

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

Application Number: Land Filling & Regrading Application #487

Street Address: 26 Peach Hill Road
Assessor's Map #6 Lot #129

Name and Address of Property Owner:
& Applicant: Jeffery Brown
26 Peach Hill 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 raze the existing residence and to construct a new single-family dwelling further to the west of the existing residence, install a pool and spa, new driveway areas, regrade the property to create a level yard area, and to perform related site development activities.

Property Location: The 2.99+/- acre subject property is located on the west side of Peach Hill Road, approximately 725 feet west of its intersection with Mansfield Avenue.

Zones: R-2

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: APPROVED WITH CONDITIONS

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, 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 the existing residence and to construct a new single-family dwelling further to the west of the existing residence, install a pool and spa, new driveway areas, regrade the property to create a level yard area, and to perform related site development activities. The proposed residence will continue to be served by an onsite well and public sewer.
2. The Darien Environmental Protection Commission (EPC) approved grading and construction activities within an upland review area on the subject property on September 2, 2020 (EPC #18-2020). That approval is hereby incorporated by reference.

STORMWATER MANAGEMENT

3. A Site Engineering Report prepared by DiVesta Civil Engineering Associates, Inc., dated August 2020 was submitted for the record as part of the original application. Appendix 'A' of that report is the Stormwater Management Operation and Maintenance Plan.
4. 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.
5. At the public hearing, it was noted that a stormwater management system, consisting of underground recharger units on the east side of the property would be installed to address the stormwater from the proposed new residence and related improvements. It was noted that there are not presently any stormwater management features on the site.
6. 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.
7. 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.

SPECIAL PERMIT FINDINGS

8. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
9. 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 & Regrading Application #487 is hereby modified and approved subject to the foregoing and following stipulations, conditions, modifications and understandings:

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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

- Zoning Location Survey, 26 Peach Hill Road, Darien, Prepared for Jeffery N. Brown by Arcamone Land Surveyors, LLC, dated April 8, 2020, last revised July 28, 2020.

ENGINEERING PLANS

Plans generally entitled 'Brown Residence', 26 Peach Hill Road, Darien, Prepared by DiVesta Civil Engineering Associates, Inc., dated July 29, 2020.

- Sheet 1 of 2, Proposed Site Development Plan, last revised September 23, 2020;
- Sheet 2 of 2, Details.

LANDSCAPE ARCHITECTURE PLAN

- Sheet LP-1.0, Planting Plan, Brown Residence, 26 Peach Hill Road, Darien, Prepared by Eckerson Design Associates, dated July 28, 2020.

ARCHITECTURAL PLANS

Plans generally entitled 'Brown Residence', 26 Peach Hill Road, Darien, Prepared by Neil Hauck Architects, dated August 11, 2020.

- Sheet A-200, Front and Side Elevations;
- Sheet A-201, Rear and Side Elevations.

The Commission acknowledges that specific architectural plans are not being approved herein.

STORMWATER MANAGEMENT

B. The applicant's engineer, Doug DiVesta, has submitted a Stormwater Management Operation and Maintenance Plan as Appendix 'A' of their Stormwater Management Report. That Maintenance Plan outlines the measures required to maintain the proposed stormwater management system. 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.

C. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.

SEDIMENT & EROSION CONTROLS

- D. During construction, the applicant shall install the proposed silt fence as shown on the submitted Proposed 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.
- E. Anti-tracking pads shall be established at all construction access points to minimize dirt getting into Peach Hill Road from any equipment. If dirt does get into Peach Hill Road or another road, the applicant and property owner(s) are responsible for remedying that situation.
- F. 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

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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.

- G. 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.
- H. 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. A Demolition Permit will be required from the Darien Building Department, along with a Sewer Disconnect Permit from Sewer Services. Separate Zoning and Building Permits will be needed for the new house foundation, and then for any work above the foundation.
- I. Prior to the issuance of a Certificate of Occupancy (CO) for the new residence, the applicant shall submit the following:
 - 1. An as-built survey from a licensed land surveyor, with one foot contours, showing that all aspects of the grading in the yard have been completed pursuant to the plans in Condition A, above; and
 - 2. A letter from a professional engineer that the installation of the proposed stormwater management system has been completed in accordance with the approved plans referred to in Condition 'A', above.
- J. 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.
- K. 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 October 13, 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 ninety (90) days of this action, and prior to the start of any grading, 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.