

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 28, 2019

Application Number: Site Plan Application #304, Land Filling & Regrading Application #450

Street Address: Nutmeg Lane
Assessor's Map #9 Lot #128-A

Name and Address of Applicant: Darien Athletic Foundation
1025 Boston Post Road
Darien, CT 06820

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

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

Activity Being Applied For: Proposal to construct a walking/cross country path as well as six parallel parking spaces along Nutmeg Lane adjacent to the north side of the property, and to perform related site development activities. The path is proposed to loop around the subject property with a five-foot wide crushed stone path along the north, west, and south property boundaries, with a two-foot wide wooden plank boardwalk along the eastern boundary running north-south. The length of path is 1,440 feet, with approximately 420 feet of the length as boardwalk. The section of path located on the Diller Property would be part of a larger 1.15+/- mile path inclusive of the Darien High School property.

Subject Property: The 5.0+/- acre subject property is located on the south side of Nutmeg Lane, approximately 400 feet east of its intersection with Hollow Tree Ridge Road.

Zones: R-1 & 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: Newspaper: Darien Times
June 6, 2019

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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, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant 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 as well as six parallel parking space along Nutmeg Lane adjacent to the north side of the subject property (also known as the “Diller property”), and to perform related site development activities.
2. This property is considered to be a dedicated parkland. The wooded nature of the site will remain largely unchanged from its existing condition.

OTHER LOCAL APPROVALS

3. The Environmental Protection Commission (EPC) is reviewing this application as part of EPC #5-2019. A report was issued dated June 5, 2019. Any decision by that Commission will be incorporated by reference.

IMPROVEMENTS TO THE PROPERTY

4. The Town of Darien and the Darien Athletic Foundation are proposing to create the path for active and passive recreational activities for the general public. There will be times when the cross-country track will be reserved for use by high school cross-country runners.
5. The Commission finds that no property setbacks or screening are required for paths or trails within the Darien Zoning Regulations.
6. The path is proposed to loop around the subject property with a five-foot wide crushed stone path along the north, west, and south property boundaries, with a two-foot wide wooden plank boardwalk along the eastern boundary running north-south. The length of path is 1,440 feet, with approximately 420 feet of the length as boardwalk.
7. The Commission finds that the proposed boardwalk on the Diller property is not part of the running path, and was requested by the Parks & Recreation Department to complete the loop on the property for passive recreational uses.

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8. The section of path located on the Diller Property would be part of a larger 1.15+/- mile path inclusive of the Darien High School property.
9. A variety of site furniture is proposed to be located on the site now and in the future, including, but not limited to, trash and recycling receptacles, doggie bag dispensers and disposal receptacles, benches and other similar items. The nature of these are such that they do not require review or action by the Planning & Zoning Commission.

PARKING

10. Six parallel parking spaces, including one handicapped accessible parking space are proposed along the south side of Nutmeg Lane. The Commission finds that there is no requirement in the zoning regulations for parking for dedicated parkland properties, and thus no parking is required as part of the proposal.
11. The Commission finds that the installation of any parking spaces and/or traffic control signage in the direct vicinity of the subject property would be at the sole discretion of the Local Traffic Authority.

LANDSCAPING

12. No tree removal is proposed, however, tree trimming may be required to provide sufficient vertical clearance for the trail. Dead, dying or diseased trees may be cut and removed from the site.
13. Existing invasive species are proposed to be removed from the site and replaced with native wetland plantings.

STORMWATER MANAGEMENT

14. The proposed path will be placed generally flush with existing grade, and will be surfaced with crushed stone. The void space in the crushed stone will allow stormwater to infiltrate into the ground. The proposed boardwalk will have gaps between the planks that will allow rainwater to fall between the gaps to the ground.
15. The Commission finds that there will be no adverse impacts on any neighboring properties from stormwater runoff. The Commission hereby waives the requirement for stormwater management.

PUBLIC COMMENTS RECEIVED

16. 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 use of the property for the benefit of residents of Darien as a whole. The Commission finds that the conditions of this approval are reflective of comments and concerns heard by the Commission during the public hearing, as well as comments received by the general public via e-mails and letters submitted for the record during the public hearing process.

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17. During the public hearing, several members of the public voiced their concerns on issues outside of the Planning & Zoning Commission's jurisdiction on this application, such as trespassing, littering, noise, parking violations and screening.

LAND FILLING & REGRADING

18. Minor changes in surface grading are proposed. Excavation will occur with small, bobcat type machines capable of navigating through wooded environments, or by hand where inaccessible. The excavation required is to place the crushed stone path to a sufficient depth. The amount of regrading proposed may not reach the threshold in Section 850, however, the applicant has included the request, as in some small areas, the amount of may regrading may exceed a change in grade of more than six inches.

SPECIAL PERMIT FINDINGS

19. 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.
20. 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 #304 and Land Filling & Regrading Application #450 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 C200, Diller Property Loop (last revised 3/29/2019)
 - 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

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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.

IMPROVEMENTS TO THE PROPERTY

- D. 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.

TRAFFIC & PARKING

- E. The installation of any parking spaces and/or traffic control signage in the direct vicinity of the subject property shall be at the sole discretion of the Local Traffic Authority (LTA).

CERTIFICATIONS REQUIRED

- 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. A permit to create the on-street parking along Nutmeg Lane will be needed from the Darien Public Works Department.
- 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 shall be filed in the Darien Land Records prior to implementing the improvements to the property.