

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
January 31, 2023**

Place: Room 119, Darien Town Hall

TIME: 7:30 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, Reilly, Ball, Barsanti

STAFF ATTENDING: Ginsberg, Doneit
Recorder: Syat
Channel 79

Chairman Olvany opened the meeting at 7:32 P.M. and read the first agenda item.

PUBLIC HEARING

Coastal Site Plan Review #164-A, Flood Damage Protection Application #171-A, Land Filling & Regrading Application #542, Brenda Greene, 10 Runkenhage Road. Proposal to establish a flood control berm on the southeastern portion of the property to prevent nuisance flooding and ponding of the yard; and to perform related site development activities within regulated areas. The 1.03+/- acre subject property is located at the terminus of Runkenhage Road approximately 540 feet southeast of its intersection with Tokeneke Trail, and is shown on Assessor's Map #69 as Lot #30 in the R-1 Residential Zone.

Mr. Doneit summarized the proposal. He explained that this is a coastal property. He referred to a number of documents in the record: a January 16, 2023 engineering review report from Tighe & Bond; a January 17, 2023 comment from the Darien Health Department; a January 24, 2023 letter/comments from the State of Connecticut DEEP; and January 16, 2023 comments from Planning & Zoning Department staff member Rick Talamelli regarding flood review. Revised plans had been submitted in response to those comments. Mr. Doneit said that the fill will be less than two feet in height along the southern part of the subject property.

Suzy Bradford of RACE Coastal Engineers was present on behalf of the property owners. She said that the property now gets "nuisance flooding" and erosion. The proposal includes a small berm along with sediment and erosion controls. The original proposal was informally discussed with State of CT DEEP. DEEP did not support the construction of a seawall, and the revised plans were prepared in response to their comments. The plan is a scaled back version, which is further landward than originally envisioned by the property owners. No work is in State jurisdiction. Sediment and erosion controls will be established at the start of this project. There will be no impact to tidal vegetation. The area will be planted with salt tolerant native grasses. The berm will minimize, but not eliminate, water getting into the yard. The fill will be brought in with about 10-12 truckloads (about 115 cubic yards) over a two week time period. Ms. Bradford reviewed the access down to the work area.

Mr. Doneit said that the Darien Health Director, David Knauf, during his review of the plans, inquired about the location of the existing septic system on the site and asked for assurances that no structural elements of the berm would be located atop the septic system. Ms. Bradford responded

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 2

during the public hearing that they are not certain where the existing septic system is located, but the property owners or septic maintainer likely do. She said that there are no structural elements to the proposed berm.

Ms. Bradford said that in response to CT DEEP comments, they will be staking the CJL line. It was suggested that they also stake the septic system location. Ms. Bradford explained that the berm will be mitigating the 10-year storm event, and they will be planting the berm. The proposed silt fences will remain on-site until the established grass is growing. Mr. Olvany suggested a condition that the applicant stake out the septic system and leach field in advance of the berm work. Ms. Bradford noted that no trees will be cut for this project. Mr. Ginsberg said that at the end of the project, the Commission would likely want an as-built survey/certification, and other photographs showing the final product, once completed.

No members of the general public spoke on this application. Ms. Barsanti made a motion to close the public hearing on the matter. That motion was seconded by Mr. Ball, and approved by a vote of 4-0.

At about 7:50 p.m., Chairman Olvany then read the next agenda item:

Land Filling, Excavation & Regrading Application #543, Michael Michaux, 142 Nearwater Lane. Proposal to excavate and regrade the northeastern portion of the property to create a level yard area, and to perform related site development activities. The 0.43+/- acre subject property is located on the east side of Nearwater Lane approximately 340 feet south of its intersection with Juniper Road, and is shown on Assessor's Map #57 as Lot #24 in the R-1 Zone. *TO BE IMMEDIATELY CONTINUED TO 2/14/2023.*

Mr. Olvany confirmed that the public hearing on this matter would be immediately continued to February 14, 2023 at 7:30 p.m. in Darien Town Hall.

Chairman Olvany then read the following agenda item:

GENERAL MEETING

Deliberations and possible decisions on the following:

Site Plan Application #283-A, Darien Board of Education, Royle Elementary School, 133 Mansfield Avenue. Proposal to renovate and construct additions to Royle Elementary School, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to existing parking areas; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and installing stormwater management. *DECISION DEADLINE: 2/7/2023.*

Commission members reviewed the draft resolution. Comments were received on a number of findings and conditions on pages 2, 3, 5 and 8.

Mr. Olvany noted that a draft resolution had been prepared. Mr. Balgach had made some written comments to staff over the weekend. Commission members reviewed the draft resolution.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 3

Comments were received on a number of findings and conditions on pages 2, 3, 5 and 8. Other aspects of the draft resolution were discussed.

Mr. Ball made a motion to adopt the resolution as revised by the Commission. That motion was seconded by Mr. Reilly and approved by a vote of 4-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 31, 2023**

Application Number: Site Plan Application #283-A
(PL-22-155 in OpenGov online permitting system)

Street Address: 133 Mansfield Avenue
Assessor's Map #6 Lot #54

Name and Address of Applicant(s): HHR Elementary School Building Committee
Christopher Price, Building Committee Chairman
c/o Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of Property Owner: Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of Applicant's Representative: Erik Kaeyer
KG+D Architects PC
285 Main Street
Mount Kisco, NY 10549

Activity Being Applied For: Proposal to renovate and construct additions to **Royle Elementary School**, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to existing parking areas; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and installing stormwater management.

Property Location: The 8.3+/- acre subject property is situated on the west side of Mansfield Avenue, at the northwest corner formed by its intersection with Royle Road.

Zones: R-1/2, Municipal Use Overlay (MU)

Date of Public Hearing: November 15, 2022 continued to January 10, 2023

Deliberations Held: January 24, 2023

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 4

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

Publication of Hearing Notices
Dates: November 3 & 10, 2022

Newspaper: Darien Times

Date of Action: January 31, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
February 9, 2023

Newspaper: Darien Times

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

- the proposed use and activities must comply with all provisions of Sections 402, 880, 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's representatives 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 applicant, the HHR Elementary School Building Committee, proposes to renovate and construct additions to Royle Elementary School, including, but not limited to: eliminating temporary portable classroom buildings; replacing the library/learning commons; correctly sizing general and special subject classrooms; upgrading building systems; adding parking spaces to existing parking areas; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and installing stormwater management. Additions will be made to the north and east side of the school. The school is served by public water and sewer.
2. The subject application is related to school building projects at Hindley Elementary School and Holmes Elementary School as well. All projects are similar, in that they seek to eliminate portable classroom buildings, "right size" classrooms, upgrade building systems, and install stormwater management. A detailed project narrative for the Royle School project dated October 24, 2022 was submitted by the architect, noting what portions of the school will be demolished, and the nature of the additions, as well as the various improvements and efficiencies to be completed as part of this project. Each school is part of a separate application to the Planning & Zoning Commission and will have a separate written decision.
3. The subject property is bounded on the north and west by single-family residential houses, and by Mansfield Avenue to the east and Royle Road to the south. There are no inland wetlands on the subject property, and no part of the property is within the flood zone. This public school is a

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 5

Permitted Principal Use under Section 402b of the Darien Zoning Regulations. No Special Permit is required for this application.

4. Construction activities are anticipated to occur over an approximately 28 month period. The Building Committee expects to start construction work during the summer of 2023. The existing school at the site is planned to remain fully operational throughout the construction process.
5. A basic premise of this project is that there will not be a large enrollment change at the school. The additions/alterations are to “right size” classrooms, and eliminate the existing portable classrooms, which have been on-site for many years.
6. The building’s design creates an open-air courtyard at the center of the main building. A service/loading area and refuse disposal area is proposed to the west side of the school building. Parking areas are to be located generally as-is, with additional parking being created to the far east of the site with eight new spaces, and nine additional parking to the west of the site. The Commission understands that the proposed additional parking was part of the Educational Specifications prepared for this project and submitted to the State of Connecticut for review.

MUNICIPAL USE OVERLAY ZONE (MU)

7. The subject property was placed into the Municipal Use Overlay Zone as part of adopted Amendments to the Darien Zoning Map (COZM #3-2019), put forth by the Darien Planning & Zoning Commission, as provided for within Section 420 of the Zoning Regulations.
8. No aspects of the proposal are using the flexibility allowed in the Municipal Use Overlay Zone. When fully built out, the proposal will be fully compliant with the area and bulk standards for the R-1/2 Residential Zone
9. As noted during the public hearing process, solar panels are being considered as part of the projects at all three schools (Royle, Hindley, and Holmes). Final details have not been prepared or submitted.
10. In response to a question at the public hearing, it was noted that bike racks are currently not on the site. The architect, Erik Kaeyer, noted that racks can be added to the plans.
11. Pursuant to Appendix B of the Darien Zoning Regulations, the Commission hired two outside peer reviewers for this application—Hardesty & Hanover to peer review parking and traffic; and Redniss & Mead to peer review stormwater management. The Commission held two nights of public hearings on this application. At the first hearing on November 15, 2022, a general overview of the project was given. Focused discussion occurred regarding traffic and parking, with other topics including stormwater management. Some public comment was received at that meeting. At the continuation of the public hearing on January 10, 2023, discussion again focused briefly on traffic and parking, as well as phasing and site logistics. The applicant responded to comments made by the peer reviewers.

OTHER LOCAL REVIEWS & APPROVALS

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 6

12. A required Mandatory Referral report (MR #2-2023) under Section 8-24 of the Connecticut General Statutes was issued on January 24, 2023 for substantial improvements to the subject property. The Planning & Zoning Commission's report, noting consistency with the 2016 Town Plan of Conservation & Development, is hereby incorporated by reference.
13. The Architectural Review Board (ARB) reviewed the architectural plans for the site at their meetings on October 18, December 13, 2022 and January 17, 2023 as part of ARB #49-2022, and sent a letter for the record dated January 19, 2023, issuing its report for this pending proposal, as well as Hindley and Holmes Elementary Schools. That report is hereby incorporated by reference.

TRAFFIC OPERATIONS & SITE ACCESS

14. A Traffic Statement was prepared on behalf of the applicant by Tighe & Bond, dated October 19, 2022, and was submitted as part of the original application submittal. As noted, this Traffic Statement and the site plan were peer reviewed by Hardesty & Hanover.
15. On November 15, 2022, during the public hearing on the matter, Mr. Greg Del Rio of Hardesty & Hanover, the Commission's peer review traffic engineer, presented his two-page November 14, 2022 letter to the Commission. He noted that he was in agreement with the applicant's findings relative to the parking lot being at or near capacity in the existing condition, thus, the need for additional on-site parking.
16. During the public hearing on the matter, Mr. Craig Yannes, of Tighe & Bond reviewed the proposed site access and expanded parking for the site, including proposed improvements. Tighe & Bond then prepared a two-page response to peer review comments dated December 20, 2022 in response to the Commission's peer review traffic engineer.
17. The Commission notes that there are no changes to Royle Road or Mansfield Avenue proposed as part of this application. As noted above, the project for renovation and expansion is not tied to an increase in Royle School enrollment.

ON-SITE PARKING & CIRCULATION

18. Based on anticipated need, additional parking spaces are proposed on-site, including nine on the western part of the site and eight additional on the eastern part of the site. The proposed parking lots are split into two parking areas – east and west. According to the applicant, all onsite walkways and paths have been designed to be fully ADA compliant.
19. No changes are proposed to the bus loop, or to the existing curb cuts on Royle Road.
20. The parking and traffic was reviewed by peer reviewer at Hardesty & Hanover in a one page letter dated January 10, 2023. One comment was relative to installing signage for the proposed nine new parking spaces on the west part of the site as "Reserved for Staff" (or similar). This will minimize the chance that a vehicle will back out of a space as vehicles queue for pickup after school.

LANDSCAPING, SCREENING, FENCING & LIGHTING

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 7

21. The Commission finds that the majority of the existing vegetation around the perimeter of the site would be preserved and would be supplemented with additional plantings throughout the property.
22. As shown on the submitted survey of the subject property, a stockade fence is currently in place along most of the western side of the site, and a post and rail fence is shown in the vicinity of the northern property boundary.
23. All mechanical equipment on the roof of the building is proposed to be screened from view with roof screens or will be placed so as to not be seen from the ground.
24. All new lighting within parking areas and on the building is proposed as high efficiency LED full cut-off lighting. There would be zero light spill at all property boundaries (0.0 Footcandles).

GRADING, STORMWATER MANAGEMENT & DRAINAGE

25. The proposed grading on-site is minimal, and does not rise to the level of requiring a Land Filling & Regrading Application under Section 850 of the Zoning Regulations.
26. As part of the originally submitted application, Tighe & Bond submitted a Site Engineering Report, dated October 24, 2022 showing a comprehensive stormwater management system. During the application process, a subsequent Site Engineering Report was submitted dated January 5, 2023. The new report was in response to the peer review comments received from Redniss & Mead on the original stormwater design.
27. As shown on page 2-3 of the submitted Site Engineering Report, the proposed project includes a reduction in impervious surface from 2.983 acres to 2.848 acres. The applicant has addressed both stormwater quality and quantity improvements and improves the existing storm drainage conditions on-site. The Engineering Report also shows that peak runoff rates are reduced in all storms through the 100-year peak storm event, as is the volume of runoff. The project also includes water quality volume and flow measures that meet or exceed the requirements of the CT DEEP Connecticut Stormwater Quality Manual.
28. Professional engineer Craig Flaherty, of Redniss & Mead, completed a technical peer review of the stormwater management aspect of the proposal for the Commission, and submitted letters dated November 16, 2022 and January 9, 2023. At the public hearing on the matter, Mr. Flaherty said the proposed improvements are in full conformance with Section 880 of the Town's Zoning Regulations. Mr. Flaherty reviewed his peer review engineering comments with the Commission and recommended several minor modifications, which can be part of the Zoning/Building Permit, and are addressed in Condition A, herein.

PROJECT PHASING & SITE LOGISTICS

29. The project is to be constructed in phases, which will allow the school to continue to operate while the additions and alterations are being completed. It is expected that construction will commence in summer 2023, and continue for approximately 28 months.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 8

30. Construction hours will be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff.
31. Parking for construction workers and similar construction logistics will be left to the Building Committee.
32. The elements of the Site Plan submitted accomplish the objectives for Site Plan Approval as specified in Subsection 1024. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.

NOW THEREFORE BE IT RESOLVED that Site Plan Application #283-A is 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:

PLANS

Darien Public Schools, Royle Elementary School, by KG&D Architects PC and Tighe & Bond.
Dated 10/24/2022 and last revised 1/05/2023 (unless otherwise noted).

- C-001 GENERAL NOTES, ABBREVIATIONS AND LEGEND
- C-011 EXISTING CONDITIONS PLAN
- C-021 SITE PREPARATION PLAN
- C-031 UTILITY PREPARATION PLAN
- C-101 SITE PLAN
- C-201 GRADING PLAN
- C-202 GRADING PLAN ENLARGEMENT
- C-301 DRAINAGE PLAN
- C-302 DRAINAGE PLAN ENLARGEMENT
- C-401 SOIL EROSION AND SEDIMENT CONTROL PLAN
- C-402 SESC NOTES, NARRATIVE AND DETAILS
- C-501 DETAILS -1
- C-502 DETAILS – 2
- C-503 DETAILS – 3
- C-504 DETAILS – 4
- C-505 DETAILS – 5
- C-506 DETAILS – 6
- L-101 LANDSCAPE PLAN (LAST REVISED 1-17)
- L-201 LANDSCAPE PLAN (LAST REVISED 1-17)
- L-301 LANDSCAPE DETAILS (LAST REVISED 1-17)
- L-302 LANDSCAPE DETAILS (LAST REVISED 1-17)
- L-303 LANDSCAPE DETAILS (LAST REVISED 1-17)
- A1 FINAL FLOOR PLANS (LAST REVISED 1-17)
- A2 EXTERIOR ELEVATIONS (LAST REVISED 1-17)

All submitted plans shall be coordinated and revised to reflect the following conditions of approval, including but not limited to the following required plan changes:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 9

- 1) At least three bike racks shall be added to the plans and installed prior to the issuance of a CO.
- 2) The installation of signage on the new parking spaces on the west side of the property as “Staff Parking Only” (or similar).
- 3) Changes noted in the January 9, 2023 letter from peer review engineer Redniss & Mead in Items 1b and 1e.

As recommended by the ARB in their January 19, 2023, the following shall be added to the plans:

- 4) Add additional stone benches to the main front entrances (specifically requested at Hindley but applicable to all three schools). These are large waiting areas for carpool.
 - 5) Consider adding additional (traditional style) benches to all three playgrounds for staff and childcare providers.
- B. Because of the minor nature of the regrading portion of this project, and because it is a Town project under the control of the HHR Building Committee, which has been constituted by the Town of Darien, a performance bond for the project is not required.
- C. No rock crushing or similar processing of earth materials has been requested and no such activity is authorized, approved, or permitted. If such activity is desired, prior review and action by the Planning & Zoning Commission shall be required.

SEDIMENT & EROSION CONTROLS

- D. During construction, the applicant shall install the proposed silt fence as shown on the submitted plans in Condition ‘A’, above (Sheet C-401) and also utilize any sediment and erosion control 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.
- E. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately 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.
- F. Anti-tracking pads (shown on the plans as construction entrances) shall be established as shown on the submitted plans to minimize dirt getting into parking areas, Royle Road, or Mansfield Avenue from any construction equipment. If dirt does get into Royle Road or Mansfield Avenue, the contractor is responsible for immediately remedying that situation.

TRAFFIC & PARKING

- G. As recommended by the peer review engineer Hardesty & Hanover, new parking spaces to be created on the western portion of the site shall be signed for “Staff Parking Only” (or something similar). This will minimize the likelihood of vehicles backing into vehicles which are queued to pick up students. See Condition A, above.

LANDSCAPING, SCREENING & FENCING

- H. The ARB recommends, and the Planning & Zoning Commission also recommends, that additional trees be added beyond those shown on the Landscaping Plans approved herein.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 10

- I. The applicant shall ensure the viability and health of all the plantings on the site, for one (1) year following the issuance of a Certificate of Occupancy (CO) for this school building project or the planting of trees/vegetation, whichever is later. Any plantings not maintained in a vigorous growing condition through this period shall be replaced with new plantings at the beginning of the next immediately following growing season. The Commission is not requiring a bond for the plantings.

STORMWATER MANAGEMENT

- J. The applicant's submitted Site Engineering Report last revised January 5, 2023 includes a Stormwater Maintenance and Inspection Schedule on page 2-5 and 2-6 and in Appendix G. It is essential that these on-site systems be properly maintained in order to minimize potential impacts to other properties. Thus, the Commission hereby requires that copies of all inspection details as specifically put forth in Appendix G be submitted in writing to the Planning & Zoning Department once the system has been installed, starting in April 2025, and submitted annually in April to the Department thereafter.
- K. The applicant/property owner shall have the continuing obligation, during construction of the project, to make sure that stormwater runoff and drainage from the site will not have any negative impacts upon adjacent properties and nearby public and private roads. If such problems do become evident during construction, the owner of the property shall be responsible for remedying the situation at their expense and as quickly as possible.

DUMPSTER/TRASH PICKUP

- L. Submitted plans Sheet L-101 shows a new screening enclosure around the Dumpster(s) to the west of the school. In order to minimize impacts on adjacent residential neighbors, all trash and/or recycling shall be picked up no earlier than 7:00 am. Monday through Friday. The screening door/enclosure shall remain closed and locked when not in use. No Dumpster(s) shall be located outside of that fenced/enclosure area. No additional Dumpster areas shall be added to the site without review/action by the Planning & Zoning Commission.

SITE LOGISTICS DURING CONSTRUCTION

- M. Construction deliveries shall be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff. Final details of construction hours and deliveries shall be coordinated with the selected general contractor.
- N. Construction related materials and equipment shall be staged as shown on the presented and submitted plans.

OTHER PERMITS AND APPROVALS

- O. The granting of this Permit does not relieve the applicant of the 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 following:
- 1) Review by the Darien Health Department for any changes to the cafeteria/food service facility.
 - 2) Review/approval by Darien Sewer Services.
 - 3) Separate HVAC permit for any generator(s).

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 11

- 4) Separate Zoning/Building Permit for any solar panels on the roofs of the building.
- 5) As part of the Zoning/Building Permit application, the applicant shall include the items as specifically called out by the peer review engineer in his January 9, 2023 two-page letter:

AS-BUILT SURVEYS REQUIRED

- P. The following final as-built surveys are hereby required to certify that the various site improvements are in compliance with the approved plans:
1. A professional engineer shall certify that all stormwater management installation and grading has been completed in accordance with the plans in Condition 'A'. One foot contours shall be shown on the final as-built.
 2. Certification by the architect or landscape architect that all planting/landscaping/fencing and Dumpster enclosure with lock has been completed in accordance with the plans in Condition 'A'.
 3. An as-built survey prepared by licensed land surveyor or certified by registered professional engineer. That as-built survey shall show the new school additions, expanded parking areas, and all utilities or buried infrastructure installed as part of this proposal, including but not limited to the installed stormwater management system. The as-built survey should include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- Q. 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.
- R. This permit shall be subject to the provisions of Sections 402 and 1020 of the Darien Zoning Regulations, including but not limited to the submission of professional certifications that the work has been completed in conformance with the permit, and implementation and completion of the approved plans for site work within three (3) years of this action (January 31, 2026). This may be extended as per Section 1028.

All provisions and details of the plans, as required to be modified herein, 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 Notice of Drainage Maintenance Plan will be filed in the Darien Land Records by Planning & Zoning Department staff within 60 days of this action, as an integral part of this approval.

At about 8:03 p.m., Chairman Olvany then read the next agenda item:

Site Plan Application #286-A, Darien Board of Education, Hindley Elementary School, 10 Nearwater Lane. Proposal to renovate and construct additions to Hindley Elementary School, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to the bus loop; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and improving stormwater management. *DECISION DEADLINE: 2/7/2023.*

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 12

Commission members reviewed the draft resolution. Comments were received on a number of findings and conditions on pages 2, 3, and 6. Mr. Olvany mentioned the importance of the drainage maintenance plan. Mr. Reilly made a motion to adopt the resolution as revised by the Commission. That motion was seconded by Mr. Ball and approved by a vote of 4-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 31, 2023**

Application Number: Site Plan Application #286-A
(PL-22-154 in OpenGov online permitting system)

Street Address: 10 Nearwater Lane
Assessor's Map #51 Lot #43

Name and Address of Applicant(s): HHR Elementary School Building Committee
Christopher Price, Building Committee Chairman
c/o Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of Property Owner: Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of Applicant's Representative: Erik Kaeyer
KG+D Architects PC
285 Main Street
Mount Kisco, NY 10549

Activity Being Applied For: Proposal to renovate and construct additions to **Hindley Elementary School**, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to the bus loop; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and improving stormwater management.

Property Location: The 9.6+/- acre subject property is situated on the east side of Nearwater Lane, at the southeast corner formed by its intersection with Boston Post Road.

Zones: R-1/2, Municipal Use Overlay (MU)

Date of Public Hearing: November 15, 2022 continued to January 10, 2023

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 13

Deliberations Held: January 24, 2023

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

Publication of Hearing Notices

Dates: November 3 & 10, 2022

Newspaper: Darien Times

Date of Action: January 31, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
February 9, 2023

Newspaper: Darien Times

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

- the proposed use and activities must comply with all provisions of Sections 402, 880, 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's representatives 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 applicant, the HHR Elementary School Building Committee, proposes to renovate and construct additions to Hindley Elementary School, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to the bus loop; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and improving stormwater management. Additions will be made to the southwest side of the school. The school is served by public water and sewer.
2. The subject application is related to school building projects at Royle Elementary School and Holmes Elementary School as well. All projects are similar, in that they seek to eliminate portable classroom buildings, "right size" classrooms, upgrade building systems, and install stormwater management. A detailed project narrative for the Hindley School project dated October 24, 2022 was submitted by the architect, noting what portions of the school will be demolished, and the nature of the additions, as well as the various improvements and efficiencies to be completed as part of this project. Each school is part of a separate application to the Planning & Zoning Commission and will have a separate written decision.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 14

3. The subject property is bounded on the north by Boston Post Road; to the east by St. John's Church; to the south by single-family residential properties; and to the west by Nearwater Lane and single-family properties. There are no inland wetlands on the subject property, and no part of the property is within the flood zone. This public school is a Permitted Principal Use under Section 402b of the Darien Zoning Regulations. No Special Permit is required for this application.
4. Construction activities are anticipated to occur over an approximately 28 month period. The Building Committee expects to start construction work during the summer of 2023. The existing school at the site is planned to remain fully operational throughout the construction process.
5. A basic premise of this project is that there will not be a large enrollment change at the school. The additions/alterations are to "right size" classrooms, and eliminate the existing portable classrooms, which have been on-site for many years.
6. The building's design creates an open-air courtyard at the center of the main building. A new front entrance is to be added to the west side of the school building with the demolition of the existing library. Additional parking is to be added along an expanded bus driveway area also to the west of the building and to the northeastern portion of the site in the location of the existing basketball courts. With the improvements to the site, a total of 95 on-site parking spaces would be provided. The Commission understands that the proposed additional parking was part of the Educational Specifications prepared for this project and submitted to the State of Connecticut for review.

MUNICIPAL USE OVERLAY ZONE (MU)

7. The subject property was placed into the Municipal Use Overlay Zone as part of adopted Amendments to the Darien Zoning Map (COZM #3-2019), put forth by the Darien Planning & Zoning Commission, as provided for within Section 420 of the Zoning Regulations.
8. No aspects of the proposal are using the flexibility allowed in the Municipal Use Overlay Zone. When fully built out, the proposal will be fully compliant with the area and bulk standards for the R-1/2 Residential Zone
9. As noted during the public hearing process, solar panels are being considered as part of the projects at all three schools (Hindley, Royle, and Holmes). Final details have not been prepared or submitted.
10. In response to a question at the public hearing, it was noted that bike racks are currently not on the site, but can be added.
11. Pursuant to Appendix B of the Darien Zoning Regulations, the Commission hired two outside peer reviewers for this application—Hardesty & Hanover to peer review parking and traffic; and Redniss & Mead to peer review drainage and stormwater management. The Commission held two nights of public hearings on this application. At the first hearing on November 15, 2022, a general overview of the project was given. Focused discussion occurred regarding drainage and stormwater management as well as traffic and parking. Public comment was received at that

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 15

meeting. At the continuation of the public hearing on January 10, 2023, discussion again focused on drainage and stormwater management, traffic and parking, as well as phasing and site logistics. The applicant responded to comments made by the peer reviewers.

OTHER LOCAL REVIEWS & APPROVALS

12. A required Mandatory Referral report (MR #1-2023) under Section 8-24 of the Connecticut General Statutes was issued on January 24, 2023 for substantial improvements to the subject property. The Planning & Zoning Commission's report, noting consistency with the 2016 Town Plan of Conservation & Development, is hereby incorporated by reference.
13. The Architectural Review Board (ARB) reviewed the architectural plans for the site at their meetings on October 18, December 13, 2022 and January 17, 2023 as part of ARB #49-2022, and sent a letter for the record dated January 19, 2023, issuing its report for this pending proposal, as well as for Royle and Holmes Schools. That report is hereby incorporated by reference. Two of their recommendation within that report are specific to Hindley School.

TRAFFIC OPERATIONS & SITE ACCESS

14. A Traffic Statement, was prepared on behalf of the applicant by Tighe & Bond, dated October 19, 2022, and was submitted as part of the original application submittal. This Traffic Statement and the site plan were peer reviewed by Hardesty & Hanover.
15. A right-out only driveway will be added to the northeast portion of the site facilitating direct egress to Boston Post Road from the main parking and parent pick-up/drop-off area. The driveway will maintain the existing mid-block crossing that was recently enhanced and will include the installation of a median along Boston Post Road to deter/inhibit left turns out from the driveway. This curb cut will require review and approval by State of CT DOT.
16. On November 15, 2022, during the public hearing on the matter, Mr. Greg Del Rio of Hardesty & Hanover, the Commission's peer review traffic engineer, presented his three-page November 14, 2022 letter to the Commission. Mr. Craig Yannes of Tighe & Bond responded to those comments in a December 20, 2022 letter. On January 10, 2023, Mr. Del Rio issued a positive endorsement of the proposal, with a recommendation that the applicant work with the Connecticut Department of Transportation (ConnDOT) to mitigate potential impacts from a blockage of westbound U.S. Route 1 through traffic due to westbound left turn lane spilling into the through lane.
17. The Commission acknowledges that the renovation and expansion of Hindley School is not anticipated to result in an increase in enrollment for the school and will not impact existing traffic patterns.

ON-SITE PARKING & CIRCULATION

18. The bus loop on the west side of the site will be extended to the south providing additional buses storage space within the loop. The existing bus loop entrance will be shifted to the south, while the north will remain in the existing location. The driveway to the main parking and parent pick-up/drop-off area will be shifted slightly south to align with the existing parking lot southern curb line along the building.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 16

19. The bus loop revisions allow the creation of 12 parking spaces, providing 6 additional parking spaces from existing conditions. In addition, 12 parking spaces will be striped within the paved area in the northeast portion of the site. The new driveway to Boston Post Road will result in a removal of four parking spaces within the main parking lot.
20. A new sidewalk path will be created from Boston Post Road at the Nearwater Lane intersection to the school entrances to facilitate direct bicycle and pedestrian access from the signalized crossing to the school.
21. All onsite walkways and paths have been designed to be fully ADA-compliant.

LANDSCAPING, SCREENING, FENCING & LIGHTING

22. The Commission finds that the majority of the existing vegetation around the perimeter of the site would be preserved and will be supplemented with additional screening plantings.
23. As shown on the submitted survey of the subject property, a stockade fence is currently in place along most of the eastern and southern sides of the site.
24. All mechanical equipment on the roof of the building is proposed to be screened from view with roof screens setback approximately 20 to 30 feet from the parapet of the roof.
25. All new lighting within the parking areas and on the building is proposed as high-efficiency LED full cut-off lighting. There would be zero light spill at all property boundaries (0.0 Footcandles).

GRADING, STORMWATER MANAGEMENT & DRAINAGE

26. The proposed grading on-site is minimal, and does not rise to the level of requiring a Land Filling & Regrading Application under Section 850 of the Zoning Regulations.
27. As part of the originally submitted application, Tighe & Bond submitted a Site Engineering Report, dated October 24, 2022 showing a comprehensive stormwater management system. During the application process, a subsequent revised Site Engineering Report was submitted dated January 5, 2023. The new report was in response to the peer review comments received from Redniss & Mead on the original stormwater design, dated November 16, 2022, as well as neighbor and Commission comments received at the first public hearing on November 15, 2022.
28. The proposed project includes an overall reduction in impervious surface of about 43 square feet on the 9.6+/- acre property. Even though there is a very small decrease of impervious surface overall, the applicant has addressed both stormwater quality and quantity improvements and improves the existing storm drainage conditions on-site. Peak runoff rates are reduced in all storms through the 100-year peak storm event. The project also includes water quality volume and flow measures that meet or exceed the requirements of the CT DEEP Connecticut Stormwater Quality Manual. Peer review engineer Craig Flaherty of Redniss & Mead has confirmed that peak flows and overall volume flowing southward to Pasture Lane have been attenuated through every storm through the 100-year storm.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 17

29. Drainage patterns will follow those of the existing site. Stormwater management will be accommodated on-site with surface runoff to be collected by swales, catch basins, yard drains and roof leaders. Stormwater management will be accomplished with two underground chamber systems.
30. The following design goals were considered for the proposed storm drainage system, as specifically noted on page 2-3 of the Site Engineering Report dated January 5, 2023:
- Reduce peak flow and volume to the Pasture Lane neighborhood by increasing the amount of on-site retention. Based on conversations with the Department of Public Works, the applicant was advised that some flow would need to be maintained to the Pasture Lane system because it contributes to downstream wetlands between Pasture Lane and Nearwater Lane. This water flow, under the proposed conditions, with the new drainage system installed, will result in less water flowing to the south to Pasture Lane than current conditions in all size storms.
 - Bypass as much flow to the Nearwater Lane system as possible without increasing flows to Nearwater Lane because of documented flooding concerns and limited hydraulic capacity in the Nearwater Lane system.
 - Infiltrate as much impervious cover as possible.
31. A number of nearby property owners voiced concerns with the stormwater management system proposed by the applicant. Concerns about the amount of water that now and will continue to flow southward was mentioned, and both verbal and written comments were submitted for the record. In response to neighbor concerns, the stormwater management plan was substantially modified and revised between the first public hearing and the second public hearing. The original plan proposed an above ground detention basin, and the revised plan included an underground Cultec system.
32. The applicant is proposing that runoff from the north parking lot, most of which is already infiltrated into a drywell system, and the northern section of roof, be routed around the east side of the school to the Pasture Lane easement. Runoff from the addition, courtyard, the new asphalt play area, and eastern roof of the existing building would be directed into a new underground chamber system consisting of Cultec chambers, which would encourage infiltration into the ground, reduce flow volumes and decrease peak flow rates. The chamber system would direct low flow toward Pasture Lane, with a high level overflow toward Nearwater Lane. Roof leaders from the western half of the building, and the western pick-up/drop-off loop would discharge into the Nearwater Lane system as they do presently.
33. The Commission finds that it is critical that stormwater flows be maintained within piping through the site and across the easement maintained by the Board of Education, south of the site to flow freely. A Storm Drainage Maintenance and Inspection Schedule (Appendix G) was submitted for the record, and that maintenance is essential to a fully functioning system going forward.
34. Professional engineer Craig Flaherty, of Redniss & Mead, completed a technical peer review of the stormwater management aspect of the proposal for the Commission, and submitted letters dated November 16, 2022 and January 9, 2023. At the public hearing on the matter, Mr. Flaherty said the proposed improvements are in full conformance with Section 880 of the

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 18

Town's Zoning Regulations. Mr. Flaherty reviewed his peer review engineering comments with the Commission and recommended several minor modifications, which can be part of the Zoning/Building Permit.

35. It is the Commission's understanding that there is an easement/pipe in the vicinity of 2 and 4 Pasture Lane, which properties are adjacent to the Hindley School property, but north of Pasture Lane. Based upon testimony of neighbors, that easement/pipe continues under and south of Pasture Lane. The neighbors, in their November 18 letter, have acknowledged that the Town has the 'right', but not the 'obligation' to maintain the portion of pipe south of Pasture Lane, which is on private property.

PROJECT PHASING & SITE LOGISTICS

36. The project is to be constructed in phases, which will allow the school to continue to operate while the additions and alterations are being completed.
37. Construction hours would be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff.
38. Parking for construction workers and similar construction logistics will be left to the Building Committee.
39. The elements of the Site Plan submitted accomplish the objectives for Site Plan Approval as specified in Subsection 1024. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.

NOW THEREFORE BE IT RESOLVED that Site Plan Application #286-A is 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:

ENGINEERING PLANS

Plans generally entitled 'Darien Public Schools, Hindley Elementary School, Additions & Alterations, 10 Nearwater Lane, Darien', Prepared by Tighe & Bond, dated October 24, 2022, last revised January 5, 2023.

- Sheet C-021, Site Preparation Plan;
- Sheet C-101, Site Plan;
- Sheet C-001, General Notes, Abbreviations and Legend;
- Sheet C-011, Existing Conditions Plan;
- Sheet C-201, Grading Plan;
- Sheet C-202, Grading Plan Enlargement;
- Sheet C-301, Drainage Plan;
- Sheet C-401, Soil Erosion and Sediment Control Plan Phase 1;
- Sheet C-402, Soil Erosion and Sediment Control Plan Phase 2;
- Sheet C-403, Soil Erosion and Sediment Control Plan Final Phase;

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 19

- Sheet C-404, SESC Notes, Narrative and Details;
- Sheet C-501, Details - 1;
- Sheet C-502, Details - 2;
- Sheet C-503, Details - 3;
- Sheet C-504, Details - 4;
- Sheet C-505, Details - 5;
- Sheet C-506, Details - 6;
- Sheet C-507, Details - 7;
- Sheet C-405, SESC Details - 2;

LANDSCAPE PLANS

Plans generally entitled ‘Darien Public Schools, Hindley Elementary School, Additions & Alterations, 10 Nearwater Lane, Darien’, Prepared by Tighe & Bond, dated October 24, 2022, last revised January 5, 2023.

- Sheet L-101, Landscape Materials Plan;
- Sheet L-201, Planting Plan;
- Sheet L-301, Landscape Details;
- Sheet L-302, Landscape Details;
- Sheet L-303, Landscape Details.

ARCHITECTURAL PLANS

Plans generally entitled ‘Darien Public Schools, Hindley Elementary School, Additions & Alterations, 10 Nearwater Lane, Darien’, Prepared by KG+D Architects, dated October 4, 2022, last revised January 5, 2023.

- Sheet A101, First & Second Level Demo Floor Plan;
- Sheet A201, Partial First Level & Basement Floor Plan;
- Sheet A202, Partial First Level;
- Sheet A203, Partial Second Level Floor Plan;
- Sheet A204, Roof Plan;
- Sheet A301, Exterior Elevations;
- Sheet A302, Building Sections;
- Sheet A400, Renderings;
- Sheet A801, Wall Sections;
- Sheet EX101, Existing Floor Plans;
- Sheet EX201, Existing Exterior Elevations;
- Sheet EX202, Existing Exterior Elevations.

B. All submitted plans shall be coordinated and revised to reflect the conditions of approval herein, including but not limited to:

- 1) At least three bike racks shall be added to the plans and installed prior to the issuance of a Certificate of Occupancy (CO).
- 2) The Hindley School front door shall be painted blue (per ARB).
- 3) At the main front entrance, at least two stone benches shall be installed (per ARB).

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 20

- C. Because of the minor nature of the regrading portion of this project, and because it is a Town project under the control of the HHR Building Committee, a performance bond for the project is not required.
- D. No rock crushing or similar processing of earth materials has been requested and no such activity is authorized, approved, or permitted. If such activity is desired, prior review and action by the Planning & Zoning Commission shall be required.

SEDIMENT & EROSION CONTROLS

- E. During construction, the applicant shall install the proposed silt fence as shown on the submitted plans in Condition 'A', above (Sheets C-401, C-402, C-403) and also utilize any sediment and erosion control 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.
- F. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately 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. Anti-tracking pads shall be established at all construction access points to minimize dirt getting into parking areas, Boston Post Road or Nearwater Lane from any equipment. If dirt does get onto Boston Post Road or Nearwater Lane, the contractor is responsible for immediately remedying that situation.

TRAFFIC, PARKING & PEDESTRIAN CIRCULATION

- H. The Commission recommends that the applicant install a new sidewalk along the eastern side of Nearwater Lane from the southern terminus of the bus loop to Pasture Lane to facilitate pedestrian access to the site from the south.

LANDSCAPING, SCREENING & FENCING

- I. The applicant shall ensure the viability and health of all the plantings on the site, for one (1) year following the issuance of a Certificate of Occupancy (CO) for the new school building or the planting of trees/vegetation, whichever is later. Any plantings not maintained in a vigorous growing condition through this period shall be replaced with new plantings at the beginning of the next immediately following growing season. The Commission is not requiring a bond for the plantings.
- J. The Commission strongly recommends that the existing stockade fence, in poor condition, along the property's easterly property boundary, shared with St. John's Church, be replaced. The existing vines and overgrowth should also be addressed as part of this project.
- K. The Commission also recommends (consistent with the ARB letter), that additional trees and plantings be installed on the property, and additional (traditional style) benches be installed at the playground.

STORMWATER MANAGEMENT

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 21

- L. The applicant's submitted Site Engineering Report last revised January 5, 2023 includes a Stormwater Maintenance and Inspection Schedule in Appendix G. It is again noted that the amount of runoff in the proposed condition with the installed drainage system will have less runoff to the south towards Pasture Lane in the 2- 10- 25- 50- and 100-year storms. It is essential that these on-site systems be properly maintained in order to minimize potential impacts to other properties. Thus, the Commission hereby requires that copies of all inspection details as specifically put forth in Appendix G be submitted in writing to the Planning & Zoning Department once the system has been installed, starting in 2025, and annually in April to the Department thereafter.
- M. The applicant/property owner shall have the continuing obligation, during construction of the project, to make sure that stormwater runoff and drainage from the site will not have any negative impacts upon adjacent properties and nearby public and private roads. If such problems do become evident during construction, the owner of the property shall be responsible for remedying the situation at their expense and as quickly as possible.

DUMPSTER/TRASH PICKUP

- N. Submitted plans Sheet C-101 shows a new dumpster to the west of the school. In order to minimize impacts on adjacent residential neighbors, trash or recycling shall be picked up no earlier than 7:00 a.m. The screening door/enclosure shall remain closed and locked when not in use. No Dumpster(s) shall be located outside of that fenced/enclosure area. No additional Dumpster areas shall be added to the site without review/action by the Planning & Zoning Commission.

SITE LOGISTICS DURING CONSTRUCTION

- O. Construction deliveries shall be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff. Final details of construction hours and deliveries shall be coordinated with the selected general contractor.
- P. Construction related materials and equipment shall be staged as shown on the presented and submitted plans.

OTHER PERMITS AND APPROVALS

- Q. 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 the following:
- Review/approval by State of Connecticut DOT for a new curb cut on Boston Post Road.
 - Review by the Darien Health Department for the cafeteria/food service facility.
 - Review/approval by Darien Sewer Services.
 - Separate HVAC permit for AC units and/or generator(s).
 - Separate Zoning/Building Permits for any solar panels on the roofs of the building.
- As part of the Zoning/Building Permit application for the school additions/alterations, the applicant shall include the items as specifically called out by the peer review engineer in his January 9, 2023, five-page letter.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 22

AS-BUILT SURVEYS REQUIRED

- R. The following final as-built surveys are hereby required to certify that the various site improvements are in compliance with the approved plans:
1. A professional engineer shall certify that all stormwater management installation and grading has been completed in accordance with the plans in Condition 'A'. One foot contours shall be shown on the final as-built.
 2. Certification by the architect or landscape architect, that all planting/landscaping/fencing has been completed in accordance with the plans in Condition 'A'.
 3. An as-built survey prepared by licensed land surveyor or certified by registered professional engineer. That as-built survey shall show the new additions, expanded parking areas, and all utilities or buried infrastructure installed as part of this proposal. The as-built survey should include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- S. 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.
- T. This permit shall be subject to the provisions of Sections 400, 420 and 1020 of the Darien Zoning Regulations, including but not limited to the submission of professional certifications that the work has been completed in conformance with the permit, and implementation and completion of the approved plans for site work within three (3) years of this action (January 31, 2026). This may be extended pursuant to Section 1028.

All provisions and details of the plans, as required to be modified herein, 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 Notice of Drainage Maintenance Plan will be filed in the Darien Land Records by Planning & Zoning Department staff within 60 days of this action, as an integral part of this approval.

At about 8:18 p.m., Chairman Olvany then read the next agenda item:

Deliberations ONLY on the following:

Site Plan Application #264-B, Land Filling & Regrading Application #541, Darien Board of Education, Holmes Elementary School, 18 & 32 Hoyt Street. Proposal to renovate and construct additions to Holmes Elementary School, including eliminating temporary portable classroom buildings, renovating and expanding the library, constructing classroom additions, a new main entrance, and outdoor courtyard/classroom, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to existing parking areas; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and installing stormwater management. The subject property is situated on the west side of Hoyt Street approximately 90 feet north of its intersection with Phillips Lane and is shown on Assessor's Map #25 as Lots #144, #145, and #146 in the R-1/3 Residential Zone and the Municipal Use Overlay Zone (MU). *DECISION DEADLINE: 3/28/2023.*

Commission members then deliberated on the subject application. Mr. Olvany said that the review

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 23

of this will be similar to the Hindley and Royle Schools discussed earlier tonight. He said that the subject property is in the MU (Municipal Use) Overlay Zone, however the Board of Education is not taking advantage of that flexibility. The Commission then reviewed the topics outlined by staff on the “green sheet”. They noted that on-site traffic is likely to remain generally as-is, as there is not a large increase in enrollment envisioned by the Board of Education. The existing drop-off area is not being extended. The proposal is to add a few parking spaces to the north and south of the property, and modify the sidewalk to the north part of the site to accommodate that parking increase. The proposed parking increase is part of the Educational Specifications prepared by the Board of Education. It was noted that there is no proposed change to the existing bus loop, and about 4-5 parking spaces are being added to the bus loop parking areas.

Mr. Olvany said that the proposed service drive will allow for access around the entire building. He confirmed that a letter from the ARB had been submitted for the record. It was noted that the generator will be moved, and it will be at least 50 feet from the north property line.

With regard to the proposed regrading of the site, it was mentioned that the original plan showed an above ground retention basin, and the plans have since been revised and reflect underground Cultec units, which will hold a significant amount of water. There were be a proposed small berm along the western border of the property. There will be a curtain drain in that location as well.

Commission members noted that there is a plan to add in another drain, and modify the size of an existing drain, thus a plan revision may be required relative to those items. Mr. Reilly voiced his concern regarding the drain near the asphalt in the back of the school. Commission members asked about the height of the proposed retaining wall near the service drive. Mr. Olvany confirmed that there will be no change in traffic volume or traffic flows as a result of this project. Mr. Doneit said that there will be a continuous sidewalk through the service drive. It was suggested that the Commission limit deliveries using the service drive during school hours and/or during drop-off or pickup of students. Mr. Olvany noted that the service drive should remain gated off when not in use. Staff was instructed to draft a resolution for the February 14, 2023 Commission meeting.

At about 8:39 p.m., Chairman Olvany then read the next agenda item.

Chairman’s Report

Mr. Olvany mentioned the passing of long-time Building Official Charlie Saverine. He said that he served the Town for many years, and will be greatly missed.

Director’s Report—including discussion of fee increase for land use board applications and zoning permits AND post-COVID outdoor activity.

Mr. Ginsberg said that the zoning permit and land use application fees have not been increased since 2019. This will account for both inflation, and an overall increase in out-of-pocket fees over the past few years, such as State-required advertising and required mailings. He expects that he will have a proposal to go before the RTM in March or April, since in Darien, the legislative body—the RTM—must approve these fee increases. He will get a copy of the proposal to the Commission when it is ready. The cost of Special Permit form filings and Notice of Drainage Maintenance Plans will be included in the fee, allowing staff to file those documents.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
JANUARY 31, 2023
PAGE 24

Mr. Ginsberg then explained that the Governor's COVID orders expires in April 2023. After that, businesses will have to revert to "pre-COVID" conditions. Both restaurants and other uses did receive special approvals for outdoor activity. The question is how the Commission wishes to handle such requests going forward. Mr. Ginsberg noted that there are a number of different circumstances throughout the community, a number of which were discussed. Mr. Olvany suggested that the ARB review permanent installations, as well as the Planning & Zoning Commission. It was agreed that staff will reach out to businesses between February and April. Mr. Reilly said that the Commission's concerns regarding any outdoor dining or use installation may result in impacts on traffic flow and parking. It was noted that the outdoor dining behind the Goose and Bodega is on Town property, and requires review and approval by the Board of Selectmen prior to coming before the land use board(s). The Commission was inclined to have one review per property, rather than annual reviews for a property. Ms. Barsanti said that the Commission will likely have concerns about gym equipment being stored outside.

Mr. Ginsberg confirmed that the February 7 meeting will be cancelled.

There being no other business, Ms. Barsanti made a motion to adjourn the meeting. That motion was seconded by Mr. Reilly and was unanimously approved. The meeting was thus adjourned at 8:51 p.m.

Respectfully submitted,

Jeremy B. Ginsberg, AICP
Director of Land Use

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