

Gleason & Associates LLC

Attorneys at Law
23 Old Kings Highway South
Darien, CT 06820

Wilder G. Gleason
Email: wilder.gleason@gleasonllc.com

Telephone: 203-655-9696
Facsimile: 203-655-2999

July 16, 2020

Mr. Jeremy Ginsberg
Director
Planning and Zoning Office
Darien Town Hall
2 Renshaw Road
Darien, CT 06820

RECEIVED

JUL 20 2020
TOWN OF DARIEN
PLANNING & ZONING

Re: Subdivision Application #627, Land Filling, Excavation and Regrading
Application #482
90 Pear Tree Point Road

Dear Jeremy:

In connection with the referenced matter, enclosed please find the following:

1. Letters to the neighbors;
2. Enclosure to the letters;
3. List of neighbors.

Sincerely,



Donna F. Chachakis
Legal Assistant

Mr. Warrington H. Malpass
43 Mansfield Avenue
Darien, CT 06820

Ms. Julie C. Potter
86 Pear Tree Point Road
Darien, CT 06820

Mr. Hans J. Mende, Tr.
2005 Irrevacable Kirmar Trust
600 Steamboat Road South
Greenwich, CT 06830

Mr. Charles D. Collier, Tr.
Ms. Kristin H. Collier, Tr.
66 Pear Tree Point Road
Darien, CT 06820

Mr. William Ziegler, III
20 Thorndale Drive
Darien, CT 06820

Mr. and Mrs. Craig W. McCracken
60 Long Neck Point Road
Darien, CT 06820

Mr. William Clark Steinkraus, Tr.
Mr. Irving J. Kern, Tr., et. al.
40 Great Island Road
Darien, CT 06820

Mr. and Mrs. John F. Novak
70 Long Neck Point Road
Darien, CT 06820

Mr. and Mrs. Robert K. Lyons
94 Pear Tree Point Road
Darien, CT 06820

Mr. and Mrs. Jeffrey S. Degraaf
102 Pear Tree Point Road
Darien, CT 06820

Mr. and Mrs. William Vernon
80 Long Neck Point Road
Darien, CT 06820

Mailed 7-15-20
Dunne

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Darien, CT 06820

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July 15, 2020

Mr. Warrington H. Malpass
43 Mansfield Avenue
Darien, CT 06820

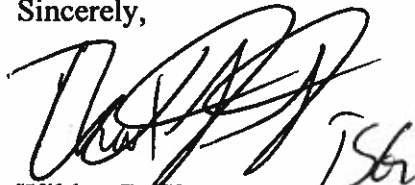
Dear Mr. Malpass

This firm represents Hans J. Mende, Trustee of the 2005 Irrevocable Kirmar Trust. Please be advised that our client has applied to the Darien Planning and Zoning Commission for approvals to subdivide the property at 90 Pear Tree Point Road, Darien, CT, into four (4) separate building lots and construct a single family residence on each lot. Two lots will be created fronting on Pear Tree Point Road and two created fronting on Long Neck Point Road, two open space parcels and a dock parcel on the west side of Pear Tree Point Road.

This application is scheduled to be heard by the Planning and Zoning Commission at a public hearing on Tuesday, July 28, 2020 at 8:00 pm in Room 206, Darien Town Hall, 2 Renshaw Road, Darien, CT and via GoToMeeting. A copy of the legal notice and application narrative are enclosed for your information.

If you have any questions or wish additional information, please call the undersigned.

Sincerely,



Wilder G. Gleason

WGG:dfc

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Ms. Julie C. Potter
86 Pear Tree Point Road
Darien, CT 06820

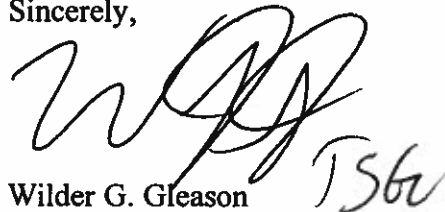
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600 Steamboat Road South
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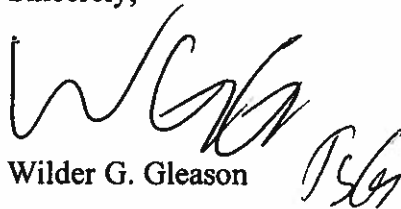
Dear Mr. Mende, Tr.

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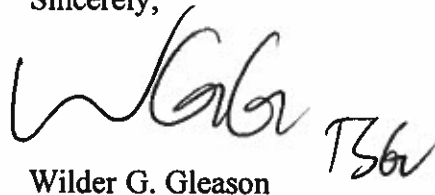
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July 15, 2020

Mr. William Ziegler, III
20 Thorndale Drive
Darien, CT 06820


Dear Mr. Ziegler, III

This firm represents Hans J. Mende, Trustee of the 2005 Irrevocable Kirmar Trust. Please be advised that our client has applied to the Darien Planning and Zoning Commission for approvals to subdivide the property at 90 Pear Tree Point Road, Darien, CT, into four (4) separate building lots and construct a single family residence on each lot. Two lots will be created fronting on Pear Tree Point Road and two created fronting on Long Neck Point Road, two open space parcels and a dock parcel on the west side of Pear Tree Point Road.

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Sincerely,


Wilder G. Gleason *TSG*

WGG:dfc

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Mr. and Mrs. Craig W. McCracken
60 Long Neck Point Road
Darien, CT 06820

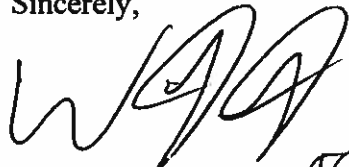
Dear Mr. and Mrs. McCracken

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Mr. William Clark Steinkraus, Tr.
Mr. Irving J. Kern, Tr., et. al.
40 Great Island Road
Darien, CT 06820

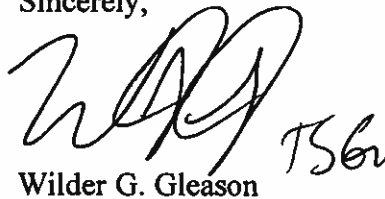
Dear Mr. Steinkraus, Tr.

This firm represents Hans J. Mende, Trustee of the 2005 Irrevocable Kirmar Trust. Please be advised that our client has applied to the Darien Planning and Zoning Commission for approvals to subdivide the property at 90 Pear Tree Point Road, Darien, CT, into four (4) separate building lots and construct a single family residence on each lot. Two lots will be created fronting on Pear Tree Point Road and two created fronting on Long Neck Point Road, two open space parcels and a dock parcel on the west side of Pear Tree Point Road.

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Mr. and Mrs. John F. Novak
70 Long Neck Point Road
Darien, CT 06820

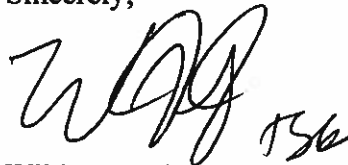
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If you have any questions or wish additional information, please call the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'WGG', with a date '7/15/20' written to the right of the signature.

Wilder G. Gleason

WGG:dfc

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July 15, 2020

Mr. and Mrs. Robert K. Lyons
94 Pear Tree Point Road
Darien, CT 06820

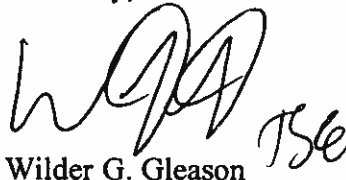
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Sincerely,

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Wilder G. Gleason

WGG:dfc

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July 15, 2020

Mr. and Mrs. Jeffrey S. Degraaf
102 Pear Tree Point Road
Darien, CT 06820

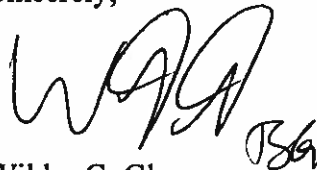
Dear Mr. and Mrs. Degraaf

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Wilder G. Gleason

WGG:dfc

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Mr. and Mrs. William Vernon
80 Long Neck Point Road
Darien, CT 06820

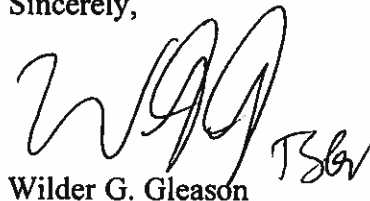
Dear Mr. and Mrs. Vernon

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Sincerely,



Wilder G. Gleason

WGG:dfc

LEGAL NOTICE

The Darien Planning and Zoning Commission will hold a PUBLIC HEARING on Tuesday, July 28, 2020 at 8:00 P.M. in Room 206 of Darien Town Hall at 2 Renshaw Road, Darien and via GoToMeeting, on the following:

Subdivision Application #627, Land Filling, Excavation & Regrading Application #482, Hans J. Mende, Trustee of 2005 Irrevocable Kimar Trust, 90 Pear Tree Point Road. Proposal to subdivide the 5.10+/- acre subject property into four (4) separate building lots. Two (2) lots will be created with frontage on Pear Tree Point Road, respectively 1.14+/- and 1.24+/- acres in size, and two (2) lots will be created with frontage on Long Neck Point Road, respectively 1.00+/- and 1.17+/- acres in size. A deeded open space parcel is to be created on the north side of the subdivision, separating Lots #1 and #2. Two (2) additional deeded open space parcels, along with a "dock parcel" are to be created on the west side of Pear Tree Point Road, across from the building lots. Proposal to construct four (4) new code compliant single-family residences (one on each lot), with associated regrading and stormwater management; and to perform related site development activities. The subject property is situated on the east and west sides of Pear Tree Point Road approximately 700 feet north of its intersection with Crane Road, and is shown on Assessor's Map #60 as Lots #13 and #49 in the R-1 Zone.

Special Permit Application #258-A, Kennedy's Barber Club, 1077 Boston Post Road. Proposal to establish a barbershop, a personal service use establishment, in a 1,333+/- square foot area within a portion of the commercial space now being created in the back of 1077 Boston Post Road (the Darien Playhouse building). The subject property is located on the north/west side of Boston Post Road approximately 550 feet northeast of its intersection with Leroy Avenue, and is shown on Assessor's Map #73 as Lots #7 and #42 with shared parking on Lots #40 and #41 in the CBD and PR Zones.

Land Filling, Excavation & Regrading Application #483, Brendan McNamara, 55 Maywood Road. Proposal to regrade the center section of the existing back yard and to perform related site development activities. The 2.1+/- acre subject property is located on the west side of Maywood Road approximately 850 feet north of its intersection with Dellwood Road, and is shown on Assessor's Map #4 as Lot #101 in the R-2 Zone.

Special Permit Application #313, Baywater 1025 BPR, LLC, Playa Bowls, 1025 Boston Post Road. Proposal to establish a new 1,630+/- square foot Quick Service Restaurant in a portion of the first floor space formerly occupied by Kirby & Company. The subject property is located on the north/west side of Boston Post Road, approximately 30 feet north/west of its intersection with Brook Street, and is shown on Assessor's Map #73 as Lot #13, in the CBD Zone.

Coastal Site Plan Review #315-C, Flood Damage Prevention Application #361-C, Land Filling & Regrading Application #394-B, 53 Contentment Island, LLC, 53 Contentment Island Road & Deborah C. McLean, 45 Contentment Island Road (joint applicants). Proposal to regrade and fill the northwestern portion of 45 Contentment Island Road and a directly adjacent portion of 53 Contentment Island to the west, and to install drainage structures to eliminate the ponding of stormwater on 45 Contentment Island Road. Proposal to shift the existing driveway on 53 Contentment Island Road further to the west to accommodate landscape screening on the shared property line and to install a new entrance gate, and to perform related site development activities within regulated areas. The subject properties are located on the south side of Contentment Island Road approximately 1,400 feet south of their intersection with Shennamere Road, and are shown on Assessor's Map #68 as Lots #17-21 (#53 Contentment Island Rd.) and Lot 15 (#45 Contentment Island Rd.) in the R-1 Zone.

(S) James H. Rand
Secretary

90 Pear Tree Point Road, Darien

Hans J. Mende, Trustee of the 2005 Irrevocable Kirmar Trust purchased 90 Pear Tree Point Road (formerly Plumfield School and then Pear Tree Point School) in July 2018 and now seeks to subdivide the property into four lots conforming to the requirements of the R-1 acre zone in which the property is located and eventually, dock access to the Darien River. Pursuant to prior PZC approvals (see Special Permit #37 attached as **Exhibit A**) the property was used for many years as a school serving up to 140 younger children who were typically dropped off at the beginning of the day and picked up later. That was a far more intense Special Permit use in a residential zone, than the conforming residential use proposed by this subdivision application.

The Property and Topographic Survey of the property (the "Existing Survey," **Exhibit B** attached) shows the property as Assessors Lot 13 consisting of 4.8582 acres abutting Long Neck Point Road to the east and Pear Tree Point Road to the west as well as "Parcel 'X'" a .2481 acres parcel lying west of Pear Tree Point Road and abutting the Darien River which is identified as Assessors Lot 49. The total lot area slightly exceeds 5.1 acres. The larger parcel is oddly shaped as a portion extends north between the residential lots owned by Julie C. Potter at 86 Pear Tree Point Road and the property of John and Elizabeth Novack at 70 Long Neck Point Road. A driveway running from Long Neck Road to Pear Tree Point Road bisects the property. Three school buildings (the gym, a classroom building and administrative building and related playground, sports court and parking areas are shown on the Existing Survey along with a cottage very close to Pear Tree Point Road. These improvements will be removed as part of the subdivision proposal.

The Preliminary Subdivision Map (the "Subdivision Map", **Exhibit C** attached) shows the lot layout dividing the main parcel into four residential lots and a 0.3008 acres open space parcel labelled "Open Space 2," located between Lots 1 and 2. In addition Parcel X will be divided into two smaller parcels of Open Space, labelled on the Subdivision Map "Open Space 1-A" and "Open Space 1-B," as well as a "Dock Parcel" which eventually will provide access to a shared dock in the Darien River.

Two lots will front on Long Neck Point Road and the other two lots will front on Pear Tree Point Road. Each lot will be served by a private driveway from the street on which the lot fronts and an Open Space parcel of just under .3 acres will separate Lots 1 and 2 and the Novack and Potter properties, minimizing impact on such neighbors.

The proposed Site Development Plan and Details (the "Site Plan"), **Exhibit D** attached, shows a proposed building footprint of approximately 3,300 sf on each lot including a three-car garage (approximately 800 sf) with a 20 x40' pool proposed behind each house. Each house is sited within the 200' square required by Section 334 of the Regulations and the driveways all conform to applicable standards.

The Site Plan shows appropriate soil and erosion controls to minimize construction impacts during development and a stockpile area for each lot.

Each of the lots will conform to the requirements of the Darien Zoning Regulations as demonstrated by the Zoning Charts attached as **Exhibit E**.

The Drainage Report of DiVesta Civil Engineering Inc. (**Exhibit F** attached) and waiver letter (**Exhibit G**, attached) confirm that the requirements of Sections 850 and 880 are satisfied and that the applicant proposes appropriate measures to treat water quality. The CAM report (**Exhibit H** attached) confirms no sensitive coastal resources will be adversely affected by the proposed development.

The applicant seeks:

- a. approval of the proposed subdivision,
- b. a permit under Section 810 (CAM);
- c. a permit under Section 850 (Landfilling and Regrading) to allow the proposed filling within 15' of a property line and related improvements; and
- d. A waiver of the requirement of a Stormwater Management Plan pursuant to Section 888.a. as the premises are located in a coastal zone and pursuant to Section 880.e. no on site detention or storm water management report is required, provided the applicant proposes appropriate measures to treat water quality.

ID	Site Address	Owner Name	Co-Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Map Lot
05904	PEAR TREE POINT ROAD	MALPASS WARRINGTON H		43 MANSFIELD AVE	DARIEN	CT	06820	60 48
06362	PEAR TREE POINT ROAD	POTTER JULIE C		96 PEAR TREE POINT ROAD	DARIEN	CT	06820	60 31
06711	PEAR TREE POINT ROAD	MENDE HANS J - TR	2005 IRREVOCABLE KIRMAR TRUST	600 STEAMBOAT ROAD SOUTH	GREENWICH	CT	06830	60 49
08021	PEAR TREE POINT ROAD	COLLIER CHARLES D-TR &	COLLIER KRISTIN H - TR ET AL	66 PEAR TREE POINT ROAD	DARIEN	CT	06820	60 26
09136	LONG NECK POINT ROAD	IEGLER WILLIAM III		120 THORNDALE DRIVE	DARIEN	CT	06820	58 10
10043	80 LONG NECK POINT ROAD	MC CRACKEN CRAIG W &	MC CRACKEN ANDREA S	60 LONG NECK POINT ROAD	DARIEN	CT	06820	60 15
10801	COON POINT ROAD	STEINKRAUS WILLIAM CLARK TR &	KERN IRVING J TR ET AL	40 GREAT ISLAND ROAD	DARIEN	CT	06820	58 15
10967	70 LONG NECK POINT ROAD	NOVAK JOHN F &	NOVAK ELIZABETH A	70 LONG NECK POINT ROAD	DARIEN	CT	06820	60 14
11106	94 PEAR TREE POINT ROAD	YONS ROBERT K &	YONS CATHERINE	94 PEAR TREE POINT ROAD	DARIEN	CT	06820	60 22-2
11111	102 PEAR TREE POINT ROAD	DEGRAAF JEFFREY S &	DEGRAAF LYNETTE D	102 PEAR TREE POINT ROAD	DARIEN	CT	06820	60 22-3
11147	80 LONG NECK POINT ROAD	VERNON WILLIAM & JILL		80 LONG NECK POINT ROAD	DARIEN	CT	06820	60 12-1

90 Pear Tree Point Road
verified 6/22/20

Malpass Dawn