

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

Application Number: Amendment to Subdivision Application #164-B

Assessor's Map #42 Lot #151A
Street Address: 2 Eddy Lane

Name and Address of Property Owner: Chris Muller
And Applicant: 2 Eddy Lane
Darien, CT 06820

Name and Address of Applicant's Representative: Jordan Grant
Minutemen Land Services, Inc.
377 Highland Avenue
Norwalk, CT 06854

Activity Being Applied For: Request to allow planting and landscape maintenance work within a designated conservation easement area and open space area, and to perform related site development activities.

Property Location: The 0.40+/- acre subject property is located at the southeastern terminus of Eddy Lane, approximately 300 feet east of its intersection with Noroton Avenue.

Zone: R-1/5 Zone

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: 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 Section 400 of the Darien Zoning Regulations and all applicable sections of the Subdivision 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 testimony 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 subject parcel at 2 Eddy Lane was created as part of the subdivision of the 40 Noroton Avenue property. The rear (eastern) lot line has a fifteen-foot wide conservation restriction area on it. A dedicated open space parcel is to the south of the 2 Eddy Lane property. On the "Property Survey for Subdivision", submitted as part of the record in this matter and filed in the Darien Land Records as Map #5034, the conservation easement area is shown as fifteen feet wide along the eastern property line of 2 Eddy Lane, and the Open Space area is shown as 9,157 square feet or 0.210 acres.
2. Earlier in the summer of 2020, the 2 Eddy Lane property owner was seeking to perform landscape maintenance work within a designated conservation area and open space area. It was noted that when the Eddy Lane subdivision was created in the 2005/2006 timeframe, these open space and conservation areas were created to provide a landscape buffer between the new subdivision and adjoining property owners on Dickinson Road and Clock Avenue. These areas are required to be kept in a natural, unmanicured condition. Any landscape maintenance work within these areas require Planning & Zoning Commission approval. Earlier this year, work was done within the open space area and conservation easement area, including tree cutting. At the September 8, 2020 meeting of the Planning & Zoning Commission, the Commission determined that it would be best to have a public hearing on this matter. The public hearing was held on September 29, 2020.
3. Mr. Jordan Grant of Minuteman Land Services was hired by the applicant to prepare a remediation plan showing new plantings to go in the conservation easement area and the open space area. Over the past few weeks, Mr. Grant worked closely with the neighbors in preparing the revised plan. The open space will get new plantings, including additional evergreens, and the area of the open space directly behind the Spataro property at 5 Clock Avenue will also get new plantings, and dead and dying trees and limbs will be removed. No new plantings or trees will be installed directly behind the Bigelow property at 9 Clock Avenue. The large trees in the open space area will remain.
4. The conservation easement area (along the eastern side of the Muller property at 2 Eddy Lane) will have new arborvitae staggered in a natural way. Large trees in this area will remain. During the public hearing, Mr. Ginsberg suggested to the applicant's representative the installation of conservation easement markers to better demarcate the location of the fifteen foot wide conservation easement. Mr. Grant explained that they would be willing to install such.
5. At the September 29 public hearing, neighbors spoke about their concerns with the subject application, both the proposed work in the conservation easement area and the open space area, as long-term maintenance. It was noted that the applicant will be responsible for all trees and plantings in both the conservation easement area and the open space area.

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NOW THEREFORE BE IT RESOLVED that Amendment to Subdivision Application #164-B is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the following plan submitted to and reviewed by the Commission:
Landscape Plan, Muller Residence 2 Eddy Lane last revised 9/28/2020.
Drawn on Property Survey for Subdivision of #40 Noroton Avenue prepared for Nancy Hyland, Executrix of the Estate of Marie P. Eddy, by William W. Seymour & Associates, dated March 22, 2005 and signed in 2008. Map 5034 in the Darien Land Records.
This is a revised plan, which reflects changes outlined in a September 28, 2020 e-mail to Fred Doneit. It shows a mix of evergreens (33 Green Giant Arborvitae); shrubs (25 azaleas); and deciduous trees (two flowering dogwoods). This September 28, 2020 plan supersedes a September 15, 2020 plan which was submitted for the record as part of the original application.
- B. During construction, the applicant shall utilize sediment and erosion controls 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 planting and until the area has been revegetated or restabilized. 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.
- C. By December 13, 2020, the applicant shall post conservation easement markers in two spots fifteen (15) feet away from the east property line, which will help demarcate the conservation easement location for future property owners. Those markers shall be obtained from the Planning & Zoning Department (no charge). Photographs of these signs/markers as well as the plantings required in Condition 'A', above, shall be submitted for the record once they have been installed, and by December 13, 2020 at the latest.
- D. 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.
- E. 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 approval and/or permit as it deems appropriate.

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 plan by the Chairman. All work shall be completed and submitted to the Planning and Zoning Department within 60 days of this action (by December 13, 2020) or this approval shall become null and void.