

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**September 1, 2020**

Application Number: Coastal Site Plan Review #315-C  
Flood Damage Prevention Application #361-C  
Land Filling & Regrading Application #394

Street Addresses: 53 Contentment Island Road  
Assessor's Map #68 Lot #17-21

Street Address: 45 Contentment Island Road  
Assessor's Map #68 Lot #15

Name and Address of  
Property Owners: 53 Contentment Island Road  
53 Contentment Island, LLC  
c/o Viking Global Investors, LP  
Halvorsen Family Office  
55 Railroad Avenue  
Greenwich, CT 06830

45 Contentment Island Road  
Deborah C. McLean  
45 Contentment Island Road  
Darien CT, 06820

Name and Address of Applicant &  
Applicant's Representative: Wilder G. Gleason, Esq.  
Gleason & Associates, LLC  
23 Old King's Highway South  
Darien, CT 06820

Activities Being Applied For: Proposal to regrade and fill the northwestern portion of 45 Contentment Island Road and a directly adjacent portion of 53 Contentment Island to the west, and to install drainage structures underneath the driveway on the northern portion of the site to eliminate the ponding of stormwater on 45 Contentment Island Road. Proposal to construct a detached storage shed within the AE Flood Zone and 100-foot CAM review area, and to perform related site development activities within regulated areas.

Property Location: The subject properties are located on the south side of Contentment Island Road approximately 1,400 feet south of their intersection with Shennamere Road.

Zone: R-1

Date of Public Hearing: July 28, 2020

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

Publication of Hearing Notices  
Dates: July 16 & 23, 2020

Newspaper: Darien Times

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Date of Action: September 1, 2020

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
September 10, 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 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 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 regrade and fill the northwestern portion of 45 Contentment Island Road and a directly adjacent portion of 53 Contentment Island to the west, and to install drainage structures underneath the driveway on the northern portion of the site to eliminate the ponding of stormwater on 45 Contentment Island Road. Proposal to construct a detached storage shed within the AE Flood Zone and 100-foot CAM review area, and to perform related site development activities within regulated areas. Both of the subject properties are served by public water and on-site subsurface sewage disposal systems.
2. No members of the public spoke at the public hearing regarding the subject application.

#### STORMWATER MANAGEMENT

3. A Site Engineering Report dated June 2020, prepared by DiVesta Civil Engineering Associates, Inc., was submitted for the record as part of the application. A detailed regrading design and stormwater management design have been incorporated into the plans to address and eliminate the ponding of stormwater on 45 Contentment Island Road.
4. Presently, stormwater runoff from the existing driveway on 53 Contentment Island Road drains to the west towards tidal wetlands on the northern portion of the property. The runoff from 45 Contentment Island Road and areas west sheet flow in a westerly direction towards the driveway for 53 Contentment Island. Three 6-inch PVC pipes under the existing driveway for 53 Contentment Island no longer convey runoff from 45 Contentment Island under the driveway to the wetlands on 53 Contentment Island. New drainage structures under the driveway are proposed to reestablish drainage connections from the west to the wetlands.

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**STORAGE SHED**

5. The applicant proposes to erect an approximately 12'x 21' storage shed designed primarily for the storage of kayaks and similar beach equipment on the west side of the property, adjacent to the beach area. The shed would be constructed at elevation 10'+/- within the FEMA AE Flood Zone (base flood elevation of 15'). The shed will be constructed with flood damage-resistant materials, including flood vents on two sides of the shed, and is to be anchored to concrete piers designed to resist flotation, collapse, and lateral movement under flood conditions. Electricity for lighting in the shed would be installed at or above elevation 16', one foot or more above the base flood elevation. The storage building within 100 feet of Mean High Water (MHW) is being approved specifically in this location because the kayak storage is a water-related use.
6. RACE Coastal Engineering, submitted a letter for the record, dated July 22, 2020, certifying compliance with Section 825.d.1. of the Darien Zoning Regulations and FEMA flood regulations. RACE noted that FEMA acknowledges the limitations of elevating these types of accessory structures and allows for these structures to be at lower elevations provided they are wet-floodproofed.

**PROPOSED WORK WITHIN CAM AREA**

7. A Site CAM Report dated June 2020, prepared by DiVesta Civil Engineering Associates, Inc., was submitted for the record as part of the application.
8. The proposal, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
9. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
10. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

**PROPOSED WORK WITHIN THE FLOOD ZONE**

11. 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.
12. The Commission believes that the proposed activities as shown on the revised site development plan, 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.

**LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS**

13. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
14. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

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**NOW THEREFORE BE IT RESOLVED** that Coastal Site Plan Review #315-C, Flood Damage Prevention Application #361-C and Land Filling & Regrading Application #394-B are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
- Sheet 1 of 2, Proposed Site Development Plan, 53 Contentment Island Road, LLC & McLean Residence, Prepared by DiVesta Civil Engineering Associates, Inc. dated June 11, 2020;
  - Sheet 2 of 2, Details, 53 Contentment Island Road, LLC & McLean Residence, Prepared by DiVesta Civil Engineering Associates, Inc. dated June 11, 2020;
  - Proposed Shed at 53 Contentment Island Road, Floor Plan, Section & Elevations, Prepared by David Scott Parker Architects, LLC, dated July 21, 2020.
- 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 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.

**STORMWATER MANAGEMENT**

- C. Because this application is located within the bottom 1/3 of the watershed, and is 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.
- D. Throughout the redevelopment of the site, even before the final drainage system is installed, the applicant shall 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 shed.
- E. An amendment to the previously filed Notice of Drainage Maintenance Plan for the property shall be filed in the Darien Land Records within the next 60 days of this approval.
- 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.
- G. Once the work is complete, 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;

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2. A final “as built” map and/or other evidence that all work has been properly completed in accordance with the approved plans, and complies with zoning setback, building height, building coverage requirements, and flood regulations;
3. An Elevation Certificate, prepared by a licensed land surveyor, shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property. Any flood vents installed in the shed shall be documented.

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 this permit as it deems appropriate.

I. This permit shall be subject to the provisions of Sections 815, 829f, 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 1, 2021). This may be extended as per Sections 815, 829f, and 858.

All provisions and details of the plan, as approved herein, 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 within 60 days of this approval.