

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

Application Number: Land Filling & Regrading Application #484

Street Address: 9 Archer Lane
Assessor's Map #42 Lot #113

Name and Address of Property Rolf & Christina Obin
Owners & Applicants: 9 Archer Lane
 Darien, CT 06820

Activity Being Applied For: Proposal to regrade portions of the back yard, construct two new retaining walls, and to perform related site development activities.

Property Location: The 0.45+/- acre subject property is located on the north side of Archer Lane approximately 325 feet west of its intersection with Fitch Avenue.

Zone: R-1/3

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: APPROVED WITH CONDITIONS

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 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 schematic plan, 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 regrade portions of the back yard and to perform related site development activities. No new impervious surface is proposed as part of this project. The property is served by well water and an on-site septic system.
2. At the public hearing it was noted that the existing stone retaining wall at the rear of the house would be removed and replaced with a newly constructed stone retaining wall, further back from the existing wall. The excavated earth material to accommodate the new wall would be re-purposed onsite to further flatten the rear yard area. The applicant also proposes to remove a second existing wooden retaining wall at the rear of the property and to replace it with a new stone retaining wall.

STORMWATER MANAGEMENT

3. The Darien Department of Public Works submitted comments on the application for the record on August 24, 2020. That e-mail, in part, notes that the submitted schematic plan shows a proposed berm which has the potential to divert overlay flow from higher elevations on the subject and adjacent properties onto adjacent properties. The Commission finds that the installation of berming on the property, as shown on the schematic plan, is not appropriate for the site, as the berming has the potential to increase stormwater runoff to adjacent properties.
4. The Commission finds that if implemented pursuant to the submitted plans, as required to be modified herein, the proposed grading will have no adverse impacts to adjoining property owners or downstream drainage systems.

SPECIAL PERMIT FINDINGS

5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
7. No members of the public spoke at the public hearing, nor was any public comment submitted for the record in the matter.

NOW THEREFORE, BE IT RESOLVED that Land Filling & Regrading Application #484 is hereby modified and approved subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. Regrading and other activity shall be in general accordance with the 11" x 17" rear yard and retaining wall schematic plan submitted to and reviewed by the Planning & Zoning Commission. However, the installation of berming or channeling on the rear portion of the property shall not be permitted, as these features have the potential to increase stormwater runoff to adjacent properties.

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- B. In order to assure that work will proceed pursuant to the approved plans, the Commission requires that prior to the start of work, the owner and the landscaper/contractor meet on-site with Planning & Zoning Department staff to discuss the project and the work proposed.
- C. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. Due to the fact that there is no 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.
- E. 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.

SEDIMENT & EROSION CONTROLS

- F. During construction, the applicant shall install silt fencing, an anti-tracking pad, and other erosion control measures as necessary due to site conditions. These sediment and erosion controls shall be installed and maintained throughout the construction process to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized.
- G. Anti-tracking pads shall be established at all construction access points to minimize dirt getting into Archer Lane from any equipment. If dirt does get into Archer Lane, the applicant and property owner(s) are responsible for immediately remedying that situation.
- H. 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.
- I. 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.
- J. 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.
- K. 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 September 8, 2021. This may be extended as per Sections 858 and 1009.

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. Within sixty (60) days of this action AND prior to the start of work, a Special Permit form shall be filed in the Darien Land Records or this approval shall become null and void.