

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cunningham, Olvany, Sini, Jr., Voigt, DiDonna (arrived at 9:50 P.M.)

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

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

PUBLIC HEARING

WITHDRAWN Proposed Amendment to the Darien Zoning Map (COZM #1-2014), Sun Homes Darien, LLC, 0 and 48 Wakemore Street. Proposing to establish the Designed Community Residential (DCR) overlay zone on two parcels totaling approximately 1.98 acres. The subject properties are located on the north side of Wakemore Street approximately 1,025 feet east of its intersection with Hoyt Street, and are shown on Assessor's Map #8 as Lots #228, 229 and 230, now in the R-1/3 Zone.

Vice Chairman Olvany announced that the application had been withdrawn.

Vice-Chairman Olvany then read the following agenda items:

Continuation of Public Hearing regarding Special Permit Application #22-O/Site Plan, Coastal Site Plan Review #27-D, Flood Damage Prevention Application #20-D, Tokeneke Club, Inc., 4 Tokeneke Beach Drive/Butler's Island Road. Proposal to expand the service drive; renovate substantial portions of the bathhouse; replace large lockers and changing areas with removable lockers; install HVAC equipment and a below ground propane tank; relocate electrical boxes, utilities, and pool heaters; and perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road at the southeast corner formed by its intersection with Tokeneke Beach Drive, and is shown on Assessor's Map #67 as Lot #83 in the R-1 Zone.

Continuation of Public Hearing regarding Special Permit Application #22-P/Site Plan, Coastal Site Plan Review #27-E, Flood Damage Prevention Application #20-E, Land Filling & Regrading Application #325, Tokeneke Club, Inc., 4 Tokeneke Beach Drive/Butler's Island Road. Proposal to raze the tennis house, administrative offices and portion of the old clubhouse; construct a new addition to the restaurant; install additional parking; install a pergola; install a new septic system; and install associated stormwater management; and perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road at the southeast corner formed by its intersection with Tokeneke Beach Drive, and is shown on Assessor's Map #67 as Lot #83 in the R-1 Zone.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 2 OF 10

Mr. Ginsberg explained that there are two separate applications to upgrade the entire site. They have been divided into two projects because they might get implemented at separate times. One project concerns the bathhouse structure on the central portion of the property. It is adjacent to the swimming pool. The other project involves the clubhouse structure, which contains the restaurant. It is located close to the tennis court facilities. Attorney Wilder Gleason said that the bathhouse might be implemented in the fall of 2014 and be completed by the spring of 2015. The clubhouse project which is a much more expensive undertaking will probably require the closure of the entire Club starting in September 2015 and will take until the spring of 2016. He said that they have obtained Zoning Board of Appeals (ZBA) variance approval and design approval from the Architectural Review Board (ARB). He said that the renovation of the clubhouse has been studied numerous times and previous designs by the Club's Building Committee have been rejected by the membership and/or the ARB. He said that in 2013, the clubhouse building was re-classified from being in an "A" Flood Zone to "V" Flood Zone.

Attorney Gleason said that there are many neighborhood concerns that have been taken into consideration. These include the size and location of the buildings, necessary on-site parking and Club membership. The Club has very limited activities in the winter with some additional activities in the shoulder seasons but the very busy time is during the summer. He said that there are about 20 events each year which necessitate more parking than can be provided in the 150 on-site parking spaces. He said that the Club has been working on a detailed plan to address the parking issue. He said that the Club has its own membership cap of 330 full time members. As of 2002, there were only 215 full time memberships. This is a limitation imposed by the Club's own bylaws, not by the Town. Another category of membership is for senior members that use the facility and pay their fees but have no voting rights. There are also "Friends of Tokeneke" that use it primarily for lunch and there are non-resident members that must live at least 60 miles away and therefore use the Club very infrequently. He said that the Board of Directors of the Tokeneke Club have voted to recommend to the membership that they accept any Planning & Zoning Commission imposed cap on the number of members. The Tokeneke Homeowners Association has recommended a cap of 330 members, 70 seniors and 50 non-resident members. He said that any cap imposed by the Commission could be amended by the Commission in the future depending on the circumstances and subject to a request by the Club.

The Middlesex Club and YMCA are private clubs located in residential zones and each have membership caps imposed by the Planning & Zoning Commission.

Chris McCagg, Project Architect, showed a PowerPoint presentation regarding the proposed limitations on the property and the proposed designs for the buildings. They want to maintain the view over the bathhouse for the benefit of the neighbors and to comply with the requirements of being in a V Flood Hazard Zone. The north portion of the existing bathhouse will be removed so that the service access driveway between the bathhouse and tennis courts will be widened. He said that the tennis house located near the street will be removed and much of the clubhouse building will be removed and replaced. The existing restaurant in the clubhouse will remain. The replacement clubhouse building will be elevated so that no additional ground floor space will be created and it will have a curved form so that it will always look as though it is fading away. The lowest floor will actually be about 10 feet above ground level.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 3 OF 10

Holt McChord, Professional Engineer, explained that he has been working on the proposed design for the septic system and stormwater management. He said there are currently several systems that would be consolidated into one new system that will be placed under one of the existing tennis courts. He said stormwater from the parking lots and buildings will be managed and the water will be put into systems to cleanse it before it is discharged. They will not try to detain the stormwater because the property is located immediately adjacent to Long Island Sound. He said that they will be re-purposing some of the leaching area from one of the septic systems into the dispersion area of stormwater. That system is located under the north side of the parking area. Using that system will allow them to eliminate some of the old drywells. A new pressure distribution septic system has been designed and submitted for review. It has been approved by the local and the state Health Departments. During 2014, flow to the septic system is being monitored to assure that the new system will be compliant with the needs of the site.

John Roberge, Professional Engineer, said that he has been working with the applicants and property owner to design the buildings to be compliant with the Flood Damage Prevention Regulations. He submitted copies of the Federal Emergency Management Agency (FEMA) Flood Maps and information. In accordance with those requirements, they will be reducing the amount of walled structure on the floor level. Raising the tennis courts behind the country club by about two feet will allow the proper installation of the septic system. The bathhouse is being re-designed to have mostly vertical structures instead of horizontal structures and this is in compliance with the FEMA flood guidelines. They will be submitting a letter certifying the adequacy of the structural strength of all the buildings as each building design is finalized. He said that the coastal resources on the site include the beach and the immediate shoreline. He said there will be no negative impacts due to the proposed work on the beach or the offshore waters, while the building will be designed to comply with the "V" Flood Zone requirements.

Mr. McCagg said that new kiosks between the street and the proposed clubhouse building will be adjacent to the walkway that leads from the street to the clubhouse. It will be necessary for the kiosks to be adjacent to the tennis courts. The new clubhouse will have approximately 15,000 square feet of floor area. It is replacing a clubhouse that contains approximately 14,000 square feet of floor space, several of which are located on the ground floor level. They have obtained variances from the ZBA to allow some limited use on the ground floor. These include the stairs and the elevators to provide access to the upper levels. The first floor walls will be a breakaway wall design to comply with the Flood Damage Prevention Regulations. He said that the retractable awning will be used to cover a portion of an interior courtyard that is to be surrounded by the new clubhouse addition. There will be a useable second floor and attic level in the clubhouse addition. This will include the new tennis pro shop and tennis viewing area. The third level or attic level will have elevator access and a catwalk will connect the east and west halves of the clubhouse building. Much of this third level will be used for storage but some of it will be the space for the tennis professionals to relax. New mechanical equipment will be located on the roof and will be screened from view due to the design. Part of the roof of the new clubhouse has been designed with dormers in the attic that have been scrutinized by the ARB. They preferred the sloped roof design that is currently incorporated into the plans. Mr. McCagg noted the architectural spire-like peaks one of which houses elevator mechanicals and another of which is functional, balances the design, and allows light and air into the spaces. There are three such spire peaks, and he said that they should not be counted in the calculation of building height.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 4 OF 10

It was noted that there is a walkway on the east side of the building that will go up and over the delivery area. This is provided for club members and guests to have safe passage through that vicinity. In response to questions, he said that the proposed elevator access to the second floor and attic levels will comply Americans with Disabilities Act and handicap access requirements and that the kiosks will comply with the front yard setback regulations.

The proposed renovations to the bathhouse were discussed. Mr. McCagg said the design is to keep it at a low height. The north and westerly portions of the bathhouse will be demolished and an addition will be built on the south side to provide handicapped accessible entry into the bathhouse structure. The bathrooms within the bathhouse will be renovated. A locker/storage area and family changing area structure will be created to the west of the remaining portion of the bathhouse. In response to questions, Club Manager Jim Morlock explained that there are approximately 130 lockers on site and only 100 of them are used. The new locker area will be open to the air above with awnings to provide shade and temporary coverage. There will be no permanent roof over the locker area. The lockers themselves will be furniture in the sense that they will be on wheels and can be relocated to the upper storage areas in the new clubhouse for safe storage.

Attorney Gleason said that during some discussions with the ZBA and ARB, it was noted that the mechanical equipment (pool filters and pumps) in the east end of the bathhouse would be raised up to be put on the roof. The Club did not want to do this and has redesigned the project so that the total cost of renovation of the bathhouse will be less than 50% of the value of the structure, therefore it is not a 'substantial improvement' as defined by the Flood Damage Prevention Regulations. By doing this, the mechanical equipment, including the AC units and pool pumps/facilities can remain below the expected flood level and will not need to be relocated to the roof. The new changing room and locker storage area will be a separate structure to the west of the remaining bathhouse.

The dormers over the clubhouse addition were discussed. Originally, they had a flat roof and had four-lite divided windows. The ARB did not like design. A new pitched roof doghouse style dormer with three-lite divided windows had been proposed by the applicant and was accepted by the ARB. Attorney Gleason said that based on this design the mid-point between the main ridge line of the clubhouse and the eave of the doghouse dormers will still be less than 30 feet. He noted that there were spire structures that cover about 90 square feet of the clubhouse roof. This is only 0.7% of the entire roof area. The mechanical equipment will cover another 7% of the roof area. The Regulations allow the total mechanical and spire like coverings to not exceed 15% of the total roof area. He said that if the Planning & Zoning Commission concludes that the spires must be counted in the building height calculation, the Club will have to go to the ZBA to request a variance. He said that he wants the spires to be considered an architectural feature and not counted in the building height calculation. He said that the tennis house is now just 10 feet from the street but the new clubhouse building will be about 170 feet back from the street.

Attorney Gleason referred to the letter from the Tokeneke Homeowners Association that was sent to the Tokeneke Club. The letter, dated April 19, 2014, discusses possible rules regarding the membership limitations. The Club wants to be a good neighbor and will have restricted hours of construction that will probably be something like 8:30 A.M to 6 P.M. Those hours of construction are being refined and the Club needs to consult with its contractors before making such a commitment. Due to the extensive work on the clubhouse structure, it is likely that the entire Club

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 5 OF 10

will be closed after Labor Day 2015 and will re-open prior to Memorial Day in 2016. Attorney Gleason submitted a chart regarding FEMA compliance. He said that the approvals they seek include Site Plan approval which, under Section 1025 of the Regulations, the Commission must make a determination regarding the adequacy of the on-site parking. The parking study was waived and he submitted an email confirming that. He said that the Club is dealing with the peak parking demands created by those occasional days where the special activity or event is happening. They are working with the Tokeneke Association to make sure that the guests do not park on Association roads on Memorial Day weekend or July 4. Some of the work they have been doing has included having the staff park off site and limiting the number of guests or visitors and limiting the number of events to 15-20 events per year. Mr. Sini said that a schedule of those special events should be submitted. Attorney Gleason said that they can provide a typical calendar. Mr. Morlock said that he has been at the facility for more than 30 years and notes that the Club has a self-imposed rule that does not allow more than a few outside events subsequent to the high school graduation date, and until mid-August.

Mr. Morlock said that he can submit a calendar of the special events that the Club does have for its members and other people. Attorney Gleason noted that the removal of the existing tennis building near the street will allow them to create nine more on-site parking spaces. They are losing a few parking spaces near the clubhouse but there will be an increase in the number of on-site parking spaces as a result of this work. He said that they need a waiver of the loading zone requirement and they need Site Plan and Special Permit approval from the Commission and they need a ruling under Section 271 regarding the building height. He said that they will need Flood Damage Prevention approval and Coastal Area Management approval and a permit for some filling and regrading regarding the septic system.

Attorney Robert Maslan represented the Tokeneke Association and referred to the April 2014 letter from the Association to the Club concerning membership caps. He said that there is some concern by the Association regarding the likely increase in activity and visitors due to the new and substantially renovated facilities that will be created.

There were no comments from the public regarding the application. Commission members agreed that there needs to be some additional information regarding the construction hours and the schedule of activities but it would not be appropriate to continue the public hearing just to get that information. The following motion was made: That the Planning & Zoning Commission close the public hearing on this matter and will render a decision at a future meeting. The motion was made by Mr. Cunningham, seconded by Mr. Sini and unanimously approved.

Mr. DiDonna arrived at approximately 9:50 P.M. Vice-Chairman Olvany read the following agenda item:

Subdivision Application #67-B, Land Filling & Regrading Application #327, Reilly Builders, 22 Gardiner Street. Proposing to subdivide the existing property into two building lots, construct two single-family residences; perform related regrading; and to perform related site development activities. The subject property is located on the east side of Gardiner Street, approximately 600 feet north of its intersection with Boston Post Road, and is shown on Assessor's Map #45 as Lot #135 in the R-1/3 Zone.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 6 OF 10

Jim Reilly explained that he is proposing to create two conforming lots from what is now one oversized parcel. All of the existing building will be removed and two new houses will be constructed. Each new house will be at least 15 feet away from the neighbors to the north and south. The proposed houses are mirror images of each other but each will have architectural features and plantings to distinguish themselves. Steve Trinkaus, PE, explained that he has been working on the grading and drainage plans to make sure the proposed stormwater runoff is managed in accordance with the Regulations. Each new house will have stormwater directed to a bio retention area (rain garden) and will have underground galleries to infiltrate water. He said that the soils in the area are very permeable and will infiltrate approximately three inches of water each hour. Using a very conservative approach, he has designed the stormwater management systems so that they will not have any negative impacts on the adjacent properties. Some of the stormwater from the footing drains around the proposed house on the south lot will need to be pumped into the drainage system. He said that the sediment and erosion controls have been incorporated into the designs and the driveway runoff will drain to the rear of the properties rather than towards the street. He said that he has revised the plan in accordance with comments from the Darien Public Works Department.

Mr. Ginsberg said that when this area was subdivided, an extra-large lot was left around the existing house. This application is now a re-subdivision and no open space is required by the Regulations. He said that drainage has been a concern because the Regulations mandate that the neighboring property owners be protected. He said that a letter from the neighbor at 18 Gardiner Street (to the south of the project) has been received and a copy was sent to Mr. Trinkaus. Mr. Trinkaus said they revised the plans somewhat to address the neighbors concern. He said that the footing drain pump will have a 48 hour battery back-up and might have a generator back up. He said that if the footing drain pumps fail, it is the owner of the new house that could get water in the basement, not the neighbor to the south. Mr. Cunningham suggested that the developer make it easy for the house owner to install a generator and make sure that the proper transfer switch is installed when the electrical system is installed.

Peter Spielman of 18 Gardiner Street said that the area has had five major power outages in past five years. He submitted a print out of that information. He said that the water table is seasonally a problem for the neighborhood. Mr. Spielman said that he is concerned that a proposed 65 foot long house wall will be located just 15 feet from his northerly property line. He suggested that the developer flip the proposed house on the south lot so that there would only be a 27 foot long wall of the garage just 15 feet from the property line. He did note that the house does comply with the setback limitations but asked that it be revised.

Bill Hackett at 11 Salt Box Lane expressed concern about the storm drainage to be installed. Mr. Trinkaus said the general grade of this property is from the north to the south and from the west (Gardiner Street) toward the east. Much of the water heads to the south, not towards Salt Box Lane. The water from the new impervious surfaces will be collected and dispersed into the ground so that they will not flow on the surface. Runoff from the existing roof and driveway are not infiltrated into the ground, other than the natural pervious quality of the land. Mr. Ginsberg said that the Public Works Department has reviewed the plan and is comfortable with the design.

There were no further comments from the public. The follow motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 7 OF 10

future meeting. The motion was made by Mr. Cunningham, seconded by Mr. Sini and unanimously approved.

Vice-Chairman Olvany read the following agenda item:

Land Filling & Regrading Application #326, 79 West Avenue, LLC, 79 West Avenue. Proposing to excavate and regrade associated with the construction of a new single-family residence and driveway on West Avenue, and perform related site development activities. The subject property is located on the south side of West Avenue approximately 75 feet east of its intersection with Bailey Avenue, and is shown on Assessor's Map #39 as Lot #82 in the R-1/5 Zone.

John Martucci, Professional Engineer, represented the applicant and explained that the property is located on the south side of West Avenue and is located approximately 100 feet to the east of Bailey Avenue. The existing structure has been demolished and a new replacement house will be constructed. At present, the access to the property has been through an easement from a Bailey Avenue property. The proposed regrading will allow for a new driveway from West Avenue into the site. This will eliminate the shared driveway once the construction has been completed. In order to accomplish the proposed regrading, they will need a Special Permit because there is approximately a four foot difference in the ground elevation between the street and the house location. They plan to remove the four foot change in grade in the front of the house. He submitted letters from neighbors indicating that they have reviewed the plans and are okay with the designs. Once the construction is completed, they will install privacy fences around three sides of the property (not the front). Mr. Martucci said that some of the proposed regrading is within the street right-of-way and is therefore within the jurisdiction of the Darien Department of Public Works. They have reviewed the plans and noted that permits will be necessary. Mr. Ginsberg said that the proposed regrading would result in two curb cuts and this will eliminate the need to always back out into West Avenue. He said that the Public Works Department has reviewed the plan and is okay with the separation between those two driveways.

Mr. Martucci said that approximately 450 cubic yard of material will need to be removed from the site. This equates to about 25 truck loads. He said that there is no ledge that they have seen or noticed and therefore they do not anticipate the need to blast or hoe-ram any rock. He said that a new storm drainage system has been designed so that stormwater runoff from the impervious surfaces (house and driveway) will be infiltrated into the ground and therefore reduce the amount of stormwater runoff. He said that the driveway has been designed so that the first 30 feet of driveway from the street will be fairly flat (less than 2% grade) and then it would be slightly steeper as it approaches the garage.

There were no comments from the public regarding the application. Mr. Ginsberg said that the plan had been reviewed by the Police Department and Darien Department of Public Works and neither had submitted any notable comments. Mr. Martucci said that the Connecticut Light & Power Company has removed four trees away from the wires.

The owner of the property said that he has received letters of support from two neighbors and both of those letters are in the file.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 8 OF 10

There being no further comments, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this application and will render a decision at a future meeting. The motion was made by Mr. Cunningham, second by Mr. DiDonna and unanimously approved.

Vice-Chairman Olvany read the following agenda item:

Land Filling & Regrading Application #328, J. Baron Land Co., LLC, 465 Mansfield Avenue.

Proposal to fill and regrade associated with the construction of a new single-family residence; and to install associated stormwater management; and perform related site development activities. The subject property is located on the west side of Mansfield Avenue approximately 600 feet north of its intersection with Half Mile Road, and is shown on Assessor's Map #2 as Lot #34-1 in the R-2 Zone.

Mark Andriuk explained that he is one of the principals in J. Baron Land Company, which is the owner of the property. He said that they are constructing a new house and have obtained a permit for the installation of the foundation. The only regrading they are allowed to do in conjunction with that permit is within 25 feet of the proposed building. They want to do additional regrading on the site in three areas: raise the front yard area to support the buffer planting and garden area that will separate the house from Mansfield Avenue which is a busy street; cut down the grade level in the front of the house to create a courtyard or flat area; and cut out a high spot to the rear of the proposed house and fill in a little area to the north of that high spot to make a better backyard. Mr. Andriuk said that the two previous property owners, St. Paul's Church which is located to the north and Kelley Nurseries, had regraded parts of this site for their land use needs. The parking and playground area for the Church now is being regraded as part of the foundation excavation. The area to the west of the house is an inactive storage area that was used by Kelley Nurseries for a composting area. He said that their work will be bringing back some of the more natural grades on the site. They are separating the westerly quarter of the site (to the rear of the back yard) with a split rail fence and plantings and a boulder wall. All this work will protect the wetlands on the west edge of the property and will prevent homeowners from using the steep slope from the backyard down toward the wetland. This will make an encroachment into that area highly unlikely in the future.

Mr. Olvany said that he reviewed the plans and questioned whether it was a stormwater detention basin or a rain garden that is being created on the northwest portion of the site. Mr. Ginsberg said that the stormwater detention area could be called a basin or rain garden. Mr. Andriuk said that the Town Engineering Department has required that there be a two foot wide overflow from that area toward the wetland in order to deal with large storms that would exceed the storage capacity of a 50 year storm design. Mr. DiDonna said that he noted major piles of material have already been created on site. Mr. Andriuk said they removed 18-24 inches of top soil from much of the site. One of those mounds is the top soil. Mr. Ginsberg noted that the backyard area will have a large change in grade leading down to the wetland and the detention area. The detention area is located uphill of the wetland.

Debra Seiter of 459 Mansfield Avenue said that she had two basic points. The first is that they already started to do the regrading work before receiving approval from the Commission and the second is the information submitted to the Commission has been selectively chosen by the applicant to not give the full picture. She said many old trees on the property are already removed and the

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 9 OF 10

site has been practically clear cut with the exception of some ornamental trees and shrubs that still remain. She said that there is significant sheet flow from Mansfield Avenue on the east side of the property towards the wetlands on the west side of the property. She said that a trench needs to be dug to make sure that the sheet flow is directed westerly and is not allowed to flow southerly toward her property. She submitted photographs of the site conditions before work started and photographs of the work underway. She said that the inactive storage area referred to by Mr. Andriuk was actually a green lawn and the so-called compost area was not there the way the contractor said. She said that the proposed new grading has already been implemented and that the stock piles of materials on the site today are not being properly protected from erosion. She said that the contractor has disregarded the application process. She express concern for the proposed 35 foot wide by 75 foot long detention basin being located just 12 feet from the wetlands line. She said that this might be a possible mosquito problem for her property or for the church minister's residence, which is located just to the north of the stormwater detention area. She asked that the Commission look very closely at the storm drainage plan and suggested that prior to the issuance of the Certificate of Occupancy for the house, the Commission should require a final inspection to be performed by the applicant's engineer and a separate inspection by the neighbor's engineer to make sure that the water flows as it should (to the west) rather than southerly toward her property. Mr. Olvany said that one of his major concerns is that the drainage is properly managed throughout the construction process and after the completion of the project. Mrs. Seiter said that she is primarily concerned with the south center portion of the site which is just above her house.

Dan Young of 455 Mansfield Avenue said that his property is to the south of the site and close to Mansfield Avenue. He said that they had a lot of water problems at his house after it was built. This is because there are springs on the property and wet spots are apparent. He said he is worried about the dispersion of water when the new home is constructed. He said that he has been there for 14 years and has never seen a car parked in the area that was supposedly the extra church parking area. He said that he is very concerned that magnificent white pines have been removed and that this property was a beautiful wooded lot before the developer started cutting trees.

Mr. Ginsberg said that there is no permit needed to cut trees on a property unless they are within 50 feet of a wetland. The current application before the Commission concerns filling and regrading. He also noted that no buffer or screening is required between single family residences. He said that the engineering report and drainage plan had been revised in accordance with the comments from the Commission's staff. Mr. Sini suggested as a condition of approval, the Commission could require the additional engineering inspection by the neighbor's engineer. Mr. Ginsberg said it is typical that the Commission require as built contour maps and a certification that the drainage system has been installed per the plans. He said that drainage flow arrows have been indicated on the plan to make it clear that the drainage flows from the east to the west and does not flow to the south.

Mr. Andriuk said that the area has not yet been regraded and he did install some buffer trees between the construction area and the Seiter residence. He said that he understands her stress because there is a lot of change to an area that has been unchanged for many years. He said that the buffer trees that were planted are 12 foot high Norway spruce trees and they planted them on a slight berm or raised ground area to make sure they would be most effective to provide screening and separation. The berm also prevents water flow from the subject property toward the Seiter property. Mr. Andriuk said that he met with the Seiter's attorney to discuss the matter and to

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 27, 2014
PAGE 10 OF 10

resolve some property right and encroachment issues that are present on the east end of the property. Mr. Olvany asked what could be done to make sure that drainage is not a problem. Mr. Andriuk said that they have already planted the trees and there is no way for water to get from 465 Mansfield Avenue to the Seiter property due to the grades. If need be, they will do more to prevent a drainage problem. He said that they will properly implement the storm drainage plan. He said that when they installed the silt fence, they did create a small ditch on his side of the silt fence to prevent water from flowing towards the south. He said that he can make that ditch more prominent to provide more protection if need be.

Mrs. Seiter said that there are pictures before and after and they do indicate that the area has been regraded. She said she wants assurance that the drainage and grading is done properly and the assurance should be done by an independent engineer, not the applicant's engineer. She said that there are water springs that come out of the ground on the site and that there is a significant ground water condition that could be impacted due to the proposed work.

Mr. Olvany questioned whether another engineering report is to be submitted and if so, should the hearing be kept open. Mrs. Seiter said that she would not be submitting an engineering report and said she wants the project to move forward and be completed without delay. Mr. Andriuk said that he would like to put in a berm or ditch to satisfy everyone and to assure that no water moves from his site toward the Seiter property. Mr. Olvany and Mr. Voigt said that the Commission cannot guarantee that the contractor does the work properly but the Commission does require certification at the completion of the project. Mr. Voigt said that it might be possible to leave the hearing open for two weeks to get any additional information. Commission members felt that continuing the public hearing would not be necessary. The following motion was made: That the Planning & Zoning Commission close the public hearing and will render a decision at a future meeting. The motion was made by Mr. Sini and seconded by Mr. Voigt. All voted in favor.

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. Sini, and unanimously approved. The meeting was adjourned at 11:15 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

05.27.2014min