

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Olvany, Sini, Jr., Voigt; Stevenson (ex-officio) until 8:25 p.m.

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

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

GENERAL MEETING

Discussion of Town Plan of Conservation & Development

Glenn Chalder, of the consulting firm Planimetrics, will be present to discuss the many ways to proceed with a Town Plan of Conservation & Development; discuss some of his recent work in other communities; and how they have approached this work.

Glenn Chalder of Planimetrics discussed the need for the community to update the Town Plan of Conservation & Development within the 10 year time period specified by the State statutes. He said that the Plan is an opportunity to act in a proactive manner not just to react to existing or current problems. He said the Commission's responsibility is to look out for the future of the community. He said three primary components include - an inventory of data, a vision of the future including written goals and key points and then recommendations and strategies to achieve the vision and goals. He said that another way to look at it is to ask three questions: what to protect, how to guide growth and what to provide in terms of services and facilities. Mr. Chalder said that in his experience three things make a big difference in the formulation of the Town Plan of Conservation & Development. They are: public participation, a vision or plan of what is to be accomplished, and implementation, specifically who will take what actions and when they will accomplish and when they will take those actions. He said that it is not uncommon for a Planning & Zoning Commission to dedicate one meeting each month for 12 to 18 months to work on the planning process. He said one issue is the physical infrastructure to ensure that the goals can be accomplished and another issue that has become more prominent has been sustainability.

Mr. Chalder said that the strategic or big picture is the establishment of long term policies and then the small goals or activities or things that need to be done to move toward the implementation of the big picture. He said that demographic changes have included a decrease in household size, aging population, aging housing stock and the need for newer housing stock.

The Commission discussed the matter and thanked Mr. Chalder for his input.

Chairman Cameron read the following agenda item:

Public Comment Session—first meeting of each month

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 2 OF 25

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 at this time.

Chairman Cameron read the following agenda item:

Amendment of Coastal Site Plan Review #138-C and Flood Damage Prevention #140-C, Baiera, 26 Shipway Road.

Request to extend an existing patio and install an outdoor kitchen.

Mr. Ginsberg explained that the proposed outdoor patio area and kitchen-like facilities are located in the Coastal Area Management Zone and Flood Hazard Zone. Commission members reviewed the letter and drawings that were submitted. Attorney Bruce Hill represented the property owner and explained that the project will not have any impact on coastal resources and all the electrical work will be done so that it will be flood compliant. He said that the propane tank for the grill will be anchored into the ground to avoid flotation.

After brief discussion, the following motion was made: That the Planning & Zoning Commission approve the requested outdoor kitchen-like facilities as described in the application materials. The motion was made by Mr. Sini and seconded by Mr. Voigt. All voted in favor, except Ms. Cameron who abstained to avoid any perception of a conflict of interest.

Chairman Cameron read the following agenda item:

Protected Town Landmark #8, Coastal Site Plan Review #279, Flood Damage Prevention Application #311, Land Filling & Regrading Application #285, Jim & Susan Ozanne, 94 Ring's End Road. Request for extension of time to complete project.

Commission members noted that work is progressing. The following motion was made: That the Planning & Zoning Commission grant the requested one year extension of time to complete the proposed work. All work must be completed by January 8, 2015. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Chairman Cameron read the following agenda item:

Amendment of Special Permit #202-C, and Amendment of Business Site Plan #109, Bodega Taco Bar, 980 Boston Post Road, CBD Zone.

Requests to: 1) have two-day Cinco de Mayo event in May 2014 in a portion of the Center Street South parking lot; and 2) have outdoor dining in front of and behind the building.

Mario Fontana explained that the front sidewalk area is allowed to have up to three small tables and six stools up against the building. He said that these outdoor tables are not regularly set or used but he wants to maintain them. The past approval for the outside dining on the front will expire in the near future and he is seeking re-approval for those three tables and six chairs.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 3 OF 25

Mr. Fontana explained that on the patio in the rear portion of the building (adjacent to the municipal parking lot) permission has been granted for 14 seats at 7 tables. In that location, they routinely serve lunch and dinner. They share the space with the adjacent bagel store. The following motion was made: That the Planning & Zoning Commission approve the continuation of the rear patio use and of the three tables and six chairs on the Boston Post Road side of the building for an additional three years only. That approval will expire April 8, 2017. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Mr. Fontana explained that he is seeking permission for a special Cinco de Mayo celebration. Last year they had a 15'x30' tent with temporary outdoor kitchen, bar and high top tables plus an additional 15'x15' tent over the patio. This year they are proposing to bring in their food truck and temporarily have some outside tables. The 15'x15' tent would cover the patio area but not cover the additional temporary seating located in parking spaces adjacent to the building. He said that if there would be any entertainment, it would be in the building, not outside. He said most activities will be in the restaurant or on the patio but the food truck will be brought to the site periodically on the weekend. Mr. Sini expressed concern that May 5 (Cinco de Mayo) is on a Monday and that from 1-3 P.M. the proposed use of the parking space by the food truck could negatively affect adjacent businesses that depend on those parking spaces. Commission members discussed this and concluded that it would be worth an attempt to try this and see if it can be done without having any negative impact on the adjacent businesses. Mr. Ginsberg said that the applicant will need to work closely with the Health Department and Selectmen to obtain the approvals necessary for the tent on Town property and the use of the food truck. The following motion was made: That the Planning & Zoning Commission approve the proposed Cinco de Mayo temporary modification of the Special Permit for 2014 only, in accordance with the submitted material. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #257-C, Flood Damage Prevention Application #289-C, Land Filling & Regrading Application #245-C, Hillary Miller, 5 Tokeneke Beach Drive.

Request to amend previously approved pool and pool patio.

Attorney Robert Maslan explained that the original approval for the house was modified and reduced by 25-33%. As part of that modification the approved terrace designs were modified slightly. Now that they are implementing the terrace and pool construction they are seeking to install a slightly larger patio/terrace and larger pool compared to the most recent approval by the Commission. Mr. Voigt said he recalls the issues and concerns with the original permit and was then pleased when the revised and reduced plans were submitted and approved. Now the applicant is seeking to expand the development. Mr. Voigt expressed concern over the proximity of the proposed terrace area to the natural features on the site. The approved plans and proposed plans were reviewed and discussed by the Commission. Mr. Olvany said that he felt more information was necessary. The following motion was made: That the Planning & Zoning Commission approve the requested modification to the terrace/patio and swimming pool in accordance with the submitted plans. The motion was made by Mr. Voigt and seconded by Mr. Sini. Voting in favor were Ms. Cameron, Mr. Voigt and Mr. Sini. Mr. Olvany abstained. The motion passed by a vote of 3-0-1.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 4 OF 25

Chairman Cameron then read the following agenda item:

Discussion, deliberation and possible decisions regarding:

Mandatory Referral #1-2014, Board of Education, Darien High School, 80 High School Lane.

Request for a report regarding the installation of synthetic turf on three existing fields, conversion of an existing practice field to a softball stadium, and related site work. *DEADLINE TO ISSUE REPORT: 4/22/2014.*

Commission members reviewed the draft report and made several modifications and clarifications. The following motion was made: That the Planning & Zoning Commission adopt the referral and send the report to the Board of Education. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

The report reads as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
BOARD OF EDUCATION
DARIEN HIGH SCHOOL, 80 HIGH SCHOOL LANE.
APRIL 8, 2014**

Mandatory Referral #1-2014, Board of Education, Darien High School, 80 High School Lane.

Request for a report regarding the installation of synthetic turf on three existing fields at the Darien High School, conversion of an existing practice field to a softball stadium, and related site work. *DEADLINE TO ISSUE REPORT: 4/22/2014.*

The proposal includes the installation of synthetic turf on three existing fields at the Darien High School property (“Stadium East”, “Northwest Field”, and “Upper Oval”). The “Middle Oval” field will have its existing turf field carpet replaced and that field will be extended. The “Lower Oval” field will have modifications made to it such as grading and new dugouts and batting cages to create a new natural grass softball field. Other improvements such as new netting systems and bleachers are part of the various improvements on these fields. Overall, there are changes to five fields on the high school property, many of which are multi-purpose. These improvements have been put forth by the Darien Athletic Foundation. The improvements are scheduled to occur over a number of years, since construction work is only proposed for after school lets out in June every year.

While the Darien Athletic Foundation is proposing the improvements, the Darien Board of Education will retain ownership and maintenance responsibilities for the entire property and its facilities, including, but not limited to, the associated stormwater management systems. The Board of Education will also be solely responsible for scheduling use of the fields on-site.

The Commission notes that there are four parts of the 2006 Town Plan of Conservation & Development that apply to this proposal.

--“To maximize existing park and recreation facilities”

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 5 OF 25

--*“To continue to use public-private partnerships, where appropriate, to provide recreation facilities for the community.”*

--*“Because of Darien’s extremely high land costs, it is more costly than ever to obtain property to create or expand parks. Thus, the community should make the most efficient use of the space it has. This would include the following:*

- *Installation of artificial turf on select fields, which can allow for increased use, especially during rainy or wet weather.*
- *Irrigation, similarly*
- *Lighting in certain key locations that would allow for use during dusk and into the evening hours.*
- *Expansion of existing fields, to allow for increased flexibility of use. This may require relocating and/or modifying existing facilities to accommodate higher-demand activities.*
- *Continue proper maintenance of the existing facilities.*

However, it is imperative that in each case, the specific site details and potential impacts of these changes be analyzed. By implementing these types of improvements, the Town may be able to meet increasing community demands, while minimizing the need to purchase additional property.”

--*The changes taking place in Darien's population have and will continue to influence the recommendations of this Town Plan. Younger families will have certain types of requirements concerning schools, recreational facilities, library services and social services. Meanwhile, older citizens may have different needs for recreational facilities, library services, as well as possible transportation needs, and other social service programs.*

Meeting the needs of all of the age segments of the population is a goal of the Town Plan.

The Commission heard testimony regarding Land Filling Application #53-D/Amendment of Site Plan for this project, which public hearings were held by the Planning and Zoning Commission on February 11, 2014 and March 25, 2014.

On the basis of all of the foregoing, the proposal to turf fields on the Darien High School property, convert an existing practice field to a softball stadium, expand one of the fields within the oval, and perform related work on the property, including stormwater management, is consistent with the 2006 Town Plan of Conservation and Development and town policies.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #53-D/Amendment of Site Plan, Darien Athletic Foundation, Darien High School, 80 High School Lane. Proposing to convert three existing natural turf fields on the High School campus to artificial turf fields, and convert one natural turf practice field to a softball stadium, all over a three year time period, and perform related site development activities.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 6 OF 25

The draft resolution was discussed. It was noted that replacing the trees would be necessary. Three trees in the northwest field area need to be removed, no trees need to be removed for the stadium east work and no trees need are planned to be removed for the upper oval work. The height of the poles for the netting around the oval field was discussed. References were made to the large scale plans that showed 20 foot poles above grade. Commission members discussed the request to have an extended period of time to implement this plan rather than a typical one year time period. They agreed that the permit should be valid until September 2017 which gives the Board of Education four summers to implement the project. Other minor modification and changes were reviewed, discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 8, 2014**

Application Number: Land Filling Application #53-D/Amendment of Site Plan

Assessor's Map #9, Lots #80, #81

Name and Address of Applicant: Jennifer Montanaro
Darien Athletic Foundation
17 Old King's Highway South
Darien, CT 06820

Name and Address of Property Owner: Darien Board of Education
35 Leroy Avenue
Darien, CT 06820

Name and Address of Applicant's Representative: Joseph Canas, PE
Tighe & Bond
1000 Bridgeport Avenue
Shelton, CT 06484

Activity Being Applied for: Proposing to convert three existing natural turf fields on the High School campus to artificial turf fields, and convert one natural turf practice field to a softball stadium, all over a three year time period, and perform related site development activities.

Property Location: the Subject property is located on the north side of High School Lane approximately 1200 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: February 11, 2014 continued to March 25, 2014

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 7 OF 25

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

Publication of Hearing Notices

Dates: January 31 and February 7, 2014 Newspaper: Darien News

Date of Action: April 8, 2014 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: April 18, 2014 Newspaper: Darien News

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

- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans and traffic reports, 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.
- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- 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 subject application is to convert three existing natural turf fields on the High School campus to artificial turf fields, and convert one natural turf practice field to a softball stadium, all over a three year time period, and perform related site development activities. One of the existing fields within the oval will be expanded as part of this proposal. The applicant is the Darien Athletic Foundation (DAF), a private entity, which has received approval from the Board of Education to proceed with this application.
2. Overall, five fields on the site are being modified as part of this application:
 - a. "Upper Oval"
 - b. "Center Oval"
 - c. "Lower Oval"
 - d. "Stadium East"
 - e. "Northwest"
3. The specific amount of work on each of these fields varies, and each was described in detail in the submitted application materials, the submitted plans, and was described by the applicant's representative at the public hearings.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 8 OF 25

4. As part of this application, the Commission hired professional engineer Craig Flaherty from Redniss and Mead to peer review the application, and the work of the applicant's representative professional engineer Joe Canas of Tighe & Bond.
5. During the public hearing on this matter on February 11, 2014, the applicant reviewed with the Commission the submitted plans. The applicant showed staging areas; details about phases of the project; and put forward their responses to the Commission's concerns. The public hearing was continued to March 25, 2014 to allow responses to questions.
6. One concern was the impacts of any turf fields on water quality via zinc or other potential contaminants as part of the synthetic turf proposed. During the public hearings, Mr. Canas and Mr. Flaherty agreed that the proposed water quality measures were sufficient to address the issue. Any issues related to water quality were resolved to the satisfaction of both Town-hired professional engineer Craig Flaherty of Redniss & Mead, as well as the Planning and Zoning Commission.
7. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will note the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. Michael Lynch, Board of Education Director of District Facilities and Operations submitted a letter for the record in this matter noting that he is aware of the stormwater management plan prepared for Tighe & Bond, and that he plans on performing the necessary maintenance according to that schedule.
8. As part of this application, details were presented on the many activities which now occur on the various high school fields. It became clear that all of the on-site fields are used throughout the day now by both high school teams and other local Darien youth sports leagues such as the Darien Junior Football League, Darien Youth Lacrosse League, Darien Youth Soccer League, Darien Youth Field Hockey and the Darien Babe Ruth Baseball. Use of the fields will continue to be scheduled by the Darien Public School's Athletic Director.
9. New netting systems are proposed for areas around the fields in the oval. These nets are primarily for safety around the fields, ensuring that spectators, pedestrians, and nearby vehicles are not hit with balls in play. It was represented by Mr. Canas that the netting around the fields will be installed seasonally, and can vary in height in order to minimize visual impacts on adjacent property owners.
10. At the March 25, 2014 public hearing, Mr. Flaherty noted that his concerns with the application have all been addressed in the most recent revision of the plans submitted by Mr. Canas.
11. At the Commission's March 25, 2014 meeting, a report from the Darien Environmental Protection Commission (EPC) was received. The EPC noted that there was no expert testimony presented that contradicted the testimony received from engineers Canas and Flaherty.
12. The grading and stormwater management plans have been reviewed by the Commission, and are in general compliance with the intent and purposes of Section 1000 and 1020.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 9 OF 25

13. The location and size of the filling and regrading activities, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
14. The location and nature of the proposed filling and regrading activities are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or materially impair the value thereof.
15. The elements of the Site Plan as revised accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
16. The design, location, and specific details of the proposed grading, excavation and earth removal activities will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole as represented by the two traffic studies submitted by the applicant.
17. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
18. The Commission is satisfied that proper provision has been made to control: ground stability, including the prevention of soil erosion and earth slides; storm water runoff; pollution, siltation and stream erosion; flying dust and erosion by wind; conservation of the fertility of existing topsoil; and the preservation of significant trees, vegetation and other natural resources.

NOW THEREFORE BE IT RESOLVED that Land Filling Application #53-D is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The filling, excavation, and regrading shall be in accordance with the following plans as required to be modified herein:
 - Darien Athletic Foundation Darien High School Turf Field Expansion November 20, 2013 revised February 26, 2014 by Tighe & Bond, Sheets No. C1.00 through C8.40.
 - Darien High School Turf Field Expansion, Darien Athletic Foundation, by Tighe & Bond dated March 19, 2014. Fencing Type Clarification Figure 1.
 - Darien High School Turf Field Expansion, Darien Athletic Foundation, by Tighe & Bond dated November 20, 2013 last revised 2/3/14. Grading Plan Oval Fields Sheet C5.10.
 - Darien High School Turf Field Expansion, Darien Athletic Foundation, by Tighe & Bond dated November 20, 2013 last revised 2/3/14. Grading Plan Stadium East Sheet C5.20.
 - Darien High School Turf Field Expansion, Darien Athletic Foundation, by Tighe & Bond dated November 20, 2013 last revised 2/3/14. Grading Plan Northwest Field Sheet C5.30.
 - Darien High School Turf Field Expansion, Darien Athletic Foundation, by Tighe & Bond dated February 26, 2013
 - a. Sediment & Erosion Control Plan, Northwest Field (Phase 3A) Sheet C7.30A.
 - b. Sediment & Erosion Control Plan, Northwest Field (Phase 3B) Sheet C7.30B.
 - c. Sediment & Erosion Control Plan, Northwest Field (Phase 3C) Sheet C7.30C.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 10 OF 25

d. Sediment & Erosion Control Plan, Northwest Field (Phase 3D) Sheet C7.30D. The Commission is also specifically approving the “Storm Drainage Maintenance Plan Darien High School Turf Fields”, as noted within the conditions below.

- B. Due to the specific nature of the project, the provision of a Performance Bond per Section 857 of the Darien Zoning Regulations is hereby waived.
- C. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication or other similar activities shall be engaged in or be operated on the site.

PRIOR TO CONSTRUCTION

- D. During the public hearing, there was concern about the synthetic turf to be used, and its potential impacts on the environment. Prior to the commencement of filling and regrading work on the property, the Darien Athletic Foundation shall submit to the Darien Planning and Zoning Office details on the specific synthetic turf system to be installed and the manufacturer. It needs to be consistent with current market standards.
- E. As part of this application, a Storm Drainage Maintenance Plan dated February 26, 2014 (Appendix B in a bound Tighe & Bond submittal) was submitted for the record. The Drainage Maintenance Plan requires the Darien Board of Education to maintain the on-site drainage facilities, and will alert the Board of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 90 days of this approval and prior to the start of any filling or regrading work.

DURING CONSTRUCTION

- F. During the grading, excavation, earth removal, and construction, the applicant shall utilize the sediment and erosion controls as shown 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. All erosion control measures must be maintained until the disturbed areas are stabilized. 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. A representative from Tighe & Bond shall be responsible for ensuring that the sediment and erosion controls are installed and maintained as shown on the approved plans.
- G. During construction, site inspections, turbidity samples, and reporting logs will be required in accordance with DEEP Stormwater Construction General Permit. The site monitor shall submit the same monitoring reports prepared for the DEEP to the Town on a weekly basis. These reports shall indicate the status of site stabilization, i.e., soil erosion and sediment control, what modifications need to be made, a time frame for the completion of these modifications (deadline), who was notified to take corrective action, and who is responsible for resolution of the issues.
- H. The applicant’s Professional Engineer shall inspect the construction as necessary to witness the installation of the system components and shall certify in writing to the Commission that they

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 11 OF 25

were installed in accordance with the approved plans. Notice of the time of routine inspections scheduled by the engineer shall be communicated to the Planning & Zoning Department and EPC staff by e-mail at least by close of business the day prior to the inspection or by Friday for a Monday inspection. EPC and Planning & Zoning Commission members will be notified by e-mail and may choose to attend the inspections.

- I. In order to minimize noise impacts on neighbors, no outdoor construction or regrading activity associated with this permit shall occur before 7am or after 8pm. The Commission hereby does not restrict the exits and entrances to be used by trucks for the land filling and regrading project.
- J. As part of this project, the applicant or property owner shall replace the three trees near the northwest field which are shown to be removed on the plans with three trees of the same species. Any other additional trees damaged or removed during this project shall also be replaced with the same number of trees of the same species.

POST CONSTRUCTION

- K. New netting systems are proposed for areas around the fields in the oval. These nets are primarily for safety around the fields, ensuring that spectators, pedestrians, and nearby vehicles are not hit with balls in play. It was represented by Mr. Canas that the netting around the fields will be installed seasonally, and can vary in height in order to minimize visual impacts on adjacent property owners. The Commission hereby requires that the nets and poles be installed on a temporary basis, and removed during the off-season. The poles and nets shall be a maximum of twenty (20) feet high as shown on Sheet 8.00 of the submitted plans. They shall be installed to the minimum height necessary. All fencing/netting in the oval area shall comply with the March 19, 2014 Figure 1 plan prepared by Tighe & Bond (Appendix C in their submittal).
- L. As part of this application, the Darien Athletic Foundation presented information regarding the current uses of the outdoor fields on the high school property. Representations were made that the scheduling of all fields are currently at the discretion of Athletic Director, and would remain that way. The Commission is relying on the Athletic Director to schedule fields to avoid parking and traffic conflicts on-site.
- M. Post construction, the plan entitled “Storm Drainage Maintenance Plan Darien High School Turf Fields” prepared by Tighe & Bond, and dated February 26, 2014 shall be implemented. The Board of Education will be responsible for the long term inspection and maintenance of the stormwater management system, and record keeping, in accordance with the Stormwater Maintenance Checklist included with the plan. It is essential that this work be properly funded and implemented in order to minimize impacts on other properties.
- N. The Board of Education will be responsible for the long term inspection and maintenance of the stormwater management system, and record keeping, in accordance with the Stormwater Maintenance Checklist included with the plan.
- O. This project will be implemented in phases over a number of years. Within 30 days of the conclusion of each phase of the improvements, the applicant’s engineer shall submit written

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 12 OF 25

verification and photographs that the site regrading and drainage have been properly implemented and completed in accordance with the approved plans, and are functioning as designed and intended.

- P. The applicant shall provide “as-built” plans for the drainage system, certified, signed and stamped by a Professional Engineer licensed by the State of Connecticut, certifying that all components of the stormwater management (drainage) systems are installed as detailed on the plans, and in compliance with the conditions of this permit/approval.
- Q. Within 90 days after the completion of the entire turf field project (expected to be in 2016 or 2017), the Darien Athletic Foundation or Board of Education shall create a map of the DHS field layout, which will include the field names and appropriate/alternative parking areas. This map should be distributed to Darien school district administrators and the boards of the Darien youth sports leagues. In addition, the commission recommends that the map be published on the Darien High school and Board of Education web sites. This may enable users of the property to better understand the location of their children’s activities on-site, and result in better future traffic flow and reduced parking issues and conflicts on the high school property.
- R. 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.
- S. The granting of this approval 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.
- T. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to the start of the grading, excavation and earth removal as shown on the approved plan within two (2) years of this action (April 8, 2016). In order to minimize impacts on the ongoing high school activities, the Commission understands that much, if not all, of the proposed work will occur during the summer, when regular school is not in session. Thus, it is expected that this work could occur over a three summer period or longer.
- U. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within four (4) summers of this action (September 8, 2017). This will give the Board of Education and the Darien Athletic Foundation three years to fully implement the plan. This may be extended as per Section 858.

All provisions and details of the plans, as approved, 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 prior to the start of any filling or regrading work, or this approval shall become null and void.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 13 OF 25

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #193-A, Flood Damage Prevention Application #338, William Zak & Patricia Browne-Zak, 19-25 Five Mile River Road. Proposing to install a boardwalk, ramp, and float and perform related site development activities within regulated areas.

The draft resolution was reviewed and discussed. The following motion was made: That that Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 8, 2014**

Application Number: Coastal Site Plan Review #193-A
Flood Damage Prevention Application #338

Street Address: 19-25 Five Mile River Road
Assessor's Map #66 Lot #4

Name and Address of Property Owners: William Zak & Patricia Browne-Zak
19-25 Five Mile River Road
And Applicant: Darien, CT 06820

Activity Being Applied For: Proposing to install a boardwalk, ramp, and float and perform related site development activities within regulated areas.

Property Location: The subject property is located on the east side of Five Mile River Road approximately 600 feet south of its intersection with Tokeneke Road, is situated between #19 and #25 Five Mile River Road.

Zone: R-1/2

Date of Public Hearing: March 25, 2014

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

Publication of Hearing Notices
Dates: March 14 & 21, 2014 Newspaper: Darien News

Date of Action: April 8, 2014 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: April 18, 2014 Newspaper: Darien News

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 14 OF 25

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.
- 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 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 to install a boardwalk, ramp, and float and perform related site development activities within regulated areas. A portion of this work is in State of Connecticut DEEP jurisdiction, and a portion is within Darien Planning and Zoning Commission jurisdiction.
2. The State of Connecticut DEEP has issued a permit for the proposed work within their jurisdiction—Permit #201106413-KB on July 6, 2012. The Army Corps of Engineers has also approved the project on March 27, 2012.
3. The Darien Environmental Protection Commission (EPC) approved this project on March 5, 2014 as part of EPC 2-2014. That approval is hereby incorporated by reference.
4. The Harbor Master e-mailed a comment dated March 10, 2014, noting that he has no issues with this proposal. The Southwestern Regional Planning Agency (SWRPA) sent an e-mail dated March 4, 2014, noting that “the proposed project is not likely to have any inter-municipal impacts.” At the March 25, 2014 public hearing, one neighbor spoke in favor of this project, and nobody spoke against it.
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.
6. The proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.
7. 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.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 15 OF 25

8. The proposed activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
9. The potential adverse impacts of the proposed activity on coastal resources are acceptable.
10. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
11. 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 Coastal Site Plan Review #193-A and Flood Damage Prevention Application #338 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - “Topographic & Improvement Location Survey Depicting Proposed Conditions, 16 Five Mile River Road prepared for Patricia Browne-Zak” by William w. Seymour & Associates, dated November 12, 2010, Sheets 5 of 7 and 6 of 7.
 - “Cross Section Plan Depicting Proposed Water Structures, 16 Five Mile River Road prepared for Patricia Browne-Zak” by William w. Seymour & Associates, dated November 12, 2010, Sheet 7 of 7.
- B. Because of this property’s location adjacent to Long Island Sound, the Commission hereby waives the requirement for a drainage report and analysis.
- C. Once the project is complete, and prior to April 8, 2015, the applicant shall submit a final certification, including photographs from the applicant, that all work, including the required plantings, has been properly completed in accordance with the approved plans.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans 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.
- E. 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.
- 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 this permit as it deems appropriate.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 16 OF 25

G. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (April 8, 2015). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan as approved 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 read the following agenda item:

Coastal Site Plan Review #288-A, Flood Damage Prevention Application #329-A, Land Filling & Regrading Application #308-A, James Caulfield, Jr., 25 Brush Island Road. Proposing to construct a new shared driveway and septic system to serve the existing house on Lot #1; and to construct a new single-family residence, pool, associated stormwater management system and septic system on Lot #2; and perform related site development activities within regulated areas.

The draft resolution was discussed. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 8, 2014**

Application Number: Coastal Site Plan Review #288-A
Flood Damage Prevention Application #329-A
Land Filling & Regrading Application #308-A

Street Address: 25 Brush Island Road
Assessor's Map #56 Lot #17

Name and Address of Applicant: James Caulfield, Jr.
and Property Owner: 25 Brush Island Road
Darien, CT 06820

Name and Address of: Thomas Nelson, PE
Applicant's Representative: McChord Engineering, Assoc.
1 Grumman Hill Road
Wilton, CT 06897

Activity Being Applied For: Proposing to construct a new shared driveway and septic system to serve the existing house on Lot #1; and to construct a new single-family residence, pool, associated

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 17 OF 25

stormwater management system and septic system on Lot #2; and perform related site development activities within regulated areas.

Property Location: The subject properties are located on the north side of Brush Island Road approximately 1,250 feet west of its intersection with Nearwater Lane.

Zone: R-1

Date of Public Hearing: March 25, 2014

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

Publication of Hearing Notices

Dates: March 14 & 21, 2014

Newspaper: Darien News

Date of Action: April 8, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
April 18, 2014

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, 810, 820 850 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 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. The applicant proposes to construct a new shared driveway and septic system to serve the existing house on Lot #1; and to construct a new single-family residence, pool, associated stormwater management system and septic system on Lot #2; and perform related site development activities within regulated areas. The two properties will be served by public water and on-site septic systems. The new house is outside of the Special Flood Hazard area and virtually all of the development, with the exception of some of the driveway and drainage work and some of the pool and patio area, are outside of the critical 100 foot regulated area adjacent to Holly Pond.
2. The Darien Environmental Protection Commission (EPC) approved this project as part of EPC #3-2014 on March 5, 2014. That approval is hereby incorporated by reference.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 18 OF 25

3. A previous subdivision approval was granted by the Commission (Subdivision Application #131-A) on July 16, 2013. As part of that subdivision approval, the public hearing, the proposed improvements shown on the submitted plans did not represent proposed construction and were not the specific structures to be built.
4. As part of this application, detailed plans of the actual development to take place are included and stormwater runoff will be treated for water quality before it is discharged to Long Island Sound. Because of this property's specific location directly adjacent to Long Island Sound, there is no need to address stormwater quantity—but solely the quality of the stormwater. Two rain gardens are shown on the submitted plans—one on each lot.
5. The Commission notes the need for the applicant or property owner(s) to submit a Drainage Maintenance Plan for the proposed pea stone platform area underlain with compacted gravel, and to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners and/or tenants of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential stormwater impacts.
6. The application has been reviewed by the Commission and as required to be modified herein, is in general compliance with the intent and purposes of Sections 850 and 1000.
7. The Commission finds that the proposed activities, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
8. 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.
9. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
10. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
11. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #288-A, Flood Damage Prevention Application #329-A, and Land Filling & Regrading Application #308-A are hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The work shall be in accordance with the following plan submitted to and reviewed by the Commission:
 - Septic System/Site Development Plan Lots 1 & 2, 25 Brush Island Road, plan prepared for James F. Caulfield, Jr., by McChord Engineering, Inc., last revised 2-12-2014, Drawing No. SE1.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 19 OF 25

- Construction Notes and Details, Lots 1 & 2, 25 Brush Island Road, plan prepared for James F. Caulfield, Jr., by McChord Engineering, Inc., last revised 2-12-2014, Drawing No. SE2.
 - A New Residence and Renovations to the Caulfield/Fleming Residence 25 Brush Island Road, by Huelster Design Studio, dated 02/12/14, Sheets No. A1.1 through A3.3.
- B. 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. During the excavation, filling, regrading, and site work, the applicant shall utilize the sediment and erosion controls illustrated on the Site Plan referred to in Item A above, and any additional measures as may be necessary due to site conditions, including tree protection measures, as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading 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, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. All conditions of the 2013 subdivision approval (Subdivision Application #131-A) are in full force and effect. This includes the requirement to remove a small portion of the existing deck on Lot 1, remove the existing tennis court, and create a new septic system on Lot 1.
- F. As part of this application, a Drainage Maintenance Plan shall be submitted for the record. This Drainage Maintenance Plan requires the property owner and all subsequent property owners of both lots to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to address water quality. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval and prior to the issuance of a Zoning or Building Permit.
- G. The applicant shall install the stormwater management system as shown on the submitted Site Plan (in Condition A, above). The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent tidal wetlands and other environmentally sensitive areas. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at such owner's expense and as quickly as possible.
- H. Once the project is complete, and prior to April 8, 2015, the applicant shall certify in writing and/or photographs, and with an 'as-built' survey map, including topographic conditions showing the regrading of the land, to illustrate that all work has been properly completed in accordance with the approved plans. This shall include written certification by the project's professional engineer that the drainage facilities have been installed according to the approved plans, and certification that all construction complies with the Flood Damage Prevention Regulations.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 20 OF 25

- I. 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.
- J. 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. This includes, but is not limited to, final review and action by the Darien Health Department for the abandonment and/or construction of any septic systems.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Drainage Maintenance Plan needs to be prepared and submitted per the above, and a Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning or Building Permit, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Business Site Plan #31-F, TTJ Realty, LLC, Palmers Market, 264 Heights Road. Proposal to construct a one-story addition to the northeast corner of Palmer's Market, and perform related site development activities.

The draft resolution was reviewed. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 8, 2014**

Application Number: Business Site Plan #31-F

Business Name & Street Address: Palmer's Supermarket
264 Heights Road

Tax Assessor's Map #75 Lots #27 (with shared parking on adjacent lots)

Name and Address of Property Owners: TTJ Realty, LLC
And Applicant: 264 Heights Road
Darien, CT 06820

Name and Address of Applicant's Representative: Jeffrey McDougal
William W. Seymour & Associates
170 Noroton Avenue

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 21 OF 25

Darien, CT 06820

Activity Being Applied For: Proposal to construct a one-story addition to the northeast corner of Palmer's Market, and perform related site development activities.

Property Location: The subject property is located on the north side of Heights Road approximately 200 feet west from the corner formed by its intersection with Edgerton Street.

Zone: Designed Commercial (DC) and Noroton Heights Redevelopment Overlay Zones

Date of Public Hearing: March 25, 2014

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

Publication of Hearing Notices

Dates: March 14 & 21, 2014

Newspaper: Darien News

Date of Action: April 8, 2014

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
April 18, 2014

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 630 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use is described in detail in the application, the submitted 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 review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to construct a one-story 2,600+/- square foot addition to the northeast corner of Palmer's Market, and perform related site development activities. The existing loading dock will be relocated. In 2013, the Commission approved a proposal to construct a one-story 513+/- square foot addition to the northwest corner of Palmer's Market. That 2013 smaller project has not yet been implemented.
2. At the public hearing, it was noted that a new 371 square foot raised planting bed will be installed so as to reduce the likelihood of vehicles driving over the existing retaining wall near the entrance driveway between Heights Road and Palmer's Market. In the vicinity of the

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 22 OF 25

proposed addition to the building, some regrading of the embankment is required and a new retaining wall will provide stability of the disturbed area.

3. The applicant noted that 5-10 new employees would be hired as part of this expansion. Those new employees, along with the existing employees will use the lower level parking lot located between the building and Edgerton Street.
4. Based on information presented by the applicant at the public hearing, there is an increase in the amount of building on the subject property, and a decrease of three parking spaces due to the angling of parking along the entranceway. Even with those changes, the Commission finds that reasonable and appropriate off-street parking has been provided per Section 905 of the Zoning Regulations. The subject property is subject to a shared parking with other adjacent lots. The Commission acknowledges that the subject addition is unlikely to increase traffic or increase parking demand on-site other than the 5-10 new employees. The submitted Compilation Plan shows the location of Noroton Heights Shopping Center parking to the east, south, and west of the building.
5. As noted within the applicant's presentation at the public hearing, the proposed lift has been removed from the proposed plans.
6. At their March 18, 2014 meeting, the Architectural Review Board approved the plans for the requested addition as part of ARB #5-2014.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #31-F is hereby approved subject to the foregoing and following stipulations and understandings:

- A. Construction shall be in accordance with the plans submitted to and reviewed by the Commission. These include:
 - Zoning Location Survey prepared for TTJ Realty, LLC, 264 Heights Road, by William W. Seymour & Associates, dated August 2, 2013; proposed addition added February 18, 2014.
 - Compilation Plan prepared for TTJ Realty LC 264 Heights Road at Noroton Heights Shopping Center, by William W. Seymour & Associates, revised February 18, 2014.
 - Proposed Addition to Palmer's Market, 264 Heights Road, by Achilles Architects, dated 2-17-14, Sheet No. A-0 through A-3. (The Commission acknowledges that the interior floor plans may be modified to accommodate the needs of the applicant and the Darien Health Department).
- B. Prior to the issuance of a Zoning and Building Permit for the proposed work, the Commission hereby requires that a revised compilation plan specifically list the amount of parking required for each use and each building and the amount of parking on each of the lots.
- C. The subject addition is proposed over an existing paved surface, and therefore, will not increase the amount of impervious surface on the subject property. The Commission therefore waives the requirement for stormwater management under Section 880 of the Darien Zoning Regulations.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 23 OF 25

- D. 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. This includes, but is not limited to, the Darien Health Department and the Darien Fire Marshal.
- E. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (by April 8, 2015). This may be extended as per Section 1028.

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 read the following agenda item:

Discussion and deliberation ONLY on the following:

Business Site Plan #80-C, Patriot Bank, 233 Boston Post Road. Proposing to raze the existing Darien Golf Building and construct a new bank with associated drive-up lanes and parking; and perform related site development activities. *DECISION DEADLINE: 5/1/2014, UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Mr. Sini said he would not participate in discussion regarding this matter to avoid any perception of the public of a conflict. He stepped out of the meeting. Ms. Cameron said that any typical retail use would create a problem with the exit being located where it is but because it is a bank, it has limited activity, she thinks the traffic conditions and safety issues would be okay. Mr. Voigt said that he is very concerned about the traffic pattern but the traffic engineers do not see a problem. Mr. Olvany said that if the use changes in the future, then the property owner/applicant will need to come back to the Commission and any change of use might not be acceptable. He said that such a condition needs to be reflected on the resolution. He also suggested that some of the excess parking spaces should not be created as asphalt at this time but rather should temporarily be landscape area. He also said that the lighting needs to be minimized to avoid any impact to the neighbors. The Commission directed Mr. Ginsberg to draft a resolution for consideration at a future meeting.

Chairman Cameron then read the following agenda item:

Special Permit Application #78-B, Noroton Fire Department, 1873 Boston Post Road. Proposal to construct a one and one-half story detached garage/storage building, install landscaping, and perform related site development activities.

Mr. Sini returned to the meeting. Commission members felt that the proposal would be acceptable subject to the Zoning Board of Appeals stipulations and the regular Planning & Zoning Commission stipulations. Mr. Ginsberg was asked to draft a resolution for consideration at a future meeting.

Chairman Cameron read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 24 OF 25

Land Filling & Regrading Application #321, 23 Arnold Street, LLC, 43 Arrowhead Way. Proposing to fill, regrade and excavate in association with the construction of a new single-family residence and driveway; and perform related site development activities.

Commission members noted that the Zoning Board of Appeals granted a variance subject to certain conditions and stipulations that will require that the plans be modified. Mr. Ginsberg was asked to draft a resolution for consideration at a future meeting.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #109-B, Flood Damage Prevention Application #339, Ralph Reynolds, 104 Delafield Island Road. Proposing to install a timber pier, stepped fixed timber pier head, and a boat cradle and perform related site development activities within regulated areas.

Commission members felt the proposed facility seemed reasonable and that this design is a huge improvement compared that the design that had originally been discussed several years ago. Mr. Ginsberg was asked to draft a resolution for consideration at a future meeting.

Chairman Cameron read the following agenda item:

Coastal Site Plan Review #298-A, Karen Bonner, 148 Goodwives River Road. Proposing to raze the existing residence and garage, and construct a new single-family residence and pool; and perform related site development activities within a regulated area.

Commission members saw no issues and asked Mr. Ginsberg to draft a resolution for consideration at a future meeting.

Chairman Cameron read the following agenda item:

Approval of Minutes

March 20, 2014 General Meeting

Minor modifications and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the revised and corrected minutes. The motion was made by Mr. Olvany, seconded by Mr. Sini. All voted in favor except Mr. Voigt who abstained, since he was not at the meeting.

March 25, 2014 Public Hearing/General Meeting

Several minor modifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the corrected minutes. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

April 2, 2014 Executive Session

Minutes were reviewed and the following motion was made: That the Planning & Zoning Commission adopt the minutes of April 2, 2014. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
APRIL 8, 2014
PAGE 25 OF 25

Any Other Business (Requires two-thirds vote of Commission)

Mr. Ginsberg asked the Commission to consider the requested modification of 465 Mansfield Avenue under Other Business. The following motion was made: That the Planning & Zoning Commission discuss and possibly act upon the requested modification for 465 Mansfield Avenue. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved.

Mr. Ginsberg explained that when the Special Permit for Kelley's Nursery was modified, the Commission noted that the parcel of land (now known as 465 Mansfield Avenue) would not be considered a valid building lot unless or until the applicant obtained Health Department approval for the septic system design and obtained a permit from the Connecticut Department of Transportation (CT DOT) for a driveway. Since that time, sanitary sewers have become available in the area. The applicant is seeking a modification of the earlier approval so that the Health Department permit is no longer necessary because the proposed house construction will connect to the sanitary sewers. The applicant is in the process of obtaining a driveway permit from the CT DOT. Commission members agreed that the Health Department approval is no longer necessary. The following motion was made: That the Planning & Zoning Commission Special Permits # 70 and # 70-B as modified on February 8, 1994 are hereby modified to delete the requirement for Health Department approval for septic system because now approval of sanitary sewer connection is available from the Department of Public Works. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany, and unanimously approved. The meeting was adjourned at 10:20 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

04.08.2014min