

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 8, 2020**

Application Number: Coastal Site Plan Review #327-A
Flood Damage Prevention Application #376-A
Land Filling & Regrading Application #379-A

Street Address: 43 Contentment Island Road
Assessor's Map #68 Lot #16

Name and Address of Property Owners: Courtney & William Platt
43 Contentment Island Road
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Sean Walters
Wagner Pools
101 Noroton Avenue
Darien, CT 06820

Activity Being Applied For: Proposal to construct and install an in-ground swimming pool, spa, and associated patio area; and to perform related site development activities, within regulated areas, including regrading of the property and installation of a rain garden and landscaping.

Property Location: The 1.22+/- acre subject property is located on the south side of Contentment Island Road approximately 0.25 miles south of its intersection with Shennamere Road.

Zone: R-1

Date of Public Hearing: September 1, 2020

Time and Place: 8:00 P.M. GoToMeeting (virtual)

Publication of Hearing Notices

Dates: August 20 & 27, 2020

Newspaper: Darien Times

Date of Action: September 8, 2020

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 17, 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 applicable 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

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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. The proposal to construct and install an in-ground swimming pool, spa, and associated patio area, and to perform related site development activities within regulated areas, including regrading of the property and installation of a rain garden and landscaping. The subject property is served by a private well and septic system. The proposed pool is shown to be more than 300 feet from Mean High Water.
2. The applicant's representative noted that there would be some hoe-ramming or chipping required as part of this project. He confirmed that there would not be any blasting done.

STORMWATER MANAGEMENT

3. As part of the application, a Stormwater Management Report & Drainage Analysis dated July 10, 2020 was submitted. At the public hearing, it was noted that a proposed rain garden would address water quality from the proposed new pool and patio areas, as opposed to detaining water and managing stormwater quantity. Currently, the runoff from the subject property drains directly into the Long Island Sound. The property is in the lower 1/3 of the watershed, and does have some limited frontage on Long Island Sound.

PROPOSED WORK WITHIN CAM AREA

4. The proposed pool and patios/hardscape are proposed to be more than 100 feet from Mean High Water, in an area which has previously been established as lawn.
5. The Commission finds that the proposed pool and patio areas, if properly implemented, is not contrary to the goals, objectives, and policies of the Coastal Area Management Program.
6. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22(a)-92 of the Connecticut General Statutes.
7. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

PROPOSED WORK WITHIN THE FLOOD ZONE

8. The entire proposed pool and patio areas are located within the AE13 and AE15 flood zones.
9. The Commission finds that the proposed work will not result in an increase of flood heights and the proposal meets or exceeds Section 825 of the Darien Zoning Regulations.

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10. The Commission finds that the proposed activities as shown on the site development plan, to be implemented with the conditions listed herein, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

LAND FILLING & REGRADING

11. The application, including, but not limited to regrading associated with fill for the pool and new terraces/patios and lawn steps, has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
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 #327-A, Flood Damage Prevention Application #367-A and Land Filling & Regrading Application #379-A are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the following plans submitted to and reviewed by the Commission:

ENGINEERING PLANS

Plans generally titled 'Proposed Pool & Patio Area, 43 Contentment Island Road', Prepared by Hudson Engineering & Consulting, dated July 10, 2020:

- Stormwater Management Plan, Sheet No. C-2.
- Erosion & Sediment Control Plan, Sheet No. C-3.
- Details, Sheet No. C-4.

LANDSCAPE ARCHITECTURE PLANS

Plans generally titled 'Plat Residence, 43 Contentment Island Road', Prepared by Wagner Pools, dated February 21, 2020, last revised July 14, 2020:

- Overall Site Demolition & Erosion Control Plans, Sheet LA-1.
- Layout & Grading Plans, Sheet LA-2
- Enclosure Fence Layout Plan, Sheet LA-3
- Planting & Lighting Plans, Sheet LA-4
- Site Sections & Details, Sheet LA-5

- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition 'A', above, and any additional 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 of the pool and until the area has been revegetated and restabilized. 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.

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- C. Pursuant to the representations made at the public hearing, no blasting shall be done to implement this project. Hoe-ramming/chipping may be done for this project, but only for a maximum of one week. Any further hoe-ramming/chipping beyond one week shall require prior written approval from the Planning & Zoning Director.

STORMWATER MANAGEMENT

- D. Because the proposed improvements are located within the bottom 1/3 of the watershed and are directly adjacent to Long Island Sound, the Commission hereby waives the requirement to address stormwater runoff quantity. Only water quality shall be addressed as part of this application. The applicant has addressed water quality through a rain garden on the south side of the pool, which is sufficiently sized to address the pool and associated patio areas. Due to the property's location adjacent to Long Island Sound, the Commission hereby waives the provisions of Section 880 of the Zoning Regulations relative to on-site stormwater detention. A Drainage Maintenance Plan shall be submitted to the Planning & Zoning Office prior to the submission of a Zoning & Building Permit application for the pool.

PRIOR TO ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

- E. Prior to the request for the Certificate of Zoning Compliance for the proposed pool, the applicant shall submit the following:
1. Verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the rain garden and grading in the yard 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 pool and patio construction has been properly completed in accordance with the approved plans, and complies with zoning setback and building coverage requirements, and certification that all pool equipment has been placed at or above the flood elevation (elevation 15.0), or outside of the flood zone.

PERMITS REQUIRED

- F. The granting of this Permit does not relieve the applicant of the responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for Zoning and Building Permits for the proposed pool. Because the pool is in the flood zone, proper engineering certification shall be submitted with the Zoning and Building Permit application.
- G. 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.
- H. This permit shall be subject to the provisions of Sections 815, 829(f), and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 8, 2021). This time limit may be extended as per Sections 815, 829(f), and 858 of the Regulations.

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All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions 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 pool.

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