

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 23, 2020

Application Number: Land Filling, Excavation & Regrading Application #476

Street Address: 26 Leeuwarden Lane
Assessor's Map #29 Lots #102 and #103

Name and Address of Applicant & Property Owner: Daniel Wang
3185 Ashbourne Circle
San Ramon, CA 94583

Name and Address of:
& Applicant's Representative: Bryan Smith
Rocco V. D'Andrea, Inc.
6 Neil Lane
Riverside, CT 06878

Activity Being Applied For: Proposal to raze an existing single-family dwelling, build a 4,225+/- square foot house in the generally the same location, construct a new driveway, terraces, stormwater management, and to perform related site development activities.

Property Location: The 1.85+/- acre subject property is located at the southeast terminus of Leeuwarden Lane approximately 400 feet south of Leeuwarden Road.

Zone: R-1

Date of Public Hearing: June 2, 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: APPROVED WITH CONDITIONS

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, 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 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.

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- 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 raze an existing single-family dwelling, build a 4,225+/- square foot house in the generally the same location, construct a new driveway, terraces, stormwater management, and to perform related site development activities. The new residence will be served by public water and public sewer.
2. The property consists of two (2) parcels. The northern portion of the property is known as Parcel 'A-2' and is 0.67+/- acres in size. The southern portion of the property is known as Parcel 'B' and is 1.17+/- acres in size. The total property is 1.85+/- acres in size.
3. New retaining walls are proposed on the northwestern area of the property to allow for new driveway access from Leeuwarden Lane.
4. The DPW submitted comments for the record in an e-mail dated May 13, 2020. The applicant submitted a response dated May 20, 2020. One DPW comment was that the storm drainage management system is shown as being connected into the Town drainage system in Leeuwarden Lane. That connection can only be allowed by the DPW if mandated by the Planning & Zoning Commission.

STORMWATER MANAGEMENT

5. A Drainage Summary Report prepared by D'Andrea Surveying & Engineering, PC, dated March 11, 2020 was submitted for the record as part of the original application. Two subsurface detention systems are proposed on the northwest portion of the property to capture stormwater runoff from the residence and new driveway. The design of the system provides a net-zero increase in the 1-year storm event and a net decrease in the 2- through 100-year storm events.
6. The Commission finds that if implemented pursuant to the submitted plans, the proposed grading will have no adverse impacts to adjoining property owners or downstream drainage systems. It was noted during the June 2, 2020 public hearing, that the current residence and garage on the property does not presently have any stormwater management system in place.
7. The proposal has been designed to meet the requirements of Section 880 of the Zoning Regulations, including the Town's "Fresh Meadow" requirements. A detailed analysis of the watershed was completed as part of the submitted Drainage Summary Report.

PUBLIC COMMENTS

8. At the public hearing, members of the public spoke regarding the subject application. Concerns with tree cutting, grading and stormwater management were voiced. It was noted that at certain times, the existing catch basins in Leeuwarden Lane could become clogged. Neighbors also voiced their concerns that approximately 60 large trees are to be removed from the property as part of this proposal. Mr. Smith referenced the proposed Landscape Plan, showing that new

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plantings, including 48 new evergreen trees, will be installed along the perimeter of the property. The Commission notes that Sections 406, 850 and 1000 of the Regulations do not require buffering or screening of residential properties.

SPECIAL PERMIT FINDINGS

9. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
10. 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 Land Filling, Excavation & Regrading Application #476 is hereby modified and approved subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. Regrading and other activity shall be in accordance with the following plans submitted to and reviewed by the Planning & Zoning Commission:
 - Landscape Plan, Wang Residence, by Louis Campana Architect, last revised 03-11-20, Drawing No. LS1.
 - 26 Leeuwarden Lane, Development Plan, by D'Andrea Surveying & Engineering, last revised 5-20-20, Sheet 1 of 3.
 - 26 Leeuwarden Lane, Sedimentation & Erosion Control, by D'Andrea Surveying & Engineering, last revised 5-20-20, Sheet 2 of 3.
 - 26 Leeuwarden Lane, Notes & Details, by D'Andrea Surveying & Engineering, last revised 5-20-20, Sheet 3 of 3.While specific house plans were submitted for the record, the Commission is not approving any specific house design. Plans will be reviewed by the Zoning Officer as part of the Zoning & Building Permit application to confirm that the height of the proposed residence complies with the zoning regulations.
- B. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- C. 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. No blasting or hoe-ramming was proposed or is approved.

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.

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- E. 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.
- F. Anti-tracking pads shall be established at all construction access points to minimize dirt getting into Leeuwarden Lane from any equipment. If dirt does get into Leeuwarden Lane, the applicant and property owner(s) are responsible for immediately remedying that situation.

STORMWATER MANAGEMENT

- G. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on neighboring properties. It is critical that, commencing with the first disturbance of the site and then 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 Leeuwarden Lane.
- H. The Commission hereby requires that the onsite storm drainage management system be connected into the Town drainage system in Leeuwarden Lane as proposed as part of the submitted application.
- I. A Notice of Drainage Maintenance Plan shall be prepared by the applicant's engineer and submitted for the record prior to the issuance of a Demolition Permit.
- J. 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. Separate permits will be needed as follows:
 - Sewer Disconnect Permit from Sewer Services;
 - Demolition Permit from Building Department;
 - Street Opening Permit from the Public Works Department;
 - Zoning & Building Permits for the new house foundation;
 - Separate Zoning & Building Permits for the new house above the foundation and the finishing of any attic and/or basement space.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY (CO)

- K. Prior to issuance of a Certificate of Occupancy for the new residence, the following shall be submitted to the Planning & Zoning Department:
 - 1) A professional engineer shall certify that all stormwater management installation and grading has been completed in accordance with the plans in Condition 'A'.
 - 2) Certification by the architect or landscape architect, that all planting/landscaping has been completed in accordance with the plans in Condition 'A'.
 - 3) An as-built survey prepared by licensed land surveyor or certified by registered professional engineer. As recommended by the DPW, that as-built survey shall show all utilities or buried infrastructure installed as part of this proposal. The as-built survey should include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.

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- 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 this permit as it deems appropriate.
- M. This permit shall be subject to the provisions of Sections 858 and 1009 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 Sections 858 and 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. Within sixty (60) days of this action AND prior to the issuance of a Zoning and Building Permit for the new house foundation, a Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records or this approval shall become null and void.