereby incorporated by reference.

PROPOSED WORK WITHIN CAM AREA

4. The proposed residence will be approximately fifteen feet farther away from Long Island Sound than the existing residence. An April 20, 2016 report from Roberge Associates Coastal Engineers, LLC was submitted for the record in this matter.
5. This application was referred to the State of CT DEEP. They responded in an e-mail dated June 28, 2016 that they have reviewed the proposal, and find no inconsistencies with the CT Coastal Management Act.
6. 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.
7. The proposed activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
8. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

PROPOSED WORK WITHIN THE FLOOD ZONE

9. The applicant's representative, Attorney Wilder Gleason said that the house is partially located in the VE elevation 15 Flood Zone, a wave velocity Flood Zone with an expected Flood Elevation of 15; and partially within flood zone AE elevation 14.0. By FEMA regulations, the

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lowest horizontal support structure (the bottom of the floor joists) must be at least one foot above the crest of the wave (elevation 15) so that it will not be impacted by the velocity forces of the waves. That results in a requirement that the first floor of the house has to be at elevation 17 or more. He said that the existing house has a basement, which is below the expected flood elevation, and does not comply with the Flood Damage Prevention Regulations.

10. An April 20, 2016 report from Roberge Associates Coastal Engineers, LLC was submitted for the record in this matter relative to compliance with flood zone requirements. That report concludes that the proposed work will not result in an increase of flood heights and the proposal meets or exceeds Sections 825 of the Darien Zoning Regulations.
11. The proposed ground level of the structure will be a garage at elevation 8.5. The gravel floor will be enclosed by breakaway walls. The support columns will be clad in stone veneer. Internal stairs and a flood zone approved elevator shall provide access from the garage level to the rest of the house. There cannot be any finished or habitable space on the garage/ground level of the house. The first floor will contain 1600 square feet of enclosed living space at elevation 17. The second floor will have approximately 1550 square feet and the attic will have 300 square feet of finished space. The Building Height, measured from the average proposed grade of elevation 9.75, shall not exceed 30 feet. The Commission believes that the proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.

STORMWATER MANAGEMENT AND REGRADING

12. At the public hearing, John Martucci, Professional Engineer, reviewed the site plan and development aspects of the project. He said that stormwater runoff from all the impervious surfaces now drains directly into Long Island Sound and there are not currently any water quality features on the site. He said that the proposed drainage system would not be retaining any rain water for flood damage prevention purposes, only for water quality. The proposed Drainage Plan includes installation of two infiltration units for water cleansing.
13. It was noted that the revised Site Plan last revised 06/06/2016 reduces the amount of fill and grading to be done to the front of the property from the original Site Plan submitted as part of this application.
14. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #310, Flood Damage Prevention Application #355, Land Filling & Grading Application #384 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Site Plan prepared for Weaver Residence #21 Baywater Drive, scale 1"=10', by LBM Engineering, LLC, dated April 24, 2016 and last revised 06/06/2016.

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- Zoning Location Survey depicting Proposed Conditions 21 Baywater Drive prepared for Susan N. Weaver, by William Seymour & Associates, scale 1"=10', last revised April 19, 2016.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans 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.
- C. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. Because this application is located within the bottom 1/3 of the watershed, and is directly adjacent to Long Island Sound, the Commission hereby waives the requirement to address water quantity. Only water quality is addressed.
- E. The applicant's engineer prepared a Drainage System Operations and Maintenance Plan for 21 Baywater Drive, received May 10, 2016, for the on-site stormwater management system. 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 issuance of a Zoning and Building Permit for the foundation for the proposed residence.
- F. Accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect and/or engineer that verifies that the final design of the replacement house complies with the applicable flood damage prevention requirements.
- 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. Prior to the request for the Certificate of Occupancy for the construction work, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- H. Once the project is complete, and prior to July 12, 2017, the applicant shall submit a final "as built" map and/or other evidence that all work has been properly completed in accordance with the approved plans. This as-built survey shall reflect the new location of any air conditioning units, generator, and above ground propane tanks, which are proposed to be relocated to comply with zoning setbacks and flood regulations as part of this application.
- I. 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 the requirement for a Demolition Permit and associated Sewer Disconnect Permit;

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Zoning Permit and Building Permits for the foundation for the proposed residence; followed by subsequent Zoning and Building Permits for work above the foundation.

- J. 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.
- K. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (July 12, 2017). This may be extended as per Sections 815 and 829f.

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 and prior to the issuance of a Zoning and Building Permit for the foundation for the proposed new replacement residence.

Chairman Cameron then read the following agenda item:

Approval of Minutes

May 24, 2016 Public Hearing/General Meeting

After some discussion and clarification and amendment of the minutes, the following motion was made: That the Planning & Zoning Commission approve the revised, corrected minutes. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved.

May 31, 2016 Public Hearing/General Meeting

The following motion was made: That the Planning & Zoning Commission approve the minutes. The motion was made by Mr. Cunningham, seconded by Mr. Voigt and unanimously approved.

June 7, 2016 Public Hearing/General Meeting

Action on these minutes was postponed until a future meeting.

The next meeting scheduled is July 19, 2016.

There being no further business, the following motion was made: that the Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The meeting was adjourned at 10:45 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director