

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
SEPTEMBER 6, 2016**

Place: Room 206

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. She noted that earlier today, Mr. DiDonna had resigned from the Planning & Zoning Commission effective immediately, and thus there is a vacancy on the Planning & Zoning Commission. Ms. Cameron and the other Commission members thanked Mr. DiDonna for his service on the Commission. A replacement must now be appointed by the remaining Planning & Zoning Commission members. Ms. Cameron asked Mr. Ginsberg to confirm with Town Counsel the proper procedure for replacing a Planning & Zoning Commission member and get the details back to the Commission as soon as possible. Other members also acknowledged Mr. DiDonna's service and thanked him for his time on the Commission.

Chairman Cameron then read the first agenda item:

GENERAL MEETING

Mandatory Referral #2-2016, Board of Selectmen, lease of land at 126 Ledge Road to BMW of Darien. Request to lease 14,000+/- square foot section of Town-owned land to store inventory.
REQUEST RECEIVED: 8/25/2016. DEADLINE TO ISSUE REPORT: 10/1/2016.

Mr. Ginsberg explained that this is a referral under Section 8-24 of the Connecticut General Statutes. In this case, it is a lease of Town owned land. Mr. Olvany confirmed that this is not an expansion of an existing lease, but rather a renewal of a lease which has run for 10 years. The new lease will continue for an additional period of time. It was noted that this new lease has a one year "out clause" for the Town of Darien. Being that no different size land is being leased than what has been leased over the past 10 years, Mr. Olvany confirmed that the proposal is consistent with the Town Plan. He made a motion to issue a positive report and instructed Mr. Ginsberg to draft a simple resolution to that effect. Mr. Voigt seconded that motion which was approved by a vote of 4-0. The report read as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
BOARD OF SELECTMEN
LEASE OF LAND AT 126 LEDGE ROAD TO BMW OF DARIEN
SEPTEMBER 6, 2016**

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Mandatory Referral #2-2016, Board of Selectmen, lease of land at 126 Ledge Road to BMW of Darien. Request to lease 14,000+/- square foot section of Town-owned land to store inventory.

At their September 6, 2016 meeting, the Darien Planning and Zoning Commission reviewed the August 25, 2016 memorandum from Town Administrator Kathleen Clarke Buch along with the proposed lease between the Town of Darien and Felix F. Callari, Inc. d/b/a as BMW of Darien. An associated e-mail from DPW Director Ed Gentile acknowledged that within the lease is condition #10, which allows the Town to take back the property with one year notice.

The Commission acknowledged that this is a renewal of an existing lease, which was in effect from 2006-2016, and not an expansion of the prior lease.

The Commission unanimously agreed, by a 4-0 vote, that the proposal is consistent with the 2016 Town Plan of Conservation and Development, and town policies.

Chairman Cameron then read the following agenda item:

Mandatory Referral #3-2016, Darien Board of Education, Darien High School, 80 High School Lane. Request for report regarding 80' high permanent lights on the high school stadium field and upgrading the current stadium sound system.

REQUEST RECEIVED: 8/26/2016. DEADLINE TO ISSUE REPORT: 9/30/2016.

Mr. Sini noted that a recent case of Michalski vs. Darien Planning & Zoning Commission confirmed that Mr. Sini does not have a conflict of interest on the high school application. Ms. Cameron said that she believed the improvements are consistent with the 2016 Town Plan of Conservation and Development. There is clearly a community need here. She agreed fully with Dr. Brenner's report dated August 26, 2016.

Mr. Sini then specifically referred to page 119 of the 2016 Town Plan of Conservation and Development. He quoted directly from that Plan as "since Darien is mostly built out the challenge will be to make the most effective use of the outdoor recreation facilities the Town currently has: lighting to extend daily use/extend seasons." He said that is within the Infrastructure chapter of the Town Plan. Mr. Sini reiterated that there is quite a demand for such field facilities for Town now and the lighting will certainly extend such use. Mr. Voigt agreed with Mr. Sini that the Town Plan is clear on this referral. Mr. Olvany also agreed.

The current Darien Zoning Regulations do not allow for 80 foot tall light fixtures at athletic facilities. An application for an amendment of the Regulations is necessary for this project to proceed.

Mr. Olvany made a motion to issue a positive report regarding the referral request with Mr. Sini's comments specifically noted and to have Mr. Ginsberg write a report reflecting the Commission's acknowledgement that the proposal is consistent with the Town Plan. Mr. Voigt seconded that motion, which was approved by a vote of 4-0. The approved report read as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
DARIEN BOARD OF EDUCATION
DARIEN HIGH SCHOOL, 80 HIGH SCHOOL LANE
SEPTEMBER 6, 2016**

Mandatory Referral #3-2016, Darien Board of Education, Darien High School, 80 High School Lane. Request for report regarding 80' high permanent lights on the high school stadium field and upgrading the current stadium sound system.
REQUEST RECEIVED: 8/26/2016. DEADLINE TO ISSUE REPORT: 9/30/2016.

The Planning & Zoning Commission reviewed the Superintendent's August 26, 2016 request at their meeting of September 6, 2016.

The Commission notes that there are a number of specific references in the 2016 Town Plan of Conservation & Development which support this proposed project. This includes, but is not limited to page 119 of the Plan, which reads as follows:

"Since Darien is mostly built out, the challenge will be to make the most effective use of the active outdoor recreation facilities the Town currently has:

- *Resting grass fields (challenging due to use)*
- *Artificial turf to withstand use/extend seasons*
- *Lighting to extend daily use/extend seasons*
- *Irrigation to withstand use."*

Dr. Brenner noted that other references in the 2016 Town Plan on pages 44, 116 and 124 also are supportive of the request for 80 foot high lights and improvement of the sound system.

The Commission finds that the proposal is fully consistent with the 2016 Town Plan of Conservation and Development, and town policies.

Chairman Cameron then read the following agenda item:

Flood Damage Prevention Application #254-A/Site Plan, Park and Recreation Junior Sailing, Weed Beach.

Request for extension of time.

Mr. Ginsberg outlined the request from the Park & Recreation Junior Sailing program. After some discussion, the Commission members agreed to extend the period of time until January 1, 2018. That motion was made by Mr. Olvany, seconded by Mr. Sini and approved by a vote of 4-0.

Prior to moving on to deliberations concerning the proposed Corbin subarea, Chairman Cameron noted that during the public hearing process comments from the general public are welcome during the meetings, but once the public hearing is closed, it is not appropriate to send information or opinions to the Commission. She said that within the past 10 days there has been a very inappropriate deluge of emails to Commission members and that such actions are not acceptable.

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Mr. Sini said that the application in question is to amend the Zoning Regulations and Map and is conceptual only. There is not even a detailed Site Plan on which people commented. Chairman Cameron asked if the Commission members felt that they could proceed fairly given the fact that so much information has been sent to them after the close of the public hearing. Mr. Sini, Mr. Olvany and Mr. Voigt said that they have not and will not take into consideration any of the materials submitted after the close of the public hearing and that they would proceed with deliberations based on information that was submitted at the public hearing. Based on this, Chairman Cameron read the following agenda item:

Deliberations ONLY on the following (no decision to be made this evening):

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. *DECISION DEADLINE HAS BEEN EXTENDED TO: 9/27/2016.*

Mr. Ginsberg explained that he had submitted a list of talking points with comments from the last time that the Commission members had an opportunity to deliberate on this matter. He said that the talking points were only suggestions and that the Commission is free to discuss any and all aspects of the requested amendments to the Zoning Regulations and Map. The Commission members reviewed the talking points and confirmed that the proposed subarea consists of 11.2 acres of land bound by Corbin Drive, the Boston Post Road and I-95. It was noted that the potential redevelopment area could become larger or the Commission could create a larger overlay zone at some time in the future. Such actions could not be done at this time because the public hearing was only conducted regarding this submission and based on the limited land area.

The issue of whether to use an overlay zone or a subarea of the CBD was discussed. Mr. Sini asked if this would be considered spot zoning for one property only. Mr. Ginsberg said that due to the size of the site, the fact that the uses are the same as what is permitted in the CBD Zone and the unique nature and location of the site, he did not feel that this would be considered spot zoning. Mr. Sini said that it would be appropriate to encourage other property owners to pursue similar treatment for their properties provided they too can provide public plazas and green spaces. Mr. Olvany said that since it would only be allowed in the Central Business District, there might not be any other possible sites that are large enough to accommodate this type of development. Mr. Sini noted that this is a legislative action and there is lots of discretion granted to the Planning & Zoning Commission on such legislative actions, but the Commission cannot go beyond the legal notice limitations. All the Commission members agreed and confirmed that the redevelopment would only be allowed by special permit.

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The size of the parking spaces was then discussed. The current regulations require 9 foot wide, 20 foot deep parking space with a minimum 24 foot unobstructed backup area. The proposal is to allow 9 foot wide, 18 foot deep parking spaces with a 24 foot backup aisle. Mr. Sini said that he did not feel comfortable adjusting the parking requirement unless and until a detailed site plan is submitted. Mr. Olvany said that he knows of a 950 space, new parking garage that was built in White Plains and all of those spaces are 9 feet by 18 feet. He said that in parking garages the ceiling heights always seem to be too low according to many people. Mr. Sini and Mr. Olvany felt that it might be okay to have a 9 foot by 18 foot deep parking space within a designated parking garage, but not on surface level parking spaces. Mrs. Cameron said she is not comfortable reducing the size of parking spaces in general. She said that she might feel more comfortable if it was only for parking spaces where there is a designated user and a reserved space, not the general public.

Other aspects of the requested changes to the parking regulations were discussed. The Commission felt it would be appropriate to allow some of the parking spaces to be reserved for specific tenants within the buildings. However, the fact that some spaces are reserved for specific tenants would be taken into account regarding the relative number of common or shared parking spaces. They believed that reducing the number of on-site parking spaces required due to alternative transportation facilities (train or bus access) would certainly be considered in the request for shared parking, but would not automatically reduce the number of required parking spaces based on square footage and potential occupancy. Mr. Sini said that such a provision should be denied without prejudice until a detailed site plan is submitted so the Commission can see the impact of such an analysis. Ms. Cameron noted that the Zoning Regulations should include a cap or a maximum reduction in the number of parking spaces similar to that which is in effect for the Noroton Heights redevelopment district. In Noroton Heights, the maximum reduction can only be fifty percent of what is required by the Regulations.

Commission members discussed the requested provision that building height may be exceeded based on a two-thirds vote of the Architectural Review Board. The Commission agreed that the opinion expressed by the Architectural Review Board in their report is of great importance to the Planning & Zoning Commission; however, they did not feel comfortable delegating the authority to the ARB. The decision about building height must ultimately rest with the Planning & Zoning Commission.

Affordable housing aspects of the proposed redevelopment were discussed. Commission members agreed that provisions A and B seem to be acceptable, but could not agree with proposed Item C which would give double credit to certain types of affordable housing. The minimum size requirement of public plazas was discussed. The Commission felt that the provisions recently adopted in the Noroton Heights District should be used as the standard for that which is acceptable in the Central Business District.

Building height was then discussed. The Commission members agreed that it was appropriate to still limit building height based on total number of feet, although some members agreed that there could be some flexibility in the total number of stories within the permitted height. The higher the buildings are the farther back from the streets they must be. Mr. Sini said that in the Noroton Heights District, the maximum allowed by the Commission is 43 or 45 feet. He said that the Mead House (on the corner of Boston Post Road and Academy Street) is three stories and approximately 40 feet in building height according to the definition of the Regulations. Mr. Olvany said that the

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peak of that building is probably 42 to 44 feet. He said that a standard luxury apartment has a 9 foot space between the floor and ceiling. Mr. Ginsberg said that the conceptual drawings show 2 to 3 story buildings along the Boston Post Road and four story buildings along Corbin Drive set back about eight feet from the front property line along Corbin Drive. Mr. Sini said that the tallest he felt he could approve would be a maximum of four stories and possibly a fifth story if it was laid out so that the fifth story would not be noticeable from the streets. He said that only about 8 percent of the downtown is more than 2½ stories and that the applicant had come to the Commission last year to discuss the proposal informally. At that time, the Commission advised that they did not feel comfortable with the proposal for 6 story buildings, but that advice was ignored. Mr. Sini did not feel that floors with 20 foot high ceilings were in character with the community. The applicant's proposal seemed to allow 2 story buildings, 40 feet high; 3 story buildings, 55 feet high; 4 story buildings 65 feet high; 5 story buildings, 75 feet high; and 6 story buildings, 85 feet high in accordance with the revised proposal. Mr. Sini said that the Commission asked for examples, but the examples provided by the applicant were commonly of taller buildings in much larger cities. He said 4 stories seem to be the largest type of building in communities that are similar in population to Darien. Mr. Olvany noted that emergency service people seem to have some concerns about providing rescue operations in a 6 story building. It was noted that it might be appropriate to limit the height of buildings along the streets to only 2 or 3 stories and then to allow taller buildings that are set back farther from the street and the neighbors. Mr. Sini said that he does not want any ambiguity or confusion as to what could be allowed. He felt that it might be appropriate to stick with the same manner of measuring building heights as allowed in the Noroton Heights Redevelopment District. He believed that building height should be limited to 3 stories at 45 feet, 4 stories at 55 feet and 5 or possibly 6 stories at 65 feet. The applicant would then have the ability to decide whether they prefer 4 or 5 or 6 stories using the 65 foot high limit, but they would not be able to have any buildings taller than 65 feet. He said that cutting back the proposal would reduce only about 3 percent of the floor space because it was a very small portion of a 6 story building that had been shown in the conceptual plans.

There was concern expressed that the proposed amendments of regulations would be too great a departure from the rest of the community and the change to allow for 6 stories and 85 feet in height would throw off kilter the congruency of the redevelopment with the rest of the Town. Mr. Voigt said that even if the proposed building height is limited to 65 feet, it would still be twice the height of anything else that currently exists in the subject area of Town. There was some discussion about whether the maximum should still remain at 65 feet if the building is to be 6 stories in height. Mrs. Cameron and Mr. Sini said that they did not feel comfortable going with anything over 65 feet in height. They asked Mr. Ginsberg to work on some setback regulations that would allow the number of stories and building heights on a progressively greater scale depending on how far back the buildings were from the street. No motion was made and no action was taken regarding the proposed amendment to the regulation.

Commission members took a five minute brief recess and resumed the meeting at 9:40 P.M.

Discussion and deliberations and possible decisions regarding the following:

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. *DECISION DEADLINE: 9/15/2016.*

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

Commission members reviewed the draft Resolution and noted that the facility would be for storage and for parking for commuters. There would not be a vehicle rental facility on the site. Mr. Ginsberg said that the solar panels proposed to cover some of the parking spaces do comply with the allowable building coverage. Commission members noted that there is a likelihood that there will be some construction at the nearby Noroton Heights train station and they asked that the applicant coordinate the availability of their parking spaces with those at the train station. Mr. Olvany noted that the Traffic Study had been conducted based on the fact that the commuter parking spaces would mean one vehicular trip in in the morning and vehicular trip out in the afternoon. The commuter parking spaces cannot be used as any other use because it would generate much more traffic than the studies had anticipated. Ms. Cameron said that she would like to have more trees planted along the building façade to break up the massiveness of the building. Mr. Voigt expressed concern about the overhead lines that travel through the site. Mr. Ginsberg said that those lines will be part of the development project which includes burying those utility lines.

After discussion about 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 stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

Application Number: Business Site Plan Application #293/Special Permit

Street Address: 131 Hollow Tree Ridge Road
Assessor's Map #48 Lot #3

Name and Address of
And Applicants: John Hertz & Robert Wood
c/o 132 Heights Road
(contract purchasers at time of application) Darien, CT 06820

Name and Address of
Applicant's Representative: Michael Murray, Esq.
Ivey Barnum & O'Mara
65 Locust Avenue, Suite 100
New Canaan, CT 06840

Name and Address of
Property Owners: more than 20 owners as noted within Schedule A of the application
At time of application: c/o TJ Donahue, Esq.
Killian & Donahue, LLC

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363 Main Street
Hartford, CT

Activity Being Applied For: Proposal to construct a self-storage facility with associated office, housing, and commuter parking, and to perform related site development activities.

Property Location: The subject property is located on the west side of Hollow Tree Ridge Road, approximately 100 feet south of its intersection with Heights Road.

Zones: 3.7AH

Date of Public Hearing: June 28, 2016 continued to July 12, 2016
Deliberations Held: August 2, 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: September 6, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Actions:
September 16, 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 540, 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, the submitted development plans, and the statements of the applicant and 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 review of the submitted application materials and related analyses, the Commission finds:

1. The application consists of a proposal to construct:
 - a) a three story self-storage facility of approximately 102,500-112,000 square feet. This may contain 670-700+/- storage units;
 - b) outdoor storage of vehicles, boats, and trailers;
 - c) a separate detached building with an associated first floor office for the self storage business of about 800 square feet, and on the upper floors 800 square feet of storage, and two

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workforce housing units. The workforce housing will be limited to those working on the premises.

d) Sixteen (16) spaces of commuter parking; and to perform related site development activities.

2. The subject property is 3.7+/- acres. The subject property is now vacant. There is a small wetland pocket on the property of about 774 square feet.
3. At the public hearing on this matter, Attorney Michael Murray represented the applicant and explained that this Business Site Plan and Special Permit are being submitted subsequent to the Change of Zone map boundary and the proposed amendments to the Zoning Regulations, which were adopted by the Commission in early 2016.

WETLANDS

4. Mr. Doug DiVesta, the applicants' professional engineer, said at the public hearing that there is a small pocket of wetlands on the north side of the site and adjacent to the driveway to the Avalon development (which goes through the subject property). That wetland will be filled and a new wetland will be created in the southwest corner of the site. Details of the excavation and planting plan have been reviewed and approved by the EPC. The bottom of the new drainage basin/wetland area will often stay wet for a few days after rainfall. Eventually it will dry out.
5. The Darien Environmental Protection Commission (EPC) approved this project on March 2, 2016 as part of EPC #8-2016. That approval is hereby incorporated by reference.

ARB REVIEW ACTION/SIGNAGE

6. On April 19, 2016, the Architectural Review Board (ARB) reviewed the design of the proposed buildings (both the self-storage facility and the detached office/housing building); as well as the proposed signs. The ARB sent the applicant an April 25, 2016 letter, noting that they supported the proposal, and recommended their approval. At the Planning and Zoning Commission public hearing, Mr. John Hertz, one of the applicants, said that signage to the site will be subtle and will not be directed toward I-95. It will indicate the street address and name of the facility adjacent to Hollow Tree Ridge Road. Once motorists are on the access driveway, additional signage will direct them to the self-storage facility as well as the adjacent Avalon residential development.

ACCESS/DRIVEWAY/ON-SITE PARKING

7. The proposed driveway through the site is approximately 30 feet wide to accommodate the customers' needs and to facilitate easy passage of vehicles when one customer is parked adjacent to a self-storage unit. Delivery trucks can enter and exit the site and easily maneuver on the site without backing up traffic onto the access driveway that services the Avalon residential development to the west. There will be two curb cuts along the Avalon driveway, which is actually on the subject property. Attorney Murray said that 13 on-site parking spaces were required for the self-storage use based on the size of the proposed building.

SEPTIC SYSTEM

8. Attorney Murray explained at the public hearing, and the Commission agrees, that one of the problems with developing this property for housing as it is now zoned, is the lack of an adequate

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sanitary sewer connection. At the hearing, the applicants' engineer Doug DiVesta stated that the connection to sanitary sewers has been investigated but proved not to be feasible or practical. He said they have obtained a waiver of the Health Code to have the one septic system serve the two buildings. There are no restrooms in the storage building. The proposed office and two apartment units above the office will be serviced by an on-site septic system. The septic system design has been reviewed and approved by the Darien Health Department. Attorney Murray said that the Health Department review and approval has been included in the record.

SELF-STORAGE BUILDING

9. A three story self-storage building is proposed. It will also have an unfinished 6,062 square foot basement. It was noted at the hearing that the number of actual storage units in the building may change through time, as customers desire larger or smaller units. It was mentioned that customers are likely to park adjacent to the building to load or unload materials, rather than parking in a designated parking space farther away from the building. However, sufficient required parking has been provided on-site for this use.

OUTDOOR STORAGE FOR VEHICLES, BOATS AND TRAILERS

10. The submitted Site Plan with Coverage shows approximately 21 parking spaces to the northwest and south of the proposed self-storage building for long-term parking of vehicles, trailers and boats. Some of these spaces will be covered by carports with solar panels atop them. A nearby shed and generator are proposed relating to those solar panels. Because some of these parking spaces may be used for boats and trailers, some of the parking spaces have been purposely designed to be larger than the current minimum size 9' x 20' parking spaces for automobiles.

DETACHED OFFICE/HOUSING STRUCTURE

11. The applicants propose a separate detached building with an associated first floor office of about 800 square feet, 800 square feet of storage, and two workforce housing units on the upper floors. The workforce housing will be limited to those working on the premises. The plans show a single one bedroom apartment and a single two-bedroom apartment.

12. Mr. Hertz, the applicant, said that the people living in the two apartments will be working on the site. Mr. Hertz said that the apartments will not be rented to the public generally. He said they put that provision in the proposed Regulation so that employees will always be available for security on the site and to deal with the occasional after-hours visitors to the site.

COMMUTER PARKING

13. During the public hearing process, the amount of proposed commuter parking was amended, such that the applicants now propose a total of sixteen (16) parking spaces near the Hollow Tree Ridge Road property line, for commuters, who will likely walk across the street to the Noroton Heights Train Station. Since these are private spaces on private property, the Commission will not dictate whether the applicant charges for these spaces, or how they manage the commuter lot. The Commission does not allow for vehicles for sale in this lot. Whether the property owner(s) allows for overnight parking in this area of their property is up to them.

STORMWATER MANAGEMENT

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14. Mr. DiVesta said that the drainage analysis submitted to the EPC and P&Z has been reviewed by a consultant hired by the Town. There is no off-site water that comes on to the site, so all they need to deal with is the sheet flow from the site itself. The plans have been updated to reflect comments from the Town's peer review consultant (Milone and MacBroom). Sheet flow will be directed into a swale along the southerly portion of the site, catch basins along the north side of the development will collect storm water, and roof gutters will be directed into solid pipes on the south. The pipes will direct water to the south and west portions of the storage building. The stormwater detention basin area has been designed to control the storage of all the stormwater from the site so that there is no increase in off-site peak flow. Mr. DiVesta said that the engineering consultants for Avalon have reviewed and approved the drainage system proposal. He said that the drainage system has been designed for a 100 year storm even though the Town Regulations only require the design for a 50 year storm. Mr. DiVesta said that the drainage system has been carefully designed to shift the peak of the flow of discharge by approximately two hours so that it is later than the peak discharge of water within the Avalon drainage system.

LIGHTING, LANDSCAPING, BUFFERING, FENCING

15. Lighting of the parking lot will be as shown on the submitted Landscape Plan last revised 7.7.16. Fixtures with flared hoods have been proposed, which show that there will be no bulb extending beyond the bottom of the hood.

16. The site will be illuminated with a series of light poles. In addition, pathways will be illuminated using lights mounted on the side walls of the building. The lights will all shine down at the first story of the building only. Sensors will be installed to allow many of the lights to be turned off until someone is in the area.

17. The applicant submitted a Landscape Plan, which shows plantings throughout the site. The Commission has worked with the applicant to arrive at a plan which assists in minimizing the visual impact of the large self-storage building. The applicant is encouraged to supplement the Landscape Plan as desired with additional plantings and/or larger plantings in order to attempt to minimize the visual impacts of the building from the Avalon driveway, from Hollow Tree Ridge Road, and I-95.

18. The plans show a new black chain link fence along the southern property line. There is no equipment or signage shown on the plans near the fence, and none is hereby allowed. The fence shall be properly maintained by the applicant at all times. It shall be 6-8 feet in height.

19. The ARB and the Commission have worked very closely with the applicant on a building that is aesthetically pleasing and was concerned about future changes to the look of the building. Any future conversion of the look of the building will require a new review and action by the ARB and Planning and Zoning Commission prior to implementation of the changes.

FINDINGS

20. 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.

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21. The location, nature, size, and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and sign are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof. **The Commission makes this finding based upon the very specific architectural plans and lighting for the buildings. Any change to the architectural plans or lighting plans shall require review by the Architectural Review Board (ARB) and review and action by the Planning and Zoning Commission.**
22. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
23. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
24. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Business Site Plan Application #293/Special Permit are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:
 - Site Plan, 131 Hollow Tree Associates, 131 Hollow Tree Ridge Road, by DiVesta Civil Engineering Associates, Inc., dated 1/29/16, last revised 07/06/16, Sheet No. SE-1.
 - Proposed Site Grading and Utility Plan, 131 Hollow Tree Associates, 131 Hollow Tree Ridge Road, by DiVesta Civil Engineering Associates, Inc., dated 1/29/16, last revised 6/21/16, Sheet No. SE-2.
 - Sedimentation & Erosion Control Plan, 131 Hollow Tree Associates, 131 Hollow Tree Ridge Road, by DiVesta Civil Engineering Associates, Inc., dated 1/29/16, last revised 6/21/16, Sheet No. SE-3.
 - Details, 131 Hollow Tree Associates, 131 Hollow Tree Ridge Road, by DiVesta Civil Engineering Associates, Inc., dated 1/29/16, last revised 6/21/16, Sheet No. SE-4.
 - Details, 131 Hollow Tree Associates, 131 Hollow Tree Ridge Road, by DiVesta Civil Engineering Associates, Inc., dated 1/29/16, last revised 6/21/16, Sheet No. SE-5.
 - Landscape Plan, by Environmental Land Solutions, dated 2.28.16 and last revised 7.7.16, Drawing No. LP.1.
 - Site Plan with Coverage, 11" x 17" by LaVigna Associates, received July 8, 2016, Drawing ST1.
 - Signage Details, 11" x 17" by LaVigna Associates, received July 8, 2016, Drawing #10.

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As noted in his e-mail received on July 8, 2016, Fire Marshal Bob Buch has been assured that all final plans will reflect a minimum 47 foot proper turning radius for fire apparatus, and the locations of the fire hydrants will be decided during the plan review process.

- B. An essential part of this approval is the architectural plans and lighting and signage details, which have been reviewed by the Architectural Review Board (ARB), and are very specifically approved herein by the Planning and Zoning Commission. The ARB and the Commission have worked very closely with the applicant on a building that is aesthetically pleasing, and allows the Commission to make the required Special Permit findings in Section 1005. The Commission is very concerned about potential future changes to the look of either building. If this owner, or any future owner of the property wishes to change the look, color, style or signage of the proposed self-storage building (and/or the associated office with apartments above), a new ARB review is required, and the Commission may hold a public hearing to determine whether they can make the requisite findings under Section 1005 of the Zoning Regulations.
- C. The Planning and Zoning Commission is not requiring a bond for the proposed public improvements (sidewalk, lampposts and fire hydrant), since a Certificate of Occupancy cannot be obtained until these are properly constructed pursuant to the plans in Condition A, above.
- D. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- E. 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, plus any additional measures as may be needed due to site conditions, 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.

SELF-STORAGE BUILDING

- F. The applicant noted that storage units within the building may be made larger or smaller through time, as customer desires and demands change. The Commission does not put any restriction on the number of self-storage units. The parking requirement for this structure is based upon the size of the building, not the number of storage units.

DETACHED OFFICE/HOUSING STRUCTURE

- G. Because of the location of this property and its unique location relative to other nearby development, the Commission does not put any maximum hours on the proposed self-storage facility or its associated office. It is acknowledged that the office within the detached building can sell related storage-type retail goods (ie. Boxes, tape, etc.), but it is for use only in conjunction with the self-storage use. It cannot be a use other than proposed and approved.

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- H. Per the application, the people living in the two apartments will be working on the site. The apartments will not be rented to the public generally. This is per the Regulations so that employees will always be available for security on the site and to deal with the occasional after-hours visitors to the site.

OUTDOOR STORAGE OF VEHICLES, BOATS, TRAILERS

- I. All outdoor storage of vehicles, boats and trailers shall be orderly. There shall be no commercial storage on-site. This would include any marked commercial vehicles or construction equipment. No other parking spaces can be used for outdoor storage of vehicles, boats and trailers other than the 19 shown (5 to the northwest of the building, and 15 to the south of the building).

COMMUTER PARKING

- J. Since these 16 commuter spaces are private spaces on private property, the Commission does not dictate the management of these spaces. The Commission does not allow for vehicles for sale in this lot. Whether or not to allow overnight parking is up to the property owner(s).

STORMWATER MANAGEMENT

- K. By November 6, 2016 (within the next 60 days) and prior to the issuance of Zoning or Building Permits for the new building, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. This plan shall include the proposed drainage system. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 131 Hollow Tree Ridge Road to maintain the on-site drainage facilities, and will alert future property owners of the 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 prior to the issuance of a Zoning or Building Permit and within 60 days of this approval.
- L. The applicant shall install the drainage system as shown on the submitted plans. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at their expense and as quickly as possible.
- M. Rough site work for the project may commence once the sediment and erosion controls and other environmental protection measures are in place. Around the work area, the storm water runoff must be addressed on a temporary, during construction, basis. This includes limiting the potential for erosion, capturing sediment that does get created, and providing for the flow of storm water in a manner that will not create any problems for adjacent or downstream properties.

AS-BUILTS AND CERTIFICATIONS REQUIRED

- N. Prior to issuance of the Certificate of Occupancy (CO) for this project, the applicant's engineer shall provide a certification that the stormwater management system is installed in full compliance with the approved plans.

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- O. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer that all aspects of the site grading, building construction and the storm water management (drainage) system have been completed in compliance with the approved plans and the flood damage prevention regulations.
- P. Also prior to the issuance of a Certificate of Occupancy, an as-built photometric plan (including, but not limited to, showing the location of the on-site lighting), is required to ensure that the property is developed according to plan and does not create impacts from lighting to surrounding neighboring properties.
- Q. An as-built survey is required to confirm that all aspects of construction comply with building height setbacks, and building coverage.
- R. All aspects of the construction, including, but not limited to: stormwater management, site improvements (the installation of the sidewalk, associated lampposts), fire hydrant, buffering, fencing and landscaping must be completed prior to any use or occupancy. The Building Official may authorize the issuance of a Temporary Certificate of Occupancy by floor, for the self-storage building.
- S. The granting of this Permit does not relieve the applicants 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, the requirement for separate Zoning and Building Permit applications for the two on-site buildings (the self-storage building and the detached office/housing structure). Because the property will be served by an on-site septic system, approval from the Darien Health Department is required, and has been obtained. An electrical permit is required for the proposed generator. The shed adjacent to the generator may need a Zoning and Building Permit—the applicants shall consult with the Building Official on whether such a permit is needed.
- T. 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.
- U. This permit shall be subject to the provisions of Sections 1009 and 1025 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 6, 2017). This approval may be extended as per Sections 1009 and 1025.

All provisions and details of the plan, as required herein to be amended, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void. A Notice of Drainage Maintenance Plan and Special Permit form must be filed prior to the issuance of a Zoning or Building Permit for either of the two new buildings approved herein.

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Chairman Cameron read the following agenda item:

Site Plan Application #289-B/Special Permit, Land Filling & Regrading #351-B, 1950 Post Road, LLC, 1950 Boston Post Road. Proposing to build a two-story mixed use building with associated parking and to perform related site development activities. This proposal differs from that approved by the Planning and Zoning Commission in November 2015 in that the driveway has been moved to the eastern boundary, and the proposed building is more parallel to Boston Post Road. The new plan also incorporates the comments from the State of CT DOT. *PUBLIC HEARING CLOSED: 8/2/2016. DECISION DEADLINE: 10/7/2016.*

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. Sini, seconded by Mr. Voigt and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

Application Number: Business Site Plan Application #289-B/Special Permit
Land Filling & Regrading Application #351-B

Street Address: 1950 Boston Post Road
Assessor's Map #51 Lot #40

Name and Address of
Applicant and Property Owner: 1950 Post Road, LLC
c/o 48 Ring's End Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to: build a two-story mixed use building with associated on-site parking; and perform related site development activities. This proposal differs from that approved by the Planning and Zoning Commission in November 2015 in that the driveway has been moved to the eastern boundary, and the proposed building is more parallel to Boston Post Road. The new plan also incorporates the comments from the State of CT DOT.

Property Location: The subject property is located on the south side of Boston Post Road, directly across from its intersection with Garden City Road.

Zones: NB. There was a zoning map amendment adopted in 2015, which rezoned this property to be entirely in the Neighborhood Business (NB) Zone.

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Date of Public Hearing: August 2, 2016

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

Publication of Hearing Notices

Dates: July 22 & 29, 2016

Newspaper: Darien News

Date of Action: September 6, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Actions:
September 16, 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 600, 850, 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, the submitted redevelopment 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 review of the submitted application materials and related analyses, the Commission finds:

1. In 2015, related applications were submitted to amend the zoning map and zoning regulations, and for site plan/special permit approval to demolish the previously established Protected Town Landmark, and construct a new mixed-use building with associated parking. These were approved by the Planning & Zoning Commission in late 2015. The site plan was not implemented. This application is to amend that Site Plan/Special Permit approval. Also, since that time, the building has been demolished, and the applicant has acquired the property to the west at 1958 Boston Post Road.
2. The subject application is to: build a two-story mixed use building with associated on-site parking. This proposal differs from that approved by the Planning and Zoning Commission in November 2015 in that the driveway has been moved to the eastern boundary, and the proposed building is more parallel to Boston Post Road. The applicant proposes to shift the property boundary line and the driveway will be relocated slightly for the revised building location, and to meet the requirements of the State of CT Department of Transportation (DOT).

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3. At the August 2, 2016 public hearing on this matter, the Commission requested that the prior 2015 Special Permit/Site Plan application file record be incorporated by reference into this subject application. Attorney Robert Maslan, representing the applicant, agreed to such.
4. The subject property at 1950 Boston Post Road is approximately 0.725 acres, and the proposal is to remove the old building and replace it with a new building that will have a mix of business and residential use. The proposed building will have a footprint of approximately 4,122 square feet, with the building to be located entirely within 100 feet of Boston Post Road. The second floor of the proposed building will be slightly larger than the first floor. The ground floor will be used for retail purposes. The second floor will contain 4 apartments—all ranging in size from 960 to 999 square feet. There will be no third floor. A basement, to be used for storage only, is proposed. The NB zone only allows two story buildings, so there can be no finished space in the attic or basement.
5. On September 8, 2015, the Architectural Review Board (ARB) reviewed the design of the proposed building and recommended approval. The building proposed as part of the subject application is the same as that previously reviewed and recommended by the ARB.
6. The newly proposed building is designed to be entirely within 100 feet of Boston Post Road. The proposed building is reoriented so that the ridge line would be parallel to the Boston Post Road and the parking would be located to the rear. The building has been designed to have a residential feel even though the ground floor will be a retail use. The building will now face Boston Post Road. Roof mounted utilities will be hidden from view because of the roof design. The 4,138 square feet of retail use on the ground floor will require 28 parking spaces because the Zoning Regulations require one space for each 150 square feet of commercial floor space. A total of four parking spaces are required for the residential component on the second floor. A total of 32 on-site parking spaces are required by the Regulations.
7. A new “Model Block” sidewalk design will be used along the front of the property and two new lamp posts and two new street trees will be installed (As shown on the Stormwater Management Plan). Street trees will be installed per the Regulations. An existing oak tree along the property frontage is scheduled to be removed. The Fire Marshal has requested that a new fire hydrant be installed, and the applicant has agreed to that.

LIGHTING, LANDSCAPING, BUFFERING, FENCING

8. Lighting of the parking lot will include Apex lighting fixtures which will provide a solid cutoff to prevent glare toward the residential neighbors. Originally, sixteen foot tall light poles were proposed, but revised plans reflect 12 foot high maximum lights (from the ground to the top of the light fixture) to better address neighbor concerns. There will be a fence and landscaping in between the proposed lights and the residential neighbors.
9. Sara Ungemack McCool, Landscape Architect, prepared the Planting Plan dated 7-14-16, which includes additional evergreen trees and deciduous trees. A six foot high solid panel fence has been proposed on the east and south boundaries of the property to provide separation of the business parking area from the nearby single family residential neighbors.

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10. 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.
11. The nature of the proposed changes and uses are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
12. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
13. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
14. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
15. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
16. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Business Site Plan Application #289-B/Special Permit and Land Filling & Regrading #351-B are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:
 - Demolition & Erosion Control Plan prepared for Jon Vaccaro 1950 Post Road, Darien, Connecticut, scale 1"=20', by LBM Engineering, LLC, last revised 06/02/2016, Sheet 1 of 7.
 - Stormwater Management Plan prepared for Jon Vaccaro 1950 Post Road, Darien, Connecticut, scale 1"=20', by LBM Engineering, LLC, dated January 26, 2015 and last revised **07/20/2016**, Sheet 2 of 7.
 - Utility Plan prepared for Jon Vaccaro 1950 Post Road, Darien, Connecticut, scale 1"=20', by LBM Engineering, LLC, dated January 26, 2015 and last revised 06/02/2016, Sheet 3 of 7.
 - Site Photometric Calculation, 1950 Boston Post Road, Apex Lighting Solutions, dated 7/13/16, Sheet SL-1F, Sheet 4 of 7.
 - Site Photometric Calculation, 1950 Boston Post Road, Apex Lighting Solutions, dated 06/01/2016, Sheet SL-2C, Sheet 5 of 7.

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- Town Details prepared for Jon Vaccaro 1950 Post Road, Darien, Connecticut, scale 1"=20', by LBM Engineering, LLC, dated January 26, 2015, last revised 06/02/2016, Sheet 6 of 7.
- CTDOT Details prepared for Jon Vaccaro 1950 Post Road, Darien, Connecticut, scale 1"=20', by LBM Engineering, LLC, dated January 26, 2015, last revised 06/02/2016, Sheet 7 of 7.
- Zoning Location Survey Depicting Proposed Conditions 1950 Boston Post Road prepared for 1950 Post Road, LLC, by William W. Seymour & Associates, scale 1"=20', dated July 14, 2014 and last revised June 3, 2016.
- 1950 Boston Post Rd, by James Schettino Architects, last revised 06/08/2016, Sheet A0.1 through A6.4.
- Proposed Plantings 1950 Boston Post Road, Darien, CT Ungemack-McCool Landscape Assoc., dated 7-14-16.

The final plans have been revised and coordinated over those previously approved, and specifically call out the following:

- A 30 foot wide planted buffer on the east property line.
 - Twelve foot high lights with LED lighting and solid cutoff shields
 - A six foot high solid stockade fence in the rear and side of the property. If in the determination of Planning & Zoning Department staff and the neighbor, the applicant may increase that to an eight foot high fence.
- B. The Planning and Zoning Commission is not requiring a bond for the proposed public improvements (sidewalk, lampposts and fire hydrant), since a Certificate of Occupancy cannot be obtained until these are properly constructed pursuant to the plans in Condition A, above. A new sidewalk shall be provided along the entire frontage of this property and shall be constructed in accordance with Town Model Block Standards. Work within the street right of way will require approval(s) from CT DOT.
- C. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- D. 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, plus any additional measures as may be needed due to site conditions, 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.

STORMWATER MANAGEMENT

- E. By November 6, 2016 (within the next 60 days) and prior to the issuance of Zoning or Building Permits for the new building, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. This plan shall include the proposed drainage system. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 1950

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Boston Post Road to maintain the on-site drainage facilities, and will alert future property owners of the 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 prior to the issuance of a Zoning or Building Permit and within 60 days of this approval.

- F. The applicant shall install the drainage system as shown on the submitted plans. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- G. Rough site work for the project may commence once the sediment and erosion controls and other environmental protection measures are in place. Around the work area, the storm water runoff must be addressed on a temporary, during construction, basis. This includes limiting the potential for erosion, capturing sediment that does get created, and providing for the flow of storm water in a manner that will not create any problems for adjacent or downstream properties.
- H. This approval is for the site development work and the construction of the building. The ground floor is designed for, and will be used, for retail purposes. Section 602 of the Darien Zoning Regulations requires Planning and Zoning Commission review and approval of any proposed first floor tenant to determine that the proposed use "...shall be compatible with the character of the immediate neighborhood and shall principally serve the local neighborhood..."

AS-BUILTS AND CERTIFICATIONS REQUIRED

- I. Prior to issuance of the Certificate of Occupancy (CO) for this project, the applicant's engineer shall provide a certification that the stormwater management system is installed in full compliance with the approved plans.
- J. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer that all aspects of the site grading, building construction and the storm water management (drainage) system have been completed in compliance with the approved plans.
- K. Also prior to the issuance of a Certificate of Occupancy, an as-built photometric plan (including, but not limited to, showing the location of the on-site lighting), is required to ensure that the property is developed according to plan and does not create impacts from lighting to surrounding neighboring properties. Adjustments of the light fixture orientation and shielding shall be made as needed to protect the residential neighbors from light spillage and/or glare.
- L. All aspects of the construction, including, but not limited to: stormwater management, site improvements (the installation of the Model Block sidewalk, associated lampposts), fire hydrant, buffering, fencing and landscaping must be completed prior to any use or occupancy.
- M. 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

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includes, but is not limited to: the requirement for Zoning and Building Permit applications, and a Sewer Connection Permit from Darien Sewer Services for the proposed new building. A Street Opening Permit from the State of CT DOT is required for the proposed driveway and other work on and near Boston Post Road/Route 1.

- N. 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.
- O. This permit shall be subject to the provisions of Sections 858, 1009, and 1025 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 6, 2017). This approval may be extended as per Sections 858, 1009, and 1025.

All provisions and details of the plan, as required herein to be amended, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void. A Notice of Drainage Maintenance Plan and Special Permit form must be filed prior to the issuance of a Zoning or Building Permit.

Chairman Cameron read the following agenda item:

Business Site Plan #237-A/Special Permit, Dolman Properties, LLP, 22 Grove Street. Request to expand existing driveway to accommodate additional on-site parking, and to establish a real estate office on the first floor of the existing building.

PUBLIC HEARING CLOSED: 7/26/2016. DECISION DEADLINE: 10/2/2016.

Commission members discussed 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 stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

Application Number: Business Site Plan #237-A/Special Permit

Street Address: 22 Grove Street
Assessor's Map #73 Lot #20

Name and Address of Applicant(s) and Property Owner(s): Dolman Properties, LLP
55 Noroton Avenue

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Darien, CT 06820

Name and Address of Applicant's Representative: Carolyn Cavolo, Esq.
Shipman & Goodwin, LLP
289 Greenwich Avenue
Greenwich, CT 06830

Activity Being Applied For: Request to expand existing driveway to accommodate additional on-site parking, and to establish a real estate office on the first floor of the existing building.

Property Location: The subject property is located on the northwest side of Grove Street, approximately 110 feet west of its intersection with Brook Street.

Zone: CBD Zone.

Date of Public Hearing: July 26, 2016
Deliberations Held: August 2, 2016

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

Publication of Hearing Notices
Dates: July 15 & 22, 2016

Newspaper: Darien News

Date of Action: September 6, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: September 16, 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 650, 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'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, the Commission finds:

1. The proposal is a) to establish a real estate office on the first floor of the existing building; and b) to expand existing driveway to accommodate additional on-site parking. The establishment of a real estate office (a business and professional office) is a Special Permit use on the first floor of buildings within the CBD Zone.

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2. Section 652 of the Darien Zoning Regulations specifically allows Business and Professional Offices in the Central Business District Zone as of right if located on upper floors. Section 654 of the Regulations allows Business and Professional Offices on the first floor by Special Permit provided that the Commission makes a finding that the retail use of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005h.
3. The applicant is proposing to create a real estate office use on both the first and second floors of the existing building. The various site development changes require a business site plan under Section 1020 of the Darien Zoning Regulations, and the office use on the first floor requires a Special Permit under Section 654.
4. No review or action from the Architectural Review Board (ARB) is necessary for the subject application, as the applicant has not proposed any awnings, signs or façade changes at this time. Any future request for awnings and/or signage will need prior review and action by the Architectural Review Board
5. On July 13, 2016, the Zoning Board of Appeals (ZBA) approved the necessary variances for this project as part of ZBA Calendar #23-2016. That approval is hereby incorporated by reference.
6. The subject building is unique in its location at the end of Grove Street, behind other buildings on Boston Post Road. The subject property is 4,865 square feet (0.1116+/- acres) in size. Significant off-street parking exists in direct proximity to the site, including a municipal parking lot within the same block on Grove Street.
7. Representations were made in the Exhibit A narrative attached with the application that the applicant will have one full-time administrative staff person on site. The narrative notes that while the real estate use is similar to that of the back office real estate office use which has been ongoing for 10+ years on this property. The narrative goes on to note that the tenant's business plan is to have the sales associates be independent contractors who work remotely and use the property as a showcase location to meet clients.
8. It was also noted by the applicant's representative that the proposed space would be inadequate for retail, and it has never been designed for such. The narrative notes that this building was a residence, prior to its conversion to a back office real estate office in 2005. There would not be enough parking for retail use (a more parking intense use than an office use according to the Zoning Regulations).
9. Because of the unique location, the small size of the building, and the small size of the subject property (4,865 square feet/0.1116+/- acres), the former residence which was converted to a back office real estate office into a real estate office, the Commission finds that retail use of the proposed first floor space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005h.
10. The application complies with all of the requirements of Section 654 of the Darien Zoning Regulations, except those for which variances have been granted.

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11. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
12. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
13. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
14. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
15. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #237-A /Special Permit is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Site changes shall be in conformance with the plans entitled:
 - Zoning Location Survey 22 Grove Street prepared for Dolman Properties, LLP, by William W. Seymour & Associates, scale 1"=20', dated June 1, 2016.Additional interior modifications may be required to comply with the Fire Safety and Building Codes. Such interior changes can be handled by the Building Official, Fire Marshal and Planning Director without further action by the Commission. If further changes are needed to the exterior of the building or the site, then further action by the Commission will be necessary.
- B. The approved use is as described in the applicant's narrative, a stand-alone real estate office, not a back office support facility for a remotely located business. The only approved use shall be that described in the applicant's narrative. Any change to that specific type of real estate office use shall require review and action by the Planning & Zoning Commission. Due to the insufficient on-site parking, any other use which is more intense from that which is approved herein, may be difficult.
- C. Because of the limited amount of new impervious surface, the Commission is waiving the requirement for addressing stormwater quantity. In order to accommodate the proposed new use, the additional parking area shall be installed pursuant to the plan, prior to the new use of the building.

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- D. Due to the nature of the use, the Commission hereby grants a waiver of the loading zone requirement under Section 909 of the Zoning Regulations.
- E. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Depending on the extent and nature of the interior tenant fit-up, a Zoning and Building Permit may be required for such work. Any request for signage for the new tenant requires review and action by the Architectural Review Board (ARB). If desired, temporary signage may be requested pursuant to Section 928.15 of the Zoning Regulations.
- F. 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.
- G. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 6, 2017). This may be extended as per Sections 1009 and 1028.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action, including the filing a Special Permit form in the Darien Land Records, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Flood Damage Prevention Application #357, Long Island Brothers, LLC, 23 Lynn Court.
Proposal to raze the existing residence, and construct a replacement single-family residence; river bank reconstruction; and to perform related site development activities within a regulated area.
PUBLIC HEARING CLOSED ON: 8/9/2016. DECISION DEADLINE: 10/14/2016.

Commission members discussed 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 stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

Application Number: Flood Damage Prevention Application #357

Street Address: 23 Lynn Court
Assessor's Map #31 Lot #23

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Name and Address of Property Owner: Long Island Brothers, LLC
And Applicant: 8 Middle Lane
Jericho, NY 11753

Name and Address of Applicant's Representative at Public hearing: Mark Lebow
William Seymour & Associates
170 Noroton Avenue
Darien, CT 06820

Activity Being Applied For: Proposal to raze the existing residence, and construct a replacement single-family residence; river bank reconstruction; and to perform related site development activities within a regulated area.

Property Location: The subject property is located on the northwest side of Lynn Court, approximately 450 feet west of its intersection with Hoyt Street.

Zone: R-1/3

Date of Public Hearing: August 9, 2016

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

Publication of Hearing Notices
Dates: July 29 & August 5, 2016 Newspaper: Darien News

Date of Action: September 6, 2016 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: September 16, 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 406 and 820 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 redevelopment 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:

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1. This application is to construct a replacement single-family residence and to perform related site development activities within a regulated area. The residence is now served by public water and public sewer service.
2. As shown on the submitted Site Development Plan, the replacement four bedroom house will have a finished first floor of at least elevation 60.75, which is at least one foot above the Base Flood Elevation (BFE) of 59.6 as shown on the FEMA Flood Insurance Rate Maps (FIRM) for the subject property. As per the Flood Damage Prevention Regulations, the garage level is allowed to be below the BFE and the rest of the foundation will be crawl space only. The foundation is designed with flood vents to allow flood waters to enter the garage and crawl space to equalize internal and external pressures, thus minimizing the likelihood of a structural failure of the foundation. All mechanical units will be at or above elevation 59.6, which will also comply with the FIRM which went into effect in June 18, 2010.
3. The Darien Environmental Protection Commission (EPC) has jurisdiction over all work within 100 feet of the Noroton River. They approved this project on August 3, 2016 as part of EPC #14-2016. That approval is hereby incorporated by reference. An essential element of this project is the gabion stream bank reconstruction, which shall be completed prior to the issuance of a Temporary or Permanent Certificate of Occupancy for the replacement residence.
4. The stormwater management plan for the subject application was peer reviewed by professional engineer Joe Canas of Tighe & Bond on behalf of the Commission. Mr. Canas submitted a May 3, 2016 and a June 1, 2016 letter commenting on the application. In his June 1 letter, he noted that all outstanding issues had been addressed by the applicant.
5. The Commission encourages the property owner to work with the neighbors to give the neighbors the opportunity to repair their adjacent wall in a synergistic fashion.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #357 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of a replacement single-family residence and other site related development activity shall be in accordance with the plans entitled:
 - Zoning Location & Topographic Survey 23 Lynn Court prepared for Long Island Brothers, LLC, by William W. Seymour & Associates, last revised March 21, 2016.
 - New Single Family Residence for RAK Construction, LLC 23 Lynn Court, Darien, CT prepared by Residential Engineering and Design, dated 03.21.16.
 - Site Development Plan 23 Lynn Court Plan Prepared for Long Island Brothers, LLC, by McChord Engineering Associates, Inc., last revised 6-1-2016, Drawing No. SE1.
 - Construction Notes & Details, 23 Lynn Court Plan Prepared for Long Island Brothers, LLC, by McChord Engineering Associates, Inc., last revised 6-1-2016, Drawing No. DT1.An essential element of this project is the gabion stream bank reconstruction, which shall be completed prior to the issuance of a Temporary or Permanent Certificate of Occupancy for the replacement residence.

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- B. Item 7 in Mr. Canas' June 1, 2016 letter notes that, "As a condition of approval, we suggest that the details of the proposed screening (ie. Evergreen species and height) be worked out with staff." The Commission hereby requires that said evergreen screening shown on the Site Development Plan be installed at a height of at least eight (8) feet, in order to screen most of the proposed unit(s) on the platform, which will be about six feet high. Six foot high plantings will not screen the units, thus, the evergreen plantings need to be at least eight feet in height.
- C. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- D. 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 new replacement house complies with the applicable flood damage prevention requirements.
- E. As part of this application, a Stormwater Facilities Maintenance Plan was submitted for the record. This Plan requires the property owner and all subsequent property owners of 23 Lynn Court to maintain the on-site drainage facilities (the proposed underground detention system), and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to address water quality. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the issuance of a Zoning and Building Permit for the new house foundation.
- F. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Site Development Plan, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls, plus any additional measures as may be needed due to site conditions, 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.
- G. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer or architect that all aspects of the site grading, and building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. Also prior to a Certificate of Occupancy, a final as-built survey shall be submitted by a licensed Land Surveyor certifying the final construction meets all building setbacks and building coverage maximums, and the finished floor elevation of the residence is at or above elevation 60.75, and the elevation of all mechanical units is at or above elevation 59.6, and final work is in compliance with local regulations.
- H. The applicant will need a separate Electrical Permit for any generator and air conditioning units, which are shown to be on a platform approximately six feet high, in order to comply with the flood regulations. The units shall be screened as shown on the Site Development Plan by evergreens, as well as other screening to be determined in the field. These units shall also be

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soundproofed in order to minimize potential visual impacts and to comply with the Town and State noise ordinances. Evidence of the installed screening and soundproofing shall be submitted to the Planning & Zoning Department prior to the issuance of a Certificate of Occupancy for the residence.

- 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 the permit as it deems appropriate.
- J. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to: separate Zoning and Building Permit applications for the foundation and work above the foundation; a Sewer Disconnection and Connection Permit from Darien Sewer Services for the disconnection of the residence. A Street Opening Permit from the Public Works Department will be required for the new curb cut on Lynn Court.
- K. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (September 6, 2017). This may be extended as per Sections 858 and 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Notice of Drainage Maintenance Plan must be filed in the Darien Land Records prior to the issuance of a Zoning or Building Permit for the new foundation for the proposed residence.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #290-A, Land Filling & Regrading Application #310-B, Paul & Kimberly Huffard, 203 Long Neck Point Road. Proposal to construct a single-family residence with detached structures, an in-ground swimming pool, and associated filling and regrading, and to perform related site development activities within a regulated area.

Commission members discussed 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 stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

Application Number: Coastal Site Plan Review #290-A
Land Filling & Regrading Application #310-B

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Street Address: 203 Long Neck Point Road
Assessor's Map #61 Lot #9

Name and Address of
Applicant's Representative: Scott Raissis
Thompson Raissis Architects
381 Boston Post Road
Darien, CT 06820

Name and Address of
Applicant & Property Owner: Paul & Kimberly Huffard
203 Long Neck Point Road
Darien, CT 06820

Activity Being Applied For: Proposal to construct a single-family residence with detached structures, an in-ground swimming pool, and associated filling and regrading, and to 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 1,200 feet south of its southernmost intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: July 19, 2016 and immediately continued to August 9, 2016

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

Publication of Hearing Notices

Dates: July 8 & 15, 2016 Newspaper: Darien News

Date of Action: September 6, 2016 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
September 16, 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, 810, 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.

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

1. The proposal is to construct a single-family residence with detached structures, an in-ground swimming pool, and associated filling and regrading, and to perform related site development activities within a regulated area. The subject property is served by public water and sewer. There was a single-family residence on this property, which was demolished within the past year.
2. At the public hearing, it was noted that, in 2015, prior applications for this property were approved by the Planning and Zoning Commission subdividing it into a total of four building lots (Subdivision Applications #612-A and #612-B). Those were never implemented, and thus, the property is currently one lot, which is vacant. In lieu of the four approved lots, the applicant is putting a very generous conservation easement over 1.96+/- acres of the property adjacent to Long Island Sound, and developing the remainder with a single-family residence and associated accessory buildings.
3. The application was referred to the State of CT DEEP. They commented in a July 12, 2016 e-mail as follows:

“Thank you for the opportunity to comment on the above-referenced application. We have reviewed the proposal to construct a single-family residence, detached garage, pool, greenhouse, shed and stormwater management for consistency with the applicable policies of the Connecticut Coastal Management Act [(CCMA) CGS Sections 22a-90 through 22a-112, inclusive] and have found no inconsistencies in the proposal.

We also applaud the provision of a 1.96 acre conservation easement which includes the entire 100' Coastal Area Management (CAM) boundary, as well as the potential improvements to water quality as a result of the stormwater management measures and the reduction of density on this lot.”
4. The Commission agrees with the State of CT DEEP that the 1.96 acre conservation easement will limit future development within the critical coastal management area. The Commission believes that this proposal for one new residence and the easement will be a better result for the environment and the neighborhood than the previously approved four lots.
5. Although a portion of the property is within the flood zone, both in zone VE elevation 15 and AE elevation 14, the portion of the property being developed is outside of the flood zone and at higher elevations. The entire portion of the property that is within the flood zone will remain undeveloped, and be within the conservation easement area.
6. As shown on the submitted Site Development Plan, the applicant has included stormwater management as part of this proposal. This is in the form of underground Cultec rechargers, to address the “first flush” of rainfall for water quality. The on-site drainage patterns will be the same.
7. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

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8. 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 Coastal Site Plan Review #290-A and Land Filling & Regrading Application #310-B are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. All work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
- Zoning Location Survey Depicting Proposed Conditions 203 Long Neck Point Road prepared for Paul P. Huffard IV Kimberly D. Huffard, by William W. Seymour & Associates, last revised June 14, 2016.
 - Site Development Plan, 203 Long Neck Point Road, by McChord Engineering Associates, last revised 6-17-16, Drawing No. SE-1.
 - Construction Notes and Details, 203 Long Neck Point Road, by McChord Engineering Associates, last revised 6-17-16, Drawing No. DT-1.
 - Proposed Landscape Plan Huffard Residence 203 Long Neck Point Road, by Thompson Raissis Architects, last updated 6/17/16, Sheet SP101.
- 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 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.
- D. A Stormwater Facilities Maintenance Plan was submitted as part of this application. A Notice of Drainage Maintenance Plan needs to be filed in the Darien Land Records.
- E. 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 with the first disturbance of the site and then 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.
- F. Prior to the request for the Certificate of Occupancy for the proposed new 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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- G. 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 separate Zoning and Building Permits for the foundation of the new proposed residence; work above the foundation of that residence; the greenhouse/shed; and construction of the pool and spa. A Street Opening Permit for the new driveway will be required from the Public Works Department, and a Sewer Connection Permit for the new residence is also required.
- H. 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.
- I. 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 plans within one year of this action (September 6, 2017). This may be extended as per Sections 858 and 1009.

All provisions and details of the plans 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 prior to the issuance of the Zoning and Building Permit for the foundation for the proposed residence in order to finalize this approval.

Chairman Cameron read the following agenda item:

Special Permit Application #259-B, Paula Glenges, 97 Noroton Avenue. Proposal to establish a color bar/beauty salon/hairdresser/barber shop personal service business in a portion of the first floor of the existing building. The subject property is located on the southwest corner formed by the intersection of Noroton Avenue and Maple Street, and is shown on Assessor's Map #43 as Lot #43 in the Neighborhood Business (NB) Zone. *PUBLIC HEARING CLOSED ON: 8/9/2016. DECISION DEADLINE: 10/14/2016.*

Commission members discussed the draft resolution. They noted that the parking lot needs to be laid out and properly striped so that everyone will know where the available parking spaces are located. The resolution will be modified to include such language.

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. Voigt, seconded by Mr. Sini and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

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Application Number: Special Permit Application #259-B

Street Address: 95-97 Noroton Avenue
Assessor's Map #43 Lot #43

Name and Address of Applicant and
Applicant's Representative:
(proposed tenant) Emina Pelinkovic
152 Willowbrook Avenue
Stamford, CT 06902

Name and Address of Property Owner
And Joint Applicant: Paula & Dean Glenges
95 Noroton Avenue
Darien, CT 06820

Activity Being Applied For: Proposing to establish a color bar/beauty salon/hairdresser/barber shop personal service business in a portion of the lower level of the existing building and continue utilizing the upper level as a private residence and perform related site development activities.

Property Location: The subject property is located on the west side of Noroton Avenue, at the southwest corner formed by the intersection of Noroton Avenue and Maple Street.

Zone: NB and R-1/5 Zones

Date of Public Hearing: July 19, 2016 continued to August 9, 2016

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

Publication of Hearing Notices

Dates: July 8 & 15, 2016 Newspaper: Darien News

Date of Action: September 6, 2016 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of
Action: September 16, 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 600 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 floor plan, and the statements of the applicants and property owner 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, the Commission finds:

1. The applicant proposes to establish a personal service business in a now-vacant portion of the first floor of the existing building and continue utilizing the upper level as a private residence and perform related site development activities. There is a flower shop that occupies a portion of the first floor. The second floor is now used as an apartment. The subject property is located within a Neighborhood Business (NB) Zone. No changes are proposed by the applicant for the exterior of the building.
2. The public hearing on this matter was opened on July 19, 2016 and immediately continued to September 6, 2016. At that public hearing on September 6, 2016, a related application for a sushi take-out establishment was proposed for the remaining portion of the first floor (in the location where Darien Flowers now exists). That application for sushi-take out was withdrawn during the public hearing.

PROPOSED USE OF THE BUILDING

3. In the original application submittal, the request was for a color bar/beauty salon. During the application process, the proposed use was broadened to include use as a hair dresser and/or barber shop.
4. The Commission notes that a color bar/beauty salon/hairdresser/barber shop personal service business is a Principal Use Requiring a Special Permit under Section 604d of the Darien Zoning Regulations. The application is a request for Special Permit for this establishment.
5. The Darien Flowers' use will continue on in the adjacent first floor space. The owner/operator of Darien Flowers was present at the public hearing to answer questions regarding the nature of her business, and how that relates to the proposed use relative to parking. It was noted within the application materials that most of the Darien Flowers business is done on-line, and the owner/employee of the business lives on premises.

HOURS AND PARKING

6. The application materials prepared by the applicant set forth the proposed hours of operation are 10:00 A.M. to 7:00 P.M., from Monday through Saturday and 10:00 A.M. to 3:00 P.M. on Sunday.
7. At the public hearing, the property owner showed photographs to the Commission to demonstrate how vehicles can be parked on-site. Commission members noted that the vehicle locations did not comply with the parking space size and back up aisle requirements of the Regulations and the parking lot is not striped. The Commission notes that the on-site parking needs to be sufficient for all of the uses on the site: the second floor apartment and the two first floor commercial tenants.

SPECIAL PERMIT FINDINGS

8. Based upon the submitted application materials and the testimony during the public hearing, the Commission hereby finds that the proposed use, as operated within the specific manner outlined herein, is compatible with the character of the immediate neighborhood and will principally serve the local neighborhood. The Commission also finds that the proposed use, as

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operated with the specific conditions outlined herein, is not detrimental to the surrounding residential neighborhood.

9. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
10. The elements of the Site Plan accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
11. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #259-B is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The following plan was submitted to and reviewed by the Commission, and may be modified as described herein:
 - Zoning Location Survey prepared for Dean Glenges Paula Glenges, 95 Noroton Avenue While a number of floor plan options were submitted, no specific floor plan is being approved by the Commission, with the only caveat being Condition B, below.
- B. The Commission hereby approves a color bar/beauty salon/hairdresser/barber shop personal service business for this space, with a maximum of three “stations”. These three stations will also have two accessory color bar stations and two shampoo stations as shown on the draft floor plans submitted with the application. A small waiting area and accessory sales of retail items is also hereby permitted. Due to the limited on-site parking, within the color bar/beauty salon/hairdresser/barber shop personal service business there shall be no more than 3 workers (including owner, employees, independent contractors, etc.) servicing no more than 3 customers at any time.

PARKING AND DUMPSTER AREA

- C. In order to provide better, safer, more efficient on-site parking and backing aisles, the Commission hereby requires that prior to the issuance of a Certificate of Occupancy (CO) for the proposed first floor color bar/beauty salon/ hairdresser/barber shop personal service business, the applicants or property owner shall stripe the parking lot (consulting with the Building Official regarding the requirement and possible location of any handicap spaces). Proposed parking lot striping shall be shown on revised plans. All parking spaces shall be 9' x 20', except for larger sizes for any required handicap parking space(s). The backup aisle(s) shall be as close to 24 feet as possible. This striping will help improve safety on the site, and better direct drivers to appropriate parking locations.
- D. The Commission requires that all employees and the second floor resident(s) use the parking on the north side of the building adjacent to Maple Street because it is much more stunted/closer to

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the road and therefore should have less turnover of parking spaces. These spaces shall be marked as “employee/resident parking only”.

- E. The submitted photographs of the property do not show an existing Dumpster area. Because of this property’s highly visible location, any dumpster to be located on the property shall be properly screened with a stockade fence at least six (6) feet high. Any specific dumpster location and any associated required screening shall require review and written approval by the Planning and Zoning Director prior to installation.

HOURS OF OPERATION

- F. The maximum hours of operation for this business shall be pursuant to those put forth by the tenant applicant during the public hearing--10:00 A.M. to 7:00 P.M., from Monday through Saturday and 10:00 A.M. to 3:00 P.M. on Sunday. Any increase in hours requires review and action by the Planning & Zoning Commission for an amendment of this approval.
- G. The applicant shall work directly with the Fire Marshal to meet all applicable Fire Codes. If there are any changes required which would affect the exterior of the building, such as the installation of windows or a fire exit, those modifications shall be reviewed and acted upon by the Planning and Zoning Director. If the Director believes that the modifications would be significant, the applicant would need to return to the Planning and Zoning Commission for review and action.
- H. The applicant has applied for a permit based specifically upon the use of a color bar/beauty salon/hairdresser/barber shop personal service business on the first floor. The Commission hereby approves such an establishment. If in the future, the applicant and/property owner wishes to change to another first or second floor use, review and action by the Planning & Zoning Commission will be necessary. Any substantial change in the operation of the business, or any change in use, shall require review and approval from the Planning & Zoning Commission. The limited on-site parking will be an important factor regarding any future intensification or change of use.
- I. Per Section 909 of the Darien Zoning Regulations, the Commission officially waives the loading zone requirement, as it would not be applicable to the proposed first floor florist use.
- J. Any requests for signage must be reviewed and acted upon by the Architectural Review Board prior to installation.
- K. The site is immediately adjacent to single family residences. The business shall operate without creating unreasonable nuisance due to noise, fumes, odors and/or glare.
- L. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of the Town, State, or other regulating agencies. Darien Health Department approval is required for operating a salon. Fire Code updates may be required by the Fire Marshal, which can be addressed during his construction plan review.
- M. 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,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

- N. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 6, 2017). This may be extended as per Section 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, and prior to the establishment of the business on-site.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #387, Warren & Holly Friend, 18 Crooked Mile Road.
Proposal to place fill and regrade, and to perform related site development activities.
PUBLIC HEARING CLOSED ON: 8/9/2016. DECISION DEADLINE: 10/14/2016.

Commission members discussed the draft resolution. They were pleased that the rain garden had been incorporated into the design by the applicant, but noted that it was not required by the Commission. They agreed that the installation and maintenance of the rain garden was the applicant's option.

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. Voigt, seconded by Mr. Sini and unanimously approved. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2016**

Application Number: Land Filling & Regrading Application #387

Street Address: 18 Crooked Mile Road
Assessor's Map #3 Lot #54

Name and Address of
Property Owners: Warren & Holly Friend
18 Crooked Mile Road
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Alison Kuffel
Round Meadow Landscapes
1 Van Zant Street
Norwalk, CT 06854

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Name of Applicant's Representative

At August 9, 2016 public hearing: Douglas Rivera

Activity Being Applied For: Proposal to place fill and regrade, and to perform related site development activities.

Property Location: The subject property is located on the northwest side of Crooked Mile Road approximately 1,000 feet east of its intersection with Hollow Tree Ridge Road and Crooked Mile Road.

Zone: R-2

Date of Public Hearing: July 19, 2016 continued to August 9, 2016

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

Publication of Hearing Notices

Dates: July 8 & 15, 2016

Newspaper: Darien News

Date of Action: September 6, 2016

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
September 16, 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 June 14, 2016 "Summary of Proposed Grading", and the statements of the applicant's representative at the public hearing 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 place fill and regrade, and to perform related site development activities. Generally, the request is to rework at 10,000+/- square foot area located to the right of the entrance driveway.

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2. The applicant has proposed a rain garden at the lowest corner of the property to address stormwater management. No new impervious surface is to be created as part of this application, thus the rain garden is an optional feature being proposed by the applicant.
3. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
4. 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 #387 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Regrading work shall be in accordance with the plan submitted to and reviewed by the Commission entitled:
 - Plot Plan of property prepared for Ed Zimmerman, #18 Crooked Mile Road, scale 1"=20', by Arcamone Land Surveyors, dated April 13, 2005 and last revised 5/30/2007.
- 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 sediment and erosion controls as may be necessary due to site conditions. All 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. Prior to the request for the Certificate of Zoning Compliance for the work, the applicant shall submit verification in writing and/or photographs that all aspects of the grading in the yard has been completed in compliance with the approved plan referred to in Condition A, above.
- E. 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. Any required blasting will require a Blasting Permit from the Fire Marshal.
- F. 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.
- G. 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 (September 6, 2017). This may be extended as per Sections 858 and 1009.

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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 shall be filed in the Darien Land Records prior to the start of the proposed work in order to finalize this approval.

Chairman Cameron read the following agenda item:

Approval of Minutes

July 12, 2016 Executive Session/Public Hearing/General Meeting

Minor clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the revised minutes. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

July 26, 2016 Public Hearing/General Meeting

Minor clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the corrected minutes. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved.

August 2, 2016 Executive Session/General Meeting/Public Hearing

Minor clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the revised minutes. The motion was made by Mr. Voigt, seconded by Mr. Olvany. All voted in favor except Mr. Sini. Thus, the minutes were approved by a vote 3 to 0 to 1. Mr. Sini abstained because he had not been present at the meeting.

August 9, 2016 Public Hearing

Review of the minutes from August 9, 2016 was postponed.

Project Status Update.

Mr. Ginsberg updated the Commission on several ongoing projects and issues:

Kensett Lane

Phase 1 is wrapping up and Phase 2 of construction has started.

Leroy/West

The 16 unit Leroy-West Housing Development is well underway. Final documentation regarding the deed restrictions of the affordable housing units will need to be filed in Darien Land Records in the near future.

AirBNB

Commission members reviewed the letters sent to the property owners at 4 Oakland Terrace regarding the short-term rental. Commission members concurred that short-term rentals are not allowed in the residential zone.

Moratorium

Mr. Ginsberg said that the request for a moratorium under Section 8-30g of the Statutes has been submitted to the State and is being processed.

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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. Olvany and unanimously approved. The meeting was adjourned at 10:25 P.M.

The next meeting of the Commission will be on September 13, 2016.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

09.06.2016min