

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 24, 2020

Application Number: Coastal Site Plan Review #50-D
Flood Damage Prevention Application #39-D
Land Filling & Regrading Application #271-A

Street Addresses: 6 Contentment Island Road
Assessor's Map #67 Lot #64

Name and Address of
Property Owners and Applicants: Steven & Lisa Eppley
6 Contentment Island Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Jeffrey W. McDougal
William W. Seymour & Associates, P.C.
170 Noroton Avenue
Darien, CT 06820

Activities Being Applied For: Proposal to remove a portion of the existing paved driveway, to replace it with lawn, and to construct a retaining wall to create a level yard area, and to perform related site development activities within regulated areas.

Property Location: The 0.81+/- acre subject property is located on the west side of Contentment Island Road, approximately 230 feet south of its intersection with Tokeneke Beach Drive.

Zone: R-1

Date of Public Hearing: November 10, 2020

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

Publication of Hearing Notices

Dates: October 29 & November 5, 2020

Newspaper: Darien Times

Date of Action: November 24, 2020

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
December 3, 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.
- 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 remove a portion of the existing paved driveway, to replace it with lawn, and to construct a retaining wall to create a level yard area, and to perform related site development activities within regulated areas. The subject property is served by public water and an on-site subsurface sewage disposal system. Approximately 115 cubic yards of fill will be brought onto the site.

STORMWATER MANAGEMENT

2. A one page Engineering Report dated October 12, 2020, prepared by LBM Engineering, LLC, was submitted for the record as part of the application. Presently, stormwater runoff from the property drains to Scotts Cove to the north, west, and south.
3. The proposed improvements will result in a net decrease in impervious surfaces on the property and will reduce runoff onto Contentment Island Road when compared to existing conditions.
4. The Commission notes that an existing tidally influenced drainage pipe from Contentment Island road to Scott's Cove traverses the northeast portion of the site in the area of the proposed improvements. It was noted by the applicant that the drainage pipe is to remain in its existing location, undisturbed.
5. Neighbors from 2 Contentment Island Road and 3 Contentment Island Road spoke at the public hearing voicing their concerns regarding the application. The applicant, the property owner, and the professional engineer, John Martucci, responded to the comments.

PROPOSED WORK WITHIN CAM AREA

6. The proposal, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
8. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

PROPOSED WORK WITHIN THE FLOOD ZONE

9. 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.

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10. The Commission believes that the proposed activities as shown on the site plan, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

11. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

12. 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 #50-D, Flood Damage Prevention Application #39-D and Land Filling & Regrading Application #271-A are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

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

- Site Plan, 6 Contentment Island Road, Darien, Prepared for Steven K. Eppley & Lisa B. Eppley by LBM Engineering, LLC, dated October 12, 2020.

The Commission requires that a revised site plan be submitted by the applicant to the Planning & Zoning Department, prior to any on-site work, depicting the location of the tidally influenced drainage pipe from Contentment Island road to Scotts Cove that traverses the northeast portion of the site in the area of the proposed improvements.

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 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.

C. An expansion joint shall be utilized to create the connection between the new proposed retaining wall and the existing concrete wall on the shared property line on the northeast portion of the site.

STORMWATER MANAGEMENT

D. Because this application is located within the bottom 1/3 of the watershed, and is directly adjacent to Long Island Sound, the Commission hereby waives the requirement to address stormwater runoff quantity. Only water quality shall be addressed as part of this application.

E. Throughout the redevelopment of the site, the applicant shall properly manage stormwater runoff to avoid negative impacts to neighbors and/or the street.

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- F. 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.
- G. Once the work is complete, the property owner shall submit the following to demonstrate compliance with the approved plans:
 - 1. A final “as built” map and/or other evidence that all work has been properly completed in accordance with the approved plans;
- 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 this permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Sections 815, 829f, and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 24, 2021). This may be extended as per Sections 815, 829f, and 858.

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 conditions and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this approval prior to the start of work.