

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 27, 2018**

Application Numbers: Business Site Plan Application #302, Special Permit Application #302,  
Flood Damage Prevention Application #383  
Land Filling & Regrading Application #436

Street Addresses: 1034, 1078, 1082, 1090 & 1120 Boston Post Road  
10, 15, 30 & 37 Corbin Drive

Assessor's Map #72 as Lots #13-14, #15-21, #21A, #22-27 and #27A  
(Assessor's Map #38 Lot #20 will include the creation of a new stormwater quality basin)

Name and Address of Applicant: Baywater Corbin Partners, LLC  
1019 Boston Post Road  
Darien, CT 06820

Names and Addresses of Property Owners: Baywater 1078 BPR, LLC  
Baywater 1078 BPR2, LLC  
Baywater 1090 BPR, LLC  
Baywater 10 Corbin, LLC  
Baywater 30 Corbin, LLC  
c/o Baywater Properties  
1019 Boston Post Road  
Darien, CT 06820

Estate of Paul D. & Judith P. Tibbetts  
37 Corbin Drive  
Darien, CT 06820

Guernsey Realty Company, Inc.  
c/o F&F Management Company  
P.O. Box 2186  
Stamford, CT 06906

CFW, LLC  
P.O. Box 355  
Trumbull, CT 06611

Vinkath Realty, LLC  
1044 Boston Post Road  
Darien, CT 06820

Name and Address of Applicant's Representative: Robert F. Maslan, Jr., Esq.  
Maslan Associates, P.C.  
30 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposal to demolish all buildings within the Corbin Subarea (CBD-CS) and to build a mixed-use development with retail, restaurant, office and residential uses; create

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new off-street parking and internal drives; create new public plaza areas; and to perform related site development activities within a regulated area.

In an associated application (COZM #1 2018, COZR #5 2018), the applicant proposes to amend the Darien Zoning Map to add 0.1697+/- acres to the Corbin Subarea (CBD-CS) on the northeasterly side of Corbin Drive within the Central Business District (CBD); and to amend Section 856 of the Darien Zoning Regulations to allow the processing, sorting, crushing, grading, mixing, fabrication, or similar activities on project sites in commercial zones with certain restrictions.

Property Locations: The sixteen (16) combined subject lots that make up the property are bounded on the north by the Center Street Municipal Parking Lot (north of Corbin Drive), to the east by Old King's Highway South, to the south by the Connecticut Turnpike (Interstate 95), and to the west by the Boston Post Road; and are shown on Assessor's Map #72 as Lots #13-14, #15-21, #21A, #22-27 and #27A in the Corbin Subarea (CBD-CS) Zone.

Dates of Public Hearing: July 10, 2018 (opened and immediately continued to July 17), July 17, 2018, continued to July 31, 2018, August 28, 2018 & September 4, 2018

Deliberations held on: September 4, 2018 (COZM #1, 2018, COZR #5-2018 only), October 9, 2018, October 23, 2018, November 27, 2018.

Time and Place: 8:00 P.M. Auditorium & Room 206 (8/28 and 9/4 hearings) Town Hall

Publication of Hearing Notices

Dates: June 28, 2018 & July 5, 2018

Newspaper: Darien Times

Date of Action: November 27, 2018

Actions:

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**APPROVED WITH CONDTIONS  
WITH AN EFFECTIVE DATE OF  
SUNDAY, DECEMBER 9, 2018 AT 2:05  
P.M.**

ZONING REGULATION AMENDMENT:

(Separate, yet related decision on October 30, 2018)

**ADOPTED WITH MODIFICATIONS  
WITH AN EFFECTIVE DATE OF  
SUNDAY, DECEMBER 2, 2018 AT 12:15  
P.M.**

ZONING MAP AMENDMENT:

(Separate, yet related decision on October 30, 2018)

**ADOPTED WITH AN EFFECTIVE DATE OF  
SUNDAY, DECEMBER 2, 2018 AT 12:15  
P.M.**

Scheduled Date of Publication of Action:

Newspaper: Darien Times

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December 6, 2018

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

- the proposed use and activities must comply with all provisions of Sections 580, 690, 820, 850, 905, 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 redevelopment plans, and the statements of the applicant's representatives 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 review of the submitted application materials and related analyses, the Commission finds:

1. The submitted subject application consists of proposals to:
  - a. Raze all buildings on the site and construct a new mixed-use integrated development consisting of retail, restaurant, office and residential uses;
  - b. Construct off-street parking to satisfy the parking requirements of the development, and construct new internal drives to address traffic circulation in and around the project;
  - c. Create new internal public plaza spaces; and to perform related site development activities.
  - d. Amend Section 856 of the Darien Zoning Regulations to allow the processing, sorting, crushing, grading, mixing, fabrication, and similar activities on project sites in commercial zones with certain restrictions (separate, yet related application).
  - e. Amend the Darien Zoning Map to add 0.1697+/- acres to the Corbin Subarea (CBD-CS) on the northeasterly side of Corbin Drive within the Central Business District (CBD) (separate, yet related application).

This decision only addresses the site plan/special permit application (a, b, and c, above). The zoning regulation and zoning map amendments were the subject of separate, yet related, decisions by the Planning & Zoning Commission on October 30, 2018.

2. The development program includes 116 one- and two-bedroom residential apartments, 81,200+/- square feet of office space, 83,270+/- square feet of ground floor retail space, 16,910+/- square feet for restaurants and other food service providers. A total of 744 on-site parking spaces will be provided, including 22 handicap accessible spaces. A total of nine buildings are proposed, three of them to the north and east of Corbin Drive, and the remainder to the south and west of Corbin Drive.
3. Seven of the nine new proposed mixed-use buildings will have residential dwelling units on second and third floors. There are 122 new residential units proposed as part of this

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redevelopment (67 one-bedroom units and 55 two-bedroom units). Because there are more than five new residential units proposed, there is a requirement for inclusionary units as part of this application, in accordance with Section 580 of the Zoning Regulations. Sixteen (16) below market rate units are proposed as part of the redevelopment. Later within this Resolution, the Commission will make further findings regarding those inclusionary units.

**MIX OF USES**

4. The proposed redevelopment of the site as put forth by the applicant, will include 83,270+/- square feet of retail space, 16,910+/- square feet of “quality” restaurant space, and 81,200+/- square feet of Class A office space. The square footage of proposed commercial space by building is as follows:

<b>Building</b>	<b>Retail</b>	<b>Restaurant</b>	<b>Office</b>	<b>Residential</b>	<b>Core</b>
Building A	8,910 SF	5,910 SF	--	28,670 SF	6,420 SF
Building B	6,340 SF	7,230 SF	--	25,500 SF	8,630 SF
Building C	3,550 SF	3,770 SF	--	14,760 SF	5,290 SF
Building D/E	24,380 SF	--	10,160 SF	31,000 SF	10,100 SF
Building F	15,460 SF	--	68,750 SF	--	10,470 SF
Building H	12,610 SF	--	--	30,780 SF	7,510 SF
Building I	7,930 SF	--	--	17,980 SF	3,900 SF
Building K	1,540 SF	--	--	6,040 SF	1,540 SF
Building L	2,550 SF	--	2,290 SF	--	--
<b>Total</b>	<b>83,270 SF</b>	<b>16,910 SF</b>	<b>81,200 SF</b>	<b>154,730 SF</b>	<b>53,860 SF</b>

*Notes: Building 'I' retail includes first floor bank space; No Building 'G' or Building 'J' included on plans  
Source: Sheet A.030, Building Analysis, prepared by Beinfield Architecture, last revised 9/27/2018.*

5. The Commission acknowledges that limited details have been submitted regarding the proposed restaurant spaces. Sheet A.101, prepared by Beinfield Architecture, dated 5/18/2018, shows the locations of the proposed restaurant spaces within the buildings. The restaurant spaces shown total 16,910+/- square feet. These plans do not show any bar areas associated with the restaurants or any specific venting systems. It is acknowledged that the applicant(s) will need to return to the Commission for detailed special permit reviews related to all aspects of the restaurants, including venting systems and any associated outdoor dining. Applications to the Architectural Review Board (ARB) will also be required for review of outdoor furniture (i.e. tables, chairs, umbrellas and/or awnings) associated with any desired outdoor dining. The Commission encourages such outdoor dining, and notes that seating for up to 16 patrons per restaurant is permitted without requiring additional parking. Any outdoor seating beyond 16 seats per restaurant requires review and action by the Commission, relative to the parking requirements.
6. The applicant has shown on the grade level plans both restaurant and retail spaces. Other uses, such as personal service uses, or convenience food service uses, may be considered by the Commission as permitted by Section 694 of the Zoning Regulations, but each requires prior review and action by the Commission. The Commission can then make a determination as to

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whether the use is appropriate under the Corbin Subarea District and the applicable Special Permit standards. The Commission discourages the applicant from eliminating the restaurant spaces, as they will add vibrancy to the area.

**RESIDENTIAL UNITS**

7. As noted above, seven of the nine proposed buildings will include residential units on the second and third floors. A total of 116 one and two bedroom units are proposed. No residential units are on the first floor of any building. The details of each are shown in the following table, which is taken from Sheet A.030, Building Analysis, prepared by Beinfield Architecture, last dated 8/28/2018:

<b>Building A Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	4	6	10
3 <sup>rd</sup> Floor	--	12	12
<b>Total</b>	<b>4</b>	<b>18</b>	<b>22</b>

<b>Building B Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	2	7	9
3 <sup>rd</sup> Floor	2	7	9
<b>Total</b>	<b>4</b>	<b>14</b>	<b>18</b>

<b>Building C Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	2	4	6
3 <sup>rd</sup> Floor	2	4	6
<b>Total</b>	<b>4</b>	<b>8</b>	<b>12</b>

<b>Building D Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	5	8	13
3 <sup>rd</sup> Floor	5	8	13
<b>Total</b>	<b>10</b>	<b>16</b>	<b>26</b>

<b>Building H Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	4	8	12
3 <sup>rd</sup> Floor	4	8	12
<b>Total</b>	<b>8</b>	<b>16</b>	<b>24</b>

<b>Building I Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	--	5	5

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3 <sup>rd</sup> Floor	--	5	5
<b>Total</b>	<b>--</b>	<b>10</b>	<b>10</b>

<b>Building K Unit Count</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
2 <sup>nd</sup> Floor	--	2	2
3 <sup>rd</sup> Floor	--	2	2
<b>Total</b>		<b>4</b>	<b>4</b>

<b>Grand Total</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>Total</b>
Building A	4	18	22
Building B	4	14	18
Building C	4	8	12
Building D	10	16	26
Building H	8	16	24
Building I	--	10	10
Building K	--	4	4
<b>Total</b>	<b>30</b>	<b>86</b>	<b>116</b>

*Source: Sheet A.030, Building Analysis, prepared by Beinfield Architecture, dated 8/28/2018.*

8. Section 698 of the Darien Zoning Regulations allows a maximum dwelling size of 3,000 square feet. All proposed units comply with that requirement.

**BUILDING HEIGHTS**

9. The Commission notes that the Corbin Subarea (CS-CBD) was created with three separate building height zones that differ from the maximum building height otherwise permitted in the Central Business District (CBD). The heights of each of the proposed buildings are shown in the following table, which is taken from Sheet A.030, Building Analysis, prepared by Beinfield Architecture, last dated 8/28/2018:

<b>Building</b>	<b>Height Permitted</b>	<b>Height Proposed</b>
Building A	5 Stories / 70'	3 Stories / 49.5'
Building B	3 Stories / 50'	3 Stories / 47.25'
Building C	3 Stories / 50'	3 Stories / 46.75'
Building D/E	4 Stories / 55'	4 Stories / 55.0'
Building F	5 Stories / 70'	5 Stories / 69.75'
Building H	3 Stories / 50'	3 Stories / 46.5'
Building I	3 Stories / 50'	3 Stories / 41.9'
Building K	3 Stories / 50'	3 Stories / 44.5'
Building L	5 Stories / 70'	3 Stories / 42.9'

*Source: Sheet A.030, Building Analysis, prepared by Beinfield Architecture, last revised 9/27/2018.*

**INCLUSIONARY ZONING**

10. Section 580 of the Zoning Regulations require that a minimum of 12 percent of residential units

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be designated as affordable. The applicant proposes to designate 14 of the 116 units as affordable—two on-site, and twelve off-site.

**OTHER LOCAL REVIEWS & APPROVALS**

11. The Environmental Protection Commission (EPC) approved the piping of a watercourse and construction of a water treatment basin in an upland review area on the north side of Corbin Drive, extending across to the east side of Old King's Highway South as part of EPC #17-2018. That approval is hereby incorporated by reference. These improvements are shown on Sheet C4.3, CTDOT Drainage Easement Improvement Plan, prepared by Tighe & Bond, dated May 25, 2018.
12. The Architectural Review Board (ARB) reviewed the plans at their meeting on June 19, 2017 as part of ARB #24-2018, and sent a letter for the record dated June 25, 2018, issuing a favorable report for the proposal.
13. As part of this application, the Planning & Zoning Commission hired two peer-reviewers. Michael Galante of Frederick P. Clark Associates was hired to review traffic and parking; and Craig Flaherty of Redniss & Mead was hired to review stormwater management/drainage and the flood damage prevention aspects of the proposal.
14. Ed Gentile of DPW reviewed the proposal on behalf of the Darien Sewer Commission. His comments relative to sanitary sewers are contained in a July 24, 2018 letter to Lori Carriero, included as part of the record. Letters dated July 11, 2018 and August 22, 2018 from Tighe and Bond responds to that memo. A final memo dated September 4, 2018 was received from Darren Oustafine, Assistant Director of Public Works.

**SITE PLAN/SPECIAL PERMIT**

**TRAFFIC**

15. During the July 10, 2018 and August 28, 2018 public hearings on the matter, Professional Engineer, Mr. Chris Granatini of Tighe & Bond, the applicant's traffic and parking consultant, reviewed the traffic study area intersections and site access plan. Twelve area intersections were included in the study area.
16. Site access will be provided via one driveway on Boston Post Road and two driveways on Corbin Drive. The proposed site driveway along Boston Post Road will be ingress only, which the Commission finds will improve traffic operations and safety along Boston Post Road in the vicinity of the site. The proposed site driveway along Corbin Drive closer to Boston Post Road will be egress only on the south leg, with full access on the north leg. The proposed site driveway along Corbin Drive closer to Old Kings Highway South will be full access on both legs. Egress only access to Boston Post Road will also be provided via a one-way only bank drive thru on the north side of Building 'I'.
17. A series of parallel on-street parking spaces are to be provided along the site frontage on both

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Boston Post Road and Corbin Drive. 26 on-street parking spaces are to be provided on Boston Post Road and 35 on-street parking spaces are to be provided on Corbin Drive.

18. Public transit service is provided by the nearby Darien Metro-North Train Station and CT Transit bus route #344. Together, these services provide convenient, walkable access to local/regional transit trips serving southwestern Connecticut for future residents and customers of the redevelopment.
19. The proposed redevelopment is expected to generate 25 new vehicle trips during the weekday morning peak hour, 309 new vehicle trips during the Friday afternoon peak hour, and 318 new vehicle trips during the Saturday midday peak hour.
20. The study area intersections will continue to operate at Background Condition levels (year 2022) with minor increases in average delay on the majority of approaches. The Corbin Drive westbound left-turn approach to Boston Post Road will experience decreased Levels of Service (LOS), due to the addition of site-generated traffic.
21. As part of this application the applicant has proposed a number of traffic-related improvements, all of which were described at the public hearings. These include the following:
  - a) Optimization of the timing of the existing traffic signal at the intersection of Boston Post Road and Corbin Drive;
  - b) Restriping of Boston Post Road and Corbin Drive along the project frontage;
  - c) Elimination of 31 back-out parking spaces now on Boston Post Road;
  - d) Recommending many of the SWRPA Post Road Corridor Study suggestions;
  - e) Eliminate several existing curb cuts along Boston Post Road and Corbin Drive;
  - f) Increase safety of pedestrian cross walks through the incorporation of bump-outs;
  - g) Create connections from Center Street Municipal Parking Lot to Corbin Drive, and into Village Square;
  - h) Work with ConnDOT and OSTA, and the Town, in adding crosswalks in downtown Darien in the vicinity of the project.
22. Mr. Michael Galante, of Frederick P. Clark Associates, completed a technical peer review of the traffic and parking aspects of the proposal for the Town. Mr. Galante finds that the additional traffic expected to be generated by the development would not have a significant impact to traffic operations within the study area. He concurred with the applicants' recommendations with respect to signal timing and turning movements from Corbin Drive onto Boston Post Road.
23. The Commission finds that the elimination of the existing 31 back-out parking spaces along Boston Post Road will relieve an existing safety hazard and improve traffic operations in the vicinity of the site.
24. The Commission finds that the additional traffic expected to be generated by the proposed development will not have a significant impact to traffic operations within the study area.



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**PARKING**

25. The applicant's May 25, 2018 Parking Demand and Parking Management Plan and accompanying plans indicate that there will be a total of 805 parking spaces for the site, including 22 handicap accessible spaces. The proposed 805 parking spaces are provided as follows:
- a) 240 parking spaces in an underground parking facility below Building 'G', where 122 parking spaces will be reserved exclusively for residential parking.
  - b) 308 parking spaces under, on, and above Building 'E'.
  - c) 64 parking spaces are proposed in the underground parking facility below Building 'H', on the north side of Corbin Drive.
  - d) 132 surface parking spaces on the site.
  - e) 26 on-street parking spaces on Boston Post Road and 35 on-street parking spaces on Corbin Drive.
26. Based on the uses proposed, a total of 1,401 parking spaces are required under Section 904 of the Regulations. This number of spaces does not account for the shared parking regulations, under which the applicant has sought approval.
27. The Town's shared parking regulations under Section 905.1 of the Regulations, allow for a reduction of the required number of spaces in the Corbin Subarea (applies only to shared spaces, not any spaces that are to be reserved for a particular user or use), provided that the applicant is able to demonstrate that the parking will be sufficient for the proposed and foreseeable parking demand.
28. The applicant is proposing a 53.4 percent reduction in parking for the shared uses within the development, with 122 parking spaces being exclusively reserved for residential uses.
29. Section 699.1.(e)(1) of the Regulations allows for parking reductions based on the presence of alternative transportation services, on- and in the vicinity of project sites. Because of the unique nature of the proposal, the Commission finds that the 26 on-street parking spaces, to be provided on Boston Post Road and the 35 on-street parking spaces to be provided on Corbin Drive, may be counted towards the required number of parking spaces for the site.
30. The Commission finds that the proposed parking capacity meets the intent of Sections 905.1 and 699.1.(e)(1) of the Regulations.
31. A new formal shared parking agreement will be required of the applicant to reference any action by the Commission, and the parcels or combined parcels to become part of that agreement.
32. Mr. Galante opined in a letter to the Commission dated July 9, 2018, that the parking supply provided by the applicant to accommodate the peak parking demand of the proposed uses is adequate.

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**LOADING/DELIVERIES/DROP-OFF AREAS**

33. Section 909, Off-Street Loading Requirements, requires that one loading space be provided for the first 4,000 square feet of retail and service business establishments, restaurants and other places serving food and beverages, and one loading space for each additional 10,000 square feet of space used for business purposes.
34. The applicant proposes two loading areas at the rear of buildings ‘D’ and ‘E’. One of the loading docks would serve the anchor retailer envisioned for the project at 1120 Boston Post Road. The second loading dock would serve the U.S. Postal Service in the same general area.
35. The applicant proposes to utilize the “Woonerf” internal drive, as well as the Uber Drop-Off Area, as loading and unloading zones for retailers, restaurateurs, apartment, and office tenants. The loading and unloading for these uses are to be managed carefully, with trips being scheduled early in the morning.
36. The Commission finds that if managed properly, the locations of these proposed loading areas will allow for the orderly and efficient delivery of packages to the proposed residential and commercial uses on the site. The Commission further finds that the proposed loading spaces in connection with buildings ‘D’ and ‘E’ are appropriate locations to accommodate the needs of the proposed anchor tenant and the U.S. Postal Service.

**LANDSCAPING & LIGHTING**

37. The streetscape landscaping shown on the plans along Boston Post Road and Corbin Drive is an essential part of this approval, as are the landscaping features within public plaza areas and throughout the site.
38. The photometric plan submitted by the applicant shows footcandles at the perimeter of the site generally in the range of 0.1 to 4.1 footcandles. The Commission finds that lighting levels are acceptable and are appropriate for the downtown location of the site. The Commission notes that no residential properties directly abut the property.
39. The applicant has proposed a variety of lighting types and fixtures to be used in the parking and pedestrian areas, and along the site’s frontage with the Boston Post Road and Corbin Drive, including, pole lighting, street lamps, and catenary suspended LED’s. On-grade parking area lighting is proposed to be 16 feet in height, whereas courtyard and pedestrian pole lighting is proposed to be 12 feet in height. Catenary suspended LED’s will be run on steel cables at a height of 16 feet. Proposed street lighting will be required to be “Model Block” type along Boston Post Road and Corbin Drive.
40. No substantive details have been provided for on building lighting.

**BICYCLE & PEDESTRIAN RELATED IMPROVEMENTS**

41. The applicant has proposed a number of bicycle and pedestrian-related improvements. These include the following:

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- a) The placement of 60 bicycle parking spaces below grade and 64 bicycle parking spaces at grade, for a total of 124 bicycle parking space on the site.
  - b) The installation of new on- and off-site crosswalks as shown on Sheet C2.0, Site Plan -1 and Sheet C2.1, Site Plan - 2, prepared by Tighe & Bond, dated May 25, 2018.
  - c) The installation of new concrete sidewalks along the project frontage with Boston Post Road and Corbin Drive.
42. Pedestrian access and other sidewalks and walkways and other circulation within the site are shown on the Site Plans (Sheets C2.0 and C2.1) and Layout Plans (Sheets C2.2 and C2.3), prepared by Tighe & Bond, last revised August 30, 2018.
43. The design of storefronts, landscaping, and public spaces (placemaking) were described by the applicant as key components for creating the character of a vibrant pedestrian-oriented streetscape. The design of these elements is acknowledged by the Commission to be an integral part of this approval.

#### REQUIRED PUBLIC PLAZA AREAS

44. The applicant is required to provide one or more on-site, public plaza area(s) as required by Sections 687 and 699 of the Regulations, which allow permitted building heights to be increased beyond 30 feet, as is proposed for the site. Section 687 of the Regulations requires that the total area of all on-site public plaza areas be a minimum of five percent of the total area of the lot being developed. The applicant has identified the combined three proposed public plaza areas as totaling 27,933+/- square feet (0.64+/- acres) or 8.9+/- percent of the site.
45. The public plaza areas identified by the applicant include the following, as shown on Plaza / Open Space Diagram, Sheet A.071, prepared by Beinfield Architecture, dated May 25, 2018:
- Proposed “Village Square” and “Artisan Way” generally located south and east of buildings ‘B’ and ‘C’, are the largest of the three plaza areas at 16,255+/- square feet.
  - A second 9,857+/- square foot “Market Place” plaza is located south of Building ‘A’ and north of Building ‘F’.
  - A smaller 1,821+/- square foot plaza is located on the southern portion of the site directly east of Building ‘E’.
46. Section 687 requires that plaza areas include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity. A variety of seating types are proposed within each of the identified public plaza areas.
47. The Commission finds that the size, shape, and proposed features of the identified public plaza areas comply with Section 687(a) through (g) of the Regulations.

#### TRASH COLLECTION/DUMPSTER & GARBAGE/RECYCLING AREAS

48. The applicant proposes a series of new dumpster/trash/recycling pads on the site. These areas are shown on Sheet A.080, Garage Level Trash Plan, Sheet A.081, Grade Level Trash Plan, and Sheet A.082, Level 2 Trash Plan, prepared by Beinfield Architecture, dated April 25, 2018.

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49. Each residential structure is to include a trash room to collect garbage and recycling which will feed into compactor units and dumpsters at the subsurface garage level. Garage level containers will be towed to grade for pickup.
50. Trash handling and recycling program information will be provided to residential and commercial tenants of the project and will also be available in the management and tenant offices for review.
51. The Commission finds that the applicant has provided a sufficient number of on-site dumpsters/pads and trash management features for all residential and commercial uses proposed for the site.

#### EMERGENCY ACCESS

52. The Commission finds that the applicant's plans, as required to be revised herein, have sufficiently addressed the concerns of the Fire Marshal.

#### SEDIMENT & EROSION CONTROLS

53. Given the extent of excavation required and the need for rock blasting, the applicant is requesting the option to crush rock and process earth materials on-site for reuse. The Commission finds that on-site processing will reduce the overall number of truck trips required to export and import fill material.

#### UTILITIES

54. Details regarding water, sewer, gas, telecommunications, and electric utilities are included on pages 3-1 through 3-3 of the Tighe & Bond Engineering Report dated May 25, 2018. The proposed redevelopment will be served by public water and sewer. A Final Engineering Report, last revised August 22, 2018, provides updated to the sanitary sewer portion of the original report.

#### STORMWATER MANAGEMENT

55. As part of the originally submitted application, Tighe & Bond submitted an Engineering Report, dated May 25, 2018 showing a comprehensive stormwater management system.
56. The applicant has requested a waiver from the "fresh meadow" existing conditions analysis based on Criteria 1, 2, and 3 in Section 880 of the Regulations, based on the size, location and nature of the project site.
57. The proposed project includes both stormwater quality and quantity improvements and improves the existing storm drainage conditions. Peak runoff rates are reduced in all storms through the 100-year peak storm event. The project also includes water quality volume and flow measures that meet the requirements of the CTDEEP Connecticut Stormwater Quality Manual.

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58. During the June 6, 2017 public hearing, Professional Engineer, Erik Lindquist, of Tighe & Bond, said that the project site has been designed to meet the requirements of Section 880 of the Zoning Regulations and that a detailed analysis of the watershed was completed. He compared the existing condition to the proposed mitigated, improved condition.
59. Professional engineer Craig Flaherty, of Redniss & Mead, completed a technical peer review of the stormwater management and Flood Damage Prevention aspects of the plans for the Commission. At the October 9, 2018 public hearing on the matter, Mr. Flaherty said the proposed improvements conform to Sections 820 and 880 of the Town's Zoning Regulations. The proposed work within the flood zone consists of the creation of new stormwater quality basin and associated grading on the Old King's Highway South property shown on Assessor's Map #38 as Lot #20, across the street from the project. As Attachment A to one of his memos, Mr. Flaherty included recommended resolution conditions. The Commission hereby includes those conditions, with modifications, further on in this resolution.
60. The Commission acknowledges that the stormwater improvements being introduced and implemented by the applicant are part of a comprehensive and collaborative approach to improve stormwater management in the vicinity of the project site. The project exceeds the minimums regarding stormwater management which are required per Section 880 of the Darien Zoning Regulations.

**SPECIAL PERMIT FINDINGS**

61. The location and size of the use, as modified and conditioned herein, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, shall be such that it shall be in harmony with the appropriate and orderly development of the district in which it is located.
62. The location, nature, size, and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and signs, as modified and conditioned herein, shall be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
63. The design, location and specific details of the proposed uses, as modified and conditioned herein, shall not adversely affect safety in the streets nor increase traffic congestion in the area, nor interfere with the pattern of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
64. Streets and other rights-of-way are of such size, condition and capacity to adequately accommodate the traffic to be generated by the particular proposed use.
65. The proposal conforms to the standards for approval as specified in Section 1005(a) through (g) of the Darien Zoning Regulations.
66. The elements of the Site Plan submitted as part of the Special Permit application accomplish the

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objectives for Site Plan Approval as specified in Subsection 1024. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.

**NOW THEREFORE BE IT RESOLVED** that Business Site Plan Application #302, Special Permit Application #302, Flood Damage Prevention Application #383, and Land Filling & Regrading Application #436 are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

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 'Corbin Block', Prepared for Baywater Corbin Partners, LLC by Tighe & Bond, dated May 25, 2018 and last revised with various August 2018 dates as follows:

- Sheet C1.0, General Notes, Legend and Standard Abbreviations Plan;
- Sheet C1.1, Typical Sections, last revised 8-30-2018;
- Sheet C2.0, Site Plan - 1, last revised 8-30-2018;
- Sheet C2.1, Site Plan - 2 last revised 8-30-2018;
- Sheet C2.2, Layout Plan - 1 last revised 8-30-2018;
- Sheet C2.3, Layout Plan - 2 last revised 8-30-2018;
- Sheet C3.0, Grading Plan - 1, last revised 8-20-2018;
- Sheet C3.1, Grading Plan - 2, last revised 8-20-2018;
- Sheet C4.0, Drainage Plan - 1, last revised 8-30-2018;
- Sheet C4.1, Drainage Plan - 2, last revised 8-30-2018;
- Sheet C4.2, Drainage Enlargement, last revised 8-30-2018;
- Sheet C4.3, CTDOT Drainage Easement Improvement Plan, last revised 8-3-2018;
- Sheet C5.0, Utility Plan - 1, last revised 8-30-2018;
- Sheet C5.1, Utility Plan - 2, last revised 8-30-2018;
- Sheet C5.2, Proposed Sanitary Sewer Plan and Profile, last revised 8-30-2018;
- Sheet C6.0, Soil Erosion and Sediment Control Plan - 1, dated 8-3-2018;
- Sheet C6.1, Soil Erosion and Sediment Control Plan - 2, dated 8-3-2018;
- Sheet C6.2, Soil Erosion and Sediment Control Details-3, revised 8-3-2018;
- Sheet C6.3, Soil Erosion and Sediment Control Details-4, revised 8-3-2018;
- Sheet C6.4, Soil Erosion and Sediment Control Details, revised 8-3-2018;
- Sheet C7.0, Interior Roadway Profiles, last revised 8-30-2018;
- Sheet C8.0, Site Details - 1;
- Sheet C8.1, Site Details - 2;
- Sheet C8.2, Storm Details - 1;
- Sheet C8.3, Storm Details – 2, revised 8-30-2018;
- Sheet C8.4, Storm Details – 3, revised 8-3-2018;

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- Sheet C8.5, Storm Chamber Details, revised 7-11-2018;
- Sheet C8.6, Stormwater Quality System #1 – Details, revised 8-30-2018;
- Sheet C8.7, Stormwater Quality System #2 – Details, revised 8-30-2018;
- Sheet C8.8, Stormwater Quality System #3 – Details, revised 8-13-2018;
- Sheet C8.9, Water Quality Basin Details, revised 8-30-2018;
- Sheet C8.10, Sanitary Details;
- Sheet C8.11, Water and Gas Service Details;
- Sheet C8.12, Electric and Tel-Data Service Details.

#### ARCHITECTURAL PLANS

Plans generally entitled ‘Corbin Block’, Prepared by Beinfield Architecture, P.C., dated May 18, 2018:

- Sheet A.000, Title Sheet;
- Sheet A.070, Height Zone Diagram;
- Sheet A.071, Plaza / Open Space Diagram;
- Sheet A.100, Site - Parking Level;
- Sheet A.101, Site - Grade Level Plan (note that the first floor two bedroom unit shown in Building K has been eliminated, and will become retail space);
- Sheet A.102, Site - Level 2 Plan;
- Sheet A.103, Site - Level 3 Plan;
- Sheet A.104, Site - Level 4 Plan;
- Sheet A.105, Site - Level 5 Plan;
- Sheet A.106, Site - Rooftop Amenity Plan;
- Sheet A.200, Site Elevations;
- Sheet A.210, Building A Elevations;
- Sheet A.211, Building B Elevations;
- Sheet A.212, Building C Elevations;
- Sheet A.213, Building D Elevations;
- Sheet A.214, Building F Elevations;
- Sheet A.215, Building H Elevations;
- Sheet A.216, Building I Elevations;
- Sheet A.217, Building K Elevations;
- Sheet A.218, Building L Elevations.

#### LANDSCAPE PLANS

Plans generally entitled, Corbin Block, by Towers | Golde, dated 05-25-2018

- Drawing L1.0, Landscape Context Plan
- Drawing L2.0, Landscape Plan, last revised 8-20-2018
- Drawing L3.0, Site Lighting Plan
- Drawing L3.1, Site Lighting Photometric Plan
- Drawing L4.0, Landscape Grading Plan, last revised 8-20-2018
- Drawing L5.0, Planting Plan

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- Drawing L6.0, Site Sections
- Drawing L7.0, Landscape Details
- Drawing L7.1, Landscape Details
- 1020 Boston Post Road Seating Area, Baywater Corbin by Towers | Golde, dated 2018-09-04.

TRAFFIC

- B. Traffic signal plans shall be updated and provided to the Planning & Zoning Department.
- C. The applicant shall repave and restripe the sections of Boston Post Road and Corbin Drive that are to be disturbed during the construction of improvements. Exact re-paving and re-striping details shall be coordinated with the Planning & Zoning Director and Public Works Director.
- D. The minimum road width for Corbin Drive shall be 26 feet to meet Town standards.
- E. Corbin Road curb line “bump outs” shall be minimized as much as possible and designed to provide an adequate snow shelf to address winter conditions.
- F. All road intersections shall have minimum 47 foot turning radius, allowing for sufficient access for large service and emergency vehicles.
- G. Sufficient access to underground parking shall be provided for firefighting access.
- H. A “Right Turn Only” sign shall be placed at the egress to Boston Post Road from the proposed bank drive-thru (Building I). The curb shall be designed to greatly inhibit all other movements. No bollards are required. A “Watch for Pedestrians” sign should be placed on the site near the drive-thru window.
- I. A new mid-block crosswalk across the Boston Post Road adjacent to the proposed ingress only driveway to the project shall be installed. A Rectangular Rapid Flash Beacon (RRFB) shall also be installed in this location.

PARKING

- J. A new shared parking agreement shall be required of the applicant, and filed in the Darien Land Records prior to the issuance of a Certificate of Occupancy (CO) for any building involved in said agreement. The 122 reserved residential parking spaces to be provided under Building ‘G’ are not subject to this agreement.
- K. The Commission hereby approves a reduction in the number of required shared commercial parking spaces. The Commission finds that under Section 905.1 of the Regulations, a reduction to 622 on-site spaces can be granted.
- L. A total of 290 residential parking spaces are required. The applicant is proposing 122 underground reserved spaces for the exclusive use of residential tenants. The remaining 168



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residential spaces required by the Regulations shall be provided as shared parking spaces with the other uses on the site.

- M. Of the total 805 parking spaces proposed for the site, 22 parking spaces have been identified as handicap-accessible spaces. The number and dimensions of handicap-accessible parking spaces shall comply with all ADA and Building Code requirements. The Town Building Official is the final arbiter with respect to the number and location of on-site handicap-accessible parking spaces. The Local Traffic Authority is the arbiter of the location and signage of any on-street parking.

**LANDSCAPING, SCREENING & LIGHTING**

- N. All landscaping planted and shown on the landscape plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- O. The proposed street lighting to be used along Boston Post Road and Corbin Drive shall be consistent with “Model Block” standards.
- P. All mechanical equipment atop buildings on the site shall be fully screened from the view of users of the site as well as from adjoining properties and public rights-of-way.
- Q. The Commission directs that details of the “placemaking” features, particularly related to the proposed public plaza areas be put forth to Planning & Zoning staff for review and final approval.

**PEDESTRIAN CIRCULATION**

- R. The Commission recommends to the Local Traffic Authority (LTA) that all crosswalks, both on and off of the site, be of stamped asphalt or a similar alternative to improve the appearance of the block.
- S. The sidewalks along Boston Post Road and Corbin Drive shall be “Model Block” type.
- T. Bicycle racks are to be shown on the plans and their location to be approved by Planning & Zoning staff.

**STORMWATER MANAGEMENT**

- U. A Stormwater Maintenance and Inspection Schedule was prepared by the applicant’s engineer, and is included in the Tighe & Bond Engineering Report dated May 25, 2018. This Drainage Maintenance and Inspection Schedule requires the property owner and all subsequent property owners to maintain the on-site drainage facilities. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the issuance of a Zoning or Building Permit for the first new building foundation and within 60 days of this approval.

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- V. The applicant shall install the drainage system pursuant to the final submitted plans in accordance with this resolution. The applicant/property owner shall have the continuing obligation to make sure that stormwater runoff and drainage from the site will not have any negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at their expense as quickly as possible.
- W. Prior to finalizing construction documents and the issuance of a Zoning and Building for a foundation for any building south of Corbin Drive, the applicant shall perform additional soil testing within the footprints of the proposed retention system as follows:
- a) Deep tests shall be performed to determine if soil conditions match what is currently assumed by the applicant. If pockets of ledge or water are encountered in portions of the footprint, the subgrade shall be prepared to match the intent of the typical sections provided in the revised Supplemental Engineering Report, prepared by Tighe & Bond, dated August 3, 2018.
  - b) Two hydraulic conductivity shall be performed in the footprint of each retention system. The measured infiltration rates shall be equal to or greater than 3 inches per hour. If slower rates are measured, the drainage design will need to be updated accordingly.
  - c) At the time a Zoning Permit for any of the building foundations is submitted/requested, the Planning & Zoning Commission will hire a consultant engineer at the applicant's expense to peer review the construction documents to confirm the updated soil testing results and any potential updates to the design are compliant with approved design plans and drainage report.
- X. Following the preparation of the subgrade, two additional hydraulic conductivity tests shall be performed for each retention system. The design engineer must submit documentation confirming the tests performed on the in-situ soils match what is used in the model prior to the installation of the retention systems.

**SEDIMENT & EROSION CONTROLS**

- Y. 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, plus any additional measures as may be needed due to site conditions, 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.
- Z. The applicant is permitted to crush rock and process earth materials on-site for reuse on a limited basis consistent with Section 856 of the Regulations. On-site processing of material shall only be permitted after 9 a.m. and before 5 p.m. Monday through Friday, and not on Federal holidays. All crushing and processing of material shall be completed prior to the issuance of

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any Zoning Permits for any work above the foundations of the proposed buildings.

**INCLUSIONARY ZONING**

- AA. The Commission requires that 14 of the 116 proposed units be affordable, and be established as part of this approval. Two of them shall be on-site, within the development, and twelve (12) of them may be at 26 East Lane or an alternative location approved by the Commission. However, no CO can be issued until a proportional number of affordable units have been deed restricted, and such restrictions filed with the Town in the Darien Land Records
- BB. The two affordable units shall be located within separate residential buildings on the site.
- CC. The Commission requires that the inclusionary affordable units be generally the same size and quality as the market rate units, and be interspersed with the market-rate units. Such affordable units shall be constructed and issued Certificates of Occupancy (COs) such that the fourth and every eighth unit thereafter be affordable.
- DD. The location of each of the required affordable units shall be shown on the architectural plans.
- EE. The Commission is NOT making the determination on whether these new residential units will be “for sale” or “for rent” units. That decision is up to the property owner; however, the applicant has indicated that the units will be “for sale” units.
- FF. Final documentation as required by Section 580 et. seq. shall be submitted, reviewed, acted upon and filed in the Darien Land Records. The applicant shall consult with and work with Planning and Zoning Department staff on the documents, which will ensure compliance with Section 580. All documentation regarding the restrictions on the affordable units shall be filed in the Darien Land Records.
- GG. The applicant shall comply with subsection 586 of the regulations by submitting an affirmative fair housing marketing plan for the affordable inclusionary dwelling units. All dwelling units shall be offered for sale or rent in compliance with all applicable Federal and State Fair Housing Laws.
- HH. The applicant shall comply with the provisions of subsection 587 of the Zoning Regulations, entitled, “Program Administration”. Annually in January, certification of these units shall be given to the Planning & Zoning Department certifying that the resident(s) living in the affordable units comply with the inclusionary zoning regulation requirements.

**BONDING**

- II. The Planning and Zoning Commission is not requiring a bond for the proposed public improvements (sidewalk, lampposts, landscaping, and fire hydrants), since a Certificate of Occupancy cannot be obtained until all of these features are properly constructed pursuant to the plans in Condition ‘A’, above. The Commission notes that no new public streets are being

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proposed by the applicant, and none are hereby approved by the Commission. All new streets proposed are private streets to be constructed and maintained by the applicant or other entity other than the Town. New “Model Block” type sidewalks shall be provided along the entire frontage of the property with Boston Post Road and Corbin Drive. The design of the sidewalks along Boston Post Road and Corbin Drive shall be continuous raised sidewalks through the driveways, rather than dropping down to the asphalt driveway.

#### PHASING PLAN

JJ. A preliminary Construction Sequence and Sedimentation & Erosion Control Plan has been developed by the applicant and included as part of Section 4 of the Engineering Report prepared by Tighe & Bond, dated May 24, 2018. Prior to the issuance of a Demolition Permit for any on-site buildings, the applicant shall submit a final Phasing Plan for review and action by Planning & Zoning Department staff, the Building Official, and the Fire Marshal. This Phasing Plan shall show and specifically note the implementation of the following for each phase of construction: construction access; safety fencing; temporary and permanent pedestrian walkways and crosswalks through and/or around the site; sediment and erosion controls; public plaza improvements; landscaping and lighting; traffic, bicycle and pedestrian improvements; off-site crosswalks; and new sidewalks on Boston Post Road and Corbin Drive; drainage improvements; utilities; as well as required parking.

KK. The Commission hereby allows, subject to final review and action by the Building Official and Fire Marshal, the use of the first floor of any building while the upper floors are being constructed.

#### UTILITIES

LL. All utilities serving the site shall be located underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.

#### PUBLIC PLAZAS

MM. The existing plaza area directly north of proposed Building ‘I’, directly south of 1020 Boston Post Road, shall be reconfigured and reestablished at the time the bank drive-thru is installed and prior to the issuance of a Certificate of Occupancy for Building ‘I’. Site work in this area shall be in conformance with the submitted plan entitled “1020 Boston Post Road Seating Area”, prepared for Baywater Corbin by Towers | Golde, dated September 4, 2018.

NN. The supporting wall of the drive-thru canopy that forms a portion of the southern side of the existing plaza directly south of 1020 Boston Post Road shall be constructed in an “open” manner, with columns or another similar application, so as to allow visibility between buildings.

OO. A public plaza easement(s) shall be filed in the Darien Land Records prior to the issuance of a Certificate of Occupancy (CO) denoting specifically the details and location of the easement(s). As noted in the Regulations, while tables, chairs and other street furniture are allowed within the plaza, they are for public use. They cannot be used exclusively by a restaurant or other dining facility. The sequencing for the filing of the public plaza easement(s)

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in the Land Records is noted in Exhibit 1, at the end of this resolution.

**EMERGENCY ACCESS**

PP. TRACcess key boxes for fire service access shall be installed for all buildings. Boxes shall be recess mounted in locations approved by Fire Marshal's office. Access to all buildings shall be provided for fire service with ladders.

QQ. Fire hydrants shall be provided throughout development. Locations to be approved by Fire Marshal's Office.

RR. Fire lanes shall be established to the satisfaction of the Fire Marshal.

SS. Sprinkler systems for fire protection shall be NFPA 13 Type Systems.

TT. Standpipe systems shall be provided throughout the development, including but not limited to all stairways and in accordance with NFPA 14 standards.

UU. Underground parking structures shall be protected with fire sprinklers and standpipes.

VV. Early warning fire detection systems as well as smoke removal systems shall be installed in underground parking structures to assist in ventilation in the event of a fire.

**OTHER PERMITS & APPROVALS REQUIRED**

WW. 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, but is not limited to following:

- OSTA (CTDOT) approval;
- Demolition Permits from the Building Department;
- A Sewer Connection Permit from Darien Sewer Services for the proposed new buildings;
- Crosswalk locations and on-street parking details from the Local Traffic Authority;
- Blasting Permit from the Darien Fire Marshal for any proposed blasting;
- Permits from the Fire Marshal will be needed to remove any existing underground oil tanks, to install any new oil tanks, and for removal of any above-ground or underground propane tanks.
- Zoning and Building Permit applications (one for each of the building foundations, and separate permits for work above the foundation);
- ARB review and action will be required for any on-site signage;
- Planning & Zoning Commission review and approval for any new restaurants, food service establishments, or Special Permit uses.
- For any future desired restaurants, review will be needed by the Architectural Review Board (ARB); and the Planning and Zoning Commission will also need to review any outdoor dining, venting and odor control system, and any proposed bar area, which increases the required on-site parking requirement. It is noted that no bar area within the

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proposed restaurants is approved as part of this resolution. Any bar areas shall require review and approval by the Commission as an amendment of the Special Permit, since this will have an impact on the required parking pursuant to Section 904 of the Zoning Regulations.

**AS-BUILTS AND CERTIFICATIONS REQUIRED**

XX. Prior to issuance of any Certificate of Occupancy (CO) for this project, the following shall be submitted to the Planning & Zoning Department:

- 1) The applicant's engineer shall provide a certification that the stormwater management system is installed in full compliance with the approved plans.
- 2) Verification from the project engineer that all aspects of the site grading, building construction and the stormwater management system have been completed in compliance with the approved plans.
- 3) An as-built topographic survey showing the final grades on the property, and details regarding the grades around the new proposed buildings, and a certification from a licensed land surveyor of the final building height of all buildings.
- 4) An as-built photometric plan (including, but not limited to, showing the location of the on-site lighting), is required to ensure that the property is developed according to plan.
- 5) A public plaza easement(s) shall be filed in the Darien Land Records denoting specifically the details and location of the easement(s).
- 6) Inclusionary zoning requirements filed in the Darien Land Records for any building which contains residential units—both the affordability plan, including the designation of the affordable units, as well as the deed restrictions. Annual income certification and verification shall be submitted each January to the Planning & Zoning Department is required for all of the affordable units associated with this project.

YY. All aspects of the construction, including, but not limited to stormwater management and site improvements (the installation of sidewalks, associated lampposts, and landscaping) must be completed prior to any use or occupancy pursuant to the final approved phasing plan.

ZZ. 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 the permit as it deems appropriate.

AAA. This permit shall be subject to the provisions of Sections 858, 1009, and 1025 of the Darien Zoning Regulations, including but not limited to, start of the construction work within two years of this action (November 27, 2020). This approval may be extended as per Sections 858, 1009, and 1025.

All provisions and details of the plans, as required to be amended, 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. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action. A Notice of

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Drainage Maintenance Plan and Special Permit form must be filed prior to the issuance of the first Demolition Permit or the first Zoning & Building Permit.

*PZC\Resolut\comm\Corbin Baywater Properties*

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PUT FORTH BY BAYWATER CORBIN PARTNERS, LLC  
NOVEMBER 27, 2018  
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**EXHIBIT 1**  
**SEQUENCING PLAN**

In order to better guide the applicant through the various on and off-site improvements through what is likely to be a multi-year construction process, the Commission hereby requires that the applicant implement the following sequencing plan. It is noted that the applicant may implement any of these improvements earlier than what is shown in this exhibit, if they wish, but not later.

**PRIOR TO THE ISSUANCE OF THE FIRST DEMOLITION PERMIT**

1. All plans shall be revised (Condition A).
2. OSTA review and action is required.
3. A final phasing plan shall be submitted to and reviewed by Planning & Zoning staff, the Building Official, and the Fire Marshal. This Phasing Plan shall show and specifically note the implementation of the following for each phase of construction: construction access; safety fencing; temporary and permanent pedestrian walkways and crosswalks through and/or around the site; sediment and erosion controls; public plaza improvements; landscaping and lighting; traffic, bicycle and pedestrian improvements; off-site crosswalks; and new sidewalks on Boston Post Road and Corbin Drive; drainage improvements; utilities; as well as required parking.

**PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY (CO)**

1. Installation of stormwater management systems (partial).

**PRIOR TO THE ISSUANCE OF ANY RESIDENTIAL CERTIFICATES OF OCCUPANCY (CO)**

1. Inclusionary zoning requirements filed in the Darien Land Records—both the affordability plan, including the designation of the affordable units, as well as the deed restrictions.
2. Construction of the sidewalks.
3. Filing of Public Plaza easement(s) in the Darien Land Records (Condition NN).

**Construction sequencing for the remainder of improvements both on- and off-site, as noted above, shall be determined by the final approved phasing plan to be created by the applicant, and reviewed by the Planning & Zoning Director.**