

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**June 23, 2020**

Application Number: Land Filling, Excavation & Regrading Application #145-D

Street Address: 5 Homewood Lane  
Assessor's Map #65 Lot #3

Name and Address of  
Property Owners: Gene & Tracy Sykes  
5 Homewood Lane  
Darien, CT 06820

Name and Address of Applicant:  
& Applicant's Representative: John Donohue, AIA  
Donohue Associates Architects, LLC  
25 Canterbury Lane  
Wilton, CT 06897

Activity Being Applied For: Proposal to construct two new additions to the existing residence (an approximately 10' x 21' sunroom and 11' x 33' garage), and to reconfigure and extend the existing driveway, and to perform related site development activities, including construction of a retaining wall and installation of screening plantings.

Property Location: The 2.44+/- acre subject property is located on the west side of Homewood Lane at the northwest corner formed by its intersection with Cross Road.

Zone: R-1

Date of Public Hearing: June 2, 2020 immediately continued to June 9, 2020

Time and Place: 8:00 P.M. Room 206 and via GoToMeeting Town Hall

Publication of Hearing Notices  
Dates: May 21 & 28, 2020

Newspaper: Darien Times

Date of Action: June 23, 2020

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
July 2, 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 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 construct two new additions to the existing residence (an approximately 10' x 21' sunroom and 11' x 33' garage), and to reconfigure and extend the existing driveway, and to perform related site development activities, including construction of a retaining wall and installation of screening plantings. The property is served by an on-site septic system.
2. The area to be regraded consists of cutting/excavating near the north and west property lines. A three-foot retaining wall is proposed along the northerly property line to accommodate the proposed expansion of the driveway. The DPW submitted comments for the record in an e-mail dated May 28, 2020, noting that the subject property is on a private road, and that the new amount of impervious area to be added is nominal compared to the size of the property.
3. David Knauf of the Darien Health Department reviewed and approved the house additions and driveway expansion in late 2019. That approval is part of the record in this matter.

#### LANDSCAPING AND LEDGE REMOVAL

4. At the public hearing, it was noted that as part of this project, new plantings will be installed on the neighbors' property to the north. That neighbor, Mr. Andrew Phelps at 7 Homewood Lane, sent in an e-mail dated May 26, 2020 supporting the proposal. No members of the public spoke at the public hearing.
5. The Site Development Plan shows that some rock/ledge removal is proposed directly west of the driveway. At the public hearing, Mr. Donoghue confirmed that a minimal amount of removal is needed to even out the driveway backout area. He noted that they will be using jack hammering/hoe-ramming rather than blasting.

#### STORMWATER MANAGEMENT

6. The Commission finds that if implemented pursuant to the submitted plans, the proposed grading will have no adverse impacts to adjoining property owners or downstream drainage systems.
7. The Site Development Plan shows new storm drains to be installed within the expanded driveway area are to drain to existing underground Cultec units on the property to prevent additional stormwater runoff entering Homewood Lane.

#### 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.

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**NOW THEREFORE, BE IT RESOLVED** that Land Filling, Excavation & Regrading Application #145-D 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:
- Zoning Location Survey, Sykes, 5 Homewood Lane, by SoundView Engineers & Land Surveyors, LLC, scale 1"=20', by dated March 10, 2020, Sheet P-2.
  - Site Development Plan, Sykes, 5 Homewood Lane, by SoundView Engineers & Land Surveyors, LLC, scale 1"=20', by dated March 10, 2020, Sheet SDP.
  - Screen Planting Plan for The Sykes Residence, 5 Homewood Lane, 8-1/2" x 11" sheet, dated January 23, 2020 and last revised May 20, 2020.
- B. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- C. Due to the fact that there is only a small increase in impervious surface as part of this project, the Commission hereby waives the requirement for stormwater management under Section 880 of the Darien Zoning Regulations.
- D. 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. There will be some hoe-ramming as part of this project— See Condition G, below.

**SEDIMENT & EROSION CONTROLS**

- E. During construction, the applicant shall install the proposed silt fence, anti-tracking pad, and other erosion control measures as shown on the submitted 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.
- 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 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. The applicant's representative noted that hoe-ramming will be used rather than blasting. Since hoe-ramming has a potential of impacting the neighborhood, and the area of rock shown on the plans to be removed is small, the Commission hereby limits the amount of hoe-ramming to a maximum of ten (10) days. Since the representation was made that no blasting will be done, no Blasting Permit can be obtained from the Fire Marshal for this project, without returning to the Planning and Zoning Commission for an amendment of this Permit.

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PLANTINGS

H. The applicant shall ensure the viability and health of the plantings along the refurbished bank adjacent to the north side of the driveway on the neighboring property (7 Homewood Lane) for one (1) year. Any plantings not maintained in a vigorous growing condition through this period shall be replaced with new plantings at the beginning of the next immediately following growing season.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

I. Prior to issuance of a Certificate of Occupancy for the house additions, the following shall be submitted to the Planning & Zoning Department:

- 1) A professional engineer or landscape architect shall certify that all planting and grading has been completed in accordance with the plans in Condition 'A'.
- 2) An as-built survey from a licensed land surveyor is required.

J. 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 Zoning and Building Permit is required for the house additions.

K. 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.

L. 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 June 23, 2021. This may be extended as per Sections 858 and 1009.

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 the issuance of a Zoning or Building Permit or any regrading work, a Special Permit form shall be filed in the Darien Land Records or this approval shall become null and void.