

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 27, 2020**

Application Number: Special Permit Application #316

Street Addresses:

10 Nearwater Lane

Assessor's Map #51 Lot #43

18 Hoyt Street

Assessor's Map #25 Lot #144

395 Mansfield Avenue

Assessor's Map #2 Lot #8

133 Mansfield Avenue

Assessor's Map #6 Lot #54

7 Old Farm Road

Assessor's Map #65 Lot #23

Name and Address of Applicant
& Applicant's Representative:

Hayley Marcous
Darien After School, LLC
c/o 28 Oakshade Avenue
Darien, CT 06820

Name and Address of
Property Owner:

Darien Board of Education
c/o 2 Renshaw Road
Darien, CT 06820

Activity Being Applied For: Proposal to operate enrichment and childcare programs at each of the Town's five public elementary schools, for and by contract with the Darien Board of Education. A.M and P.M. programs are to be run for elementary school children, on days school is in session, at the Town's five elementary schools.

Property Location: The programs will be run out of Hindley School, Holmes School, Ox Ridge School, Royle School and Tokeneke School.

Zone: R-1/3, R-1/2, R-1 and R-2 residential zones and the Municipal Use (MU) Overlay Zone

Date of Public Hearing: October 20, 2020

Time and Place: 8:00 P.M. Room 213 and online Via GoToMeeting Town Hall

Publication of Hearing Notices

Dates: October 8 & 15, 2020

Newspaper: Darien Times

Date of Action: October 27, 2020

Action: GRANTED WITH STIPULATIONS

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SPECIAL PERMIT APPLICATION #316
DARIEN AFTER SCHOOL, LLC
10 NEARWATER LANE; 18 HOYT STREET; 395 & 133 MANSFIELD AVENUE; 7 OLD FARM ROAD
OCTOBER 27, 2020
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Scheduled Date of Publication of Newspaper: Darien Times
Action: November 5, 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 406, 420, 1000 and 1020 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.

-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 operate enrichment and childcare programs at each of the Town's five public elementary schools, for and by contract with the Darien Board of Education. A.M and P.M. programs are to be run for elementary school children, on days school is in session, at Hindley School, Holmes School, Ox Ridge School, Royle School and Tokeneke School.
2. This activity is considered a Special Permit use in these zones. Public schools are permitted as-of-right. A Detailed Description of the Program including company experience and property information was submitted for the record as part of the application.
3. The enrichment portion of the program is to take place one hour before and/or after the regular school day, with a specific enrichment activity. The enrichment program does not require licensure from the State of Connecticut. The child care portion of the program is defined by the State as a Child Care Center, defined as providing regular care to more than twelve related or unrelated children outside of their homes. The Child Care portion of the proposal is to run a State licensed Child Care program.
4. Program hours are 7:30 a.m. to 6 p.m., Monday through Friday and only when school is in session.
5. Students will arrive and be dismissed through the designated entrance by school administration. This is typically the main entrance of the building; however, at times principals of the schools may direct the program to use an entrance/exit that is less disruptive to operations of the schools. Drop-off and pick-up are in person, with a one-to-one hand of caregiver to program teacher.

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6. No physical changes are proposed to the existing schools or the school grounds. Program space for child care will be the common rooms, gymnasiums, school media centers and playgrounds.
7. At the public hearing on this matter, no members of the general public spoke with regard to the proposal.

SPECIAL PERMIT FINDINGS

8. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
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) through (g) and will not adversely affect public health, safety and welfare. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
10. 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.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #316 is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Activities and programs at the five elementary schools shall be in accordance with the application materials and program details submitted by the applicant.
- B. 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. This includes any required approvals from the State of Connecticut Office of Early Childhood.
- C. 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.
- D. 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 year of this action (October 27, 2021).

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. A Special Permit form shall be filed in the Darien Land Records prior to the implementation of the program at the schools in order to finalize this approval.