

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 28, 2020

Application Number: Coastal Site Plan Review #157-A
Flood Damage Prevention Application #162-A
Land Filling & Regrading Application #481

Street Address: 22 Seagate Road
Assessor's Map #53 as Lot #45

Name and Address of Applicants &
Property Owners: Michael & Deborah Brennan
22 Seagate Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Douglas DiVesta, PE
DiVesta Civil Engineering Associates, Inc.
51 Painter Ridge Road
Roxbury, CT 06783

Activity Being Applied For: Proposal to raze an existing single-family dwelling; build a new house in generally the same location with a new driveway and stormwater management; and to perform related site development activities within regulated areas. The existing swimming pool is to remain.

Property Location: The 0.33+/- acre subject property is located at the southern terminus of the eastern side of Seagate Road approximately 925 feet southeast of its intersection with the Boston Post Road.

Zone: R-1/2

Date of Public Hearing: July 7, 2020
Deliberations Held: July 14, 2020

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

Publication of Hearing Notices
Dates: June 25 & July 2, 2020 Newspaper: Darien Times

Date of Action: July 28, 2020 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
August 6, 2020

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 plan, and the statements of the applicant's representative,

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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. This application is to raze an existing single-family dwelling; build a new house in generally the same location with a new driveway and stormwater management; and to perform related site development activities within regulated areas. The existing swimming pool is to remain. The property is served by public water and sewer.
2. The Darien Environmental Protection Commission (EPC) approved this project on June 3, 2020 (EPC #8-2020). That approval is hereby incorporated by reference.
3. At the public hearing, professional engineer Doug DiVesta explained the proposal. He noted that a Letter of Map Revision (LOMR) is pending with FEMA. If FEMA approves the LOMR, the house would be considered to be entirely outside of the flood zone. If FEMA does not approve the LOMR, then the house is considered to be within the flood zone, and must meet the requirements of Section 820 of the Darien Zoning Regulations, including the requirement that there be no basement in the house.
4. The garage backout area has been specifically designed with four (4) inch curbing along the east side of the driveway to ensure that stormwater will flow towards a proposed new catch basin in the driveway, rather than onto the neighbors' property.
5. No members of the public spoke at the public hearing regarding the subject application. Written letters of support were received from two neighbors.

COASTAL SITE PLAN REVIEW FINDINGS

6. 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.
7. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
8. The Commission finds that the proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.

FLOOD DAMAGE PREVENTION FINDINGS

9. The Commission has considered all evidence offered at the public hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the

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activities on the subject property and on the surrounding areas, and the suitability of such actions for the area for which it is proposed.

10. The Commission finds that the proposed activities, 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. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.

LAND FILLING & REGRADING FINDINGS

11. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000 of the Regulations.
12. 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 #157-A, Flood Damage Prevention Application #162-A, Land Filling & Regrading Application #481 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the following plans submitted to and reviewed by the Commission:
- Proposed Site Development Plan, Brennan Residence 22 Seagate Road, by DiVesta Civil Engineering Associates, Inc., dated 3/20/2020, last revised 05/22/20, Sheet No. 1 of 2;
 - Details, Brennan Residence 22 Seagate Road, by DiVesta Civil Engineering Associates, Inc., last revised 03/20/20, Sheet No. 2 of 2;
 - Zoning Location & Topographic Survey 22 Seagate Road, by William W. Seymour & Associates, scale 1"=20', dated May 15, 2020 and last revised 05/20/20;
 - 22 Seagate Road, by Robert A. Cardello Architecture, dated 5.22.2020, Drawing #C-1.0 and A-2.0 through A-2.3. (The Commission is hereby approving the finished first floor of the new residence, but not any specific floor plans). If the LOMR is denied, the property owner cannot have a basement;
 - Landscape Design Plan, by Good Gardens, LLC, scale 1"=10', and last revised May 19, 2020.
- 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 any sediment or 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 restablilized. 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

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per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- D. As of the date of the close of the public hearing, the LOMR has not been acted upon by FEMA. If it is approved by FEMA, and this property is found to be outside of the flood zone, a basement can be created as part of the new house construction.
- E. A Stormwater Management Operation and Maintenance Plan dated May 8, 2020 was submitted for the record. A detailed regrading design and stormwater management system design have been incorporated into the plans to address water quality. It is critical that throughout the redevelopment of the site, even before the final drainage system is installed, the applicant properly manage stormwater runoff to avoid negative impacts to neighbors and/or the street. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the issuance of a Zoning and Building Permit for the new house foundation.
- F. Because this property is adjacent to Holly Pond, the Commission hereby waives the requirement for stormwater retention or detention pursuant to Section 880 of the Darien Zoning Regulations. The submitted stormwater management plan treats the first inch of runoff and addresses water quality.
- G. Once the work is complete, the property owner shall submit the following to prove 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" map and/or 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;
 - 3. An Elevation Certificate, prepared by a licensed land surveyor, shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property, whether or not the LOMR has been received, in order to verify that the final elevation of the house is proper. Any flood vents installed shall be documented.
- 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 the permit as it deems appropriate.
- I. 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. A Demolition Permit from the Building Department is required, along with a Sewer Disconnect Permit from Sewer Services. Zoning & Building Permits for the new house foundation will be required, followed by subsequent Zoning & Building Permits for work above the foundation.

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- J. This permit shall be subject to the provisions of Section 1005 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (July 28, 2021). This may be extended as per Section 1005.

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 and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the issuance of a Zoning and Building Permit for the proposed new house foundation.