

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 30, 2018

Application Number: Proposed Amendment to the Darien Zoning Map (COZM #1-2018)
Proposed Amendments to the Darien Zoning Regulations (COZR #5-2018)
put forth by Baywater Corbin Partners, LLC.

Names and Address of:
Applicant(s): Baywater Corbin Partners, LLC
1019 Boston Post Road
Darien, CT 06820

Names 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 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). Also, a proposal 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.

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

Deliberations held on: October 23, 2018

Time and Place: 8:00 p.m. Auditorium (7/10 and 7/17 hearings), Room 206 (8/28 and 9/4 hearings), and Room 119 (10/23 deliberations) Town Hall

Publication of Hearing Notices

Dates: June 28, 2018 & July 5, 2018 Newspaper: Darien Times

Date of Action: October 30, 2018

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

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

Scheduled Date of Publication of Action: November 8, 2018 Newspaper: Darien Times

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

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- the proposed zoning map and regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt the amendments.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The submitted subject application, put forth by Baywater Corbin Partners, LLC, consists of:
 - a) A proposal 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).
 - b) A proposal to amend Section 856 of the Darien Zoning Regulations to allow the processing, sorting, crushing, grading, mixing, fabrication, or similar activities on project sites, three (3) acres or larger, in commercial zones with certain restrictions.

ZONING MAP AMENDMENT

2. In 2017, the Commission established the Corbin Subarea within the CBD Zone. The subject application is to add 0.1697+/- acres to the Corbin Subarea (CBD-CS) on the northeasterly side of Corbin Drive within the Central Business District (CBD). This is shown on the submitted 11x17 Compilation Plan.
3. The Commission finds that the revised zoning boundary will result in deeper, more regularly shaped lots that will be sufficient for new buildings consistent in design and scale of other proposed buildings on the northeasterly side of Corbin Drive.

ZONING REGULATION AMENDMENT

4. Part of the application is to modify Section 856 of the Zoning Regulations by specifically modifying the existing third paragraph of Section 856, adding a new fourth paragraph with criteria/standards; and lettering each of the paragraphs.
5. The subject regulation amendment will specifically allow for on-site processing of earth materials on project sites, five (5) acres or larger, in commercial zones with certain restrictions.
6. The Commission finds that the processing activities are only appropriate and permissible for materials that will be reused on the site.
7. The Commission finds that limiting the hours and intensity of such processing activities will greatly reduce potential impacts to neighboring properties from the perspective of noise generation and other related disturbances.
8. The Commission finds that if processing activities are properly managed, that dust generation will be kept to a minimum.
9. The Commission finds that the lettering of the paragraphs in Section 856 is not necessary as it would be inconsistent with the remainder of the Section.

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10. No members of the public commented on the application. WestCOG sent an e-mail dated August 20, 2018, which was read aloud at the public hearing, which notes that “*The opinion of WestCOG staff is that the proposal is of local interest and with minimal intermunicipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment.*”

CONSISTENCY WITH THE 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT REGARDING THE MAP AMENDMENT

11. The proposal is consistent with the 2016 Town Plan of Conservation & Development (the POCD or “Town Plan”). The slight extension of the Corbin Subarea will facilitate development of the northeasterly side of Corbin Drive, and is consistent with the recommendations that supported the creation of the Corbin Subarea within the Central Business District (CBD).

CONSISTENCY WITH THE 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT REGARDING THE PROPOSED ZONING REGULATION AMENDMENT

12. The proposal is consistent with the 2016 Town Plan of Conservation & Development (the POCD or “Town Plan”) in that on-site processing on construction sites, over five (5) acres, will avoid excessive wear and tear on public streets resulting from construction vehicles transporting earth materials off the construction site for processing and then bringing processed materials back to the site for use.

NOW THEREFORE BE IT RESOLVED that Amendment to the Darien Zoning Map (COZM #1-2018), is hereby adopted as follows:

- A. The Commission specifically adopts the map amendment as shown on the following map submitted by the applicant:
- “Compilation Plan Depicting Boundaries of Proposed Corbin Subarea, prepared for Baywater Properties Corbin Drive & Boston Post Road”, by William Seymour & Associates, dated March 3, 2016, last revised May 25, 2018.

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #5-2018), is hereby adopted as follows:

Proposed Zoning Regulation amendments (Section 856) and associated related changes to the inside cover page, Table of Contents and Appendix ‘C’ of the Regulations.

New wording underlined
Deleted wording in strikeout

856. Prohibited Operations
at No land fill, excavation, regrading or earth removal operation permitted by these Regulations shall at any time result in, leave, or permit to exist, during construction or

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afterward, any sharp declivities, pits or depressions, any loose banks or water-filled holes or other major hazards.

~~b.~~ No land fill shall make use of decomposable or other unstable material likely to cause future land subsidence, nor of material likely to cause pollution of soil or groundwater.

~~e.~~ ~~No~~ Except as provided in this section 856, no land fill, excavation, regrading or earth removal operation shall engage in or permit to be operated on the site any processing, sorting, crushing, grading, mixing, fabrication, or similar activities.

~~d.~~ The Commission may allow processing, sorting, crushing, grading, mixing, fabrication, or similar activities to be conducted on project sites in commercial zones, provided that

1. such sites are greater than five (5) acres in area,

2. such activities shall not be conducted before 9:00 am or after 5:00 pm during weekdays, and not on weekends or legal holidays,

3. adequate provisions shall be implemented to prevent dust from being blown from the site,

4. the Commission shall find that noise levels generated by such activities shall not impact neighboring properties; and

5. on-site processing equipment shall not be used to process material that does not originate on the site or is not for use on the site.

These amendments to the Darien Zoning Regulations shall become effective at 12:15 P.M on Sunday, December 2, 2018.