

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 28, 2020

Application Number: Flood Damage Prevention Application #228-B

Street Address: 5 Tokeneke Trail
Assessor's Map #65 Lot #37

Name and Address of Applicant & Property Owner: Charles L. Teschner, Jr.
5 Tokeneke Trail
Darien, CT 06820

Name and Address of Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to construct new additions to the existing residence, including a new garage and a covered walkway to the residence, and to expand the driveway area north of the garage, and to perform related site development activities within a regulated area.

Property Location: The 2.24+/- acre subject property is located on the east side of Tokeneke Trail approximately 450 feet south of its intersection with Old Farm Road.

Zone: R-1

Date of Public Hearing: July 7, 2020
Deliberations Held: July 14, 2020

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

Publication of Hearing Notices
Dates: June 25 & July 2, 2020 Newspaper: Darien Times

Date of Action: July 28, 2020 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: August 6, 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 and 820 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 plan, 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.

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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. This application is to construct new additions to the existing residence, including a new garage and a covered walkway to the residence, and to expand the driveway area north of the garage, and to perform related site development activities within a regulated area. New HVAC units will be placed on a platform at or above elevation 13.0. The subject property is served by an on-site septic system. The existing residence is in flood zone AE13.0, according to the most recent Flood Insurance Rate Map (FIRM) of 2013.
2. A July 1, 2020 e-mail from Attorney Robert Maslan noted that the pending application does not include a request for a sauna and changing room inside the existing garage. That request, to create finished space below the flood elevation, was denied by the Darien Zoning Board of Appeals (ZBA) on June 17, 2020.
3. A letter dated April 8, 2020 was submitted from Trinkaus Engineering, LLC regarding stormwater management. In that letter, it is noted that an existing on-site bioretention system constructed in 2012 can adequately handle the stormwater runoff from this project.
4. The Darien Health Department approved the location of the addition relative to the location of the on-site septic system, as noted in their comments received by the Commission on July 6, 2020.
5. No members of the public spoke at the public hearing regarding the subject application.

FLOOD DAMAGE PREVENTION FINDINGS

6. The Commission has considered all evidence offered at the public hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions for the area for which it is proposed.
7. The proposed activities, 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. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #228-B is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

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

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- Zoning Location Survey, 5 Tokeneke Trail, by William W. Seymour & Associates, dated February 24, 2020, last revised April 16, 2020;
- Teschner Residence, 5 Tokeneke Trail, by David Dumas Architect, dated March 22, 2020, Sheets A-1 and A-2.

Note that there can be no new finished space created below the flood elevation. All construction shall comply with the flood regulations.

- B. During construction, the applicant shall utilize any sediment or 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. 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. Based upon the representations made in the April 8, 2020 letter from Trinkaus Engineering, the Commission hereby waives the requirement for stormwater retention or detention.
- D. Accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect and/or engineer verifying that the final design of the additions/alterations comply with the applicable flood damage prevention requirements.
- E. Once the work is complete, the property owner shall submit an Elevation Certificate and as-built survey to show compliance with the approved plans and the flood damage prevention regulations.
- F. 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 permit as it deems appropriate.
- G. The granting of 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. Darien Health Department approval has been obtained for this project. A Zoning & Building Permit will be required for the new construction.
- H. This permit shall be subject to the provisions of Section 829 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (July 28, 2021). This may be extended as per Section 829.

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 documents by the Chairman.