

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
JUNE 22, 2009**

ATTENDANCE: First Selectwoman Evonne Klein, David Bayne, Seth Morton, Linda Santarella, Callie Sullivan

STAFF: Karl Kildiff, Administrative Officer

OTHERS: Walter Martin, Frederick Conze, Planning and Zoning Commission Chairman;

CALL TO ORDER

First Selectwoman Klein called the meeting to order at 8:00 p.m.

PUBLIC COMMENT

First Selectwoman Klein welcomed Lindsay and explained that that Austin Emro would no longer be the news reporter covering the Board of Selectmen. She said that she was sad that the Board members had been unaware of the upcoming change and wished Mr. Emro the best.

Mr. Walter Casey, of Webster Valley Road, came forward and said that he happened to be down at Weed Beach recently. The new playground is situated in the middle of parking area and pointed out that the children could easily get out and into the parking area. He said that he assumed that the Board had looked at the safety issues involved. Mr. Casey concluded that the location of the new playground looked strange to him.

NEW BUSINESS

a) Discussion with Chair of Planning and Zoning Commission Special Permit Application under Section 514 of Darien Zoning Regulations as it Relates to 35 Leroy

Mr. Fred Conze came forward and greeted the Board. First Selectwoman Klein said that when she was reviewing the documents regarding 35 Leroy and noticed Section 514 of the Zoning Regulations would allow a greater density at the site. She said that there had been a meeting with numerous interested parties and said that the item had been discussed.

Mr. Conze said that he had received a memo from Mr. Ginsberg dated May 26, 2009 about this issue and then read the applicable section of the memo aloud. He said that there was a section that addressed home occupations and pointed out that the Commission has a significant amount of authority granted to it and that it would have to fit the project into the neighborhood surrounding it. If an application was submitted on this, it would be important to have all the details clearly presented.

The issue of incremental density would be important because of the geometry and footprint of the building would be extremely important to the Commission, along with the traffic and parking.

First Selectwoman Klein said that one of the discussions had been about a moratorium if 21 units were permitted. Mr. Conze said that there were a number of moving parts in the Town right now regarding affordable housing, such as Alan O'Neil. First Selectwoman Klein said that there were a few goals, such as reaching the moratorium and meeting the need in the community. Mr. Conze explained that they look at each application individually and don't consider whether it will help the Town reach a moratorium.

First Selectwoman Klein asked if there had been conversations about a moratorium or the affordable housing. Mr. Conze said that the Commission is always mindful of a moratorium but is careful to consider traffic and safety also.

Mr. Bayne pointed out that Section 514.2 where it cites "in its discretion, grant" and asked Mr. Conze to explain this to the Board and those present. Mr. Conze gave a brief overview and said that rarely did an application come before the Commission

Ms. Sullivan asked if 514.2 may have been created for one specific project, possibly Clock Hill. Mr. said that it was in 1992 when that was an issue. Ms. Sullivan then asked if the area was as sensitive to the issue of flooding when the project application was being reviewed. Mr. Conze said that he did not remember the issue of flooding being a problem until the last three or four years.

Ms. Santarella asked if the regulation would allow the Town to increase the density on the site. Mr. Conze explained that the Commission would be considering what the developer presented in the application.

Mr. Peter Kelly from District 1 said that he did not understand Ms. Santarella's point. Ms. Santarella said that if the application was submitted with 21-24 units, that would be the maximum and it couldn't be increase to a greater number later.

Mr. John Sini from District 1 said that it was pretty clear that there was an oversight and needed to be reviewed. He said that Section 501 would also address the area of a Special

Permit. He then read a portion from Section 501, which was intended to provide a broader range of housing alternatives in Darien. The issue of Clock Hill had also come up and this was an extremely successful Town owned affordable housing.

First Selectwoman Klein said that if the Town wanted to change the points, it could. She then asked Mr. Conze if Alan O'Neil had used 514 on the application. Mr. Conze said that he would prefer not to comment because there was litigation in progress. He then said that the Town could go for a special permit, but that this would entail additional requirements to be met. First Selectwoman Klein said that stating the regulation would not violate anything because it was a matter of public record. Mr. Conze declined to comment as to whether or not 514 was used.

Ms. Sullivan said that the timeliness was important because the Board was about to hear a presentation about the flooding. She then asked if someone was to come to the Zoning Commission today, how likely would it have been that P&Z would have gone the extra step. Mr. Conze said that the issue is the impervious surface, which might not have been an issue even five years ago.

Mr. Bayne said that Mr. Sini had mentioned a "delay" and asked how this would be addressed. Mr. Conze said that the delay has to do with the applicant having met with the neighbors about traffic and other related issues. He said that the Town had already held these meetings and that may truncate the process.

Mr. William Guimond of Old Stone Road came forward and asked Mr. Conze if a list of the various requirements would be available to the agent or the Town at the time of application. Mr. Conze said that when the RFP came out, it stated that the project conforms to the Planning and Zoning regulations. He said the set backs, lot coverage and other key requirements area sacrosanct to the Commission. The fact that the information that the commission has seen is that the library is preserved in its' present state and conforms to the regulations. If the Board wants to preserve the street scape, those issues are vital.

Ms. Santarella said that CHALAC was very sensitive to these various issues and that there has been concerns about the number of units. Ms. Santarella said that she felt that Shellac should reconvene in order to consider the new information. First Selectwoman Klein requested Mr. Guimond, who was the co chair of CHALAC to reconvene the group. Mr. Sini said that it would be important to have others with a different point of view on the committee because although the group did a good job, they missed a critical regulation in 514. First Selectwoman Klein said that it was an oversight and that the RFP did not include it in the original proposal. Mr. Sini said that it would be important to view the project in light of 514.

Ms. Mary Guimond came forward and said that the Board had put together a balance plan and did a great job. Most of the neighbors support it and she said that she would welcome a CHALAC review.

Ms. Santarella asked Mr. Sini if he wished to have more members on CHALAC. Mr. Sini said that he was concerned that because there was an oversight, it would be important to have more people review the work. First Selectwoman Klein pointed out that a number of different groups reviewed the document and approved it, but no one noticed the oversight until recently.

Mr. Peter Kelly, from District 1 came forward and said that he felt that Darien needs affordable housings and supported 21 units at the library. He said that it would be very important to achieve a moratorium, but asked if there was a way to achieve the moratorium by changing the income levels if Leroy did not meet the numbers. He added that Clock Hill had used 514 in their application.

First Selectwoman Klein said that there would be 23 points in the project and that with another few housing units, a moratorium would be possible.

b) Presentation of Stony Brook Watershed Recommendation by Milone and McBroom [sic]

Ms. Nicole Barnum and Mr. Jim MacBroom came forward. Ms. Barnum said that there had been a packet of information distributed earlier for the Board members.

She then gave a brief overview of the information. Replacing a bridge will have an impact on the surrounding property. There are encroachment issues upstream with channeling and narrowing, such a driveway bridge. Ms. Barnum said that Milone and MacBroom had broken the watershed area into three sections starting at Gorham's Pond and moving upstream. One major portion would occur at Hecker Avenue. Part of this may entail purchasing one of the homes on the banks of the brook and the installation of flood walls.

Ms. Barnum then reviewed the various aerial Watershed Evaluation pictures with the Board members. .

Mr. MacBroom pointed out that because of the topography of the Town of Darien, there are not many V shaped river beds. It is mainly flat and there are many relatively shallow cross sections. He added that there are many older neighborhoods that were constructed before the concerns about wetlands had become prominent. These neighborhoods were built on wetlands that had been filled in and that it simply would not be possible to make the water go away.

Ms. Sullivan asked about items of cost vs. repairs. Mr. MacBroom said that most of the flood injuries happen with people who are in their cars or pedestrians. He then reviewed the considerations for making a determination of replace vs. repair. Mr. Morton asked about the level of cooperation regarding the improvements on private properties. Mr. MacBroom gave two possible scenarios, one of which concerned West Hartford, where the town was able to work with the residents to achieve a favorable outcome.

Mr. Bayne asked about the floodwalls. Mr. MacBroom said that while the floodwall would not allow the water to penetrate, he pointed out that maintenance was vital. There would be other issues, such as installing a pump station on the dry side of the wall so that the water does not build up on that side either.

Mr. Bayne asked if the middle section improvements were made, how that would affect the houses downstream. Mr. MacBroom said that the lower section would not be tremendously affected. But Ms. Barnum pointed out that the Railroad culvert impounds a lot of water as does the Interstate 95.

Ms. Santarella asked about Hansen Lane. Ms. Barnum said that Hansen Road was at the top of the study area and that there are so many different entry points for the road, that it would be almost impossible to control the water in that area.

Mr. Bayne asked about 305 and 309 Middlesex Road and the area by I-95 at Cummings Pond. Ms. Barnum said that the ideal location where there is a broad storage area for every one foot of water increase. Mr. MacBroom said that storage takes a lot of land and illustrated that in a 100 acre neighborhood, the neighborhood would need 2 acres of storage. Regarding the Middlesex Road, if the buildings were removed and excavation happened, they would only get a foot or two before hitting the water table.

Mr. Jeff Morrison, District 2, and a resident of Goodwives. He said that he was asking about the various silts islands that have developed during the last few years in the river. Both Goodwives and Stony Brook have issues. Stony Brook is controlled by bedrock at its major outlet.

In terms of hydraulics, Mr. MacBroom explained, the bedrock at Gorham's Pond controls Stony Brook. However, Goodwives has more of an impact on Gorham's Pond and because of this, the sediment is being considered in the study. Mr. MacBroom said that in terms of sediments, under natural conditions, about 25-75 tons of sediments is washed away per year. When the watershed is urbanized, the amount of sediments increase by about 10 units, and then drops back down again once construction stops. Bank erosion is not necessarily bad because it allows the stream to carry more flow. Property owners feel that they are losing their property, but the stream is simply increasing its bed to handle

the increased flow. However, it is important not to increase the sediment greatly. Some of the sediments is heavy, such as pebbles that roll along the bottom, and other remains in suspension, such as silt. He said that there are small ponds all over the State that are filling with sediment. It is a natural cycle, but people are debating whether or not they should dredge the ponds when they become too shallow.

Mr. Mark Adiletta of District 5 came forward and asked about the portion of the project that will move some of the water from the Norton Heights flood area and the new retention pond by the High School. He asked if it would have an affect on the business area. Ms. Barnum said that the retention pond was on a tributary of Stony Brook. While the project has benefits for the tributary, it would not have much of an impact on the main tributary.

Mr. Steeger said that Mr. Adiletta had mentioned two things, the retention pond and Baker's Wood. He said that one of the goals was not to transfer the problem downstream. Regarding the wetlands mitigation area, there is no adjustment being made to the outlet to that area the water will flow into Stony Brook. That particular area is relatively small, so that even a large decrease from that area would only have a small affect on Stony Brook.

Ms. Cheryl Russell of 18 Holly Lane came forward and said that in the Executive Study stated that it would not matter where the project started. Ms. Barnum said that it would not affect the project hydraulically. She then asked what the million dollar cost would be because the Holly Lane portion would be on private land.

Ms. Barnum said that there would be four dams on private property that would have to be removed along with sediment removal, and bridge replacement. Mr. Steeger said that replacing the Middlesex Road Bridge is not part of the recommendation, however replace the driveway bridge would be important.

Mr. Morton said that he would like to understand the component of the estimates. Ms. Barnum then reviewed the Hecker Avenue breakout with the Board.

First Selectwoman Klein said that it would be important for the Board to determine how they wanted to handle the public/private aspect of the flood. In 2005, there were discussions with the EPA and the Flood Mitigation Committee about a public/private partnership.

c) Discuss Correspondence from the Police Commission Regarding Building Project

First Selectwoman Klein said that a letter has been received from the Police Commission requesting that the Board release funds for the building.

1st Selectwoman's Report

First Selectwoman Klein said that she had received a petition regarding Hoyt Street. FS Klein said that the Town would pay for it, but there are trees, telephone poles and other items in the way. It is wonderful to talk about Transit Access, but at Talmadge Hill, the parking is owned by the Town of New Canaan. DOT will not build a sidewalk, and if the Town decided to build one, it would have to do it to DOT specification. She said that while it was a worthwhile project, the funding was a major issue.

The second petition First Selectwoman Klein received was about naming the Senior Center in honor of Nancy Zanco. The Town does not name buildings after people, but does allow the rooms to be named in honor of people. This will be on the agenda of July 6th. It will be important to look at past practices in advance.

The Town has received a number of invitations to apply for grants, which are being evaluated.

First Selectwoman Klein informed the Board that an email came from the DOT requesting to keep the Hollow Tree Road bridge closed until October to complete. The local merchants are not in favor of this and she will let the DOT know this. She said that limited access would be acceptable. Mr. Bayne said that it has been a major inconvenience for the commuters to have to drive all the way around. It was the consensus of the Board that keeping the bridge closed until October would not be an option.

Mr. Bayne asked about the status of the stairs at the Noroton Heights train station. Mr. Kilduff reviewed the process involved and said that it was not likely to be done in 2009.

First Selectwoman Klein concluded her report by saying that there were a number of projects that were in the final stages of completion.

Administrative Officer's Report

Mr. Kilduff said that he had received a request to approve a resolution authorizing the First Selectwoman to sign the grant agreement.

**** MR. MORTON MOVED TO AMEND THE AGENDA WITH THE ADDITION OF AN ACTION ITEM.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Santarella asked what the capital improvements were. Mr. Kilduff said that it would be roof repairs at the Station because the joining between the caboose and the main building is leaking.

Ms. Santarella asked when the announcement about the new director of the Senior Center would take place. Mr. Kilduff said that it would be some time next week.

Mr. Bayne asked about the possibility of getting Stimulus funds the Police Department building. Mr. Kilduff said that there has not been any funds from the Federal Government Stimulus for construction of police stations.

AGENDA REVIEW

Ms. Santarella said that she had received letters of recommendation for EPC reappointments that were addressed to First Selectwoman Klein and cc'ed to all the Board members. First Selectwoman Klein said that she did not receive those emails. Ms. Santarella said that she did not know whether or not the Board wished to interview these reappointments. It was decided that since these were reappointments of well known Cable Council members, no interviews would be necessary.

APPOINTMENTS AND REAPPOINTMENTS

Consider and take action on the following reappointments:

Area Nine Cable Council – Jim Cameron (D) and David Dever (R) for the period of July 1, 2009 to June 30, 2011.

**** MS. SANTARELLA MOVED TO APPROVE THE FOLLOWING REAPPOINTMENTS:**

AREA NINE CABLE COUNCIL – JIM CAMERON (D) AND DAVID DEVER (R) FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2011.

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

MINUTES OF PREVIOUS MEETINGS

May 18, 2009

**** MR. BAYNE MOVED THE MINUTES OF THE REGULAR MEETING OF MAY 18, 2009**

**** MS. SULLIVAN SECONDED.**

The following corrections were noted:

Page 2, paragraph 1, line 1: please change “Stoney Brook report was received.” To “Stoney Brook report was received by DPW.”

Page 2, paragraph 2, line 10: please change “The Chief said that” to “Chief Lovello said that”

**** THE MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 18, 2009 PASSED WITH FOUR IN FAVOR (KLEIN, SANTARELLA SULLIVAN AND BAYNE) AND ONE ABSTENTION (MORTON).**

May 26, 2009

**** MS. SULLIVAN MOVED THE MINUTES OF THE REGULAR MEETING OF MAY 26, 2009.**

**** MS. SANTARELLA SECONDED.**

The following correction was noted:

Page 1, under New Business, Item a, paragraph 1, line 3: please change the following from “ data during a 112 month period of Darien’s” to “ data during a 12 month period of Darien’s”

**** THE MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 26, 2009 AS CORRECTED PASSED UNANIMOUSLY.**

Special Meeting of June 2, 2009

**** MS. SULLIVAN MOVED THE MINUTES OF THE SPECIAL MEETING OF JUNE 2, 2009.**

**** MR. BAYNE SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF JUNE 2, 2009 PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

June 23, 2009 Board of Education Regular Meeting at 7:30 p.m.

June 23, 2009 Planning and Zoning Public Hearing at 8:00 p.m.
July 6, 2009 Board of Selectmen Regular Meeting at 7:30 p.m.
July 7, 2009 Planning and Zoning Planning Meeting at 8:00 p.m.

OTHER BUSINESS

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST
SELECTWOMAN TO EXECUTIVE A GRANT AGREEMENT FOR \$44,000
WITH THE STATE OF CONNECTICUT DEPARTMENT OF SOCIAL
SERVICES.**

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST
SELECTWOMAN TO EXECUTIVE A GRANT AGREEMENT
FOR \$44,000 WITH THE STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES.**

**WHEREAS, THE TOWN OF DARIEN APPLIED FOR AN [SIC] RECEIVED
SMALL TOWN ECONOMIC ASSISTANCE GRANT FUNDS IN FISCAL YEAR
2004; AND**

**WHEREAS, SAID GRANT FUNDS WERE RE-PROGRAMMED TO SUPPORT
THE CAPITAL IMPROVEMENTS NEEDS OF THE DEPOT TEEN CENTER IN
2008; AND**

**WHEREAS, THE TOWN OF DARIEN HAS BEEN APPROVED TO USE SAID
GRANT FUNDS TO FINANCE CAPITAL IMPROVEMENTS TO THE DEPOT; AND**

**WHEREAS, THE DARIEN BOARD OF SELECTMEN WISH TO SECURE SAID
GRANT FUNDS FOR THE TOWN.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE DARIEN BOARD
OF SELECTMEN HEREBY AUTHORIZE AND DIRECT THE FIRST
SELECTWOMAN EVONNE KLEIN TO MAKE, EXECUTE AND APPROVE ON
BEHALF OF THE TOWN OF DARIEN, ANY AND ALL CONTRACTS AND
AMENDMENTS AND TO EXECUTE AND APPROVE ON BEHALF OF THIS
MUNICIPALITY, OTHER INSTRUMENTS, A PART OF OUR INCIDENT TO SUCH
CONTRACTS AND AMENDMENTS EFFECTIVE UNTIL OTHERWISE ORDER BY
THE GOVERNING BODY.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. BAYNE MOVED TO ADJOURN.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services