



PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
LAND FILLING, EXCAVATION & REGRADING APPLICATION #483  
MCNAMARA, 55 MAYWOOD ROAD  
SEPTEMBER 1, 2020  
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Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to regrade the center section of the rear yard of the property, using a combination of cut and fill, to create a level yard area, construct multiple retaining walls, and to perform related site development activities. Material from the cut is to remain on the site to fill the lower portion of the yard.
2. To accommodate the fill, a two-foot stone retaining wall is to be constructed at the bottom of the existing slope, approximately 16-feet west from the existing patio retaining wall. Additionally, a stone retaining wall is proposed at the upper slope around an existing Oak tree to accommodate the proposed regrading and cut.
3. Selective clearing of small to medium trees and vegetation along the southern property line is proposed to allow more sunlight for supplemental plantings and lawn.

#### STORMWATER MANAGEMENT

4. At the public hearing, the applicant noted that an existing drainage system along the south perimeter of the site will remain intact. No new impervious surface is proposed as part of this project other than the top of the retaining walls.

#### SPECIAL PERMIT FINDINGS

5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
6. 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 #483 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:
  - Master Plan, McNamara Residence, 55 Maywood Road, Prepared by Elise Landscapes & Nursery, dated May 6, 2020.

In response to a concern raised at the public hearing by a neighbor, the applicant agreed to revise the plans relative to the removal of gravel rip rap along the northern property line. Such revised plan is to be submitted to Planning & Zoning Department by September 3, 2020.

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

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- 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.

STORMWATER MANAGEMENT

- D. Due to the fact that there is only de minimus increase in impervious surface as part of this project (new stairs and walls), the Commission hereby waives the requirement for stormwater management under Section 880 of the Darien Zoning Regulations.
- E. The northeastern most 14-feet of gravel rip rap along the north perimeter of the site as well as any old ADS pipe that runs along the stonewall in that location shall be removed from the site so as to avoid directing stormwater runoff onto the neighboring property to the north.

SEDIMENT & EROSION CONTROLS

- F. During construction, the applicant shall install the proposed silt fence, anti-tracking pad, and other erosion control measures as shown on the submitted Site 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.
- G. 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.

PRIOR TO ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

- H. Prior to issuance of a Certificate of Zoning Compliance, the following shall be submitted to the Planning & Zoning Department:
- 1) A professional engineer or landscape architect shall certify that all grading has been completed in accordance with the plans in Condition 'A'.
  - 2) An as-built survey showing one foot contours from a licensed land surveyor.
- I. 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.
- 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 September 1, 2021. This may be extended as per Sections 858 and 1009.

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All provisions and details of the plans 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 any regrading work, a Special Permit form shall be filed in the Darien Land Records or this approval shall become null and void.

*Resolut LF 55 Maywood Road*