

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**November 24, 2020**

Application Number: Special Permit Application #315, Land Filling & Regrading Application #486

Street Address: 170 Ridge Acres Road  
Assessor's Map #4 Lot #38

Name and Address of Property Owners: Robert Thorsen & Sarah Thompson  
170 Ridge Acres Road  
Darien, CT 06820

Name and Address of Applicant: Chris Elkow  
Elise Landscapes & Nursery  
530 Old Stamford Road  
New Canaan, CT 06840

Activity Being Applied For: Proposal to construct a 45' x 60' recreational sports court on the southern portion of the property east of the existing barn, and to perform related site development activities.

Property Location: The 3.73+/- acre subject property is located on the north side of Ridge Acres Road, approximately 200 feet east of its intersection with Brookside Road.

Zone: R-2

Date of Public Hearing: September 29, 2020 continued to November 10, 2020

Time and Place: 8:00 P.M. Room 213 (Town Hall) and via GoToMeeting (Virtual)

Publication of Hearing Notices

Dates: September 17 & 24, 2020 Newspaper: Darien Times  
October 29 & November 5, 2020

Date of Action: November 24, 2020 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times  
December 3, 2020

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, the submitted plans, 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.

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SPECIAL PERMIT APPLICATION #315, LAND FILLING & REGRADING APPLICATION #486  
ROBERT THORSEN & SARAH THOMPSON, 170 RIDGE ACRES ROAD  
NOVEMBER 24, 2020  
PAGE 2

- 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 construct to construct a 45' x 60' recreational sports court and associated tree well on the southern portion of the property east of the existing barn, and to perform related site development activities. The sports court is an accessory use requiring a Special Permit under Section 405(b) of the Darien Zoning Regulations.
2. At the public hearing on the matter, the applicant indicated that the sports court would be solely utilized for personal/private use, and there would be no lighting of the court, no chiller unit(s), and no PA system.
3. Tree protection measures are to be put in place to protect a mature tree directly to the east of the sports court. An existing Holly hedge will be relocated as part of this project in order to assist in screening the court from Ridge Acres Road.

#### STORMWATER MANAGEMENT

4. A two page Drainage Report, dated October 29, 2020, last revised November 2, 2020 prepared by Muller Engineering, LLC, was submitted for the record as part of the application. New Cultec units would be installed under the sports court to improve drainage. Drainage patterns in the post development condition would remain unchanged from present conditions.
5. Mr. Darren Oustafine, P.E., Assistant Director of Public Works, submitted comments on the application for the record on September 15, 2020 and November 2, 2020, generally concluding that the proposed improvements are likely to result in a net decrease in stormwater runoff from the property.

#### SPECIAL PERMIT 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 to the area for which it is proposed.
7. The nature of the use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof.
8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

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SPECIAL PERMIT APPLICATION #315, LAND FILLING & REGRADING APPLICATION #486  
ROBERT THORSEN & SARAH THOMPSON, 170 RIDGE ACRES ROAD  
NOVEMBER 24, 2020  
PAGE 3

9. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

**NOW THEREFORE BE IT RESOLVED** that Special Permit Application #315 and Land Filling & Regrading Application #486 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the proposed sports court and related drainage work shall be in accordance with the following plan and materials submitted to and reviewed by the Commission:

**ENGINEERING PLANS**

Plans generally entitled 'Preliminary and Final Site Plans', 170 Ridge Acres Road, Darien, Prepared for Rob Thorsen & Sarah Thompson by Muller Engineering, LLC, dated October 29, 2020.

- Sheet 1 of 2, Site Development Plan;
- Sheet 2 of 2, Construction Details.

**LANDSCAPE PLAN**

- Landscape Plan, Sports Court Installation, Thorsen Residence, 170 Ridge Acres Road, Darien, Prepared by Elise Landscapes & Nursery, dated August 12, 2020, last revised October 28, 2020.

- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition 'A', above, 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 construction and until the area has been revegetated and restabilized. 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.
- C. The proposed court construction does not involve the installation of any lights or PA system and no lighting or PA system is approved as part of this application.
- D. In evaluating this application, the Planning & 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.
- E. The granting of this Special Permit 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.

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ROBERT THORSEN & SARAH THOMPSON, 170 RIDGE ACRES ROAD  
NOVEMBER 24, 2020  
PAGE 4

**PRIOR TO USE OF THE SPORTS COURT**

- F. Before using the sports court for the first time, the applicant shall submit the following:
1. Verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition 'A', above.
  2. A final "as built" survey showing that the sports court has been properly completed in accordance with the approved plans, and complies with zoning setback requirements (at least 50 feet from the south property line).
- G. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action by (November 24, 2021). This may be extended as per Section 1009.

All provisions and details of the plan, as approved herein, 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 the next sixty (60) days of this action AND prior to the start of work, a Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records or this approval shall become null and void.