

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

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

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

STAFF ATTENDING: Ginsberg, Doneit
Recorder: None
Channel 79

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

PUBLIC HEARING

Continuation of Public Hearing regarding 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.*

The Commission immediately continued the public hearing to April 4, 2023.

At about 7:32 Chairman Olvany read the following agenda item:

Business Site Plan #94-B, Land Filling & Regrading Application #547, Bery Realty, LLP, 118 Old King's Highway South and 1302 Boston Post Road. Proposal, on both properties, is to expand the parking lot for existing veterinary office, including regrading of the property, installation of stormwater management, and to perform related site development activities. The 0.386+/- acre 118 Old King's Highway South property is located on the west side of Old King's Highway South approximately 485 feet north of its intersection with Queen's Lane, and is shown on Assessor's Map #63 as Lot #27, 28, 29 in the Service Business (SB) Zone. The 0.44+/- acre 1302 Boston Post Road property is shown on Assessor's Map #63 as Lot #2, also in the SB Zone, directly to the west of the 118 Old King's Highway South property.

Mr. Olvany stated that he did not feel that he had a conflict on this application, as he is a customer of the vet's office, similar to many other residents of Darien.

Mr. Ginsberg provided the Commission with an overview of the application.

Professional Engineer, Harry Rocheville, of McChord Engineering Associates, the applicant's representative, summarized the proposal. He said that 118 Old King's Highway South is now developed with a single-family residence and associated driveway and that 1302 Boston Post Road is developed with the Darien Animal Hospital and associated parking lot. He said that the existing

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

curb cut on Old King's Highway South would be eliminated. If approved by the Commission the two lots would be merged.

The edges of the properties are currently developed with businesses or single-family residences. A residential zone borders 118 Old King's Highway South to the east and north. The topography across both sites consists of steep then gradual slopes that drain west towards Boston Post Road. Both properties belong to the same owner and are served by town sewer and water services.

Mr. Rocheville said that the proposed site development consists of expanding the existing parking lot for the Darien Animal Hospital onto the 118 Old King's Highway South property. The existing single-family residence and driveway will be removed to facilitate the parking lot. A stormwater management system will be installed to control runoff from the proposed development. He said that the purpose of the project is to provide additional parking for the Darien Animal Hospital as their lot is currently undersized. The existing parking lot has eighteen spaces. The proposed expansion would add twenty-one spaces, for a total of thirty-nine parking spaces.

Mr. Rocheville said that the new parking spaces would be within 500-feet of the subject building thus satisfying Zoning Regulation 906.2. Both subject properties are owned by the same entity thus satisfying Zoning Regulation 906.2.c. All new parking stalls are over 25-feet from the abutting residential zone thus satisfying Zoning Regulation 906.4.b. Existing trees will be maintained to the maximum extent possible to provide a buffer to neighboring residential properties. The topography on site also provides a natural buffer as the neighboring residential properties are at least 10-feet above the new parking area.

The proposed site development will require earthwork to construct the new parking lot into a developed property that includes various retaining walls and moderate to steep slopes. The earthwork will generally consist of cutting to construct the parking lot and then providing a 2:1 slope beyond the parking lot to meet existing grade. The eastern portion of the site is very steep and will not be disturbed. The earthwork will not result in any change in drainage patterns and will be consistent with the existing topography along the property lines.

He reviewed comments submitted on the application by Professional Engineer, Joe Canas, of Tighe & Bond. In response from questions from the Commission, he said that the existing outdoor area for dogs is not changing. It was also noted that the provided stormwater maintenance plan would be updated to distinguish between existing and proposed features of the stormwater management system.

No members of the general public were present to comment upon the application. The Commission then continued the hearing to April 4, 2023 to allow for the submission of a landscape and lighting plan.

At about 8:01 p.m., Chairman Olvany read the following agenda item:

Coastal Site Plan Review #370-A, Flood Damage Prevention Application #432-A, Land Filling & Regrading Application #532-A, Christopher & Lisa Hughes, 25 Harbor Road. Proposal to raze the existing residence to the foundation and to construct a new single-family dwelling with

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

additions atop the existing foundation, construction of elevated patio and hardscape areas at the rear of the residence, installation of plunge pool, including construction of a series of terraced retaining walls, expand the driveway area; and to perform related site development activities within regulated areas, including regrading of the property, and installation of stormwater management. The 1.0+/- acre subject property is located on the east side of Harbor Road approximately 600 feet south of its intersection with Ring's End Road, and is shown on Assessor's Map #51 as Lot #9 in the R-1 Zone.

Mr. Ginsberg provided the Commission with an overview of the application. He noted that comments on the application were received from the State of Connecticut DEEP, dated February 28, 2023, and that those comments are included as part of the record. He also noted that the application was reviewed by peer review engineer Joe Canas of Tighe & Bond, and his comments were noted in a two-page memorandum dated March 1, 2023.

Professional Engineer, Harry Rocheville, of McChord Engineering Associates, the applicant's representative, summarized the proposal and said that the house on the site is currently under construction. It was noted that this application is an amendment to Coastal Site Plan #370, Flood Damage Prevention Application #432, Land Filling & Regrading Application #532 that was approved by the Commission on September 6, 2022. Changes from the previously approved plans include: modifications to the driveway configuration, the stormwater management system, retaining walls, and the landscape plan. The house plans and construction, including area of disturbance, remain unchanged.

Mr. Rocheville said that the stormwater management system would maintain existing drainage patterns on the site and that stormwater would be conveyed to an underground detention system consisting of six recharger units. He said that the drainage structure would be increased from two to three rows of Cultecs. During typical storm events, runoff will infiltrate into the underlying soils. An overflow pipe that will discharge to the previously approved footing drain rip rap outlet is proposed to be installed to provide relief during extreme storm events. Runoff from the remainder of the property will continue to drain east towards the Darien River/Darien Harbor consistent with existing conditions. Soil percolation testing was conducted on the property in the area of the proposed underground detention system and confirmed suitable infiltration rates.

Mr. Rocheville said that one of the three originally proposed retaining walls had been removed and that area would be regraded to accommodate additional plantings for the site. Ms. Jennifer Anderson, of Jennifer Anderson Design & Development, the applicant's landscape architect presented a detailed planting plan that was developed for the site. This Plan adds salt tolerant plantings near the Darien Harbor, and includes an area of seed mix between the lowest retaining wall and Darien Harbor. The plantings will stabilize the site with the plan reflecting the fact that as part of the prior application, a number of trees were removed, that were proposed to be preserved. Mr. Chris Hughes, the applicant and property owner, confirmed that he intends to implement the proposed planting plan as presented.

Chairman Olvany asked that the survey for the property be included as part of the record, in part to confirm that the proposed building coverage doesn't exceed the 20 percent allowable by the Regulations.

There being no additional comments from Commission members, and none from the public, Mr.

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

Balgach made a motion to close the public hearing on this matter. That motion was seconded by Ms. Barsanti, and was approved by a vote of 5-0.

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

Coastal Site Plan Review #367-A, Flood Damage Prevention Application #420-A, Land Filling & Regrading Application #526-A, John & Amanda Spatola, 11 Searles Road. Proposal to construct additions to the north/west and east sides of the existing single-family residence, construction of new and realigned driveways, and patio areas, and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management and a new septic system. The 1.89+/- acre subject property is located on the south side of Searles Road, at its northern intersection with Indian Trail, and is shown on Assessor's Map #66 as Lot #69 and is located in the R-1 Zone.

Mr. Doneit summarized the application and noted that the applicant was not present to provide additional details and to answer questions of the Commission. The Commission then continued the hearing to April 18, 2023.

Chairman Olvany then read the following agenda item and passed the matter onto Vice Chairman Reilly to chair the meeting for this agenda item:

GENERAL MEETING

Deliberations and possible decisions on the following:

Coastal Site Plan Review #359-A, Flood Damage Prevention Application #413-A, Land Filling & Regrading Application #511-A, William & Elizabeth Jones, 2 Contentment Island Road.

Proposal to elevate and construct additions to the existing residence, remove the garage and construct a new detached garage, a new swimming pool and terrace, relocate and expand the driveway area; and perform related site development activities within regulated areas, including filling and regrading of the property and installation of stormwater management. The 1.08+/- acre subject property is located on the northwest side of Contentment Island Road approximately 40 feet south of its intersection with Tokeneke Beach Drive, and is shown on Assessor's Map #67 as Lot #65 in the R-1 Zone.

Commission members reviewed the draft resolution. Mr. Nedder made a motion to adopt the resolution as written. That motion was seconded by Ms. Barsanti and approved by a vote of 4-0, with Chairman Olvany abstaining from the vote, as he was not present at the public hearing on the matter. The Adopted Resolution reads as follows:

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

Application Number: Coastal Site Plan Review #359-A

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MARCH 14, 2023
PAGE 5

Flood Damage Prevention Application #413-A
Land Filling & Regrading Application #511-A

Street Address: 2 Contentment Island Road
Assessor's Map #67 Lot #65

Name and Address of Property Owners and Applicants: William & Elizabeth Jones
14 Edgehill Drive
Darien, CT 06820

Name and Address of Applicant's Representative: Alfred P. Tibbetts, Esq.
Butler Tibbetts, LLC
5 Brook Street, Suite 2C
Darien, CT 06820

Activity Being Applied For: Proposal to elevate and construct additions to the existing residence, remove the garage and construct a new detached garage, a new swimming pool and terrace, relocate and expand the driveway area; and perform related site development activities within regulated areas, including filling and regrading of the property and installation of stormwater management.

Property Location: The 1.08+/- acre subject property is located on the northwest side of Contentment Island Road approximately 40 feet south of its intersection with Tokeneke Beach Drive.

Zone: R-1

Date of Public Hearing: February 28, 2023

Time and Place: 7:30 P.M. Room 213 (Town Hall)

Publication of Hearing Notices
Dates: February 15 & 23, 2023 Newspaper: Darien Times

Date of Action: March 14, 2023 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
March 23, 2023

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

- the proposed use and activities must comply with all applicable 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 representatives

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

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 elevate and construct additions to the existing residence, remove the garage and construct a new detached garage, a new swimming pool and terrace, relocate and expand the driveway area; and perform related site development activities within regulated areas, including filling and regrading of the property and installation of stormwater management. The Subject property is served by public water and on-site septic system.
2. The Commission notes that this application is similar to a prior application reviewed and approved by the Commission in October 2021 (Coastal Site Plan #359).
3. The Commission received comments on the application from the State of CT DEEP dated February 23, 2023. Those comments are included as part of the record on the matter.
4. The Commission received an e-mail dated February 7, 2023 on the application from the Tokeneke Association. In that email, Michael Casolo, the President of the Tokeneke Association, notes that the Association is appreciative of the applicant's plan to reinstall and improve the drainage at the edge of Contentment Island Road, at the southeastern end of their property.
5. A letter dated February 28, 2023 from Stephen and Susan Liguori was received for the record, noting their concerns regarding the project. The applicant's representative as well as the property owner addressed the Liguoris' concerns at the February 28, 2023 public hearing.

OTHER LOCAL APPROVALS

6. The Zoning Board of Appeals (ZBA) approved this project as part of ZBA Calendar #19-2022 on October 26, 2022. That approval is hereby incorporated by reference. The plans approved by the ZBA allow lifting portions of the existing house and the construction of one and one-half story additions and construction of additional volume on a portion of the lot.

STORMWATER MANAGEMENT

7. A Stormwater Management Report prepared by LANDTECH, dated June 17, 2021, last revised January 12, 2023 was submitted for the record as part of the application. The application was reviewed by peer review engineer Joe Canas of Tighe & Bond, and his comments were noted in a two-page letter dated February 24, 2023.
8. At the public hearing, it was noted that a stormwater management system, consisting of underground detention would be installed to address the water quality from the existing residence and proposed improvements, as opposed to detaining water and managing stormwater quantity. Overall, the application is a net reduction in impervious surface on the property, since the prior existing tennis court was removed as part of this project. The applicant requested a

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

waiver from stormwater management requirements of Section 880, since the property is in the lower 1/3 of the watershed and directly adjacent to Scotts Cove and the Long Island Sound.

9. The Commission acknowledges that a Stormwater Management Maintenance Plan has been submitted as part of the application. The Commission noted during the public hearing that the maintenance plan should include the maintenance of the drainage pipe on the southern portion of the property that drains water from Contentment Island Road to Scott's Cove.
10. The Commission finds that if implemented property, the proposed site development activities will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN CAM AREA

11. A Coastal Resources Evaluation Report, dated June 17, 2021, last revised January 12, 2023, prepared by LANDTECH was submitted for the record as part of the application.
12. The Commission finds that the proposed development if properly implemented, is not contrary to the goals, objectives, and policies of the Coastal Area Management Program.
13. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22(a)-92 of the Connecticut General Statutes.
14. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

PROPOSED WORK WITHIN THE FLOOD ZONE

15. The subject property lies within Flood Zone VE14 and AE13. All proposed improvements are located outside of the velocity flood zone (the VE Zone), and work that is in the AE13 flood zone will be in compliance with all applicable regulations for that flood zone. The existing residence will be raised to a first floor elevation of at least 14.0'. A new mechanical platform is proposed which is one foot above the Base Flood Elevation in the AE13 zone..
16. The existing septic tank on the property is to be relocated further to the west of its current location to accommodate the new house additions. A location for a septic reserve area has also been established on the northwest portion of the site within Flood Zone AE13. Final approval for the relocation of the septic and the location of the septic reserve area was granted by the Darien Health Department on January 24, 2022.
17. A flood certification dated January 12, 2023 from the applicant's engineer Andy Soumelidis of LANDTECH was received for the record.
18. The Commission finds that the proposed work will not result in an increase of flood heights and the proposal is in conformance with Section 825 of the Darien Zoning Regulations.
19. 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.

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

LAND FILLING & REGRADING

20. The relocation and expansion of the driveway and turnaround area on the northerly end of the existing structure will require approximately 9-inches of fill to accommodate the design and construction.

21. During the public hearing on the matter, concerns were raised regarding flooding on Contentment Island Road in the vicinity of the southeastern portion of the site. It was noted that waters from a catch basin on Contentment Island Road in the same area had historically flooded the subject property during times of high tide – water drained from the roadway into a previously existing tennis court. Following the Commission’s previous approval for the property, the tennis court was filled and a new stone/stucco wall at the road edge was constructed. The property owner noted that they have worked with the Tokeneke Association to help minimize flooding issues on Contentment Island Road adjacent to the site, by installing a new catch basin in Contentment Island Road that drains through the subject property to Scott’s Cove.

22. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

23. 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 #359-A, Flood Damage Prevention Application #413-A, and Land Filling & Regrading Application #511-A are hereby granted 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:

SURVEY

Zoning Location Survey Depicting Proposed Conditions, 2 Contentment Island Road, Darien, Prepared for William P. Jones Jr. & Elizabeth Higgins Jones by William W. Seymour & Associates, P.C., dated April 9, 2021, last revised September 26, 2022.

ENGINEERING PLANS

Plans generally entitled ‘Site Improvements for Elevating an Existing Structure’ 2 Contentment Island Road, Darien, Prepared for Bill & Betsy Jones by LANDTECH, dated June 7, 2021, last revised September 26, 2022.

- Sheet C-1, Site Plan;
- Sheet C-2, Notes and Details.

Plans generally entitled ‘Structural Modifications to Dwelling’ 2 Contentment Island Road, Darien, Prepared by Sound Engineering Associates, LLC, dated March 16, 2022, last revised May 23, 2022.

- Sheet SEA-001, Project Notes;
- Sheet SEA-X100, Existing Foundation Plan;
- Sheet SEA-D100, Foundation Demolition Plan;

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

- Sheet SEA-100, Foundation Plan;
- Sheet SEA-101, Existing & New Foundations;
- Sheet SEA-101A, Existing & New Foundations Dwelling Only;
- Sheet SEA-200, Typical Foundation Details;
- Sheet SEA-201, Sections & Details.

All plans shall be revised to address the comments in Joe Canas' two-page letter dated February 24, 2023. This includes, but is not limited to, properly sized flood vents for the garage.

The Stormwater Maintenance Plan shall specifically include the new drainage pipe to be installed on the subject property, since it will be the owners' obligation to maintain it.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition 'A', above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during construction and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to the re-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.
- D. Due to the sensitive nature of the site, the Commission hereby requires, at the applicant's expense, a Site Monitor to visit the site at least once every two weeks from the start of construction or the beginning of the filling and regrading work, whichever comes first, and until the filling and regrading of the site is complete and the site is stabilized. The Site Monitor shall be responsible for reporting on the accuracy and progress of the filling and regrading and the installation of stormwater management, allowing the Town and applicant the opportunity, if necessary, to address problems before and as they arise. Reports shall be filed at least every two weeks by e-mail with the Planning & Zoning Department. The applicant's engineer may be used as said Site Monitor.
- E. 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.
- F. All mechanicals, including but not limited to, those for the pool equipment, air conditioning units, and generator shall be at least one foot above the base flood elevation.

STORMWATER MANAGEMENT

- G. Due to the property's location adjacent to Long Island Sound and within the lower 1/3 of the watershed, the Commission hereby waives the requirements of Section 880 of the Zoning Regulations relative to on-site stormwater detention. Only water quality shall be addressed as part of this application.

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

- H. Throughout the redevelopment of the site, the applicant shall properly manage stormwater runoff to avoid negative impacts to neighbors and/or the street.
- I. 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. As noted in the Health Department's comments, "Tank replacement and proper abandonment of existing is required by a permit issued by this office (the Darien Health Department)". At a minimum, separate Zoning & Building Permits will be required for the new house additions and alterations and the proposed pool.
- J. Once the work is complete, and prior to the issuance of a Certificate of Occupancy (CO) for the improvements, the property owner 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 drainage system that all aspects of the stormwater management system 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 work has been properly completed in accordance with the approved plans, and complies with zoning setback, building height, building coverage requirements, and flood regulations. The as-built survey shall show all utilities or buried infrastructure installed as part of 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.
 3. An Elevation Certificate from an architect or licensed land surveyor.
- K. 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.
- L. This permit shall be subject to the provisions of Sections 815, 829(f), and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (March 14, 2024). This time limit may be extended as per Sections 815, 829(f), and 858 of the Regulations.

All provisions and details of the plans, as approved 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" and "Special Permit form" shall be filed in the Darien Land Records within sixty (60) days of this approval, and prior to the issuance of a Zoning and Building Permit for the additions and alterations to the residence.

Chairman Olvany then read the following agenda item and passed the matter onto Vice Chairman Reilly:

Flood Damage Prevention Application #437, Land Filling & Regrading Application #545, Geddes & Julia Johnson, 3 Canoe Trail. Proposal to construct a new two-story addition to the east

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

side of the existing residence and south side of the detached garage, to construct a new retaining wall and steps with associated regrading of the property; and to perform related site development activities within a regulated area. The 1.01+/- acre subject property is located on the south side of Canoe Trail at the southwestern corner formed by its intersection with Arrowhead Way, and is shown on Assessor's Map #70 as Lot #51 in the R-1 Residential Zone.

Commission members reviewed the draft resolution. Ms. Barsanti made a motion to adopt the resolution as written. That motion was seconded by Mr. Nedder and approved by a vote of 4-0, with Chairman Olvany abstaining from the vote, as he was not at the public hearing. The Adopted Resolution reads as follows:

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

Application Number: Flood Damage Prevention Application #437
Land Filling & Regrading Application #545

Street Addresses: 3 Canoe Trail
Assessor's Map #70 Lot #51

Name and Address of
Property Owners and Applicants: Geddes & Julia Johnson
3 Canoe Trail
Darien, CT 06820

Name and Address of
Applicant's Representative: Craig J. Flaherty, P.E.
Redniss & Mead, Inc.
22 First Street
Stamford, CT 06905

Activities Being Applied For: Proposal to construct a new two-story addition to the east side of the existing residence and south side of the detached garage, to construct a new retaining wall and steps with associated regrading of the property; and to perform related site development activities within a regulated area.

Property Location: The 1.01+/- acre subject property is located on the south side of Canoe Trail at the southwestern corner formed by its intersection with Arrowhead Way.

Zone: R-1 Residential Zone

Date of Public Hearing: February 28, 2023
Deliberations Held: February 28, 2023

Time and Place: 7:30 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: February 16 & 23, 2023

Newspaper: Darien Times

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

Date of Action: March 14, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
March 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, 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 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 proposal is to construct a new two-story addition to the south face of the detached garage with the second story extending partially over the existing garage. A new second-story connection is proposed between the garage and residence. A 30' x 50' area adjacent to the front of the home will be leveled to provide a usable terraced area close to the home. A new wall is proposed starting at the northern face of the garage and terminating in line with the south face of the house. The existing residence is served by public water and an on-site septic system.
2. The proposed improvements result in 5,044 square feet of impervious coverage on the site, a net increase of 232 square feet from existing conditions. Thus, the proposed improvements result in a minor increase in impervious coverage.
3. The Commission acknowledges that the proposal is under review by the Environmental Protection Commission (EPC) as part of EPC #4-2023. A February 22, 2023 report was received from the EPC. A decision by the EPC on the application is forthcoming.

STORMWATER MANAGEMENT

4. A Drainage Statement by Redniss & Mead, dated January 17, 2023, last revised February 13, 2023, was submitted for the record as part of the application.
5. Professional Engineer Joseph Canas of Tighe & Bond submitted comments for the record dated February 9, 2023. Those comments are included as part of the record.
6. Water quality is provided to runoff originating from a portion of the garage via overland flow. The roof leaders are directed to a splash pad on the downhill side of the wall. Runoff from the improvements will flow over 80' of moderately sloped lawn and through the proposed

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

mitigation plantings before reaching the onsite watercourse. This represents an improvement over existing conditions in which the roof leaders are directly piped to the watercourse. Existing drainage patterns are to be maintained in the post development condition.

7. The applicant has requested a waiver from stormwater management requirements of Section 880, since the property is in the lower 1/3 of the watershed within 600 feet of Scott's Cove and the Long Island Sound.
8. The Commission finds that if implemented property, the proposed site development activities will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN THE FLOOD ZONE

9. The proposed improvements will be located partially within FEMA Zone AE with a Base Flood Elevation (BFE) of 13'. The design is compliant with Town and FEMA requirements. All other existing building and site improvements are located within Zone X.
10. The proposed improvements have been designed to comply with Section 825 of the Darien Zoning Regulations and the requirements for flood protection for dwellings located in the FEMA designated Special Flood Hazard Area (SFHA).
11. The bridged connection of the garage to the existing dwelling brings the entire dwelling into the flood zone. Section 820 of the Regulations requires that the Town's structural floodproofing requirements be enforced for any structure where the combination of repairs, reconstruction, alterations or improvements equals or exceeds fifty percent of the market value of the structure. However, based on data received to date from the applicant's architect, the cumulative cost of the improvements are not "Substantial improvements" and accordingly, structural floodproofing of the entire dwelling is not required.
12. At the public hearing, the applicant noted that a Conditional Letter of Map Revision (CLOMR-F) will likely be pursued by the property owner. The proposed fill and site grading located in the AE Zone is limited to what is necessary and reasonable. There is no use of fill for the structural support of the addition. The site grading has been designed to have no adverse impact with respect to flooding to the site or to adjacent properties.
13. The new proposed retaining walls are within the AE Zone and has been designed in compliance with Town of Darien and FEMA requirements.
14. 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.
15. The Commission believes that the proposed activities as shown on the 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.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

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

16. The grade will be raised up to 29 inches along the retaining wall and feathered to meet existing grade at the face of the house. The proposed work requires approximately 70 cubic yards of imported fill.
17. To assist in the preservation/enhancement of water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fences (double row), an anti-tracking pad, designated storage/stockpile areas, gutter outfall protection, and the application of final stabilizing groundcovers for any disturbed earth surfaces.
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 Flood Damage Prevention Application #437 and Land Filling & Regrading Application #545 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction, regrading, and other site development activity shall be in accordance with the following plans submitted to and reviewed by the Commission:

SURVEY

- Zoning Location Survey depicting Proposed Conditions 3 Canoe Trail prepared for Geddes Johnson Julia Johnson, by William W. Seymour & Associates, last revised February 8, 2023.

ENGINEERING PLANS

Plans generally entitled '3 Canoe Trail', Prepared for Geddes and Julia Johnson by Redniss & Mead, Inc., dated February 13, 2023.

- Sheet SE-1, Site Development Plan;
- Sheet SE-2, Details.

As recommended by peer review engineer Joe Canas, these revised plans include the second row of silt fence.

ARCHITECTURAL PLANS

Plans generally entitled 'New Addition over Garage, 3 Canoe Trail, Darien', Prepared by LaVigna Associates, dated January 16, 2023.

- Drawing #4, First Floor Plan;
- Drawing #5, Second Floor Plan;
- Drawing #6, Elevations & Window Schedule.

The Commission acknowledges that specific architectural plans are not being approved herein, other than relative to the footprint of the house additions floor elevations. All construction shall comply with the flood damage prevention regulations.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.

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

- C. 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. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. 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.

STORMWATER MANAGEMENT

- E. The applicant must make sure that at all times during the redevelopment 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 speedy restabilization of all disturbed areas.
- F. 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. At a minimum, this includes, any conditions within the EPC approval and Zoning & Building Permits for the additions/alterations to the residence and the proposed retaining wall.
- G. Prior to the issuance of a Certificate of Occupancy (CO) for the house additions and associated improvements, the applicant shall comply with the following:
 - 1. An Elevation Certificate shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property, in order to verify that the final elevation of the new additions comply with the flood regulations.
 - 2. A final "as-built" survey shall be prepared by a licensed land surveyor demonstrating that all work has been properly completed in accordance with the approved plans, and complies with zoning setback, building height, building coverage requirements, and flood regulations, including the final first floor elevations of the addition. The as-built survey shall show all utilities or buried infrastructure installed as part of 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;
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

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

- I. This permit shall be subject to the provisions of Sections 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 (March 14, 2024). This may be extended as per Sections 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 shall be filed in the Darien Land Records within 60 days of this approval AND prior to the issuance of a Zoning and Building Permit for the house additions/alterations.

At about 8:36 p.m., Chairman Olvany read the following agenda item:

Deliberations ONLY regarding any public hearing(s) closed on March 14, 2023.

Coastal Site Plan Review #370-A, Flood Damage Prevention Application #432-A, Land Filling & Regrading Application #532-A, Christopher & Lisa Hughes, 25 Harbor Road.

Chairman Olvany summarized the proposal. It was noted that the landscape plan presented by the applicant is an integral component of the proposal and that the approval should require the implementation of the landscape plan as presented. There were no other significant concerns or issues voiced by Commission members. The Commission directed staff to draft a positive resolution for the Commission's consideration at an upcoming meeting.

It was noted that the next upcoming meetings have been scheduled for March 28 and April 4.

There being no other business, Mr. Balgach made a motion to adjourn the meeting. That motion was seconded by Ms. Barsanti, and approved by a vote of 5-0. The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Assistant Director