

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**June 23, 2020**

Application Number: Coastal Site Plan Review #312-B

Street Address: 17 Brush Island Road  
Assessor's Map #56 Lot #19

Name and Address of  
Property Owners: 17 BIR, LLC  
17 Brush Island Road  
Darien, CT 06820

Name and Address of Applicant:  
& Applicant's Representative: Stuart Laufer  
Eckerson Design Assoc.  
21 Ann Street—Unit AC-1  
Norwalk, CT 06854

Activity Being Applied For: Proposal to construct a stepping stone path; install an artificial turf area; construct a raised spa; expand the patio; install a masonry firepit; and redesign a low wall and steps; and to perform related site development activities within a regulated area.

Property Location: The subject property is located on the north side of Brush Island Road approximately 1,300 feet west of its intersection with Nearwater Lane.

Zone: R-1

Date of Public Hearing: June 2, 2020 immediately continued to June 9, 2020

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

Publication of Hearing Notices

Dates: May 21 & 28, 2020 Newspaper: Darien Times

Date of Action: June 23, 2020 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: July 2, 2020 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 and 810 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 narrative, 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.

PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
COASTAL SITE PLAN REVIEW #312-B  
17 BIR, LLC, 17 BRUSH ISLAND ROAD  
JUNE 23, 2020  
PAGE 2

- 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 stepping stone path; install an artificial turf area; construct a raised spa; expand the patio; install a masonry firepit; and redesign a low wall and steps; and to perform related site development activities within a regulated area. All of the work is outside of the flood zone. The property is served by an on-site septic system and public water service.
2. This project was approved via EPC agent approval on May 7, 2020. That report is hereby incorporated by reference.

#### STORMWATER MANAGEMENT

3. The Commission finds that if implemented pursuant to the submitted plans, the proposed minor grading will have no adverse impacts to adjoining property owners or downstream drainage systems. It was noted that as part of the recent house construction, water quality was addressed via the installation of a rain garden in the northwest corner of the yard (shown on the August 2017 plan—Sheet SE1, prepared by McChord Engineering Associates in the record of this matter).
4. The DPW submitted comments for the record in an e-mail dated May 28, 2020. In that e-mail, it was noted that the property is on a private road and served by an on-site septic system. It was noted that water quality should be the priority in this waterfront location, but that has been addressed as part of a prior application.
5. David Knauf of the Darien Health Department commented that approval from his Department is not required.
6. The application was referred to the State of Connecticut Department of Energy and Environmental Protection (DEEP). In an e-mail to Jeremy Ginsberg dated March 27, 2020, DEEP staff said that they have reviewed the application for consistency with the CT Coastal Management Act, and have not found any inconsistencies in the proposal.
7. In response to a question at the public hearing, Alice Eckerson, the property owner's landscape architect, explained that the turf area is designed to be pervious, allowing water to flow through it. The Commission finds that the proposed turf area is NOT considered a Sport Court, but rather is a 30' x 40' turf area, and not appropriate for use as a tennis court or basketball court.
8. No members of the public spoke at the public hearing regarding the subject application.

#### COASTAL SITE PLAN REVIEW FINDINGS

9. 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.

PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
COASTAL SITE PLAN REVIEW #312-B  
17 BIR, LLC, 17 BRUSH ISLAND ROAD  
JUNE 23, 2020  
PAGE 3

10. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
11. The proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.

**NOW THEREFORE, BE IT RESOLVED** that Coastal Site Plan Review #312-B is hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. All activity shall be in accordance with the following plans submitted to and reviewed by the Planning & Zoning Commission:
  - Coastal Resources Casazza Residence 17 Brush Island Road, by Eckerson Design Associates, 8-1/2" x 11" plan, dated 03.23.2020.
  - Erosion/Sediment Control, Casazza Residence 17 Brush Island Road, by Eckerson Design Associates, 8-1/2" x 11" plan, dated 03.23.2020.
  - Sportgrass Detail, 8-1/2" x 11" plan, dated 11/04/2019.
- B. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- C. Due to the fact that there is no increase in impervious surface as part of this project, and that water quality was addressed via a separate, prior application, the Commission hereby waives the requirement for stormwater management under Section 880 of the Darien Zoning Regulations.

**SEDIMENT & EROSION CONTROLS**

- D. During construction, the applicant shall install the proposed silt fence, anti-tracking pad, and other erosion control measures as shown on the submitted Site Development Plan and Details Plan 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.
- E. As shown on the plan noted in Condition A, above, anti-tracking pads shall be established at all construction access points to minimize dirt getting into Brush Island Road from any equipment. If dirt does get into Brush Island Road, the applicant and property owner(s) are responsible for remedying that situation.
- F. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
COASTAL SITE PLAN REVIEW #312-B  
17 BIR, LLC, 17 BRUSH ISLAND ROAD  
JUNE 23, 2020  
PAGE 4

PRIOR TO ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

G. Prior to issuance of a Certificate of Zoning Compliance, the following shall be submitted to the Planning & Zoning Department:

- 1) A professional engineer and/or landscape architect shall certify that all work has been completed in accordance with the plans in Condition 'A'.

H. 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.

I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

J. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action by June 23, 2021. This may be extended as per Section 815.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.