

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
September 8, 2020**

Application Number: Special Permit Application #310-A

Street Address: 1985 Boston Post Road  
Assessor's Map #42 Lot #1

Name and Address of Applicant/Tenant: The Handwork School, LLC (dba Make-Modern)  
c/o 231 Middlesex Road  
Darien, CT 06820

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

Name and Address of Property Owner(s): Mamas Post Road, LLC  
263 Thornridge Drive  
Stamford, CT 06903

Activity Being Applied For: Proposal to establish a business with craft workshop classes and incidental sales of craft supplies within a 1,304 square foot single story building space formerly occupied by Puritan Stationery.

Property Location: The subject property is located on the northeast corner formed by the intersection of Noroton Avenue and Boston Post Road.

Zone: Neighborhood Business (NB)

Date of Public Hearing: September 1, 2020

Time and Place: 8:00 P.M. GoToMeeting (virtual)

Publication of Hearing Notices

Dates: August 20 & 27, 2020

Newspaper: Darien Times

Date of Action: September 8, 2020

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of

Action: September 17, 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 780, 900, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted documentation, and the statements of the applicant, business operator, and 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 applicant proposes to establish a business with craft workshop classes and incidental retail sales of craft supplies within a 1,304 square foot single story building space formerly occupied by Puritan Stationery. The building is served by public water and sewer, and is located within the Neighborhood Business (NB) Zone. As shown on the submitted May 2014 survey, other tenants now in the building include: Mama Carmela's Deli (1,420 sf), a nail salon (1,408 sf), and Papa Joe's restaurant (4,085 sf). Darien Shoe Repair also operates in a detached building on the property. That space is 355 square feet in size, and formerly was an Allstate Insurance drive-in claims office.

#### EXISTING ZONING

2. At the public hearing, the applicant's representative, Attorney Robert Maslan, noted that in 2014, a portion of the property was in the R-1/3 zone, but since that time, that portion of the property has been rezoned. Thus, the entire property is now in the Neighborhood Business (NB) Zone.
3. Section 783 of the Darien Zoning Regulations lists Principal Uses Requiring Special Permits in the NB Zone. Section 783h specifically lists Personal Service Businesses as a Principal Use Requiring a Special Permit. Thus, the proposed use requires a Special Permit.
4. At the public hearing, the applicant noted that they had already been operating the business without the required Special Permit from the Planning & Zoning Commission. Thus, this application is an after-the-fact request.

#### PROPOSED USE AND ACTIVITIES

5. As described within the application materials and at the September 1, 2020 public hearing, the proposed use consists of the following:
  - a) Retail sales of merchandise related to crafting;
  - b) Classes/workshops for children, teens and/or adults;
  - c) Birthday parties for children;
  - d) Other "special events", which might not be classes or a birthday party.
6. The applicant explained that most classes/workshops are "drop off", where an adult would drop off a child or teen prior to the class/workshop, and would pick them up afterwards. The Commission is focused on the safety of such drop off, and pick up. Both classes and birthday

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parties or other special events would have limits on attendees, and those limits were also discussed during the public hearing.

7. During the public hearing, it was outlined how staffing would work. It was noted that staffing would be a combination of full-time staff/instructors and apprentices.
8. The application narrative on page A-2 of the submitted application materials referenced an airstream trailer which is available for events and parties. The applicant has noted that the trailer will not be parked at the site other than to replenish supplies.

#### PARKING/TRAFFIC FLOW

9. As shown on the submitted survey and in the submitted photographs, there are approximately 27 striped parking spaces to the east of the commercial building and approximately 8 parking spaces in the rear (on the north side) of the building. There are other parking spaces that are used in the back of the building, but are not striped as parking spaces. All of the on-site tenants share the existing parking.
10. Pursuant to the parking regulations in Section 904, a typical parking requirement for a Personal Service use for 1,304 square feet would require 1 space for each 200 square feet or 7 parking spaces. The submitted survey notes that over 100 parking spaces are required by the Zoning Regulations for the various uses on-site. Thus, the site has many fewer on-site parking spaces than are normally required.
11. Testimony was received during the public hearing about nearby off-site parking. This includes:
  - on-street parking in front of the building on Boston Post Road;
  - on-street parking on the west side of the property on Noroton Avenue;
  - off-site parking across the street at 1950-1958 Boston Post Road; and
  - off-site parking across Noroton Avenue at Noroton Presbyterian Church.The applicant noted that written permission for overflow parking had been given to Make-Modern by Noroton Presbyterian Church, although that written permission was not included in the record.
12. The submitted 2014 survey and photographs reflect that there is an existing Dumpster in the rear of the building which inhibits vehicles from driving around the back of the building. It was noted by the Commission during the public hearing that there may be a more suitable location on site for the Dumpster, which would improve traffic circulation on-site, and would be less unsightly and obtrusive.
13. At the public hearing, the use of both the front door (facing Boston Post Road) and the back door was discussed. The business operator noted the need at times to keep one of the doors closed for security reasons.

#### CLASSES/PROGRAMMING/SCHEDULING

14. At the public hearing, it was noted that the business consists of weekly scheduled classes which are registered for in advance, as well as birthday parties. The applicant said that classes are

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usually capped at 15 students, and birthday parties would be capped at 20 students, which would allow for an entire school class to be invited to a party. As part of the application submittal, two proposed schedules were submitted: Make-Modern School Year Schedule and Make-Modern Summer Schedule. It was noted that the COVID pandemic has had an effect on their daily operations and schedule.

15. Those submitted color-coded school year and summer schedules show the hours of operation for the proposed tenant as well as the other tenants on the subject property. It also shows potential classes/workshops and party times.
16. As part of the application narrative (page A-2) it is noted that the applicant has designed their schedules of classes to avoid the busiest times of the other uses in the building, which will help ensure that on-site parking is more likely to be available. It is believed that those busy periods for the other on-site uses are generally noon to 2pm weekdays (when both Mama Carmela's and Papa Joe's are open) and from 6-8pm daily (when Papa Joe's serves dinner).
17. The Commission finds that this is use similar to other such personal service uses with limited parking that the Commission has approved in other locations in Town. In such cases, with carefully considered conditions on scheduling and programming, the Commission has been able to approve such projects. One example would be the Darien Arts Center, which shares a parking lot with Town Hall. In its 2017 approval for the Arts Center, the Commission put strict upper limits on clients per class, limits on class times and dismissals, as well as certain breaks between classes so as to minimize parking conflicts.
18. At the public hearing, the business operator noted that a half-hour break between classes was routine for their business, allowing the operators time between two scheduled classes/workshops. The Commission finds that time between classes gives an opportunity for clients to leave the property prior to new clients arriving.

**SPECIAL PERMIT FINDINGS**

19. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
20. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
21. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
22. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they

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interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

23. The elements of the Site Plan, submitted as part of the application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

**NOW THEREFORE BE IT RESOLVED** that Special Permit Application #310-A is hereby granted subject to the foregoing and following conditions, modifications and understandings:

- A. Because of the fact that no new impervious surface is created as part of this project, the Commission hereby waives the requirement for stormwater management as part of this application as allowed by Section 880 of the Darien Zoning Regulations.
- B. The application narrative referenced an airstream trailer which is available for events and parties. The applicant has noted that the trailer will not be parked at the site other than to replenish supplies on a periodic basis. The Commission hereby requires that the trailer cannot be parked on-site during events, and can only be parked on-site for very brief periods (less than an hour) to replenish supplies. The use of the trailer on-site has not been requested, and is not being approved.

**CLASSES SCHEDULING/PROGRAMMING**

- C. In order to minimize traffic and parking conflicts within the parking lot, there shall be at least thirty (30) minutes scheduled between the end of one class, and the start of another class. This will allow for pickups to leave, and a small break before new customers arrive. Due to the limited on-site parking, such breaks between classes, parties and/or special events is essential.
- D. Between May 1 and June 15 of each year, starting in 2021, the “summer schedule” shall be submitted to the Planning and Zoning Office. Between June 30 and August 15 of each year, Make-Modern shall submit their “school year” schedule to the Planning and Zoning Office. The schedules shall note start/end times for each class/workshop, and what attendance will be capped at for each program. It shall also show potential times available for birthday parties. This is to ascertain compliance with this Resolution. In the case of the 2020-2021 school year, a revised “school year” schedule shall be submitted to the Planning & Zoning Department by September 22 that complies with the limits, restrictions, and conditions within this Adopted Resolution.
- E. Classes/workshops and birthday parties shall be scheduled to avoid the busiest time for the largest on-site tenants, which is currently Mama Carmela’s and Papa Joes. Thus, the Commission is requiring that no classes/workshops or birthday parties or other special events be scheduled anytime between noon to 2 p.m. weekdays and anytime between 6pm to 8pm on Fridays, Saturdays or Sundays. This will assist in alleviating parking and traffic conflicts. The business may remain open for routine retail sales during those times.
- F. It was represented by the applicant that there would only be a maximum of fifteen (15) clients per class/workshop (for child, teen, or adult class) and twenty (20) clients maximum at a

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birthday party or other special event. Due to limited on-site parking, these limits on class sizes and birthday parties and events is a strict condition of this approval.

- G. Any increase of class sizes, hours of operation, or special events in the future requires prior review and action by the Planning & Zoning Commission. The lack of available sufficient on-site parking spaces during certain times will be considered by the Commission as part of any proposed increase in hours, classes or time of events.

**PARKING**

- H. The written e-mail from Noroton Presbyterian Church authorizing overflow parking during certain large or special events shall be submitted to the Planning & Zoning Office by September 11, 2020.
- I. Because of the nature and location of the proposed use, and because of the existing site conditions of this previously developed property, the Commission hereby waives the requirement for a loading zone as authorized by Section 909 of the Darien Zoning Regulations.
- J. In order to improve on-site traffic flow, the Commission is requiring that the tenant, property owner(s) and Planning & Zoning Director meet on-site by September 29, 2020 to find an alternate location for the existing Dumpster, if possible, which is now shared by the tenants. If the Dumpster fence/screen is in need of replacement that shall be done as well.
- K. The trash enclosure area behind the building shall contain all trash, garbage and recycling bins and containers which will be stored outside. It shall be neatly maintained, and it shall continue to be screened with stockade (or similar) doors around it. Those doors/gates shall remain shut at all times that someone is not loading or unloading garbage. The property owner is responsible for maintaining this trash area including ensuring that it is emptied frequently enough to minimize odors. It is imperative that the Dumpster doors/gates remain shut when not in use.
- L. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- M. The granting of this Special Permit/Site Plan does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. The signage, any exterior lights require prior review and action by the Architectural Review Board (ARB). If/when approved by the ARB, Zoning & Building Permits may be needed for any new signage/lighting.
- N. This permit shall be subject to the provisions of Sections 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 8, 2021). This may be extended as per Sections 1009.

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All provisions and details of the proposed use shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within fourteen days of this approval (by September 22, 2020) or this permit shall become null and void.

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