

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**May 28, 2019**

Application Number: Site Plan Application #273-E, Flood Damage Prevention Application #354-A  
Land Filling & Regrading Application #53-F

Street Address: 80 High School Lane  
Assessor's Map #9 Lot #80 & #81

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

Name and Address of Applicant's Representative: Joseph Canas, P.E.  
Tighe & Bond  
100 Bridgeport Avenue  
Shelton, CT 06484

Activity Being Applied For: Proposal to construct a walking/cross country path, and to perform related site development activities, partially within a regulated area. The five-foot wide path is proposed to loop around the subject property, generally through forested areas and grass along the edges of existing athletic fields. The 3,610+/- foot section of path located on the Darien High School property would be part of a larger 1.15+/- mile path inclusive of the adjoining Diller property.

Subject Property: The 58.57+/- acre subject property is located on the north side of High School Lane, approximately 800 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: April 11, 2019 continued to May 7, 2019  
Deliberations held: May 14, 2019

Time and Place: 8:00 p.m. Room 206 Darien Town Hall

Publication of Hearing Notices  
Dates: March 28, 2019 & April 4, 2019 Newspaper: Darien Times

Date of Action: May 28, 2019 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: June 6, 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, 820, 850, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

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- 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 construct a walking/cross country path, and to perform related site development activities, partially within a regulated area. The Darien High School and its related fields, paths and walkways are Principal Permitted Uses allowed as-of-right in the R-2 Zone.

#### IMPROVEMENTS TO THE PROPERTY

2. The Board of Education in conjunction with the Town of Darien and the Darien Athletic Foundation are proposing to create the path for the high school boys and girls cross country running teams. It is anticipated that the path will be utilized for both training and competition.
3. The five-foot wide path is proposed to loop around the subject property, generally through forested areas and grass along the edges of existing athletic fields. The path is proposed to be a combination of crushed stone and grassy surfaces.
4. The Commission finds that no property setbacks or screening are required for paths or trails within the Darien Zoning Regulations.
5. The 3,610+/- foot section of path located on the Darien High School property would be part of a larger 1.15+/- mile path inclusive of the adjoining Diller property. During the public hearing process the proposed location of the path was modified, so that the path does not encroach onto adjacent properties.

#### EPC APPROVAL

6. The Darien EPC approved this project on March 6, 2019, as part of EPC #4-2019. That approval is hereby incorporated by reference.

#### PUBLIC COMMENTS RECEIVED

7. During the public hearing on May 7, 2019 and via email, the Planning & Zoning Commission heard from a number of Darien residents regarding concerns about the proposed use of the property. The Commission acknowledges such comments and finds that the improvements and uses of the property being proposed by the applicant, as conditioned herein, constitute a reasonable additional use of the property. The Commission finds that the conditions of this approval are reflective of comments and concerns heard by the Commission during the public

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hearing, as well as comments received by the general public via e-mails and letters submitted for the record during the public hearing process.

8. At the public hearing on this matter, members of the public voiced their concerns regarding the subject application, as well as the related application for the cross-country path to extend onto the adjacent “Diller property” on Nutmeg Lane. Many of the comments received were related to issues outside of the Planning & Zoning Commission’s jurisdiction on this application, such as trespassing, littering, noise, parking violations and screening.

**PARKING**

9. No proposed modifications to parking on the high school property are proposed. Parking will remain as it presently does on the subject Darien High School property. The Commission finds that additional parking is not required for this use.

**LANDSCAPING**

10. Two evergreen trees are proposed to be removed from the southwest portion of the subject property in the vicinity of Nutmeg Lane to accommodate the construction of the path. The two trees proposed for removal are not associated with the required screening on the property associated with the Special Permit related to the Stadium Field lighting.
11. Tree trimming may be required in some areas to provide sufficient vertical clearance for the path. Dead, dying or diseased trees may be cut and removed from the site.

**STORMWATER MANAGEMENT AND FLOOD DAMAGE PREVENTION**

12. The proposed path will be placed generally flush with existing grade. A portion of the path will be surfaced with crushed stone. The void space in the crushed stone will allow stormwater to infiltrate into the ground. Due to the nature of the application, the Commission hereby waives the requirement for stormwater management.
13. The Commission finds that there will be no adverse impacts on any neighboring properties from stormwater runoff.
14. At the public hearing, professional engineer Joe Canas of Tighe & Bond explained that a portion of the work is within the flood zone. He noted that the proposal will have no impact on flooding in the area, and all work complies with the flood regulations.

**LAND FILLING & REGRADING**

15. Minor changes in surface grading are proposed. The excavation required is to level the running surface on the south side of the subject property and to place the crushed stone path to a sufficient depth.

**SPECIAL PERMIT FINDINGS**

16. The regrading requires a Special Permit. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

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17. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

**NOW THEREFORE BE IT RESOLVED** that Site Plan Application #273-E, Flood Damage Prevention Application #354-A, and Land Filling & Regrading Application #53-F are hereby 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 generally entitled ‘Darien High School Cross Country Path’, Prepared for the Darien Athletic Foundation by Tighe & Bond, dated September 4, 2019 and last revised January 31, 2019 and March 29, 2019 as follows:
- Sheet C010, General Notes, Abbreviations & Legend (last revised 1/31/2019)
  - Sheet C100, Schematic Plan (last revised 3/29/2019)
  - Sheet C300, Soil Erosion and Sediment Control Plan (last revised 1/31/2019)
  - Sheet C301, Soil Erosion and Sediment Control Notes Narrative and Details (last revised 1/31/2019)
  - Sheet C400, Details – 1 (last revised 1/31/2019)
  - Sheet C401, Details - 2 (last revised 3/29/2019)
- B. During the site work, the applicant 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. 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 Commission is not regulating or limiting the use of the path on the High School property. Path usage shall be determined by the Board of Education in their role of managing athletic facilities at the High School property. As with other fields and the existing track on the property, it is understood that usage by the general public while school is in session is not likely to be allowed, while the public may be allowed to use such during non-school hours. However, the ultimate decision of how, when and by whom this cross-country path is used, is by the Darien Board of Education.

**IMPROVEMENTS TO THE PROPERTY**

- E. Prior to installation of the path, all property boundaries shall be staked in areas where the proposed path is shown to come within ten (10) feet of any directly adjoining properties.

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- F. 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.
- G. 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.
- H. 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 one year of this action (May 28, 2020). This 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 (for the land filling and regrading portion of the application) shall be filed in the Darien Land Records prior to implementing the improvements to the property.