

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

Application Number: Coastal Site Plan Review #129-A
Flood Damage Prevention Application #127-A

Street Address: 76 Arrowhead Way
Assessor's Map #70 Lot #48A

Name and Address of Property Owners David & Karem Austen
& Applicants: 76 Arrowhead Way
 Darien, CT 06820

Activity Being Applied For: Proposal to remove an existing dock on the property and construct and install a new dock in the same location, consisting of a fixed pier and an attached access ladder, and to perform related site development activities within regulated areas.

Property Location: The 1.41+/- acre subject property is located on the west side of Arrowhead Way, approximately 325 feet south of its intersection with Canoe Trail.

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 provisions of Sections 406, 810, 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 the application 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.
- 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:

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1. The proposal is to remove an existing dock on the property and construct and install a new dock in the same location, consisting of a fixed pier and an attached access ladder at the end of the pier, and to perform related site development activities within regulated areas. The proposed pier is to be increased in width from three feet to four feet.

STATE OF CT DEEP & ARMY CORPS OF ENGINEERS APPROVALS

2. The State of CT DEEP issued COP #202007133-COP approving this project on September 1, 2020. A copy of that approval has been submitted for the record and is incorporated into this approval by reference. The Commission notes that an approval for the dock from the Army Corps of Engineers (ACOE) has not yet been received.

REQUIRED FINDINGS

3. 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 to the area for which it is proposed.
4. The proposed activity will have no adverse impacts on flooding and, therefore, this proposal is consistent with the need to minimize flood damage.
5. The Commission finds that the potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #129-A and Flood Damage Prevention Application #127-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Sheet 5 of 7, Improvement Location Survey Depicting Proposed Pier, 76 Arrowhead Way, Prepared for David & Karem Austen by William W. Seymour & Associates, P.C., dated May 13, 2020
 - Sheet 7 of 7, Improvement Location Survey Depicting Proposed Cross Section, 76 Arrowhead Way, Prepared for David & Karem Austen by William W. Seymour & Associates, P.C., dated May 13, 2020

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- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans 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 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. Due to the location of the subject property and the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for stormwater management pursuant to Sections 888(a)(1) and 888(a)(3) of the Darien Zoning Regulations.
- D. The proposed activity is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
- E. 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. Zoning and Building Permits will be required for construction of the dock.
- F. Approvals for the dock from the Army Corps of Engineers (ACOE) shall be submitted to the Planning & Zoning Department to be included as part of the record in the matter prior to the issuance of a Zoning and Building Permit for construction of the dock.
- 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 to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 8, 2021). This may be extended as per Sections 815 and 829f.

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.