

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**February 5, 2019**

Application Number: Amendment of Site Plan Application #301, and  
Special Permit Application #301, Land Filling & Regrading Application #433

Street Address: 560 Middlesex Road  
Assessor's Map #6 Lot #149-B

Name and Address of Applicant & Property Owner: Town of Darien  
2 Renshaw Road  
Darien, CT 06820

Name and Address of Applicant's Representative: Jayme J. Stevenson, First Selectman  
Town of Darien  
2 Renshaw Road  
Darien, CT 06820

Activity Being Applied For: Proposal to modify, clarify and amend the Commission's July 24, 2018 approval as follows:

- Condition D on page 8 of the original Adopted Resolution—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event.
- Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring.
- Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D)
- Condition Q (there were 2 Q's) and Condition X, on pages 10 and 12 respectively—allowing the Town until 2023 to complete all of the various improvements approved by the Commission.
- Condition R, pages 10 and 11—only require a 30 minute break between programmed activities for programs with 30 or more participants.
- The second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town feels that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site.
- Condition T on page 12—allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line.

Subject Property: The 16.296+/- acre subject property is situated on the south and east side of Middlesex Road approximately 300 feet west of its intersection with Mansfield Avenue.

Zone: R-2

Date of Public Hearing: January 29, 2019  
Deliberations held: January 29, 2019 and February 5, 2019

Time and Place: 8:00 p.m. Room 119 Darien Town Hall

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Publication of Hearing Notices

Dates: January 17 & 24, 2019

Newspaper: Darien Times

Date of Action: February 5, 2019

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
February 14, 2019

Newspaper: Darien Times

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 400, 850, 880, 940, 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 amendment request, the submitted documents, 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:

1. On July 24, 2018, the Darien Planning & Zoning Commission approved a Site Plan/Special Permit/Land Filling & Regrading application for the subject property. That application was to refurbish and expand two existing parking areas composed of porous asphalt and gravel. The applicant also proposed to construct a 0.5+/- mile stone chip pedestrian walking/jogging pathway, and locate a single story storage shed, and a portable bathroom at 560 Middlesex Road; including construction of a stormwater management system, minor regrading of the property, and installation of ancillary signage and fencing, and to perform related site development activities. The application included a proposal to utilize the property for programmed/active and passive recreational uses and activities, as well as periodic "Special Events" with restrictions on use.
2. The subject amendment application consists of the following submittals:
  - a) A January 11, 2019 letter from First Selectman Jayme Stevenson, describing the request;
  - b) A redlined version of the July 24, 2018 Adopted Resolution showing the proposed requested changes;
  - c) An undated letter from Chance Arkelian, Head Trainer of the adjoining Ox Ridge Riding & Racquet Club, entitled "Consideration of Activities on Field at 560 Middlesex Road Ox Ridge Club Perspective".

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3. At the public hearing on this matter, the Planning & Zoning Commission reviewed each of the modifications and clarifications requested by First Selectman Stevenson, and discussed each one individually.
4. The first request was a modification to Condition D on page 8 of the July 24, 2018 Adopted Resolution—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event. The Commission noted that especially for larger events, more than one portable bathroom would be appropriate. Related to that request was a modification to Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D). It was acknowledged that especially during winter months, very little activity would be held at the site, and that a portable bathroom would not be necessary. The intent was to have the portable bathroom for programmed activities and special events.
5. The next request was for modifications to Condition Q (there were 2 Q's in the Adopted Resolution) and Condition X—allowing the Town until 2023 to complete all of the various improvements approved by the Commission. The Commission noted that typically, applicants are given one year to complete projects, and in this case, the Commission granted three years (from 2018 to 2021). It was acknowledged that there are budgeting implications to implementing this project. First Selectman Jayme Stevenson said that funds are being requested in the current capital 2019-2020 budget. The project will be in the range of \$500,000-\$1,000,000 for full, complete, implementation of all of the aspects presented in the original application. Work could occur all in one year, or in multiple years. The original Commission approval in Conditions Q and X required implementation by July 24, 2021. The Commission believed that it would be appropriate to see if this project can get fully implemented prior to 2021, and if not, the applicant may return to the Commission in 2020 for an extension of time beyond 2021.
6. Condition R, on pages 10 and 11 of the July Adopted Resolution requires a 30 minute break between programmed activities for programs with 30 or more participants with one parking area being constructed, and 60 or more participants with both approved parking areas being constructed. The Commission noted that the 30 minute break was recommended by the traffic consultant in the original application, but it did not envision very small programs which may run back-to-back.
7. Condition T on page 12 is to allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line. The spirit of the original approval was to keep amusement rides from the Ox Ridge Riding & Racquet Club, as such may disturb horses. A more recent letter from the Ox Ridge Riding & Racquet Club trainer clarifies the Club's position. Commission members suggested amusements one time per year for a maximum of two days on a weekend (this does not include a day for setup), with a maximum of five rides, would be appropriate. All rides should be shut at sundown, and Planning & Zoning Department staff may approve the details of specific ride locations on the property. The Commission was not in favor of a large amusement event such as Hindley

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Happening, and thus, the limit on the number of amusement rides that may be located on this property.

8. Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring. It was suggested to allow the use of one temporary lot for programmed activities through the end of 2019. A stopgap measure would be to fortify that “northern” parking lot by adding gravel. The Commission believes that the construction of the second parking lot (the “western” lot) should be done by spring 2020.
9. The Commission then reviewed the proposed second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town believes that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site. It was explained that it is easier to count, manage, and limit vehicles coming on the site, rather than manage potential users walking into the site. It was agreed that details regarding Special Events to be held on the site shall be submitted in advance to the Planning & Zoning Department, and that Special Events need to be coordinated with the Ox Ridge Riding & Racquet Club.

**PUBLIC COMMENTS RECEIVED**

10. The only public comment received on the subject application was a January 29, 2019 e-mail from Hank Wilson of 527 Middlesex Road. In his e-mail, he noted his concerns with some of the proposed requests. His concerns were received by, and discussed by, the Commission.
11. In conclusion, the Commission finds:
  - a) that the requests by the Town which will be approved “as requested by the Town” are:
    - Condition D on page 8—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event.
    - Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring.
    - Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D)
    - Condition R, pages 10 and 11—only requires that a 30 minute break between programmed activities for programs with 30 or more participants with one parking area being constructed, and 60 or more participants with both approved parking areas being constructed.
    - The second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town believes that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site.
  - b) the requests that are hereby modified or not approved exactly as requested, are:

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- Condition Q (there were 2 Q's) and Condition X, on pages 10 and 12 respectively—allowing the Town until 2023 to complete all of the various improvements approved by the Commission. **The Commission is not approving this request. See Finding #5.**
- Condition T on page 12—allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line. **The Commission is approving this request with modifications as noted in Finding #7.**

SPECIAL PERMIT FINDINGS

12. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
13. The location and size of the use and the nature and intensity of the proposed operation conforms to the applicable requirements of Section 1005 (a-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.
14. 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 **Amendment of Site Plan Application #301, Special Permit Application #301, and Land Filling & Regrading Application #433** are hereby approved subject to the foregoing and following stipulations, modifications and understandings. **Below is a “redlined” version of the Commission’s July 24, 2018, which will now reflect the Commission’s decision herein:**

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:

ENGINEERING PLANS

Plans generally entitled ‘560 Middlesex Road, Darien, CT’ prepared for the Town of Darien by Redniss & Mead, dated April 10, 2018, last revised May 23, 2018:

- Sheet SV-1, Aerial Vicinity Exhibit;
- Sheet SV-2, Topographic Vicinity Exhibit;
- Sheet SE-1, Site Development Plan;
- Sheet SE-2, Sedimentation & Erosion Control Plan;
- Sheet SE-3, Notes & Details;
- Sheet SE-4, Details;
- Sheet SE-5, Images of Details;
- Sheet SE-6, Porous Parking Sections;
- Sheet EXH-1, Coverage Comparison;

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- Sheet EXH-2, Slope Exhibit.

The proposed landscaping and plantings for the site are shown on the submitted Site Development Plan referenced above. A standalone 'landscape plan' was not submitted by the applicant.

- B. During the site work, the property owner shall utilize the sediment and erosion controls illustrated on the submitted plan referred to in Condition 'A' above, and any additional measures as may be necessary due to site conditions, including tree protection as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during site work and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and 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, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Because of the nature of the proposal, the Commission hereby waives the requirement for a Performance Bond.
- D. The proposed portable bathroom(s) shall be placed on-site for scheduled activities on an as-needed basis determined by the Parks and Recreation Department. A portable bathroom(s) shall be on-site for all special events.
- E. The Commission hereby allows the proposed storage shed, portable bathroom, and associated fence/screen and gravel pad to be located anywhere, directly adjacent and along the eastern side of the parking lot in the southwest corner of the property.

#### TRAFFIC & PARKING

- F. The overflow parking areas shall remain closed except for special events and the annual June horse show.
- G. Special events will be scheduled by the Parks & Recreation Department with consideration given to available parking provided on the site.
- H. Because of the limited shoulder widths along Middlesex Road in the vicinity of the site and the visual impact on surrounding properties, no on-street parking adjacent to the property shall be permitted. If required by the Local Traffic Authority, 'No Parking' signs may be installed on the south side of Middlesex Road, generally between Middlesex Road/Ox Ridge Lane and Mansfield Avenue and along the easterly side of Middlesex Road along the site frontage and south of the Ox Ridge Lane intersection.
- I. The placement of traffic control signage in the direct vicinity of the site shall be at the discretion of the Local Traffic Authority.

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- J. Equestrian and vehicular access shall be maintained between the subject property and the Ox Ridge Riding and Racquet Club, through two gates in the proposed fence along the southern property line.

**LANDSCAPING & BUFFERING**

- K. Two locking gates shall be included in the proposed paddock fencing along the shared property line to the south to maintain equestrian and vehicular access between the subject property and the Ox Ridge Riding and Racquet Club. Opaque wire fencing or a similar application shall be placed between or behind the rails to prevent, children, pets, balls or other objects from passing onto the Ox Ridge Riding and Racquet Club property.
- L. The Commission hereby waives the requirements of Section 944 of the Regulations that would otherwise require a 25-foot wide buffer area along and within the boundaries of the subject property, buffering adjacent residential properties from activities on the site. This waiver allows for the views of the site and field to be preserved from Middlesex Road and the adjoining residential properties as expressly desired by many neighbors at the public hearing. The existing trees and rock wall along Middlesex Road shall remain to the greatest extent possible, and shall only be removed to improve sight lines and/or allow access. A tree may be removed in the case where it is dead, dying or diseased.
- M. The Commission requires that plantings be placed within the 50 foot buffer from Middlesex Road, directly adjacent to the proposed parking areas, as noted on the approved Site Development Plan. These plantings, in conjunction with the existing rock wall, shall assist in minimizing visual impacts and screening of vehicles within the two proposed parking areas from neighboring residential properties on Middlesex Road. The Commission acknowledges that the purpose of this screening is to soften the view of the parking areas, but not to screen the desired vistas of the property.
- N. All landscaping planted and shown on the Site Development Plan shall be maintained in a vigorous growing condition throughout the duration of the use of subject property. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**SCHEDULE & PHASING**

- O. The Town may allow access and usage of the site prior to the construction of one or both of the proposed permanent parking areas for daily public access and special events. The temporary parking shall use the existing curb cuts. Temporary demarcation (e.g., boulders, telephone poles, etc.) shall be provided for the temporary parking area(s), prior to any special events occurring at the site.
- P. The Town shall not schedule any programmed activities at the site until at least one of the two proposed permanent parking areas is marked out with temporary fencing and appropriately stabilized with temporary gravel fill. Both permanent parking areas shown on the approved plans shall be fully constructed by March 31, 2020.

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- Q. The proposed fencing along the property line with the Ox Ridge Riding and Racquet Club shall be installed before any programmed activities and special events occur at the site.
- Q. All aspects of this proposal shall be installed/completed on the site with three (3) years of this action, by July 24, 2021.

**USAGE/ACTIVITIES LIMITS**

- R. The Planning & Zoning Commission hereby permits the following activities to occur on the site subject to the conditions noted. This includes some modifications to the Town's proposal. One such modification is a reduction in the number of special events annually.

**Public Access.**

1. Public access to the property shall be permitted from dawn until dusk, seven days per week, 365 days per year for any activities outside those defined as programmed activities and special events.
2. Dogs shall be permitted on leash only.

**Programmed Activities.**

1. Programmed activities shall be permitted as proposed by the Board of Selectmen as follows:

Months of September through March

- a. Monday through Friday – 7:00 a.m. to 10:00 a.m. and 3:00 p.m. until dusk
- b. Saturdays – 9:00 a.m. to the earlier of 6:00 p.m. or dusk.
- c. Sundays – 12:00 p.m. to the earlier of 6:00 p.m. or dusk.
- d. No programmed activities shall occur on the site between 10:00 a.m. and 3:00 p.m. Monday through Friday.

Months of April through August

- a. Monday through Friday – 7:00 a.m. to 6:00 p.m.
- b. Saturday – 9:00 a.m. to 6:00 p.m.
- c. Sunday – 12:00 p.m. to 6:00 p.m.

2. All programmed activities shall be coordinated and scheduled through the Town Parks & Recreation Department.
3. A minimum of thirty (30) minutes shall be scheduled between multiple programmed activities occurring at once, at which 30 or more participants in any one program have been registered or are expected to attend with one parking area being constructed, and 60 or more participants with both approved parking areas being constructed. This 30 minute break will allow participants/spectators/visitors for one particular programmed activity to leave the site prior to the arrival of individuals for the next scheduled programmed activity, thus freeing up parking spaces in the parking area(s) and reducing potential traffic impacts on area roadways, particularly Middlesex Road.
4. Parking demand associated with programmed activities and public access shall not exceed the number of proposed permanent parking spaces (not to exceed 92 spaces). This means the



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use of overflow parking areas shall not be permitted for programmed activities in order to properly manage the intensity of use at the property.

5. No amplified announcements or music shall be permitted in connection with programmed activities on the site.

**Special Events.**

1. A special event shall be defined as a planned Town and/or non-profit sponsored gathering that is not a programmed activity. Except for the Ox Ridge Horse Show, no more than 240 vehicles shall be parked on-site at any one time. This is the area within 120 feet of Middlesex Road, shown as "Area Available for Overflow Parking" on Sheet SE-1 of the approved plans..
2. Town and/or non-profit sponsored gatherings of less than 100 individuals shall be considered programmed activities as conditioned by this approval.
3. Special events shall be limited to a maximum of eight (8) annual Town sponsored and/or non-profit sponsored special events.
4. The June charity horse show, sponsored by the Ox Ridge Riding and Racquet Club, which has and will continue to operate on a portion of the subject property (as permitted by the Board of Selectmen), shall not count towards the eight annual special events permitted on the site.
5. Where reasonably practicable, the Commission encourages special events to be scheduled on Fridays and Saturdays.
6. Special events shall conclude by 10 p.m. on Fridays and Saturdays and by 8 p.m. Mondays through Thursdays and on Sundays.
7. Setup and breakdown for such special events may occur within two (2) days of the event and may not occur before 8 a.m. or after 9 p.m on weekdays and Sundays or after 11 p.m. on Fridays and Saturdays.
8. Where reasonably practicable, any special events shall occur on the northern half of the property so as to avoid conflicts with equestrian activities at Ox Ridge Riding and Racquet Club.
9. All special events shall comply with all applicable rules and regulations set by the Town Parks & Recreation Department.
10. No programmed activities or special events shall occur during the annual June Ox Ridge Riding and Racquet Club horse show.
11. The Commission strongly encourages the applicant to coordinate all special events with the Ox Ridge Riding & Racquet Club so as to avoid conflicts with horse shows, tournaments and other events that have been planned for and are occurring at the Club.
12. The applicant shall not schedule any special events at the same time as special events are scheduled at the Ox Ridge Riding and Racquet Club.
13. All special events shall be coordinated and scheduled through the Town Parks & Recreation Department.
14. Each January, the Parks & Recreation Department shall submit to the Planning & Zoning Department a list of scheduled special events, and notify the Department as the event list is modified throughout the year. A list of all events for the remainder of 2018 shall be submitted by September 1, 2018.

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15. Amusement attractions or rides shall be prohibited within 300 feet of the shared property line with the Ox Ridge Hunt Club. However, up to five (5) amusement attractions or rides may only be placed once a year, for up to two (2) days on a weekend. One day may be used for setup. All rides shall be shut off by sundown.

S. Any desired modifications by the applicant to these permitted uses, and associated conditions placed on the uses, by the Commission shall require prior review and action by the Planning & Zoning Commission.

#### PROHIBITED ACTIVITIES

T. In order to minimize potential conflicts with equestrian activities occurring on the adjacent Ox Ridge Riding and Racquet Club property to the south, the following activities shall be prohibited on the entire property:

1. Dogs off leash.
2. Hitting golf balls.
3. The flying of objects (e.g. kites, drones, model rockets and airplanes, etc.).
4. Fireworks or pyrotechnic displays.
5. Amusement attractions or rides shall be prohibited within 300 feet of the shared property line with the Ox Ridge Hunt Club: (see Special Events #15, above)

#### CERTIFICATIONS REQUIRED

U. The stormwater systems shall be installed at the same time the associated parking areas are constructed on the site. The applicant's project engineer shall provide a certification that the stormwater management (drainage) system is installed in full compliance with the approved plans.

V. 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.

W. 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.

X. This permit shall be subject to the provisions of Sections 858, 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within three years of this action (July 24, 2021). This will allow for implementation of the various project aspects over multiple years, and may be extended as per Sections 858, 1009 and 1028.

All provisions and details of the plans 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 and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the start of the work to finalize this approval.