

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 14, 2014**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg
RECORDER: Syat
Channel 79

The meeting was opened at 8:00 P.M. by Chairman Cameron, who read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Subdivision Application #577-A, Coastal Site Plan Review #60-B, Land Filling & Regrading Application #318, DFK, LLC, 8 Cross Road.

Proposing to raze the existing residence and garage, resubdivide the existing property into two lots, and construct two new single-family residences with associated septic systems and stormwater management, and perform related site activities in a regulated area. The subject property is located on the north side of Cross Road, approximately 250 feet east of its intersection with Tokeneke Trail, and is shown on Assessor's Map #65 as Lot #8 in the R-1 Zone.

PUBLIC HEARING OPENED ON: 11/26/2013. DEADLINE TO CLOSE PUBLIC HEARING IS 1/14/2014 UNLESS EXTENSION IS GRANTED BY APPLICANT.

Attorney Bruce Hill was present on behalf of the applicant. He said that they are addressing questions related to the site plan and drainage plan. Other questions received were related to the Declaration of Restrictions from the original 1988 subdivision. Mr. Hill noted that he has reviewed that document, and nothing is inconsistent between this application and the original subdivision approval. There were no drainage easements established on Lot 4. Lot 4 is only impacted by the driveway easement for Lot 5. He then submitted the Legal Description Schedule A in the deed for the record in this matter. There are catch basins now existing in the vicinity, but not on Lot 4. He said that the subdivider has approval rights over this property. He explained that attorney Amy Zabetakis is present tonight on behalf of the subdivider. Mr. Hill then referenced the 36" chestnut tree on the front of proposed lot #4A.

Mr. Bruce Eckerson, Landscape Architect, said that the 36" chestnut tree appeared to be in good shape. He believes that it is a horse chestnut. Mr. Hill then distributed an 8-1/2" x 11" sketch showing a reconfigured driveway, which would attempt to keep the chestnut tree. He then showed a full Planting Plan with the modified driveway which attempts to preserve the chestnut tree. Mr. Cunningham noted that this plan would create green space around the tree in front of the house. He then asked whether this would change the total amount of impervious surface proposed. Professional Engineer Rob Frangione responded that the amount of impervious surface is roughly comparable to the previous plans submitted. He said that he could add some Cultec units to accommodate any new impervious surface as a result of this revised driveway plan.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 14, 2014
PAGE 2 OF 5

Mr. Olvany then had a question about the rain garden for proposed Lot 4B. Mr. Frangione responded that water will flow from the driveway to the lawn to the proposed rain garden. The water flow is based upon the proposed grades. The only ledge to be removed in that area is for part of the proposed driveway. Some ledge will remain in that area. They will be relying on the contours and on-site micrograding. They do not need any channelization. Mr. DiDonna then noted that 150 cubic yards of ledge are proposed to be blasted—how much will be removed? Mr. Frangione responded that they will be removing 3+/- feet at maximum near the proposed shared property line between Lot 4A and 4B. They will be blasting the ledge from its grade at elevation 26, down to elevation 23, and then adding six to nine inches of topsoil and grass. He explained that the existing house has a basement, and nearby test holes do not show any ledge. He estimated that there would be about 15 truckloads of ledge removal over a two week time frame.

Ms. Cameron then asked whether the “open meadow” approach was taken by Mr. Frangione when preparing his engineering and drainage calculations. Mr. Frangione responded that the existing property is in the lower 1/3 of the watershed, and the drainage has been designed to not impact the road or the neighboring properties. They have addressed water quality in the submitted plans. The rain garden is a Best Management Practice (BMP). In this specific case, because of the property’s location, they have proposed Cultec units on one lot, and a rain garden on the other lot. Ms. Cameron then asked what the site would look like if the “open meadow” approach was taken. Ms. Cameron noted that in prior testimony at the November hearing, Mr. Frangione had specifically stated that Cultecs were being used for detention as well as water quality. At the November hearing Jeremy Ginsberg noted that Assistant Public Works Director Darren Oustafine had commented that they had not designed to the “open meadow” standard. Mr. Frangione stated that there was no redesign of the system. Ms. Cameron requested that Mr. Oustafine weigh in on the number of Cultecs proposed.

In response to a question, Mr. Ginsberg noted that he had sent an e-mail dated December 3, 2013 to the applicant’s representative, and those comments were all addressed in his December 23, 2013 response letter and associated revised plans received December 26, 2013. Mr. DiDonna asked how many trees will be cut as part of this proposal. Mr. Frangione responded that five trees will be removed, and two beech trees are not in good shape. Ms. Cameron questioned the condition of the beech tree, and asked whether the 48” beech could be saved. Mr. Foster Kaali-Nagy said that the 48” beech has damage on the back side of it, and they are saving the chestnut tree.

Attorney Amy Zabetakis was present on behalf of Mary Wilson Moore, the daughter of the original subdivider. She said that the owner was similarly confused by the drainage like the Commission.

There were no other comments or questions by the general public or the Commission. Mr. Olvany made a motion to close the public hearing on this matter. That motion was seconded by Mr. Cunningham, and was unanimously approved. It was confirmed that Mr. Ginsberg will check with Mr. Oustafine regarding the stormwater management.

GENERAL MEETING

At about 8:25 p.m., Mrs. Cameron read the first General Meeting agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 14, 2014
PAGE 3 OF 5

Informal discussion and update regarding Kensett, Hoyt Street/Wakemore Street.

Attorney Bruce Hill was present on behalf of the builders/developers. He noted that the project is well underway. About 50% of the units have been sold or are under contract. Through this process, various properties in the vicinity have been reconfigured. The builders/developers now have an opportunity to purchase other adjacent properties in the area in order to expand the project. They are looking for feedback from the Commission tonight.

Mr. Bob Dale said that construction was started on this 62 unit townhouse/condominium project in 2012. As part of this project, they have done the following:

- eliminated a long-standing 15 acre gravel pit, which was a nuisance use;
- addressed a deficient traffic intersection;
- eliminated one rail crossing/dangerous driveway;
- improved the sight line at the intersection of Hoyt Street and Wakemore Street;
- brought public water to the site and along Wakemore Street with hookup availability for everyone on Wakemore Street, as well as looped the system;
- upgraded the sewer pump station;
- upgraded a culvert near Hoyt Street;
- addressed a stormwater drainage issue at the end of Wakemore Street;
- eliminated a non-conforming duplex; and
- reduced the steep grade on Wakemore Street.

They had their grand opening in September 2012. They have sold 36 units, and expect to finish the 62 units in late 2015 or early 2016. The principal access is on the western end of the site. He showed parcels on the east end of Wakemore Street which they are considering developing.

Mr. Bill McGuinness then distributed a bound booklet showing the area at the eastern end of Wakemore Street, as well as photographs of some of the existing units. The sketch showed a possibility of fourteen additional units at the end of the street.

Ms. Cameron noted that she was on the EPC when the project was approved. She was concerned that the project is not "age-targeted", and asked how many young families have moved in thus far. Mr. Hill responded that the project was never "age-restricted", but rather, was "age-targeted". Of the 35 units sold thus far or under contract, 17 are occupied by those over 50 years old with no children; 10 of the units are occupied and have children living in them with 3 or 4 children in the Darien schools and some infants; and there are 8 units which are occupied by younger folks with no children.

Ms. Cameron noted that if more than five new units are proposed, then the Town's inclusionary zoning requirement would kick in. Mr. Ginsberg added that in his prior informal discussions with the builders/developers, he mentioned that in this specific case, the Commission would probably not want a fee-in-lieu, but would prefer that the units be constructed. Ms. Cameron said that it is important for the builders/developers to understand the necessary affordable unit capital costs. Mr. Hill mentioned that they have considered the inclusionary zoning regulation, and the possibility of an Incentive Housing Zone.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 14, 2014
PAGE 4 OF 5

Mr. Sini mentioned that he was on the PZ&H Committee of the RTM when this project was approved. Mr. Hill again confirmed that the project was never age-restricted, only age-targeted. Mr. DiDonna asked about the western portion of the property near Hoyt Street. Mr. Dale then reviewed the lots in question. He said that they own Lot 210-211, and they will likely build a single-family residence there. It will likely be part of Kensett, and it will be custom-designed.

Mr. Olvany asked about the acreage of the entire property, and mentioned that he considers it to be about nine units per acre, and the new area at the eastern end of the site would have a similar density as shown on the submitted sketch. He noted that all of the units were approved for three bedrooms, and that is likely what would be proposed here.

Mr. McGuinness responded that there is one floor plan which is an option for buyers, which has four bedrooms. Some buyers prefer the three bedroom plans instead of the four bedroom plans. The larger units are about 4,000 square feet. They are also offering generators as an additional option, and have sold two or three thus far. Mr. Voigt asked whether they would be offering the four bedroom option in the units they are discussing informally tonight. Mr. McGuinness responded that four bedroom units for these units is not likely.

Mr. Hill concluded by noting that the Wakemore Street area has redevelopment potential and access for the project will still remain through the Kensett driveway. The existing structures at the eastern end of Wakemore Street would be removed as part of this proposal. Mr. Hill said that a zone change would be needed for this proposal, which will allow the Planning and Zoning Commission the opportunity to review the density and the fit. He said that they will continue to keep the Board of Education informed on any school-aged children and demographics within the development. Mr. DiDonna noted that the physical street Wakemore Street is in need of improvement/repair. In response to a question, Mr. Hill confirmed that Wakemore Street is a private road, and would remain that way.

Mandatory Referral #7-2013, Darien Sewer Commission, Tokeneke Road.

Request to extend sanitary sewer line 300+/- feet to the west.

Mr. Ginsberg noted that a draft report had been included in Commission members' packets. Mr. Cunningham made a motion to approve the report as written. That motion was seconded by Mr. Olvany and approved by a vote of 6-0. The approved report reads as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
SEWER COMMISSION
EXTENSION OF SEWER LINE ON TOKENEKE ROAD
JANUARY 14, 2014**

Mandatory Referral #7-2013, Darien Sewer Commission, Tokeneke Road.

Request to extend sanitary sewer line 300+/- feet to the west.

At the January 7, 2014, this proposal was discussed along with the submitted December 18, 2013 letter from Darren Oustafine, Assistant Director of Public Works. The proposal is for a sanitary

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 14, 2014
PAGE 5 OF 5

sewer line extension of approximately 300 feet to serve two lots. It is unlikely that further extensions of this line would be warranted. Mr. Oustafine mentions in his memo that capacity of the existing system will not be affected.

It was noted that the proposal is consistent with the 1997 Darien Wastewater Facilities Report.

On the basis of all of the foregoing, the Sewer Commission's proposal to extend the existing sewer line by about 300 feet along Tokeneke Road is consistent with the 2006 Town Plan of Conservation and Development and town policies.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. That motion was made by Mr. Voigt, seconded by Mr. Cunningham and unanimously approved. The meeting was thus adjourned at 9:18 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

01.14.2014min