

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 20, 2020**

Application Number: Coastal Site Plan Review #232-A
Flood Damage Prevention Application #260-A
Land Filling & Regrading Application #205-A

Street Address: 88 Nearwater Lane
Assessor's Map #57 Lot #3-B

Name and Address of Property Owner
& Applicant: Kyle & Elizabeth Keogh
88 Nearwater Lane
Darien, CT 06820

Name and Address of Applicant's
Representative: Douglas DiVesta, P.E.
DiVesta Civil Engineering Associates, Inc.
51 Painter Ridge Road
Roxbury, CT 06783

Activity Being Applied For: Proposal to raze the existing residence and to construct a new single-family dwelling in generally the same location, install a spa and patios, reconfigure the driveway area, and to perform related site development activities within regulated areas, including regrading of the property, installation of stormwater management and establishing a connection to sanitary sewer.

Property Location: The 1.51+/- acre subject property is located on the east side of Nearwater Lane, approximately 800 feet north of its intersection with Juniper Road.

Zones: R-1

Date of Public Hearing: September 29, 2020

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

Publication of Hearing Notices

Dates: September 16 & 23, 2020

Newspaper: Darien Times

Date of Action: October 20, 2020

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
October 29, 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.

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- 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.
- 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 raze the existing residence and to construct a new single-family dwelling in generally the same location, install a spa and patios, reconfigure the driveway area, and to perform related site development activities within regulated areas, including regrading of the property, installation of stormwater management and establishing a connection to sanitary sewer. The site is served by public water.
2. The existing residence is at elevation 11.9. The new, proposed residence will have a first floor elevation of 16.3+, which will comply with the flood regulations. The entire site is in flood zone AE14. The new house will have a crawl space and flood vents, with no basement. The proposed generator and HVAC unit(s) will be on a platform at or above elevation 15.0.

STORMWATER MANAGEMENT

3. A Stormwater Management Operation and Maintenance Plan dated August 16, 2020 was submitted for the record. A detailed regrading design and stormwater management system design have been incorporated into the plans to address water quality.
4. Assistant Director of Public Works Darren Oustafine submitted comments dated September 15, 2020 on this application. Professional Engineer Doug DiVesta submitted a September 17, 2020 response to those comments.
5. At the public hearing, it was noted that a stormwater management system, consisting of underground recharger units on the east side of the property would be installed to address stormwater quality from the proposed new residence and related improvements. It was noted that there are not presently any stormwater management features on the site.
6. The submitted stormwater analysis shows that the drainage patterns and peak rates of runoff from the studied storms will remain largely unchanged in the post development condition.
7. The Commission finds that if implemented properly, the proposed site development activities will have no adverse impacts to adjoining property owners or downstream drainage systems.

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COASTAL SITE PLAN REVIEW FINDINGS

8. A Site CAM Report dated August 2020 was submitted for the record. 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.
9. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
10. The Commission finds that the proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.

FLOOD DAMAGE PREVENTION FINDINGS

11. 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.
12. The Commission finds that the proposed activities, to be implemented, with the conditions 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.

LAND FILLING & REGRADING FINDINGS

13. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000 of the Regulations.
14. 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 Coastal Site Plan Review #232-A, Flood Damage Prevention Application #260-A, Land Filling & Regrading Application #205-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Regrading, construction and other site development activity shall be in accordance with the following plans submitted to and reviewed by the Planning & Zoning Commission:
SURVEY
 - Improvement Location Survey, 88 Nearwater Lane, Darien, Prepared for Kyle & Elizabeth Keogh by Land Surveying Services, LLC, June 25, 2020, last revised August 31, 2020.

ENGINEERING PLANS

Plans generally entitled 'Keogh Residence', 88 Nearwater Lane, Darien, Prepared by DiVesta Civil Engineering Associates, Inc., dated August 18, 2020.

- Sheet 1 of 2, Proposed Site Development Plan, last revised September 17, 2020;
- Sheet 2 of 2, Details.

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ARCHITECTURAL PLANS

Plans generally entitled 'Keogh Residence', 88 Nearwater Lane, Darien, Prepared by Marc G. Andre Architects, LLC, dated August 17, 2020.

- Sheet A-200, Proposed Front Elevation;
- Sheet A-201, Proposed Garage Side Elevation;
- Sheet A-202, Proposed Rear Elevation;
- Sheet A-203, Proposed Side Elevation.

The Commission acknowledges that specific architectural plans are not being approved herein.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. 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 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.
- 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.
- E. It is critical that throughout the redevelopment of the site, even before the final drainage system is installed, the applicant properly manage stormwater runoff to avoid negative impacts to neighbors. 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 house foundation.
- F. Because this property is directly adjacent to the Darien River, the Commission hereby waives the requirement for stormwater retention or detention pursuant to Section 880 of the Darien Zoning Regulations. The submitted stormwater management plan treats the first inch of runoff and addresses water quality.
- 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;
 2. A final "as-built" survey prepared by a licensed land surveyor and 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. The as-built survey shall show all utilities or buried infrastructure installed as part of this application. The as-built survey shall include measurements from known,

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permanent, and visible surface features so that buried infrastructure can be located in the field in the future.

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, in order to verify that the final elevation of the house, HVAC unit(s) and generator are proper, and comply with the flood regulations.
- 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 the permit as it deems appropriate.
- I. 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. A Demolition Permit from the Building Department is required, along with Health Department approval to abandon/re-use the existing on-site septic system. Zoning & Building Permits for the new house foundation will be required, followed by subsequent Zoning & Building Permits for work above the foundation.
- J. This permit shall be subject to the provisions of Section 1005 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (October 20, 2021). This may be extended as per Section 1005.

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. A Special Permit form and 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 proposed new house foundation.