

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 12, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, DiDonna, Cunningham, Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

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

PUBLIC HEARING

Continuation of Public Hearing regarding Special Permit Application #288/Site Plan, Fjord Fish Market, 1015 Boston Post Road. Proposing to establish a retail fish market with associated convenience food service use in a portion of the now-vacant 927+/- square foot first floor space at 1015 Boston Post Road. The subject property is situated on the northwest corner of the intersection formed by Boston Post Road and Day Street and is shown on Assessor's Map #73 as Lot #15 & 16, in the CBD (Central Business District) Zone. *HEARING OPENED: 5/5/2015.*

Mr. Ginsberg said that at the previous public hearing several issues had been raised and needed further information and clarification. These included: the hoodless venting system to control odor; other stores in the area; and the need for him to speak to other planners in the area to see if they had had any problems with Fjord Fish Market. He said that the Commission has received letters from the attorney representing BlueMercury which has no opposition to the project, a doctor that occupies a space above an existing store in New Canaan and he notes no trash or odor problems, a letter from Mr. Jeff Koltay, and a letter from Sarah Bonnell. Mr. Ginsberg said that the Fire Marshal has reviewed the revised plans and signed off on the project. Mr. Ginsberg confirmed that there will be no outdoor storage or activity and no trash for the business stored outside.

Ken Kleban, the property owner, said that he was available to answer any questions. Mr. Voigt noted the letter from Sarah Bonnell that expressed her concern about the potential smells. Mr. Kleban said that he, as the landlord, would be responsible for making sure that the tenant controls any potential seafood smells. He also said that as a landlord, he would be responsible for requiring maintenance of the venting system.

Jim Thistle from Fjord Fish said that all fish processing is done at the Cos Cob store except for some fresh fish that would be fileted at the Darien store. He said that they have absolutely no outdoor dumpster or storage of trash. They keep all of the waste product in the building and in the refrigerated portion of the building until it is removed from the site the next day. They will not have any delivery trucks parked or stored at the site overnight.

Mr. DiDonna said that he visited the New Canaan store and said that the front door of the building was open and a noticeable odor was emanating from the store. Mr. Thistle said that the air

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conditioning unit in the New Canaan store has been broken for two days and they are in the process of trying to get that fixed. Mr. DiDonna said that he visited two other Fjord Fish stores and there were no odor problems there. He said that the facilities had an attractive layout and were well maintained.

Mr. Ginsberg said that because they would be preparing the food and/or having ready-to-eat food, the use does require Special Permit review and action by the Planning & Zoning Commission.

There were no comments from the public. Mr. Cunningham said that there is a technical plan for the control of odors and the Commission should require that a maintenance plan be submitted as well. Mr. Voigt said that making the maintenance and proper operation of the facility in accordance with what has been told to the Commission should be a condition of the the approval. Mr. Kleban said that as the owner of the property, he would be getting any complaints from other tenants or the public and he would make sure that any problems are quickly corrected.

In response to a question, Mr. Ginsberg said that the Planning & Zoning Commission could require copies or proof of any health inspections and/or odor control maintenance work to make sure that odors are being effectively controlled.

The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and render a decision at a future meeting. The motion was made by Mr. DiDonna, seconded by Mr. Voigt and unanimously approved.

At about 8:22 p.m., Mr. Olvany read the following agenda item:

Continuation of Public Hearing regarding Land Filling & Regrading Application #346, Jeffrey & Tracey Grills, 62 St. Nicholas Road. Proposal for filling and regrading associated with the construction of a replacement single-family residence, pool and stormwater management and to perform related site development activities. The subject property is located on the south side of St. Nicholas Road, approximately 2,000 feet west of its intersection with Mansfield Avenue, and is shown on Assessor's Map #6 as Lot #88 in the R-2 Zone. *HEARING OPENED: 3/31/2015. DEADLINE TO CLOSE PUBLIC HEARING: 5/12/2015 UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Doug DiVesta, Professional Engineer, represented the applicant. Mr. Ginsberg said that at the previous public hearing, one of the issues was the potential impact to the tree that was within the regulated area around the wetland and the removal of the old garage.

Mr. DiVesta reviewed the plan revised April 29, 2015 which shifts the driveway slightly and leaves the existing garage intact and in place. The new plan also adds a new retaining wall and shifts the location of the drainage system farther away from the hemlock tree so that it would not impact the tree in a regulated area. He did say that an old cherry tree on the property does need to be removed, because it is not in good shape.

Sara Ungemack McCool reviewed the Landscape Plan. She confirmed that the cherry tree has its problems and needs to be removed. Part of the project will involve removing 14 live trees and replacing them with 22 new trees. About one-quarter of the new trees will be native species. She

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noted that a number of the existing trees to be removed are invasive species such as Norway Maple and Ilantis.

A question was raised regarding the size of the trees to be planted. The new trees to be planted will be approximately 12 feet tall when installed. Depending on the species, they will grow 1 to 2 feet taller each year. It might take some of them 10 to 15 years before they match the height of the old existing trees that are going to be removed.

Mrs. Ungemack McCool said the wetlands on the property will not be disturbed.

Barbara Taylor of 60 St. Nicholas Road said that she is very concerned about the drainage and how it might affect her property. Her property is located to the east of the subject property. She said that years ago a large pipe was installed and it drains water onto her property. This makes her lawn very wet.

Mr. DiVesta explained that the existing storm drainage from the existing house heads in an easterly direction. When the reconstruction occurs, the stormwater runoff will be directed into a new on-site drainage system so the water will percolate into the ground. He said that the old Orangeburg pipe will be removed which would relieve the water now directly flowing in an easterly direction. Mrs. Taylor was pleased to hear that the drainage problem will be corrected. She asked how early work can start in the morning. She was told that the local ordinance does allow construction work to start at sun-up and proceed until sundown.

There were no other comments from the public regarding the matter. The following motion was made: that the public hearing regarding this matter be closed. The motion was made by Mr. DiDonna, seconded by Mr. Cunningham and unanimously approved.

At about 8:40 p.m., Mr. Olvany then read the following agenda item:

Continuation of Public Hearing regarding Proposed Amendment to Darien Zoning Regulations (COZR #1-2015), Special Permit Application #287/Site Plan review, Land Filling & Regrading #349, Knobel Hill, LLC, 40 Locust Hill Road. Proposing to demolish the existing structures on-site, apply the Active Senior Residential Overlay Zone to the subject property, and construct an “Active Senior Residential Development” under Section 430 of the Darien Zoning Regulations consisting of six total dwelling units; install associated stormwater management; and to perform related site development activities. The application also includes a proposed amendment to Subsection 436b of the Zoning Regulations regarding terraces and utility equipment. The subject property is located on the south side of Locust Hill Road, at the southwest corner formed by its intersection with Settler’s Trail, and is shown on Assessor’s Map #64 as Lot #49 in the R-1 Zone.
HEARING OPENED: 4/28/2015. DEADLINE TO CLOSE PUBLIC HEARING: 6/1/2015

Mr. Olvany said that he had not been able to attend the previous public hearing, but he has watched the recording of that meeting.

Attorney Robert Maslan represented the applicant and said that they are working on getting designated, affordable units, but no contracts are in place at this time.

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Todd Ritchie, Professional Engineer, said that he did a Peer Review letter of the project engineering and that the responses by Doug DiVesta, the applicant's engineer, have been adequate.

Mr. Maslan said that the new sidewalk is shown on Locust Hill Road and then turning southerly on Settler's Trail to the proposed driveway, but it does not extend south of the driveway. Mr. Olvany said that the sidewalk on Locust Hill Road does not go all the way to the downtown area and asked if the applicant could help the Commission to extend the sidewalk in that area. Mr. Maslan said that he would look into that. Attorney Maslan said that the planting and landscaping in the 30 foot triangle at the intersection of Locust Hill Road and Settler's Trail has been adjusted to improve sight line and safety visibility. He said that other changes to the plan have included additional silt fencing, designation of stockpile areas, revised tree planting plan, and the improvement of the sight line at the Locust Hill Road/Settler's Trail intersection which can be incorporated as a condition of the first phase of the project.

Keveny Moses, Landscape Architect, reviewed the site plan and layout of the project. He also reviewed the planting and lighting plan. He said that the lighting plan is very discreet, low level lighting. He noted that a 13,000 sq. ft. Conservation Easement Area will be created. He also said that they would be relocating an existing stone wall in the northwest corner of the site to be farther from the wetlands. The relocated wall will coincide with the new property line. He said that the lighting plan has been designed to have no light spillage onto adjacent properties with the exception of the entrance driveway area where the lights would be visible from the street. He said that there is a question regarding the planting of trees within the Settler's Trail right-of-way. He said that the applicant will do whatever the Commission wants in that vicinity. He said that 31 large trees will be removed in order to make way for the project, but 161 new trees will be planted. Many of the trees to be removed are in the vicinity of the street intersection and they are being removed specifically to allow the sidewalk to be built and the sight line and safety issues to be corrected. He said that at the intersection of Locust Hill Road and Settler's Trail, the large rock outcrop will need to be removed and this will affect existing trees in that area.

In response to questions from the Commission, Mr. Moses agreed that he will provide a marked-up plan that highlights the existing trees to be removed and the proposed trees. It would also highlight the existing trees which are to be preserved and protected during the construction process.

Attorney Maslan said that one of the reasons that they are not continuing the sidewalk along Settler's Trail to the south of the proposed driveway is because it would require the removal of many additional trees within the street right-of-way. He also referred to Page A-26 of the Wildlife Study conducted by Wes Stout.

Doug DiVesta, Professional Engineer, said that his design was reviewed by the Town's consultant, Todd Ritchie. Additional comments were received from Mr. Ginsberg and Mr. Oustafine of the Public Works Department. He has revised the plan to incorporate virtually all of those comments and concerns. He has referred the comments and changes to Mr. Ritchie.

Mr. DiVesta was asked how much blasting will be required to facilitate the project. He said that they had still not completed the test borings to determine how hard the rock is and the areas where the ground needs to be regraded. His estimate at the moment is that approximately 1,000 cubic yards of rock will need to be blasted. He said that this will take several weeks of intermittent

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blasting. He said 1,000 cubic yards could easily be hauled off in 62 truck loads, but said that some of the stone will break into smaller pieces and then could be used for back fill of the proposed buildings. In that way, they will not need to haul away all the blasted stone. He said that they would not be using hammering to remove the rock.

Mr. DiVesta and Attorney Maslan noted that they would not be having any rock crushing facilities on the site. Attorney Maslan said that some of the rock that is blasted might need to be trucked away from the site, crushed at a different location and then brought back to the site.

Mr. Olvany said that it might be necessary to install a temporary chain link fence behind the silt fence in order to prevent any problems that might arise during regrading and blasting.

Mr. Voigt questioned the volume of fill that might be needed to bring the site to the proposed grades. Mr. DiVesta said that he would do those calculations and provide that information to the Commission.

Todd Ritchie, Professional Engineer of Woodard & Curran, explained that he had been hired by the Town to review the project. His comments and concerns have been addressed by Mr. DiVesta. He will go over the revised plans in detail to make sure that all of the issues have been addressed. He said that one of the features is the installation of a rain garden on top of a cultec unit that would be located under the ground. He said that this design has been used elsewhere and it can work effectively, but needs to be designed well and properly installed. He said that another important aspect would be the inclusion of an emergency overflow area so that any impoundment of water will either saturate into the ground or flow into a designated area. He suggested that temporary open basins in the vicinity of the eventual cultec units should be used during the early construction process. This would be better than installing the Cultec units in the beginning and then having them filled with silt during the rest of the construction.

Commission members discussed the sight line issues along Locust Hill Road and Settler's Trail. Mike Galante, Traffic Consultant for the Town, said that at the intersection of Settler's Trail and Locust Hill Road, looking in the easterly direction on Locust Hill Road, there is a rock outcrop that is not part of the subject property. That rock outcrop limits the visibility in an easterly direction to approximately 250 ft. He said that the existing situation is about as good as you can get it without doing major reconstruction of Locust Hill Road to the east of the site. He said that the corner of the street on the site will be substantially revised so that looking west from Settler's Trail on Locust Hill Road, the visibility will be substantially improved.

Mr. Ginsberg said that Section 1005 of the Zoning Regulations addresses the necessary finding for the Commission to make regarding traffic safety.

Mr. DiVesta said that early in the construction process the applicant will pave the access drive from Settler's Trail into the site. The only temporary construction access will be from Settler's Trail, not Locust Hill Road.

Attorney Maslan said that the applicant is also requesting a minor modification of the existing Zoning Regulations. He said that in all residential zones, terraces are allowed to be no less than 8 feet from the property boundaries. He said that when the provisions of Section 436 were adopted, it

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requires that all such structures including terraces be at least 40 feet from all property lines. They are requesting that this be modified so that terraces only need to be 25 feet from property lines. He said that there is also a question regarding the location of the transformer, but said that it can be clarified without the need for a new legal notice.

Mr. Moses said that planting around the terraces will be as shown in the schematic manner on the Landscaping Plan. The developer will do this type of decorative landscaping depending upon the availability of plants and the desire of customers.

There were no comments from the public regarding the application.

Attorney Maslan said that Mr. DiVesta will look into the fence around the silt fence and do the fill calculations. He said that Mr. Melman will provide the requested map regarding tree removal and Mr. Ritchie will continue to review the revised Engineering and Drainage Plan. He said that additional information will be provided regarding the emergency driveway material and the facing or sequencing plan and the number of truck loads into and out of the site for fill and other materials. He said that they will also provide information about potential blasting time periods.

He said that the applicant would very much like to start demolition in the very near future even though the public hearing regarding this matter has not been concluded. Commission members confirmed that they are okay if the applicant wants to proceed with knocking down existing structures, but there is no commitment from the Commission regarding any action or approval that may take place. Penny Glassmeyer said that she is very anxious to take down the old buildings and start the new construction. Mr. Voigt said that there are no letters from the neighbors concerning the project and no neighbors have attended the meetings.

Bob Cardello, Project Architect, said that with the existing buildings removed they can complete the required test borings. In response to questions, he said that the cottages have small basement like areas for equipment and then the rest of the area of the cottage structure will be a crawl space.

Mr. Olvany said that it is necessary for the applicant to provide details about where the affordable housing units will go and that the Commission will not act on the application until that information is provided. Mrs. Glassmeyer said that according to Mr. Ginsberg, that information would not be needed until they request a Certificate of Occupancy for the first market-rate unit. Mr. Ginsberg said that the Commission needs to know where the units will be and how big they will be and that they satisfy the Regulations before the Commission even takes action on the application. He said the Commission does not want to pursue the option of the applicant paying money to the Affordable Housing Trust Fund instead of creating affordable housing units nor having the affordable housing units created on the site.

There was some discussion regarding the Mandatory Referral regarding the sewer extension. That Mandatory Referral will be submitted by the applicant in the near future and then the Commission will have 30 days to respond. Commission members did not think that they would need to hold a public hearing regarding the sewer extension referral.

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There were no more questions regarding traffic or safety. Commission members noted that the engineers will need to work out final details about the grading and the drainage. It was decided to continue the public hearing regarding this matter at 8:00 P.M. on May 26, 2015 in the Town Hall.

GENERAL MEETING

At 10:05 p.m., Mr. Olvany called the General Meeting to order and read the following agenda item:

Deliberation and possible decision regarding:

Land Filling & Regrading Application #348, Jeffrey & Dagmar Scalise, 1 Lynn Court. Proposal for filling and regrading associated with the construction of a replacement single-family residence, detached garage, associated patios, and stormwater management, and to perform related site development activities. *PUBLIC HEARING CLOSED 4/28/2015. DECISION DEADLINE: 7/2/2015*

Commission members reviewed the draft Resolution and discussed some of the clarifications and corrections necessary. The following motion was made: That the Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Voigt, seconded by Mr. Cunningham and unanimously approved.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 12, 2015**

Application Number: Land Filling & Regrading Application #348

Street Address: 1 Lynn Court
Assessor's Map #31 Lot #13

Name and Address of:
Applicant's Representative: Doug DiVesta, PE
DiVesta Civil Engineering Associates, Inc.
51 Painter Ridge Road
Roxbury, CT 06783

Name and Address of Applicant &:
Property Owner: Jeffrey & Dagmar Scalise
c/o 2 Eddy Lane
Darien, CT 06820

Activity Being Applied For: Proposal for filling and regrading associated with the construction of a replacement single-family residence, detached garage, associated patios, stormwater management, and to perform related site development activities.

Property Location: The subject property at 1 Lynn Court (formerly known as 140 Hoyt Street) is located on the south side of Lynn Court at the southwest corner formed by its intersection with Hoyt Street.

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Zone: R-1/3

Date of Public Hearing: March 31, 2015 continued to April 28, 2015

Time and Place: 8:00 P.M. Rooms 119 and 206 Town Hall

Publication of Hearing Notices

Dates: March 20 & 27, 2015

Newspaper: Darien News

Date of Action: May 12, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
May 22, 2015

Newspaper: Darien News

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, 850, and 1000 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'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 for filling and regrading associated with the construction of a replacement single-family residence with attached two car garage, associated at-grade patios, and stormwater management, and to perform related site development activities. The proposed house will be connected to sanitary sewer and public water.
2. At the public hearing, Doug DiVesta, Professional Engineer, represented the applicant and explained that the current owner plans to demolish the existing house and build a new replacement house. Some of the filling and regrading will be within 15 feet of the property lines and/or more than 25 feet away from the building, thus a Special Permit approval from the Planning & Zoning Commission is required.
3. At the first public hearing on March 31, the Commission expressed concerns about the size of the house and the extensive regrading on the west side of the property. They asked that plans be revised to reduce the amount of grading and to minimize the appearance of a "bulky" house, which would be much higher in elevation than the adjacent Lynn Court property to the west. The revised plan eliminates a proposed retaining wall on the west side of the house and shifts the location of the garage and driveway. The revised driveway and proposed two-car attached garage will be on

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the east side of the new residence. In response to concerns about the height of the proposed residence, at the April 28 public hearing, Mr. DiVesta agreed to lower the first floor of the proposed residence by six inches.

4. The submitted plans include improving the sight line at the intersection of Lynn Court and Hoyt Street so that within 30 feet of the intersection of the two streets there will be a maximum height of three feet for any fences, walls, vegetative growth or other potential obstructions of required sightline visibility. This will substantially improve safety. The existing tall fence along Hoyt Street will be replaced with a lower fence in that area. The new fence will be on the property instead of within the street right of way.
5. A new drainage system will be installed on the southwest corner of the property to accommodate additional runoff from the new roof area and driveway. The result will be no net increase in the peak discharge of stormwater compared to predevelopment conditions. Mr. DiVesta said that he had reviewed and responded to the comments from Darren Oustafine of the Public Works Department. Mr. DiVesta's response letter is dated March 26, 2015.
6. Mr. DiVesta said that the detached garage has been deleted from the plans and only an attached garage will be constructed.
7. At the first public hearing in March, Mr. Olvany suggested that the Commission keep the public hearing open so that Mr. DiVesta can review whether the sidewalk along Hoyt Street along the property's frontage is in need of repair or improvement. At the second public hearing in April, evidence was submitted showing that the sidewalk in this area is not in need of repair.
8. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. 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 Land Filling & Regrading Application #348 is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Scalise Residence 1 Lynn Court Proposed Site Plan, by DiVesta Civil Engineering Associates, Inc., dated 02/18/15 and last revised 04/22/15, Sheet No. 1 of 2.
 - Scalise Residence 1 Lynn Court, Details, by DiVesta Civil Engineering Associates, Inc., dated 02/18/15 and last revised 03/26/15, Sheet No. 2 of 2.
 - Improvement Location Survey prepared for Jeff Scalise, 1 Lynn Court, by Land Surveying Services, LLC, scale 1"=10', dated Nov 10, 2014 and last revised 4-20-2015.
(Note: this is the plan which shows the proposed house elevation in the bottom left corner with the garage on the left hand side of the house. The house shall have a first floor of no greater than 74.0, which is six inches lower than that shown on the plans above.)

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- B. The changes to the fence and landscaping within 30 feet of the Hoyt Street/Lynn Court intersection, and the removal of the tall fence along Hoyt Street are integral parts of this application and should be completed when the foundation is being installed and must all be completed prior to the issuance of a Certificate of Occupancy for the proposed residence.
- C. In order to minimize the potential visual impact and potential bulky appearance of the new residence on the adjacent property to the west, the Commission requires the planting of at least one tree on the west side of the residence.
- D. The Commission notes that during the public hearing, there was uncertainty regarding the average finished grade around the proposed residence and its possible effect on the calculation of building height. The architect shall work with the engineer on determining the average finished grade around the proposed residence and submitting the detailed calculations with the Zoning and Building Permits for the proposed new residence, so that it can be assured that the proposed residence complies with the Building Height maximum in the Zoning Regulations.
- E. The Commission finds that the existing sidewalk along Hoyt Street on this property's frontage is not in need of repair. Thus the applicant is not required to repair or replace said sidewalk.
- F. Due to the minor nature of the filling and regrading associated with this project, the Commission hereby waives the requirement for a performance bond.
- G. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the "Site Plan" in Condition A, above, 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.
- H. A Site Engineering Report last revised March 2015 was submitted to the Planning and Zoning Office. This report includes a Stormwater Management Operation and Maintenance Plan (Appendix A). A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the proposed replacement house. This notice will require the property owner and all subsequent property owners of 1 Lynn Court to maintain the subsurface detention systems, and will alert future property owners of the need to maintain said facilities to minimize any potential downhill impacts.
- I. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Throughout the development of the site, even before the final drainage system is installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors and/or the street. Prior to the request for the Certificate of Occupancy for the new house, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage

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system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.

- J. Once the project is complete, and prior to the issuance of a Certificate of Occupancy for the new house, the applicant shall submit a final certification, that all excavation, filling and grading work has been properly completed in accordance with the approved plans.
- K. 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 Demolition Permit is required from the Building Department. A Sewer Connection Permit from Darien Sewer Services is required. Any oil tank removal requires review and coordination with the Fire Marshal.
- L. 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.
- M. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (May 12, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan, as required to be revised herein, 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 and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the issuance of a Zoning and Building Permit for the replacement house.

Vice Chairman Olvany read the following agenda item:

Deliberation only on the following two items:

Coastal Site Plan Review #307, Flood Damage Prevention Application #348, Land Filling & Regrading Application #350, Jared & Schuyler Heuer, 37 Contentment Island Road Proposal to construct an addition to the existing single-family residence, modify the parking court and driveway, and to perform related site development activities within regulated areas. *PUBLIC HEARING CLOSED 5/5/2015. DECISION DEADLINE: 7/9/2015.*

Commission members asked staff to draft a Resolution to approve the project subject to the typical conditions.

Vice Chairman Olvany then read the following agenda item:

Coastal Site Plan Review #270-B, Flood Damage Prevention Application #306-B, Land Filling & Regrading Application #270-B, Paul & Amy Darrah, 11 Peabody Lane. Proposal to retain a seawall; remove existing ramp and pier and float; construct timber walkway; construct elevated

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walkway, pier, gangway and float; and to perform related site development activities within regulated areas. *PUBLIC HEARING CLOSED 5/5/2015. DECISION DEADLINE: 7/9/2015.*

Commission members were very concerned about the site work near the water, but felt that the staff should draft a resolution to approve the project subject to the typical conditions and stipulations.

Vice Chairman Olvany then read the following agenda item:

Approval of Minutes

April 7, 2015 General Meeting/Public Hearing

The draft minutes were reviewed and several clarifications and corrections were agreed upon. The following motion was made: that the Commission approve the corrected minutes. The motion was made by Mr. DiDonna, seconded by Mr. Cunningham and unanimously approved.

There being no other business, the following motion was made: That the meeting be adjourned. The motion was made by Mr. Voigt, seconded by Mr. Cunningham and unanimously approved. The meeting was adjourned at 10:18 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

05.12.2015min