

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

Application Number: Coastal Site Plan Review #200-B
Flood Damage Prevention Application #217-B
Land Filling & Regrading Application #485

Street Address: 2572 Boston Post Road
Assessor's Map #54 Lot #4

Name and Address of Property Owner
& Applicant: Rajat & Ridhita Gupta
2572 Boston Post Road
Darien, CT 06820

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

Activity Being Applied For: Proposal to construct an in-ground pool, including an expansion of the existing patio at the rear of the residence (southern portion of site), relocate and expand the existing on-site stormwater management system, and to perform related site development activities within regulated areas.

Property Location: The 0.98+/- acre subject property is located on the south side of Boston Post Road, approximately 170 feet east of its intersection with Catalpa Terrace.

Zones: 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 16 & 23, 2020 Newspaper: Darien Times

Date of Action: October 13, 2020 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
October 22, 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 plans, and the statements of the applicant's representative,

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
COASTAL SITE PLAN REVIEW #200-B, FLOOD DAMAGE PREVENTION APPLICATION #217-B
LAND FILLING & REGRADING APPLICATION #485
RAJAT & RIDHITA GUPTA, 2572 BOSTON POST ROAD
OCTOBER 13, 2020
PAGE 2

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 an in-ground pool, including an expansion of the existing patio at the rear of the residence (southern portion of site), relocate and expand the existing on-site stormwater management system, and to perform related site development activities within regulated areas. The residence is served by public water and sewer.
2. The Darien Environmental Protection Commission (EPC) approved construction activities within an upland review area on the subject property on September 2, 2020 (EPC #19-2020). That approval is hereby incorporated by reference.
3. The Commission notes that letters were received for the record from two of the directly adjoining residential neighbors supporting the proposal.

STORMWATER MANAGEMENT

4. A Stormwater Management Operation and Maintenance Plan dated July 17, 2020 was submitted for the record. A detailed stormwater management system design has been incorporated into the plans to address water quality.
5. Assistant Director of Public Works Darren Oustafine submitted comments dated September 15, 2020 on this application. Professional Engineer Doug DiVesta submitted a September 17, 2020 response to those comments.
6. At the public hearing, it was noted that an existing stormwater management system, consisting of underground recharger units, is proposed to be relocated further west on the property and will address stormwater quality from the existing residence and proposed improvements.
7. The submitted stormwater analysis shows that the drainage patterns and peak rates of runoff from the studied storms will remain largely unchanged in the post development condition.
8. The Commission finds that if implemented properly, the proposed site development activities will have no adverse impacts to adjoining property owners or downstream drainage systems.

COASTAL SITE PLAN REVIEW FINDINGS

9. A Site CAM Report dated August 2020 was submitted for the record. 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 #200-B, FLOOD DAMAGE PREVENTION APPLICATION #217-B
LAND FILLING & REGRADING APPLICATION #485
RAJAT & RIDHITA GUPTA, 2572 BOSTON POST ROAD
OCTOBER 13, 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 Commission finds that the proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.

FLOOD DAMAGE PREVENTION FINDINGS

12. 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 activities on the subject property and on the surrounding areas, and the suitability of such actions for the area for which it is proposed.
13. 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

14. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000 of the Regulations.
15. 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 #200-B, Flood Damage Prevention Application #217-B, Land Filling & Regrading Application #485 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Regrading, construction and other site development activity shall be in accordance with the following plans submitted to and reviewed by the Planning & Zoning Commission:

SURVEY

- Plot Plan, Prepared for Rajat Gupta by Edward J. Frattaroli, Inc., dated July 29, 2020, last revised September 21, 2020.

ENGINEERING PLANS

Plans generally entitled 'Gupta Residence', 2572 Boston Post Road, Darien, Prepared by DiVesta Civil Engineering Associates, Inc., dated July 29, 2020, last revised September 21, 2020.

- Sheet 1 of 2, Proposed Site Development Plan;
- Sheet 2 of 2, Details.

WETLAND BUFFER PLANTING PLAN

- Plan entitled, Wetland Buffer Planting Plan, 2572 Boston Post Road, by Environmental Land Solutions, dated 8.11.20 and last revised 9.17.20, Drawing No. LP.1.

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
COASTAL SITE PLAN REVIEW #200-B, FLOOD DAMAGE PREVENTION APPLICATION #217-B
LAND FILLING & REGRADING APPLICATION #485
RAJAT & RIDHITA GUPTA, 2572 BOSTON POST ROAD
OCTOBER 13, 2020
PAGE 4

- 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 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. It is critical that throughout the redevelopment of the site, 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 pool.
- E. Because this property is directly 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.
- F. 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.
- G. Once the work is complete and prior to the issuance of a Certificate of Approval, 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, including the wetland plantings, have been properly completed in accordance with the approved plans, and complies with zoning setback, building height, building coverage requirements, and flood regulations.
- 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. Zoning & Building Permits will be required for the new pool. The pool equipment will

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
COASTAL SITE PLAN REVIEW #200-B, FLOOD DAMAGE PREVENTION APPLICATION #217-B
LAND FILLING & REGRADING APPLICATION #485
RAJAT & RIDHITA GUPTA, 2572 BOSTON POST ROAD
OCTOBER 13, 2020
PAGE 5

need to be elevated on a platform to comply with the flood regulations (ie. To be at or above the flood elevation).

- 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 (October 13, 2021). This may be extended as per Section 1005.

All provisions and details of the plans 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 improvements.