

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
October 13, 2020**

Application Number: Special Permit Application #117-F  
Noroton Presbyterian Church

Street Address: 2011 Boston Post Road  
Assessor's Map #43 Lots #3, #4, & #5

Name and Address of: Noroton Presbyterian Church  
Property Owner: 2011 Boston Post Road  
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: David Lee & Dan Kolakowski  
c/o Noroton Presbyterian Church  
2011 Boston Post Road  
Darien, CT 06820

Activity Being Applied For: Proposal to construct a 40' x 60' asphalt recreational sports court with a retaining wall adjacent to the barn on the northern portion (rear) of the property, and to perform related site development activities.

Property Location: The 8.96+/- acre subject property is located on the north side of Boston Post Road at the northwest corner formed by its intersection with Noroton Avenue.

Zone: R-1/3

Date of Public Hearing: September 29, 2020

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

Publication of Hearing Notices

Dates: September 17 & 24, 2020

Newspaper: Darien Times

Date of Action: October 13, 2020

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: October 22, 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 1000 of the Darien Zoning Regulations for the Commission to approve this project.

- the size, nature, and intensity of the proposed use is described in detail in the application, the submitted development sketches, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

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- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The proposed activity is to construct a 40' x 60' asphalt recreational sports court with a retaining wall adjacent to the barn on the northern portion (rear) of the property, and to perform related site development activities. A four foot wide gravel walk will be constructed from the existing parking lot to the new recreational sport court. All work on this project will occur no closer than the existing play area, and no further north than the SHAC (red barn structure) or the white barn. A recreational sports court requires a Special Permit pursuant to Section 405 of the Darien Zoning Regulations.
2. A photograph was submitted for the record showing that a basketball hoop and associated play area now exists between the SHAC (red barn structure), and a white barn (about 100+/- feet from the northern property line. All regrading and new paving will be south of the existing basketball play area. Retaining wall(s) of less than four feet high will be constructed to assist in levelling the new court.
3. The applicant has noted that the amount of new impervious surface will be about 40' x 14' (560 square feet). They are adding to an existing court area, and flattening it to be more usable. It is important for the applicant to address stormwater management.

#### HOURS/LIGHTING/LANDSCAPING/USAGE

4. At the public hearing, it was noted by Mr. Dan Kolakowski, the applicant's representative, that the requested hours of activity on the sport court will be a maximum of 8 a.m. to 9 p.m., which generally coincides with daylight hours in summer, when there is sufficient daylight to use the court in the late evenings. It was noted that the use of the court would be for members of the church only.
5. At the public hearing, questions were asked regarding lighting of the court. It was noted that the SHAC and the white barn each now have some limited lighting on the buildings for security and safety reasons. The applicant noted that no additional lighting is proposed. Any new request for lighting either on the buildings or on or near the proposed recreational sports court requires review and action by the Planning & Zoning Commission.
6. No changes to existing planting or landscaping in the area north of the court (between the proposed court and the north property line) was proposed. There are currently plantings in that area.
7. The neighbors had concerns about lighting and noise, and potential impacts of additional lighting in the future. The Commission notes that any request for future lighting will require a special permit and a public hearing.

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8. The proposed activities at the Church are not proposed to change as part of this application. Because this is a Special Permit use, any changes in the Church's activities requires an amendment of this Special Permit.

**REQUIRED SPECIAL PERMIT FINDINGS**

9. 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 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.
10. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
11. 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.

**NOW THEREFORE BE IT RESOLVED** that Special Permit #117-F is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and regrading shall be in accordance with the following sketch submitted to the Commission:
  - Site Development Plan depicting 2011 Boston Post Road, prepared for Noroton Presbyterian Church, by Redniss & Mead, scale 1"=30', last revised 6/9/14, Drawing No. SE-1 (reduced 8 1/2" x 11" version with color hand annotation)
- B. Due to the specific nature and location of this project, and the fact that the work activity is proposed over a short period, the Commission hereby waives the requirement for a performance bond or other similar surety be posted with the Planning & Zoning Department.
- C. During construction, sedimentation and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction activity. The Planning and Zoning Department shall be notified prior to commencement of work and 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. During the public hearing, representations were made regarding hours of use and lighting. The Commission hereby requires that the maximum hours of use be 8 a.m. to 9 p.m. March 1 to October 31, and 8 a.m. to 6 p.m. November 1 to the last day in February. As the applicant noted at the public hearing, it usually gets dark at or about 6 p.m. in November through February. Due to the limited lighting and the proximity to neighbors, these are the limits on hours of use. A sign shall be put up in or outside of the SHAC noting the permitted hours of use.

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- E. No lighting is proposed as part of this application, and no lighting is approved herein. The only lighting allowed is that which is currently on the SHAC and the white barn. As a condition of this approval, the applicant shall photograph the existing lighting on the SHAC and the white barn to document existing conditions. Those photographs shall be submitted prior to the start of work, but no later than December 13, 2020.
- F. No loud music shall be played on or near the proposed sports court. No loudspeakers or amplification has been requested or is being approved. All noise shall comply with the Town noise ordinance.
- G. A detailed regrading design and stormwater drainage system is not being required by the Commission as part of this application, since a comprehensive stormwater plan was installed as part of the redevelopment of the property within the past ten years. The amount of new impervious surface is limited.
- H. Prior to the request for the Certificate of Zoning Compliance, the applicant shall submit:
  - 1. verification from the contractor on whether the sports court is slightly pitched to the west or to the south.
  - 2. Photographs of the completed sports court and the associated sign required in Condition D, above.
- 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 the permit as it deems appropriate.
- J. The granting of this Special Permit 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. If the proposed retaining wall is greater than four feet high, and/or is of a specific type or design, a Zoning & Building Permit for the proposed retaining wall may be required by the Building Official. The applicant shall check with the Building Official once the final design of the retaining wall is complete, and prior to commencing work.
- K. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (October 13, 2021). This may be extended as per Section 1009.

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. A Special Permit form shall be filed in the Darien Land Records prior to the start of work, and not later than 60 days from this action (by December 13, 2020) or this approval shall become null and void.