

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
February 14, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

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

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

Flood Damage Prevention Application #435, Sean & Mallory Rogers, 23 Crimmins Road.
Proposal to construct/expand a wood deck and related features in a special flood hazard area; and to perform related site development activities within regulated areas. The 0.56+/- acre subject property is located on the south side of Crimmins Road approximately 350 feet east of its intersection with Dickinson Road, and is shown on Assessor's Map #41 as Lots #116 and #117 in the R-1/3 Residential Zone.

Mr. Doneit provided the Commission with an overview of the application. He said that approvals were granted by the Environmental Protection Commission for the project on January 5, 2023. He said the proposal was positively endorsed by Darren Oustafine, Assistant Director of the Department of Public Works. Mr. Doneit read Mr. Oustafine's comments aloud. Mr. Doneit said that the project engineer had confirmed that the deck and related features were designed in accordance with Section 820 of the Regulations and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Mr. Sean Rodgers, the applicant and property owner provided a brief overview of the application and noted that the footings for the deck would be about 40-inches deep.

Ms. Barsanti had questions relative to FEMA's substantial improvement rules that were reviewed by and answered by Mr. Ginsberg.

There being no additional comments from Commission members and none from the public, Ms. Barsanti made a motion to close the public hearing on this matter. That motion was seconded by Mr. Ball, and was approved by a vote of 6-0.

Chairman Olvany then read the following 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

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 2

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.*

The Commission immediately continued the public hearing on the matter to March 14, 2023.

At about 7:43 p.m. Chairman Olvany read the following agenda item:

GENERAL MEETING

Amendment to Coastal Site Plan Review #155-A, Flood Damage Prevention Application #159-A, Land Filling & Regrading Application #539, 8 Pratt LLC, 8 Pratt Island.

Request to reduce performance bond amount and duration.

Attorney Wilder Gleason explained his January 26, 2023 request to amend the Commission's January 10, 2023 decision relative to the requirement for the posting of a Performance Bond for possible repairs of portions of Nearwater Lane as a result of trucking activities during the construction period at 6 & 8 Pratt Island.

The Commission, by a vote of 5-1, agreed to amend Condition 'C' of the resolution to reduce the bond duration from the entire length of the construction project to the completion of the fill phase of the project only. The Commission did not make any changes to the bond amount.

At about 8:05 p.m. Chairman Olvany read the following agenda item:

Deliberations and possible decisions 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 reviewed the draft resolution. Mr. Reilly made a motion to adopt the resolution as revised by the Commission. That motion was seconded by Mr. Balgach and approved by a vote of 6-0. The Adopted Resolution read as follows:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 3

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 14, 2023**

Application Number: Site Plan Application #264-B, Land Filling & Regrading Application #541
(PL-22-156 in OpenGov online permitting system)

Street Address: 18 & 32 Hoyt Street
Assessor's Map #25 Lots #144, #145, and #146

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, AIA, LEED AP
KG+D Architects P.C.
285 Main Street
Mount Kisco, NY 10549

Activity Being Applied For: 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.

Property Location: The subject property is situated on the west side of Hoyt Street approximately 90 feet north of its intersection with Phillips Lane.

Zones: Residential R-1/3, Municipal Use Overlay (MU)

Date of Public Hearing: November 29, 2022 continued to January 24, 2023

Deliberations Held: January 31, 2023

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

Publication of Hearing Notices
Dates: November 17 & 24, 2022

Newspaper: Darien Times

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 4

Date of Action: February 14, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
February 23, 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 400, 402, 850, 880, 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'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 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. Additions will be made to the north and west sides 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 Hindley Elementary School. New Construction includes construction of a one-story addition to the library on the west side of the building, construction of a two-story classroom addition to the west side of the building, construction of a one-story music and main entrance addition to the north and northeast end of the building, and to develop an outdoor courtyard/classroom. The roof is to be replaced, including the addition of solar panels. Additional parking spaces are to be added to the parking lots, a new service/emergency access road is to be constructed north of the building, stormwater management is to be improved, new fencing for the screening of dumpster(s) is to be added, and additional landscaping and hardscape restoration is to be implemented. Site access is to remain as it currently is. A detailed project narrative for the Holmes 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
FEBRUARY 14, 2023
PAGE 5

3. The subject property is bounded on the east by Hoyt Street, the north by Lake Drive and by single-family residential development on all sides. 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. As part of this application, it is proposed to combine the three existing lots--#144, #145, and #146. That is planned to be completed prior to the start of work.
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 on the west side of the main building. Additional parking is to be added to the northernmost portion of the site as well as along the southern portion of the site within the bus driveway/loop. The bus driveway/loop will otherwise remain unchanged. 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-1/3 Residential Zone
9. As noted during the public hearing process, solar panels are being considered as part of the projects at all three schools (Holmes, Hindley, and Royle). Final details have not been prepared or submitted.
10. 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 SLR to peer review drainage and stormwater management. The Commission held two nights of public hearings on this application. At the first hearing on November 29, 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 meeting. At the continuation of the public hearing on January 24, 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.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 6

OTHER LOCAL REVIEWS & APPROVALS

11. A required Mandatory Referral report (MR #3-2023) 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.
12. 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 24, 2023, issuing its report for this proposal, as well as for Hindley and Royle Schools. That report is hereby incorporated by reference. Many of the six recommendations within that report relate to the improvements to Holmes School.

TRAFFIC OPERATIONS & SITE ACCESS

13. 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. Site access from Hoyt Street is to remain as it currently exists.
14. The Commission acknowledges that the proposed renovation and expansion of the school is not directly tied to an increase in student enrollment and therefore a significant amount of additional traffic, above current levels, is not expected. Vehicular, bicyclist, and pedestrian access patterns from the adjacent local roadway network are expected to remain as existing.
15. On November 29, 2022, during the public hearing on the matter, Professional Engineer Mr. Greg Del Rio of Hardesty & Hanover, the Commission's peer review traffic engineer, presented his three-page November 28, 2022 letter to the Commission. Mr. Craig Yannes of Tighe & Bond responded to those comments in a December 20, 2022 letter.
16. On January 23, 2023, Mr. Del Rio issued a positive endorsement of the proposal, with a recommendation that the 10 new parking spaces in the northerly parking lot be reserved for staff as indicated in the applicants' response letter, as this will mitigate impacts from entering or exiting these spaces during the school arrival and departure periods, allowing for queuing in front of these spaces, if needed.

ON-SITE PARKING & CIRCULATION

17. The proposed service drive around the north/west side of the building will allow for access around the entire building, where none presently exists, in accordance with fire and safety considerations. The Commission finds that this the access /service drive is important to maintain to allow for dumpster access, kitchen service, and construction and emergency access.
18. Additional parking will be provided with 10 additional spaces added to the northern end of the main parking lot and 6 spaces added on the south side of the bus driveway/loop. The northern spaces will result in an associated adjustment of the walkway to the north of the spaces.
19. The existing sidewalk in the vicinity of the additional 10 proposed parking spaces within the main parking lot is to be rerouted along the northern side of the new parking spaces.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 7

20. All on-site walkways and paths have been designed to be fully ADA-compliant.

LANDSCAPING, SCREENING, FENCING & LIGHTING

21. 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.

22. As shown on the submitted survey of the subject property, a stockade fence is currently in place along most of the southern and western sides of the site.

23. 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.

24. 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).

STORMWATER MANAGEMENT & DRAINAGE

25. As part of the originally submitted application, Tighe & Bond submitted a Site Engineering Report, dated October 27, 2022 showing a comprehensive stormwater management system. During the application process, a subsequent revised Site Engineering Report was submitted dated January 17, 2023. The new report was in response to the peer review comments received from SLR on the original stormwater design, dated November 29, 2022, as well as neighbor and Commission comments received during the first public hearing, also on November 29, 2022. On January 24, 2023, Professional Engineer Todd Ritchie, of SLR issued a positive endorsement of the proposal.

26. The existing on-site drainage system collects runoff from the parking area to the east of the school building and discharges it into the wooded area to the north of the building. The drainage then proceeds to discharge into the northwesterly depressed area. There is no outlet – runoff that travels to this location infiltrates into the ground.

27. Under the post-development condition, drainage patterns will generally 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. New stormwater chambers are proposed northwest of the building to accommodate the additional impervious cover. Stormwater flows (both peak and overall volume) would be reduced from existing conditions in the 2- through the 100-Year Storms.

28. The proposed building and site improvements will result in an increase in impervious coverage of 0.127 acres (5,533 square feet)—as reference, the total of the three properties is over 9.5 acres. Most of the impervious coverage increase is as a result of the proposed additions to the school and new service drive on the north/west side of the building.

29. A number of nearby property owners voiced concerns with the stormwater management system proposed by the applicant. Concerns about stormwater runoff were noted, and both verbal and written comments were submitted for the record.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 8

30. In response to peer review comments, and Commission and neighbor concerns, the stormwater management plan was modified and revised during the application process. The applicant amended the plans to further mitigate stormwater flows in the westerly direction. There will also be an enlargement to the existing catch basin and the installation of a second catch basin and a new curtain drain along the western part of the site.

PROJECT PHASING & SITE LOGISTICS

31. The project is to be constructed in three separate phases, beginning during the summer of 2023, and ending in the second half of 2025. The phasing will allow the school to continue to operate while the additions and alterations are being completed.

32. Construction hours would be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff.

33. Parking for construction workers and similar construction logistics will be left to the Building Committee.

34. The Commission finds that it is important to properly manage construction access and associated deliveries to the site.

SPECIAL PERMIT FINDINGS

35. The location and size of the use, as modified and conditioned herein, the nature and intensity of the 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, shall be such that it shall be in harmony with the appropriate and orderly development of the district in which it is located.

36. The location, nature, size, and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and signs, as modified and conditioned herein, shall be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

37. The design, location and specific details of the proposed uses, as modified and conditioned herein, shall not adversely affect safety in the streets nor increase traffic congestion in the area, nor interfere with the pattern of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

38. Streets and other rights-of-way are of such size, condition and capacity to adequately accommodate the traffic to be generated by the proposed use.

39. The proposal conforms to the standards for approval as specified in Section 1005(a) through (g) of the Darien Zoning Regulations.

40. The elements of the Site Plan submitted as part of the Special Permit application accomplish the objectives for Site Plan Approval as specified in Subsection 1024. The site plan has been

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 9

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 #264-B and Land Filling & Regrading Application #541 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:

ENGINEERING PLANS

Plans generally entitled ‘Darien Public Schools, Holmes Elementary School, Additions & Alterations, 18 Hoyt Street, Darien’, Prepared by Tighe & Bond, dated November 22, 2022, last revised January 24, 2023.

- Sheet C-001, General Notes, Abbreviations and Legend;
- Sheet C-011, Existing Conditions Plan;
- Sheet C-021, Site Preparation Plan;
- Sheet C-031, Utility Preparation Plan;
- Sheet C-101, Site Layout Plan;
- Sheet C-201, Grading Plan;
- 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;
- Sheet C-404, SESC Notes, Narrative and Details;
- Sheet C-405, SESC Details - 2
- 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.

LANDSCAPE PLANS

Plans generally entitled ‘Darien Public Schools, Holmes Elementary School, Additions & Alterations, 18 Hoyt Street, Darien’, Prepared by Tighe & Bond, dated November 22, 2022, last revised January 24, 2023.

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

ARCHITECTURAL PLANS

Plans generally entitled ‘Darien Public Schools, Holmes Elementary School, Additions & Alterations, 18 Hoyt Street, Darien’, Prepared by KG+D Architects, dated October 4, 2022, last revised January 17, 2023.

- Sheet G-1, Cover;

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 10

- Sheet G-2 Code Compliance Building Area Diagram;
- Sheet G-3, Existing Conditions – Photos
- Sheet A101, 1st, 2nd & Basement Level Demo Floor Plan;
- Sheet A201, Partial First Level & Basement Floor Plan;
- Sheet A202, Partial First Level Floor Plan;
- Sheet A203, Partial Second Level Floor Plan;
- Sheet A204, Partial Second Level Floor Plan;
- Sheet A205, Roof Plan;
- Sheet A301, Exterior Elevations;
- Sheet A302, Building Sections;
- Sheet A303, Renderings;
- Sheet A801, Wall Sections;
- Sheet EX101, Existing First Level Floor Plan;
- Sheet EX201, Existing Exterior Elevations.

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

1. Change to the catch basin to become a DOT double catch basin, and installation of another catch basin near the steps near the west property line shall be added to the plans.
 2. The Holmes School front door shall be painted blue (pursuant to January 24, 2023 ARB letter).
 3. At the main front entrance, at least two stone benches shall be installed (per ARB).
 4. At least two benches shall be added to the playground area (per ARB).
 5. Two bike racks shall be provided on site.
 6. There shall be a continuous sidewalk through the service drive with stamped asphalt.
- B. Because of the nature of the land filling and regrading portion of this project, and because it is a Town sponsored project under the control of the HHR Building Committee, a performance bond for the proposed filling and regrading on the property is hereby waived.

SEDIMENT & EROSION CONTROLS

- C. During construction, the applicant shall install the proposed silt fence as shown on the submitted plans in Condition 'A', above 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.
- D. 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.
- E. Anti-tracking pads shall be established at all construction access points to minimize dirt getting into parking areas or Hoyt Street from any equipment. If dirt does get onto Hoyt Street, the contractor is responsible for immediately remedying that situation.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 11

- F. 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.

TRAFFIC, PARKING & PEDESTRIAN CIRCULATION

- G. Delivery vehicles shall be restricted from accessing the school site and service drive to the north/west of the building during normal student pick-up and drop-off times.
- H. The service drive to the north/west of the building shall remain gated off when not in use. There shall be a continuous sidewalk through the service drive with stamped asphalt.

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 additions/alterations to the school building or the planting of trees/vegetation, whichever is later. Any plantings not maintained in a vigorous growing condition throughout 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 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

- K. The applicant's submitted Site Engineering Report last revised January 17, 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 in all directions in the 2- 10- 25- 50- and 100-year storms. This is both during peak flows, as well as overall volume. 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.
- L. 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.

SITE LOGISTICS DURING CONSTRUCTION

- M. Construction hours and 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.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 12

O. All construction related activities shall be distinctly separated from all school related activities.

OTHER PERMITS AND APPROVALS

- P. 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:
1. Prior to the issuance of any permits for work, a mylar shall be filed in the Darien Land Records combining the three lots.
 2. Review by the Darien Health Department for the cafeteria/food service facility.
 3. Review/approval by Darien Sewer Services.
 4. Separate HVAC permits for AC units and/or relocated and/or new generator(s). The generator is shown on the submitted plans as at least 75 feet from the north property line.
 5. Separate Zoning/Building Permits for any solar panels on the roofs of the building.
 6. 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 24, 2023, three page review letter from SLR.

AS-BUILT SURVEYS REQUIRED

- Q. 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 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.
- R. 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.
- S. This permit shall be subject to the provisions of Sections 400, 420, 850, 880, 1000, 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 (February 14, 2026). This may be extended pursuant to Sections 858, 1009, and 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 "Special Permit form" and

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 13

“Notice of Drainage Maintenance Plan form” 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 8:16 p.m. Chairman Olvany read the following agenda item:

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.

Commission members reviewed the draft resolution. Comments were received on a number of findings and conditions.

Mr. Balgach 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 6-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 14, 2023**

Application Number: Coastal Site Plan Review #164-A
Flood Damage Prevention Application #171-A
Land Filling & Regrading Application #542

Street Addresses: 10 Runkenhage Road
Assessor's Map #69 Lot #30

Name and Address of
Property Owners and Applicants: Brenda & Alan Greene
10 Runkenhage Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Suzy Bradford, EIT
RACE Coastal Engineering
611 Access Road
Stratford, Connecticut 06615

Activities Being Applied For: 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.

Property Location: The 1.03+/- acre subject property is located at the terminus of Runkenhage Road approximately 540 feet southeast of its intersection with Tokeneke Trail.

Zone: R-1

Date of Public Hearing: January 31, 2023

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

Time and Place: 7:30 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: January 19 & 26, 2023

Newspaper: Darien Times

Date of Action: February 14, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 23, 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 406, 810, 820, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The proposal is to 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 subject property is within the flood zone – mostly in flood zone AE13.0, with a portion of property near the coastline in flood zone VE14.0. The property is served by an on-site septic system. The proposed fill will be entirely within the flood zone. The project is expected to take about two weeks, according the applicant's representative.
2. Based upon submitted information from soil scientist William Kenny, there are no inland wetlands on the subject property. Thus, no review or action by the Environmental Protection Commission (EPC) is required. An area of tidal wetlands was identified on the property directly adjacent to the proposed work, and thus, Coastal Site Plan Review by the Planning & Zoning Commission is required.
3. At the public hearing, the applicant's representative, Suze Bradford from RACE, explained that the subject property is subject to "nuisance flooding" and erosion in certain low-lying areas of the property. Originally, the property owners desired a more robust proposal (possibly including a seawall), however Ms. Bradford noted that informal review and comments from the State of CT DEEP resulted in a scaled back version of the original design. In the most recent design submitted to the Planning & Zoning Commission (last revised January 17, 2023), the fill will be less than two feet in height along the southeastern part of the subject property, and no work is proposed

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 15

below/waterward of the Coastal Jurisdiction Line (CJL) (elevation 5.5'). This revised plan also reflects changes to the sediment and erosion controls; an access and stockpile plan; and modifications to the proposed section.

4. The proposal includes a small berm along with sediment and erosion controls. The revised plan shows that no work is proposed within State jurisdiction (below elevation 5.5'). Sediment and erosion controls will be established at the start of this project. There will be no impact to tidal vegetation. The area, including the new berm, 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) and spread over an area of approximately 2,292 square feet, over a two week time period. At the public hearing, Ms. Bradford reviewed the access down to the work area, noting that the proposed stockpile will be in the existing driveway, and not in the yard. It was noted that access to the rear yard and the area of the proposed work, is narrow and somewhat limited, making it difficult for large trucks and equipment to access the area. Because of the on-site conditions, smaller construction equipment would be used to transport fill from the driveway to the lower portion of the site and to construct the berm.

REVIEW COMMENTS

5. A number of review comments were received on this application, including the following:
 - a) January 16, 2023 engineering review report from Tighe & Bond;
 - b) January 16, 2023 comments from Planning & Zoning Department staff member Rick Talamelli regarding flood review;
 - c) January 17, 2023 comment from the Darien Health Department; and
 - d) January 24, 2023 letter/comments from the State of Connecticut DEEP.Revised plans dated January 17, 2023 were submitted in response to those comments.
6. 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 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.
7. Ms. Julia Kendzierski of the State of Connecticut DEEP submitted comments on the application dated January 24, 2023. Those comments are included as part of the record on the matter. The applicant submitted a two-page response letter dated January 2023. In response to the DEEP Comments, the applicant's representative has noted that:
 - a) All work has been proposed landward of the CJL (which is elevation 5.5), outside of the State of CT jurisdiction.
 - b) All fill to be brought in... "will come from a clean source" and will be planted with salt tolerant native grasses.
 - c) The berm will not impact existing trees or have any adverse impacts on surrounding resources or flooding.
8. At the public hearing, Ms. Bradford said that in response to January 24, 2023 State of Connecticut DEEP comments, they will be staking the Coastal Jurisdiction Line (CJL)—elevation 5.5'—prior to

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 16

the start of work. It was suggested by Commission members at the hearing they also stake the septic system location, in order to minimize the likelihood of damage to the existing system. Ms. Bradford explained that the berm will be mitigating the 10-year storm event, and they will be planting the berm. The proposed double-row silt fences will remain on-site until the established grass is growing.

STORMWATER MANAGEMENT

9. Professional engineer Joe Canas of Tighe & Bond submitted comments on the application dated January 16, 2023. Those comments, which included the recommendation for installation of a second row of silt fence, are included as part of the record on the matter. That comment was addressed as part of the revised plan dated January 17, 2023.
10. The subject property is located within the lower 1/3 of the watershed. The Commission finds that there is no requirement or need to detain water and manage stormwater quantity, because of the property's proximity to the Long Island Sound, and the fact that there is no new impervious surface proposed as part of this application.

PROPOSED WORK WITHIN THE FLOOD ZONE

11. All of the proposed fill will be placed above elevation 5.5' and below elevation 8.0'—entirely within the FEMA flood zone. The work within the floodplain consists of 115+/- cubic yards of fill and a minor amount of regrading. The reduction of flood storage capacity that will result from the proposed filling is small in comparison to the total flood storage capacity of Scott's Cove/Long Island Sound.
12. The proposed work will not result in an increase of flood heights and the proposal meets or exceeds Section 825 of the Darien Zoning Regulations.
13. The Commission believes that the proposed activities as shown on the site plan, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

PROPOSED WORK WITHIN CAM AREA

14. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program and will not result in any significant, long-term negative impacts on coastal resources.
15. The Commission finds that the proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
16. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

17. Erosion controls, including a double row of silt fencing, will be installed to protect Long Island Sound during construction of improvements on the site. The staking required herein, along with the required double-row of silt fencing will ensure that all work is landward of the CJL. There

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 17

will be no fill added for the erosion control installation and the silt fencing will be removed once the site has been stabilized post-construction.

18. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
19. 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 #164-A, Flood Damage Prevention Application #171-A, and Land Filling & Regrading Application #542 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Regrading, filling, and other site development activity shall be in accordance with the plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Proposed Plans, Alan & Brenda Greene, 10 Runkenhage Road, by RACE Coastal Engineering, dated 11/30/2022 and last revised 12/12/22 and 1/17/2023, Drawing 2 of 2.

NOTE: This is the revised plan prepared in response to the comments received, showing all work landward of the CJL.

The modification that the Commission is requiring is to further pull back the fill area from the CJL by one foot. A revised plan shall be submitted reflecting this change.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. Prior to the start of any on-site work, a pre-construction meeting shall be held at the site between the contractor, RACE, and a representative from the Planning & Zoning Department. This shall occur prior to any fill being brought onto the site. This meeting will ensure that all of the conditions of approval have been reviewed, and the contractor is aware of the issues regarding this project.
- D. In order to minimize the likelihood of impacting the existing on-site septic system, prior to the start of work, the septic area shall be staked by a licensed land surveyor. Pursuant to the comments from the State of Connecticut DEEP, the Coastal Jurisdiction Line (CJL) at elevation 5.5' shall also be staked by a surveyor. This will ensure that no work is done within the State's jurisdiction. All staking shall be done prior to the installation of the sediment and erosion controls required in Condition E, and prior to any fill being brought onto the site.
- E. All fill to be brought in for the construction of the berm and all associated site work shall come from a clean source and shall be planted with salt tolerant native grasses. All fill shall be stored outside of the tidal vegetation area and special flood hazard area.
- F. The contractor shall utilize small track equipment to access the rear of the site and position the fill. No equipment shall be stored within wetlands areas.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 18

- G. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Site Development Plan in Condition 'A', above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and 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. **The double row of silt fence shall be installed ONLY after the septic system and CJL have been staked by the surveyor, and it shall be installed one foot landward from that shown on the plans (as required in Condition A).** The silt fence shall remain installed until the grasses/plantings have been established.
- H. In order to ensure compliance with this approval, and to ensure that no work occurs below/waterward of the CJL, the Commission hereby requires that the applicant's representative (or other representative from RACE) be present for at least an hour at least once a week during the project duration. Their role will be to inspect the silt fence, and ensure full compliance with this approval.
- I. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication of rock or gravel or construction debris or other similar activities shall be engaged in or be operated on the site. No blasting has been requested or is approved herein. Any such request requires formal review and action by the Planning & Zoning Commission.

STORMWATER MANAGEMENT

- J. Due to the fact that there is no new impervious surface proposed as part of this application, the Commission hereby waives the requirements for stormwater management under Section 880 of the Zoning Regulations.
- K. The applicant must make sure that at all times during the filling and regrading of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and the street. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the restabilization of all disturbed areas.
- L. 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.
- M. Prior to the issuance of a Certificate of Zoning Compliance for the work, the applicant shall submit the following to demonstrate compliance with the approved plans and the flood damage prevention regulations:
1. Verification in writing and/or photographs from the professional designer of the berm, that all work, including plantings, have been completed in compliance with the approved plans referred to in Condition 'A', above;
 2. A final "as-built" survey prepared by a licensed land surveyor and other evidence that all filling and regrading work has been properly completed in accordance with the approved plans. The as-built survey shall show all utilities or buried infrastructure installed as part of

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 19

this application. The as-built survey shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future. Only the portion of the property containing the berm needs to be surveyed, and must show one foot contours.

- 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 this permit as it deems appropriate.
- O. This permit shall be subject to the provisions of Sections 815, 829f, and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (February 14, 2024). This may be extended as per Sections 815, 829f, and 858.

All provisions and details of the plan, as granted 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 Special Permit form will be filed in the Darien Land Records by Planning & Zoning staff within 60 days of this approval AND prior to the start of work.

At about 8:20 p.m. Chairman Olvany read the following agenda item:

Chairman's Report

Chairman Olvany updated the Commission on the demolition of the downtown post office. The Commission then discussed parking issues at Goodwives Shopping center, with Chairman Olvany noting that vehicles were being towed. He asked staff to follow up with the shopping center.

At about 8:22 p.m. Chairman Olvany read the following agenda item:

Approval of Minutes

January 10

Mr. Ball made a motion to approve the January 10, 2023 meeting minutes as written. That motion was seconded by Ms. Barsanti, and approved by a vote of 6-0.

January 24

Mr. Nedder made a motion to approve the January 24, 2023 meeting minutes as written. That motion was seconded by Mr. Balgach, and approved by a vote of 6-0.

January 31

Mr. Reilly made a motion to approve the January 31, 2023 meeting minutes as written. That motion was seconded by Ms. Barsanti, and approved by a vote of 6-0.

It was noted that the next upcoming meetings have been scheduled for February 28 and March 7.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
FEBRUARY 14, 2023
PAGE 20

There being no other business, Mr. Ball made a motion to adjourn the meeting. That motion was seconded by Mr. Balgach, and approved by a vote of 6-0. The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Assistant Director

2.14.2023min