

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING / PUBLIC HEARING  
MARCH 10, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Cameron, Cunningham, DiDonna, Olvany, Sini, Jr.

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

**GENERAL MEETING**

**Town Plan of Conservation & Development.**

Discussion of conservation, cultural and historic resource related issues. Public input is welcome and encouraged.

Glenn Chalder of Planimetrics met with the Commission to discuss conservation, cultural and historic resources. Ms. Cameron said that the Commission is constantly looking for public input and everyone is invited to participate in the informal discussion. People are also invited to write to the Commission via the Town Plan of Conservation & Development website. It is anticipated that the drafting of the Town Plan will take place through the remainder of this year and early in 2016 the Commission will conduct a public hearing.

Mr. Chalder said that the Town Plan needs to be adopted and become effective by June of 2016. He started reviewing draft booklet #4. The first half of the booklet was discussed last month. He wants to discuss community character with the Commission. He noted that the existing scale of buildings is low and very limited and that this is an important aspect of the community. This is regulated by building height and floor area and limitations on building coverage and total impervious lot coverage in non-residential zones. There was a discussion about trees and preservation of trees. Mr. Chalder noted that the State has taken the authority for regulating the lumbering industry. Town Historian Marian Castell said that it is important to maintain trees as part of the community's character and the perception of open space areas and views and vistas.

It was noted that the entryways or gateways into the community need to be enhanced, both at the Town boundaries and elsewhere (such as the train stations, where people get their first impression of Darien). It is also important to have entryways or gateways into the downtown area to alert drivers of the high pedestrian activity in the area.

Rob Young, a Darien resident and RTM member, said that stonewalls need to be protected and maintained. He suggested the possibility of a regulation to specify the type and height of stonewalls to be used and also the location of where stonewalls would be applicable. Ms. Cameron noted the stone walls constructed at Middlesex Road and Hollow Tree Ridge Road.

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Other topics discussed included possible noise control either through Zoning or Town Ordinance or implementing the State Statutes; blight control, not just visual impacts but other potential blight factors; widening the Regulated Upland Review area adjacent to wetlands and water courses in order to enhance and maintain the character of the natural areas.

Town Historian Marian Castell suggested that the Commission include more specific references in the Town Plan to the commercial building/development design guidelines that have been adopted. She also suggested that the Town Plan make more reference to the protection of coastal resources because the shoreline adjacent to Long Island Sound is one of our most precious resources. She also suggested that granite bluffs should be protected and there should be more mention of the National Register of Historical Places.

Another topic that was discussed would be the preservation and protection of cemeteries and creation of setbacks adjacent to cemeteries. Tax abatements and the architectural history were discussed.

There was some discussion regarding scenic views that are not just from the land looking out at the water but are from the water looking inland. There are also some scenic views that need to be protected that would involve looking from the land to other land features.

Protection of the architectural features and character of Darien might include the implementation of a Village District for the downtown and Noroton Heights areas. Community spirit, sustainability and resiliency, climate change, geothermal resources, installation and maintenance of solar panels were all discussed.

The next Town Plan of Conservation & Development meeting will be conducted in April 2015.

There was a brief recess from 9:15 to 9:25 before Chairman Cameron called the meeting to order again.

At 9:25 p.m., Chairman Cameron then read the following agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Special Permit Application #285, Land Filling & Regrading Application #213-A, Anthony & Elizabeth Minella, 53 Horseshoe Road.** Proposing to construct a 60' x 100' sports court with associated lighting; along with a related structure attached to the existing residence; install related stormwater management; and to perform related site development activities. The subject property is located on the southwest side of Horseshoe Road approximately 400 feet west of its intersection with Inwood Road, and is shown on Assessor's Map #3 as Lot #23 in the R-2 Zone. *PUBLIC HEARING OPENED JANUARY 20, 2015. DEADLINE TO CLOSE PUBLIC HEARING IS MARCH 10, 2015 UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Lance Zimmerman, Project Architect, represented the applicant. He acknowledged the email from the neighbor Alice Watson and a copy of that email was distributed. He said that one of the concerns is the lighting issue and he distributed a handout from Atlantic Consulting & Engineering.

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Mr. Moselour of Atlantic Consulting & Engineering said that the proposed lighting design will not create a glare or light spillage problem, which is sometimes an issue for tennis courts. He said that the proposed lighting will shine down on the sports court and they are using shields to avoid the visibility of the source of the illumination (the light bulb) and the light fixtures will be adjustable. He referred to the “barn door” style of shields to avoid seeing the bulbs. He said that LED light fixtures would be used, and once the lights are installed they will make adjustments to address any problems that might result. In response to questions, Mr. Zimmerman said that on the tennis court side of the house, the only light fixtures are decorative sconces near the doors and that there are no spotlights that face the tennis court. He also said that the tennis court lights would be turned off by 10pm on weekdays and 11pm on weekends. Mr. Minella, the property owner, confirmed the shut off times. In response to a question, he said that he could also install a timer to automatically turn the sports court lights off if they are accidentally left on. Some illustrations were sent by email as an example, but he said that they are not indicative of what he proposes. The lights that he proposes will be more focused and controllable. He said that he will also plant large trees to hide the light and once the lights are installed he will make adjustments to avoid any glare problems to the neighbors. He said he has had trouble getting illustrations of illumination from the manufacturer but noted the important thing will be the adjustments after the installation. He said if necessary, they will do on-site testing once the lights are installed to measure the lumens or amount of light that is visible from neighboring properties. Commission members noted that the installation of the sports court needs Special Permit review and approval and that the lighting of the court also needs Special Permit review and action before it can be installed. In other cases where nighttime lighting of practice fields for the Darien Junior Football League and the High School, one of the requirements was a submission of an after installation report to verify that the light system is not causing any problem and is being used in accordance with the approval. Mr. Zimmerman said that the use of louvers or baffles or shields or the “barn door” style for light control are all things that the Commission can incorporate into its approval.

Ms. Cameron asked about the management of stormwater runoff from the proposed large sports court. Joel Villaluz, Professional Engineer, represented the applicant and said that on-site test holes were dug in 2007 as part of the septic system design. Some of those test holes were near the proposed sports court. He said that the on-site stormwater management system has been designed using that information but prior to the installation of the drainage system, they will retest the soil and then adjust the size and location of the Cultec units as may be necessary to fulfill the intent and purposed of the stormwater management system, which is to prevent any impacts to the neighbors and street. It was noted that Brian McMahon had submitted a letter on behalf of a neighboring property owner. Mr. Ginsberg said that he spoke to Mr. McMahon about his one-page letter.

Mary Kay Kosnik said that she lives across the street and has concerns about the installation of lighting fixtures and about the construction access. She said that she has reviewed the new lighting information and is even more opposed now than she had been before. She said that she is also representing the concerns of many other neighbors and read into the record a petition signed by 26 neighbors opposed to the application for lighting fixtures. She noted that the lighting consultant indicated that “this installation is a first in Connecticut” and based on that, she feels that the opinions are highly subjective and suspect. She said that the court and rink will glow at night because light will travel and diffuse and reflect off various features. She said that she is also concerned about the noise of basketballs bouncing and hockey pucks being struck. She said that

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she and the neighbors are objecting to the night activities that would occur if the lighted sports court is permitted. She said that her tennis court on her property is not lit and it is used during the daytime hours and no one has a problem with that. She said the lighting of the tennis court is an over intense use in a residentially zoned area and it would be difficult for anyone to ensure the proper design, installation, maintenance and use of the lighting fixtures. She said that there is no hardship or negative impact on the homeowner if they do not have any lights but there is a substantial impact to the neighbors if the sports court does have lights. She said that there are 4,560 hours of daylight in Darien each year and that should be sufficient time to use the play court. Mrs. Kosnik said there are no storm sewers in the streets in the area and that when it rains hard, they have experienced temporary flooding and the roads in the area suffer damage. Since it is a privately owned and maintained road, any damage caused by heavy construction vehicles accessing this site is of great concern.

Mr. Cunningham asked which would be better or worse: to have specific lights for the sports court that are regulated, or to have lights installed on the back of the house that are shining from the house towards the sports court. Ms. Kosnik said it would be preferable not to have specific lights for the sports court.

Kathy Shea of 80 Inwood Road said that she is a neighbor that is not directly affected by the proposed lights but she is opposed to the night time noise and activities that would not be appropriate in this single-family residential neighborhood. She said that she bought her house in a residential neighborhood, not next to a Club or a busy area. She said that there are already several temporary hockey rinks in the area. Ms. Cameron noted that there are numerous pools and basketball hoops in driveways. Ms. Shea said that she would prefer temporary lights that are allowed as-of-right on the building, rather than specifically allowing the lights for the sports court.

Lars Noble said that he frequently walks his dog in the neighborhood between 10:30pm and 11:30pm. There are many pools in the neighborhood and many evening uses (parties by the owners of those pools). He said that the proposed lighting of the sport court is a very reasonable request and that children are more prominent in the neighborhood now than they were in the past. He said that there are already evening and early night activities and noise in the area that are typical residential uses. He said that he would much prefer to have the Commission approve the very specialized light plan for this sports court rather than having spotlights installed on the house and shining toward the sports court. He said that there are temporary lights at a temporary ice rink on a nearby residential property and those lights are 14 feet tall. He said that he is thrilled that there will be more residential use and activity right next door and that he is okay with the design and location of the sports court, as well as the drainage and the lighting. He said that the drainage in the area has been better since the house was built when compared to the pre-construction drainage condition. He recommended that the Commission approve the application.

There were no other questions or comments from the public or Commission members. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Cunningham, seconded by Mr. Olvany and unanimously approved.

At about 10:30pm, Chairman Cameron then read the following agenda item:

## **Remainder of General Meeting**

### **Election of Officers**

The following motion was made: That the Planning & Zoning Commission re-elect Susan Cameron as Chairman. The motion was made by Mr. Sini and seconded by Mr. Olvany. There were no other motions for nominations for Chairman. Ms. Cameron was unanimously elected as Chairman.

The following motion was made: That the Planning & Zoning Commission re-elect Steve Olvany as Vice-Chairman. The motion was made by Mr. Sini and seconded by Mr. DiDonna. There were no other motions or nominations for Vice-Chairman. Mr. Olvany was unanimously elected as Vice-Chairman.

The following motion was made: That the Planning & Zoning Commission re-elect Eric Voigt as Secretary. The motion was made by Mr. Sini and seconded by Mr. DiDonna. There were no other motions or nominations for Secretary. Mr. Voigt was unanimously elected as Secretary.

Chairman Cameron then read the following agenda item:

### **Public Comment Session—first meeting of each month**

Opportunity for the general public to present comments to the Commission on topics or items which are not pending applications.

There were no public comments.

Chairman Cameron then read the following agenda item:

### **Amendment of Special Permit Application #34-H(2), Woodway Country Club, 552 Hoyt Street.**

Proposal to construct a 347+/- square foot addition to the existing Property Manager residence on the Woodway Country Club property at 552 Hoyt Street. The subject property is located on the west side of Hoyt Street approximately 900 feet south of its intersection with Barringer Road, and is shown on Assessor's Map #3 as Lot #145 in the R-2 Zone.

Mr. Ginsberg explained that this is a residential structure located on the Woodway Country Club property. The Country Club is a Special Permit use in the residential zone and the expansion of any structure on the property does need Special Permit approval by the Planning & Zoning Commission. The residence is lived in by one of the golf pros and will not have any impact on Club traffic, parking or activities. Dr. Russell Rosicki, Project Architect, explained that this is a proposed second floor addition to construct a bedroom addition to the house. The house is within the Flood Hazard Zone but the proposed work is less than 50% of the value of the structure, thus it is not a "substantial improvement" as defined by the Regulations and it does not require that the existing house be brought into compliance with the Flood Regulations. All of the new floor space will be above the expected flood level and meets existing zoning setbacks. After further review, the following motion was made: That the Planning & Zoning Commission approve the requested amendment of the Special Permit to allow the second floor addition to the residence. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

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Chairman Cameron then read the following agenda item:

**Amendment of Coastal Site Plan Review #284-A, Flood Damage Prevention Application #344, Steven & Maeve Zamsky, 66 Five Mile River Road.** Proposing to relocate proposed stair to dock, ramp and float previously approved by the Commission on February 10, 2015.

The Commission had previously approved the installation of the stairway leading from Five Mile River Road down to the proposed pier structure. The applicant has reassessed the location of the stairway due to the safety issues involved in this part of the street. They now propose to relocate the proposed stairway so that it will be farther away from the curve in Five Mile River Road. Matt Traverna explained that the revised plan is a safety improvement to move the stairs and therefore the pedestrians would be crossing the street farther away from the sharp curve in the street. He said that all of the disturbed area adjacent to the street will be replanted with salt-tolerant vegetation. He said during the construction, special fabric matting will be used to minimize the potential for erosion. All of the proposed changes in the work are above the Coastal Jurisdiction Line established by the State of Connecticut. The work within the jurisdiction of the State Department of Energy & Environmental Protection (DEEP) will not change. All of the proposed changes are at or above elevation 8.5. Commission members reviewed the submitted drawings and plans. The following motion was made: That the Planning & Zoning Commission approve the requested modification of the stair location in accordance with the submitted plans and materials. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and unanimously approved.

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Sini and unanimously approved.

Chairman Cameron then read the following agenda item:

*Discussion, deliberation and possible decisions on the following applications:*

**Coastal Site Plan Review #196-A, Flood Damage Prevention Application #212-A, Paul & Susan Tierney, 17 Butler's Island Road.** Proposal to build a new residential pier to replace an existing damaged pier, repair existing stone jetty, and to perform related site development activities within regulated areas.

Ms. Cameron said that she was not able to attend the public hearing but watched the recording of the hearing and is familiar with the application materials. After a brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the application subject to the conditions and stipulations as noted. The motion was made by Mr. DiDonna and seconded by Mr. Sini. All voted in favor except Mr. Olvany, who abstained from the discussion and vote. The motion passed by a vote of 4-0-1. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
March 10, 2015**

Application Number: Coastal Site Plan Review #196-A  
Flood Damage Prevention Application #212-A

Assessor's Map #67 Lot #76  
Street Address: 17 Butler's Island Road

Name and Address of Property Owners: Paul & Susan Tierney  
17 Butler's Island Road  
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Amy Zabetakis, Esq.  
Rucci Law Group  
19 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposal to build a new residential pier to replace an existing damaged pier, repair existing stone jetty, and to perform related site development activities within regulated areas.

Property Location: Subject property is located on the east side of Butler's Island Road approximately 265 feet east of its intersection with North Road.

Zone: R-1

Date of Public Hearing: February 24, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices  
Dates: February 13 & 20, 2015 Newspaper: Darien News

Date of Action: March 10, 2015 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News  
March 20, 2015

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

- the proposed use and activities must comply with all provisions of Sections 400, 810, and 820 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 development 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. This application proposes to build a new residential pier to replace an existing damaged pier, repair existing stone jetty, and to perform related site development activities within regulated areas.
2. At the public hearing, the applicant noted that this is the third dock to be constructed at the site. The first dock was destroyed in a storm years ago. A second dock was destroyed recently in Storm Sandy. Due to those previous issues, a pier and ramp needed to be located in a safer location. A proposed rebuilt jetty will assist in minimizing storm impacts. Most of the work to be done will be accessed from the Five Mile River, rather than from the subject property.
3. Approval for this project was granted by the State of Connecticut Department of Energy & Environmental Protection (DEEP) as part of Permit #201407591-KB. The Army Corps of Engineers has also approved this project. Both approvals are hereby incorporated by reference. The Five Mile River Commission also supports this new pier and replacement jetty.
4. In accordance with the submitted information, the proposed activities will have no adverse impacts on flooding on adjacent properties.
5. The Commission finds that the proposed project, if properly implemented, are not contrary to the goals, objectives and polices of the Coastal Area Management Program.
5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures that would mitigate any adverse impacts by the proposed activity on coastal resources.

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NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #196-A and Flood Damage Prevention Application #212-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans entitled:
  - Residential Dock & Jetty Repairs 17 Butler's Island Road, Darien, CT, by Cuoco Structural Engineers, LLC, scale as noted, dated 07-29-2014, Drawings No. 1-12.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls 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 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. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. 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.
- D. 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.
- E. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (March 10, 2016). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan 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.

Chairman Cameron then read the following agenda item:

**Subdivision Application #612-A, ASL Partners, LLC, 203 Long Neck Point Road.** Proposal to subdivide a two acre property into two one-acre lots.

Mr. Sini said that this proposed division adjacent to the street is straight forward and no problem in his opinion. Any future division of the property, particularly adjacent to Long Island Sound, will generate more concern. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve this proposed subdivision, subject to the conditions and stipulations as noted. The motion was made by Mr. Sini and seconded by Mr.

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DiDonna. All voted in favor except Mr. Olvany, who abstained from participation and voting. The motion was adopted by a vote of 4-0-1.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
March 10, 2015**

Application Number: Subdivision Application #612-A

Street Address: 203 Long Neck Point Road  
Assessor's Map #61 Lot #9

Name and Address of  
Property Owner: ASL Partners, LLC  
161 Cherry Street  
New Canaan, CT 06840

Name and Address of Applicant &:  
Applicant's Representative: Amy Zabetakis, Esq.  
Rucci Law Group, LLC  
19 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposing to subdivide the two acre 203 Long Neck Point Road property into two one-acre lots.

Subject Property: The subject property is located on the east side of Long Neck Point Road, approximately 1,200 feet south of its southernmost intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: February 24, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices  
Dates: February 13 & 20, 2015 Newspaper: Darien News

Date of Action: March 10, 2015 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: March 20, 2015 Newspaper: Darien News

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

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- the proposed use and activities must comply with all provisions of Section 400 of the Darien Zoning Regulations and all applicable sections of the Subdivision 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 subdivision plan, and the testimony 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. A free cut (the first time the property has been divided subsequent to the adoption of Subdivision Regulations by Darien) was implemented for this property and filed in the Darien Land Records in January 2015 as Map #5201. This map created a “front parcel” of 2.0 acres and a larger 2.459+/- acre, rear parcel served by two accessways off of Long Neck Point Road. That larger rear parcel has frontage along Long Island Sound. Public water and sewer is available in Long Neck Point Road.
2. The applicant proposes to subdivide the front parcel, the 203 Long Neck Point Road property, into two 1-acre lots. As noted on the submitted subdivision plan, the two lots are proposed to be 1.000 acre each and are proposed to tie into the public water and sewer available in Long Neck Point Road. Since this two-lot subdivision does not involve more than three times the minimum lot size required in the R-1 zone, and there is no open space requirement.
3. There are no inland wetlands on the subject property.
4. A plan was submitted by McChord Engineering showing the feasibility of proposed residences and associated improvements on each of the two lots. This plan shows houses which could be built upon each of these lots if they were approved.
5. As noted at the public hearing, the proposed residences and other improvements shown on the submitted plans do not represent proposed construction and are not the specific structures to be built. The Commission is NOT approving the construction of any residences herein, but rather, is solely approving the subdivision of the existing property into two lots. The decision on whether further review and action by the Planning & Zoning Commission is required for construction of these residences will ultimately depend upon the specific development proposed for each lot.

NOW THEREFORE BE IT RESOLVED that Subdivision Application #612-A is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The subdivision shall be in accordance with the following plan submitted to and reviewed by the Commission:

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- Zoning Location Survey and Original Survey Depicting two lot Subdivision of Property 203 Long Neck Point Road prepared for ASL Partners, LLC, by William W. Seymour & Associates, scale 1"=40', dated January 2, 2105.

While the plans prepared by McChord Engineering Associates, Inc. entitled "2 Lot Subdivision Plan 203 Long Neck Point Road" dated January 19, 2015, were submitted to demonstrate the feasibility of construction on the proposed lots. The plans were reviewed by the Commission, but those plans are not being approved for the actual construction of buildings, since the only application being made herein is for the subdivision approval, which is shown on the William W. Seymour & Associates plan. As noted above, there is no specific development proposal being made as part of this application, and none is being approved herein.

- B. No site work is proposed as part of this application. All utilities shall be installed underground.
- C. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- D. The Commission hereby requires that as part of the development application for either of these two lots that further details be provided for staff review on the specific location and grades of any proposed driveways. This shall include details on the driveway sight lines verified by a professional engineer. No plantings or other possible obstructions shall be installed which could impede said sight lines. While no decision on the exact location or number of driveways is being made herein, the Commission strongly desires that there be one curb cut/street opening per lot. The potential for two curb cuts to become five curb cuts in such a short distance on Long Neck Point Road warrants scrutiny.
- E. Prior to filing a mylar in the Darien Land Records, the applicant/property owner will need to obtain new street addresses and lot numbers shall be obtained from the Darien Assessor and put onto the mylar prior to being given to the Planning & Zoning Director. Once that has been accomplished, the Planning & Zoning Director shall review the mylar to confirm it is in compliance with this resolution. If so, the map shall be signed by the Chairman or Secretary and returned to the applicant for filing in the Darien Land Records. The timing of the filing must comply with Section 8-25 of the Connecticut General Statutes.
- F. 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.
- G. This approval of this subdivision does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. A Street Opening Permit(s) will be required for any new driveway(s), and a Sewer Connection permit will be needed from Sewer Services to hook up any new residences to the public sewer which now exists in Long Neck Point Road.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan by the Planning & Zoning Chairman.

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Chairman Cameron then read the following agenda item:

*Discussion and deliberation ONLY on the following applications:*

**Proposed Amendment to the Darien Zoning Map (COZM #2-2014), Special Permit Application #246-B/Site Plan #251-B, Land Filling & Regrading Application #184-B/lot line adjustment, Sun Homes Darien, LLC, 36, 42 (formerly 0), and 48 Wakemore Street.** Proposing to establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.49+/- acres, and razing the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and two affordable units to become Kensett II, and performing related site development activities. *DECISION DEADLINE: 4/9/2015.*

Mr. Ginsberg said that the first issue for the Commission to discuss and decide is whether or not they are inclined to adopt the change of the Zoning Map to extend the DCR Overlay Zone to the subject 2.49 acres of land. Mr. Cunningham said that the zone change is okay but he is concerned with the result of what the Commission wanted to accomplish with the first DCR development and the fact that what has resulted is different with respect to the school age children living in the development. Mr. Sini said that the households within Kensett have 0.4 children per unit, whereas overall in Town there are 1.1 school age children per dwelling. Mr. Cunningham said that what was represented to the Commission would be that there were virtually no school age children that would be moving into the development. Mr. DiDonna said that what was presented and proposed was that the development would be age targeted, particularly towards empty nesters with no school age children and that this would be an opportunity to downsize their house and that the master bedrooms would be on the first floor. What has resulted is 22 school age children in the 49 units that have been occupied. He said that one possibility would be to extend the zone but with restrictions on who could occupy the units in the second phase the development. Mr. DiDonna said that one of the problems and safety concerns has been the grouping of school age children near Hoyt Street waiting for the school bus. The associated traffic and safety problem has been that the parents wait in their vehicles for the school busses to pick up or drop off the school age children. In his opinion, if the Commission is to extend the zone, they should do so with conditions and modifications so that Kensett II is the way that the Commission wants it to be and the way the developer indicated that Kensett I would be. It was agreed that the DCR Regulations themselves cannot be changed at this time because there has been no public hearing regarding proposed amendments of the DCR Regulations. Mr. Sini, Mr. Olvany and Ms. Cameron noted that they are in favor of re-zoning the subject properties. No action was taken regarding the matter. It will need to be discussed at a future meeting.

At about 11:05pm, Chairman Cameron then read the following agenda item:

**Special Permit Application #277-B/Amendment of Business Site Plan #248, Day Street Development, LLC, 13 Grove Street.** Request for Le Boudoir, a personal service use, for a 1,250+/- square foot portion of the first floor of the building at 13 Grove Street.

Mr. Olvany and Mr. Cunningham said that they are in favor of the application. Mr. DiDonna said that parking is the big issue. He said that employees must park off site because of the limited on-site parking spaces for the residents of the six apartments and for the customers of the businesses in

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the front building on the Boston Post Road and this back building at 13 Grove Street. If employees park on site, they will occupy the space all day, whereas if customers occupy an on-site parking space, that space will be vacated as the customer leaves.

Ms. Cameron said that the shared parking agreement is filed in the Land Records and it is very important. There are not allowed to be any designated or reserved parking spaces for a particular tenant or use on the property. The owners or business operators need to provide proof of parking permits obtained for the employees to park off site. She also said that it is important that the windows of the retail spaces not be blocked or conceal the interior activities. She said that there is still a light post missing and that the planters at BlueMercury (the building on the Boston Post Road) need to be duplicated around the building at 13 Grove Street.

No action was taken on this matter. It will need to be brought up at a future meeting.

**Approval of Minutes**

*January 29, 2015      Public Hearing/General Meeting*

*February 10, 2015    General Meeting*

*February 24, 2015    Public Hearing/General Meeting*

Due to the late hour, the action on the minutes was postponed to a later meeting.

There being no further business, the following motion was made: That the Planning & Zoning Commission close the meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The meeting was adjourned at 11:11 P.M.

Respectfully submitted,

David J. Keating  
Planning & Zoning Assistant Director

*03.10.2015min*