

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 10, 2020**

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

Street Address: 36 Beach Drive
Assessor's Map #53 Lot #3 and #4

Name and Address of Property Owners: Geoffrey Beringer
36 Beach Drive
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Sean Walters
Wagner Pools
101 Noroton Avenue
Darien, CT 06820

Activity Being Applied For: Proposal to install a spa, trellis, fire pit and an at-grade terrace, and to perform related site development activities within regulated areas.

Property Location: The 0.346+/- acre subject property is located on the west side of Beach Drive approximately 200 feet south of its intersection with Outlook Drive.

Zone: R-1/2

Date of Public Hearing: October 20, 2020

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

Publication of Hearing Notices

Dates: October 8 & 15, 2020 Newspaper: Darien Times

Date of Action: November 10, 2020 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
November 19, 2020

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all applicable 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 detail in the application, the submitted plans, 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.

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- 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 install a 7' x 7' spa, trellis, fire pit and an at-grade terrace, and to perform related site development activities within regulated areas. The subject property is served by public water and sewer.
2. The Darien Environmental Protection Commission (EPC) approved construction activities (agent approval) within an upland review area on the subject property on September 3, 2020 (EPC #23-2020). That approval is hereby incorporated by reference.
3. The Darien Zoning Board of Appeals (ZBA) granted a variance on April 22, 2020 (Calendar No. #22-2020) to allow the construction of improvements within required setbacks. That variance is hereby incorporated by reference.

STORMWATER MANAGEMENT

4. The subject property is located within the lower 1/3 of the watershed with direct frontage on Holly Pond. Currently, runoff from the property drains directly to Holly Pond. At the public hearing, it was noted that water quality would be treated as a result of the proposed improvements, as opposed to detaining water and managing stormwater quantity. The Commission finds that there is no requirement or need to detain water and manage stormwater quantity, because of the property's location in the watershed, and the limited amount of new impervious surface being proposed within this application. Assistant Director of Public Works Darren Oustafine sent an e-mail dated October 7, 2020 with comments on the application, noting that the subject house is served by public sewer, and the project does not require a Street Opening Permit.
5. The steppingstone patio will be laid on stone dust with 6-inch wide turf joints to allow for infiltration of stormwater runoff into the soil.

PROPOSED WORK WITHIN CAM AREA

6. An Environmental Assessment Report prepared by Wagner Pools, dated September 24, 2020 was submitted for the record as part of the original application.
7. The Commission finds that all proposed work is to occur in an area that is part of the constructed existing landscape in the rear and side yards of the residence.
8. The proposed spa, fire pit, and patios/hardscape are proposed within 100 feet from Mean High Water along with the existing single-family residence and related site improvements.
9. The Commission finds that the proposed improvements, if properly implemented, are not contrary to the goals, objectives, and policies of the Coastal Area Management Program.

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10. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22(a)-92 of the Connecticut General Statutes.
11. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

PROPOSED WORK WITHIN THE FLOOD ZONE

12. The majority of the property is located within the VE14 and AE14 flood zones. The patio areas are located within at AE14 flood zone; however, the proposed spa, equipment pad, and firepit are to be elevated out of the flood zone.
13. The existing HVAC units at the south side of the residence are to be relocated slightly to the east, further away from Holly Pond, to create space for the equipment pad for the spa that will be raised up on platform to meet the flood regulations.
14. The Commission finds that the proposed work will not result in an increase of flood heights and the proposal meets or exceeds Section 825 of the Darien Zoning Regulations.
15. The Commission finds that the proposed activities as shown on the site development plan, to be implemented with the conditions listed herein, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

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

- A. Work shall be in accordance with the following plans submitted to and reviewed by the Commission:

SURVEY

- Zoning Location Survey, 36 Beach Drive, Prepared for Geoffrey M. Beringer 2019 Revocable Living Trust by William W. Seymour & Associates, P.C., dated July 2, 2020, last revised August 26, 2020.

LANDSCAPE PLAN

- Sheet LA-1, Landscape Enhancement Drawings, Beringer Residence, 36 Beach Drive, Prepared by Wagner Pools, dated June 8, 2020, last revised July 19, 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 the construction of the improvements 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

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per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

STORMWATER MANAGEMENT

- C. Because the proposed improvements are located within the bottom 1/3 of the watershed and are directly adjacent to Holly Pond, and the amount of new impervious surface is less than 500 square feet, the Commission hereby waives the requirements of Section 880 of the Regulations.

PERMITS REQUIRED

- D. The granting of this Permit does not relieve the applicant of the responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for Zoning and Building Permits for the proposed spa.

PRIOR TO ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

- E. Prior to the request for the Certificate of Zoning Compliance for the proposed improvements, the applicant shall submit the following:
1. A final "as built" map and/or other evidence that all improvements have been properly completed in accordance with the approved plans, and complies with zoning setback and building coverage requirements, as well as the Zoning Board of Appeals variance approval.
 2. Certification that the spa, fire pit, and all related equipment have been placed at or above the flood elevation (elevation 14.0), or outside of the flood zone.
 3. As recommended in Mr. Oustafine's October 7 e-mail, the Commission hereby requires that the as-built survey/drawing prepared by licensed land surveyor or certified by registered professional engineer show all utilities or buried infrastructure installed as part of this land use proposal. The as-built survey/drawing shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future; and
- F. 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.
- G. This permit shall be subject to the provisions of Sections 815 and 829(f) of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 10, 2021). This time limit may be extended as per Sections 815 and 829(f) of the Regulations.

All provisions and details of the plans, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman.