

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Spain, Cameron, DiDonna, Voigt, Olvany

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat, Channel 79

Chairman Spain read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Special Permit Application #117-E/Site Plan, Land Filling & Regrading Application #314, Noroton Presbyterian Church, 2011 Boston Post Road and 2075 Boston Post Road and 25 Noroton Avenue. Proposal to construct additions and alterations to the existing Church, including modifying the existing parking area and playground; and to perform related site development activities. The subject properties are located on the northwest corner formed by the intersection of Boston Post Road and Noroton Avenue, and are shown on Assessor's Map #43 as Lots #3, #4, and #5 in the R-1/3 Zone. ***HEARING ORIGINALLY OPENED ON 9/24/2013.***

Attorney Bruce Hill represented Noroton Presbyterian Church and said that the Architectural Review Board (ARB) had approved the plans at their meeting on October 15, 2013. The solution regarding the roof line and the materials was well received. The revised plans do result in a relocation of walls and therefore a 100 square foot increase in the total amount of the addition. Mr. Ginsberg confirmed that the ARB had approved the revised plans.

Craig Flaherty, PE, said that a temporary relocation of the playground would be necessary to the Boston Post Road side of the building while the rear parking lot and driveway is being renovated. The temporary playground area will be approximately 25 feet from the front lot line and will have a 6 foot high temporary fence. Mr. Flaherty said that there is also a revised trash enclosure area. Decorative lantern style lights will be placed between the permanent parking lot and the permanent playground location. These have been included in the plans. The project also calls for new concrete sidewalks to be installed along the Boston Post Road. He submitted revised drawings dated 10-22-2013. Mr. Flaherty said the Church has continued to reach out to the neighbors to communicate and no objections from the neighbors have been expressed.

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

Chairman Spain read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 2 OF 14

Flood Damage Prevention Application #254-A/Amendment of Site Plan, Darien Parks & Recreation, Darien Junior Sailing Team, Weed Beach, 155 Nearwater Lane. Proposal to construct a 22' x 50' storage building to replace the sheds and sailing house damaged by Storm Sandy; relocate boat storage racks, chase boats, trailers, and portable launch ramps; and perform related site activities within a regulated area. The subject property is located on the west side of Nearwater Lane approximately 200 feet south of its intersection with Short Lane, and is shown on Assessor's Map #56 as Lots #3 & Lot #4 in the R-1 Zone.

Susan Swiatek, Director of Parks & Recreation, explained that the Junior Sailing program has been conducted since the mid-1970s. The base of operations has been a structure which was severely damaged in Storm Sandy in October 2012. Much of the sandy beach washed over the wall and into the parking lot. Remediation work in that area is still ongoing. In the summer of 2013, the Junior Sailing program was temporarily relocated. The plan is to construct a replacement building that will become the permanent home of the Junior Sailing program. There is no increase in impervious area because the proposed structure will be placed on the paved area near the east end of the site.

The Architectural Review Board has reviewed and approved the architectural design of the building at the meeting of October 15, 2013. The proposed building will be farther from the water's edge than the old structure had been. The new structure will be raised slightly. There will be no cutting of trees to accommodate the building, and there will be no new asphalt area. Access to the construction site will be via the existing paved driveway. Ms. Swiatek reviewed the floor plan of the proposed structure. The lower or ground level will be raised above the grade by approximately four feet. A ramp from the ground level to the lower floor level will be constructed for easy storage access of the small boats. The lower level is basically a storage garage for the boats. Many of those boats will be stored on racks. The upper level of the building will be storage of the permanent materials. Although the building will have a residential feel and style, including residential style windows and roof, no one will live in the structure. It will not have air conditioning or plumbing. Ms. Swiatek explained that during the boating season, the boats on the racks will be stored in the parking lot. On rainy days, talk instruction sessions will be conducted within the lower level of the building.

Richard Swan, project architect, explained that the building has been designed with flood resistant materials and will have high wind load clips and fasteners. The flooring of the lower level of the building will have gaps to allow flood surge waters to go into the structure rather than resisting flood forces. He said that the building will be constructed on site and will not be prefabricated. It will be anchored into the ground with piling structures.

In response to a question, it was indicated that there were no plans at this time for replacement of the "Blue House" on the site. Clean-up of the project site continues.

Sherri Frank explained that she is on the Board of Directors of the Noroton Bay Association. She asked if there was a new survey of the property. Mr. Ginsberg said that the current plans are based on the 2009 survey map which shows the existing asphalt area and wooden structure. The Commission could require an as built survey once the pilings of the new structure are installed. Mrs. Frank asked if the new structure is designed to sustain 100 mile per hour winds. Mr. Swan said that it is so designed. Mrs. Frank asked if the sailboats would be secured within the building in a storm. Ms. Swiatek said that it is not required, but it could be done when a storm is approaching.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 3 OF 14

Mr. Ginsberg read aloud comments from the Southwestern Regional Planning Agency (SWRPA) which determined that there were no inter-municipal impacts. He said that plans were also referred to the City of Stamford and no response was received.

Ms. Swiatek said that since the project is subject to a number of approvals by other agencies and then funding by the Board of Finance and Board of Selectmen, she asked that the approval be granted for a three year time period so that construction could take place once it is properly funded and during the off season.

There were no other questions or comments from the public or Commission members. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding the application. The motion was made by Ms. Cameron, seconded by Mr. Voigt and unanimously approved.

At about 8:40 p.m., Chairman Spain then read the following agenda item:

Continuation of Public Hearing regarding Flood Damage Prevention Application #331, Land Filling & Regrading Application #309, Michael & Elizabeth DeSanctis, 9 Plymouth Road. Proposing to elevate the existing residence, construct additions and alterations, and perform related site development activities within a regulated area. The subject property is located on the east side of Plymouth Road, approximately 500 feet south of its intersection with Shipway Road, and is shown on Assessor's Map #55 as Lot #76 in the R-NBD Zone. ***PUBLIC HEARING ORIGINALLY OPENED ON JULY 23, 2013 AND WAS CONTINUED TO SEPT. 17, 2013 AND OCTOBER 22, 2013.***

Architect Lance Zimmerman represented the owners and explained that they have obtained a variance from the Zoning Board of Appeals (ZBA). The proposed building will be elevated so that the lowest floor, the first floor, will be at elevation 15.2. Beneath that there will be a crawl space. The garage level is lower than the first floor of the house. Mr. Zimmerman said that what has been a family room will now become a raised terrace. He said that the side yard setbacks are non-conforming but they have obtained their variance from the ZBA to pick up/elevate the existing house. He said that they will be adding a partial second floor and partial finished attic. Mr. Zimmerman said that flood vents are included in the design, and the structure will comply with the Flood Damage Prevention Regulation. Part of the project involves some filling and regrading around the base of the structure to raise the finished ground level. The new structure will comply with the 30 foot building height limitation. The garage and driveway will be self-draining down toward the street. Part of the existing roof needs to be removed in order to accommodate the proposed attic level. New plans had been revised in order to receive ZBA approval. These revisions included getting rid of the rear yard variance, and lowering the building coverage from the previous 28% of the lot to about 22.5%.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Voigt, seconded by Ms. Cameron and unanimously approved.

Chairman Spain read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 4 OF 14

Coastal Site Plan Review #293-A, Flood Damage Prevention Application #334, Land Filling & Regrading Application #315, Reed & Renee Schwandt, 36 Baywater Drive. Proposal to raze the existing residence and construct a new single-family residence and perform related site development activities within regulated areas. The subject property is located on the east side of Baywater Drive, 350 feet southeast of its intersection with Plymouth Road, and is shown on Assessor's Map #55 as Lot #89 in the R-NBD Zone.

Architect Lance Zimmerman represented the owners and submitted a corrected engineering report. The previous report had stated that the expected flood elevation was 15 when in fact it is actually 14. He also submitted a survey map verifying that the existing building coverage has been 22.5% of the lot area and the proposed building coverage will be 19.9% of the lot area in order to comply with the Zoning Regulations.

Mr. Zimmerman explained that new pilings will need to be installed on the property to accommodate the existing structure, which will comply with Flood Damage Prevention Regulations. The first floor will be at elevation 15.5 and below that there will be a 5 foot tall crawl space. The garage level will be slightly higher than the existing driveway. A new entry level will be on the ground floor of the building. It is only an entry area and it will be below the flood level, thus it will be built using flood resistant materials that can be hosed out in case the area is flooded. Some filling and regrading of the site is necessary to accommodate the proposed development. Rain gardens will be installed in the front and rear portions of the property to accommodate stormwater runoff. The rain gardens will deal with water quality rather than trying to hold back flood waters.

Project Architect John Martucci explained that there are three layers of organic material in the top three feet of the surface of the ground. He said that the rain gardens will be excavated to allow for some percolation and rain gardens will be used instead of underground infiltrators. He said there will be no change in the stormwater drainage patterns. No surface flow of water will be directed towards the neighbors. He said that the rain gardens are designed to accommodate the first inch of rain events, which is approximately 90% of rain events. After that stormwater will flow off site just as it does today. Roof gutters and leaders will be directed into the rain gardens.

Mr. Zimmerman said that they propose to raise the grade around the proposed building but will not be shedding rain water towards the neighbors. The foundation will be water proof so that water does not enter under the foundation of the building. Mr. Martucci said that roof leaders will direct water from the roof into the rain garden, rather than allowing it to flow toward the neighbors as it has in the past.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. DiDonna, seconded by Ms. Cameron and unanimously approved.

At about 8:55 p.m., Chairman Spain then read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 5 OF 14

Coastal Site Plan Review #294, Land Filling & Regrading Application #316, John & Medina Vasily, 18 Long Neck Point Road. Proposing additions to the existing residence and converting a deck to a terrace, and perform related site development activities within a regulated area. The subject property is located on the west side of Long Neck Point Road at the northernmost intersection formed by Pear Tree Point Road and Long Neck Point Road, and is shown on Assessor's Map #60 as Lot #18-B in the R-1 Zone.

Attorney Wilder Gleason submitted a copy of the deed of the property. He noted that this lot was in a subdivision that had special setback requirements on the approved subdivision plan. It is somewhat unusual for this zoning district in that it has setbacks for the principal building that are different than the setbacks for the accessory structure. Usually in the one-acre zone, the setbacks match. Mr. Gleason said that the entire house and the addition would comply with the special setback requirements for the property. He reviewed photographs of the existing site conditions and drawings on the proposed changes. The total building coverage will be approximately 8.7% of the lot area. The design plans include a five foot wide cupola with eaves. This is an architectural feature of the design of the house that is located on the intersection of Pear Tree Point Road and Long Neck Point Road. The filling and grading permit is necessary to accommodate the proposed site grade and modifications and the property is located within 1,000 feet of Mean High Water and thus it is within the Coastal Area Management Zone. Mr. Gleason said that a rain garden is proposed on site to accommodate stormwater runoff from the roof area. It will manage the first inch of rain fall for water quality purposes. Stormwater detention is not proposed because this property is so close to the open waters of the Darien River and Long Island Sound.

In response to questions, Mr. Gleason said the project will not involve any removal of trees but some of the existing trees will be limbed up to improve views of the water. Project Architect Dinyar Wadia said that there are one or two existing dead trees that need to be removed but they are not being removed to accommodate the development but rather because they are dead. He also noted that they are adding dormers to the roofs. He said that the proposed cupola will be over the proposed family room addition, which has a lower roof line than the main portion of the house. He said that the proposed cupola will have a peak about eight feet over the ridge line of the roof and it will be approximately 6.5 feet from the top of the cupola to the ridge of the roof of the main portion of the house. Mr. Ginsberg explained that a cupola that exceeds four feet in height or four feet in width would not be approved by the staff unless the design is approved by the Planning & Zoning Commission or Zoning Board of Appeals. Mr. Gleason said that the proposed cupola is an architectural feature in keeping with the style of the existing house and that the cupola will not be internally lit.

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

Chairman Spain read the following agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 6 OF 14

Flood Damage Prevention Application #322-A, Land Filling & Regrading Application #297-A, James & Diane Bosek, 12 Plymouth Road. Proposing to elevate the existing residence, construct additions and alterations, and perform related site development activities in a regulated area. The subject property is located on the west side of Plymouth Road approximately 160 feet south of its intersection with Baywater Drive, and is shown on Assessor's Map #55 as Lot #67 & #68 in the R-NBD Zone.

Architect Lance Zimmerman explained that this project involves lifting the existing house that was damaged during Storm Sandy. Modifications will reduce the existing building coverage from 21.08% of the lot down to 20% of the lot to comply with the Regulations. He submitted an updated survey map to verify the building design and proposed coverage. He said the garage level will remain the same, but flood vents will be installed in the garage structure to prevent damage to the walls. A planter area will be constructed in front of the house and an entrance walkway will be created onto the site. The old screen porch at the rear of the structure will be removed and will be replaced with an elevated terrace. Some regrading of the site would be necessary to bring the ground elevation up to the 8.1 foot elevation around the existing structure. He said that there will be no change to the drainage pattern. The existing property drains towards the property line and toward the street. He said that the existing house does not now have gutters but the revised house will have gutters with down spouts to a flat rock area. The water will not be piped toward the neighbors. The new floor elevation of the house will be 15.0 feet. The proposed masonry stairs leading from the ground to the first floor do not count as building coverage.

Mr. Ginsberg said that the updated survey map is helpful.

There were no comments from the public regarding the application. 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. DiDonna, seconded by Mr. Olvany and unanimously approved.

At about 9:20 p.m., Chairman Spain opened the General Meeting and read the following agenda item:

GENERAL MEETING

Discussion, deliberation and possible decision on the following:

Coastal Site Plan Review #292, Land Filling & Regrading Application #312, 99 Wit's End LLC, 99 Long Neck Point Road. Proposing to raze the existing residence and construct a new single-family residence with associated filling/excavation and regrading work and retaining wall, and perform related site development activities within a regulated area.

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

The Commission discussed the draft resolution regarding the project at 99 Long Neck Point Road. The following motion was made: That the Planning & Zoning Commission adopt the following resolution

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 7 OF 14

to approve the project subject to the conditions and stipulations as noted. The motion was made by Ms. Cameron, seconded by Mr. Olvany and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 22, 2013**

Application Number: Coastal Site Plan Review #292
Land Filling & Regrading Application #312

Street Address: 99 Long Neck Point Road
Assessor's Map #59 Lot #1

Name and Address of:
Property Owner: 99 Wit's End LLC
c/o Mark Blackman
80 Deepwood Road
Darien, CT 06820

Name and Address of Applicant &:
Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road, Suite 201
Darien, CT 06820

Activity Being Applied For: Proposing to raze the existing residence and construct a new single-family residence with associated filling/excavation and regrading work and retaining wall, and perform related site development activities within a regulated area.

Property Location: The subject property is located on the east side of Long Neck Point Road approximately 1,300 feet north of its intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: September 17, 2013 continued to October 15, 2013

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

Publication of Hearing Notices
Dates: September 6 & 13, 2013 Newspaper: Darien News

Date of Action: October 22, 2013 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 1, 2013 Newspaper: Darien News

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

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 8 OF 14

- the proposed use and activities must comply with all provisions of Sections 400, 810, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to raze the existing residence and construct a new single-family residence with associated filling/excavation and regrading work and retaining wall, and perform related site development activities within a regulated area. The new residence will be served by public water and sewer. The existing residence was non-conforming relative to the north property line, and the new residence has been sited to comply with all setbacks. The property is directly adjacent to Coon Point Cove.
2. As part of this application, a very limited amount of work is proposed within 100 feet of Mean High Water. The entire new house is proposed to be at least 140 feet from Mean High Water, and a 2'-3' foot high retaining wall is proposed approximately 30 feet east (waterward) of the house and deck and approximately 100 feet west (landward) of Mean High Water, which will allow the land east (waterward) of the wall to remain fairly natural. The property which is west (landward) of the wall will have manicured lawn. No change of grade is proposed east (waterward) of the proposed wall. No work at all is proposed within the flood zone, except the removal of debris now located near the water.
3. Related work included in this project is the installation of a two-three foot high retaining wall, repair of the existing stairs and railing, replacing the door to the root cellar now in the side of the hill, removal of debris near the water, and a new driveway. The new driveway improves the sight lines compared to the previous driveway near the north property line.
4. The applicant has submitted plans to address stormwater management and water quality, and included a Drainage System Operation & Maintenance Plan within the submitted application materials. The Commission notes the need for the applicant or applicant's representative to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 9 OF 14

6. The Commission finds that the proposed activities with respect to the proposed addition to the residence, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. 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.
8. 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 #292 and Land Filling & Regrading Application #312 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction, filling and regrading, and other site development activity shall be in accordance with the following plans submitted and reviewed by the Commission:
 - Topographic & Zoning Location Survey 99 Long Neck Point Road prepared for Mark W. Blackman Deborah H. Blackman, by William W. Seymour & Associates; last revised Aug. 9, 2013.
 - Site Plan prepared for Blackman Residence #99 Long Neck Point Road, by LBM Engineering, LLC, dated August 1, 2013.
 - Residence of: Blackman, 99 Long Neck Point Road, by ERI Building & Design, LLC, last revised 8-8-13.
- B. Due to the nature and location of this project, the Commission hereby waives the requirement for a performance bond.
- C. Because of this property's location directly adjacent to Coon Point Cove/Long Island Sound, the Commission hereby waives the requirement for a more detailed stormwater management analysis. The submitted Site Plan shows a proposed level spreader near the south property line. It is imperative that grading in this area be carefully implemented, so as not to direct water to the property to the south, but rather to the east, towards Coon Point Cove/Long Island Sound.
- D. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the Site Plan and other plans in Condition A, above, and other measures as may be necessary due to site conditions, including tree protection. 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.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 10 OF 14

- E. By December 22, 2013 (within the next 60 days), a “Notice of Drainage Maintenance Plan” shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the issuance of a Zoning and Building Permit for the proposed new house.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the residence, the applicant shall submit verification from a professional engineer in writing and/or photographs that all aspects of the site regrading and stormwater management have been completed in compliance with the approved plans referred to in Condition A, above.
- G. 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.
- H. 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. This includes, but is not limited to, approval from the Public Works Department for a Street Opening Permit for the new driveway on Long Neck Point Road. A Sewer Connection Permit will also be needed for the new residence.
- I. 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 one (1) year of this action (October 22, 2014).

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 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.

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

Discussion and deliberation ONLY on the following:

Court-ordered remand regarding Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities.

Mr. Olvany explained that he has recused himself from discussions regarding this matter and he departed the meeting room.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 11 OF 14

Mr. DiDonna said that he has listened to the recording of the public hearing session that he had not been able to attend and thinks that all points were not covered.

Ms. Cameron said she is wrestling with the safety issue as it relates to the number of units on the site and the lack of parking to accommodate that which may be necessary for the proposed units on the property. She said that the Department of Transportation previously required a bypass area, but she understood that if only four units were proposed then no such bypass area would be required. She said that there is a possibility that the units would be sold at market rate and wondered what the economic viability was at having less units rather than having the 16 proposed.

Mr. Spain said that the applicant has reserved the option rather to rent or sell the units and it was assumed that they would choose the viable option. He said that the applicant is willing to install the bypass area if the Planning & Zoning Commission requires it and if it is allowed by the State Department of Transportation. At present the State is not requiring the installation of a bypass unit. He said that in the R-1/3 residential Zone, one single family house would normally be allowed on this lot. In this case, affordable housing of 4 units to 16 units are requested. If there are 16 units, 5 affordable housing units would be created and 11 units could be sold or rented at market rate. At 8 units on the site, then 3 units would be affordable and 5 units would be available at market rate.

Mr. DiDonna said that he is very concerned about the low visibility of cars entering and exiting the site. He said that the number of units allowed should be reduced in order to minimize the safety hazards and create as safe of an access area as possible. Mr. Spain asked that the Commission members want the staff to draft a resolution for distribution in the Friday packet and possible action at the October 29, 2013 meeting. He said that the election is the following Tuesday and the Commission might need to have a special meeting prior to that, unless a decision is reached. Mr. DiDonna said that 8 units seems to address his safety concerns. Mr. Spain said that allowing 8 units will take the pressure off the on-site parking limitations. He said that residents may or may not have more than one car and there could be service people and other visitors. Mr. Voigt said that reducing the number of units makes sense and also creates more parking spaces for overflow or visitors. Mr. Spain that the Regulation referring to 1.5 parking spaces per unit does not apply here like it would for other sites that normally do allow affordable housing or senior housing. In this case, there is no public transportation and there is no on-street parking available and there are no extra parking spaces within safe walking distance.

Mr. DiDonna said that the proposed 24 parking spaces for 16 units results in 1.5 parking spaces per unit. If only 8 units are proposed, then they would have two on-site parking spaces per unit. Mr. Spain said that a smaller building will also allow for better fire access. Mr. DiDonna said that the driveway should be moved to be farther to the south. Mr. Spain said that moving the driveway farther to the south will help because the time that a vehicle is seen is important and the sight line to the north is limited. He said that the sight line distance requirements are based on the speed of vehicles and that is a factor in the time that a driver could see a vehicle and react appropriately. He said that not everyone using Hoyt Street drives faster than the speed limit but currently 80% of the people travel at approximately 40 miles per hour on that portion of Hoyt Street.

No action was taken on the application. A draft resolution will be prepared and distributed for the Commission members for consideration at a future meeting.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 12 OF 14

At about 9:50 p.m., Chairman Spain then read the following agenda item:

Coastal Site Plan Review #290, Flood Damage Prevention Application #333, Land Filling & Regrading Application #310, ASL Partners, LLC, 203 Long Neck Point Road. Proposal to demolish the existing single-family residence and construct a new single-family residence with pool, and perform related site activities within regulated areas. The subject property is located on the east side of Long Neck Point Road approximately 1,200 feet south of its southernmost intersection with Pear Tree Point Road, and is shown on Assessor's Map #61 as Lot #9 in the R-1 Zone.

Mr. Olvany returned to the meeting.

Commission members noted that there were two nights of presentation and there will be an extensive redevelopment of the property. The new house will be constructed and there will be filling and regrading on the site along with construction of retaining walls and installation of trees and landscaping. They also noted that accommodations and adjustments had been made as a result of discussions with neighbors. The current right of access of a neighbor is not entirely within the specified easement. That matter is being handled by the applicant and the neighbors. Mr. Ginsberg said he will try to draft a resolution for consideration at a future meeting.

Chairman Spain read the following agenda item:

Proposed Amendments to the Zoning Regulations (COZR #3-2013) put forth by the Darien Planning & Zoning Commission as outlined in a June 17, 2013 memo from Jeremy Ginsberg. These proposed changes include: Amendments related to Personal Service Businesses: Modify Section 210—Definition of Commercial Sales and Service; Add subsections 604d, 614g, 634g, 654f, and 684j., to specifically call out Personal Service Business as a Special Permit use in certain zones.

Other proposed changes are amendments recommended by the Zoning Board of Appeals (ZBA): 1. Modify Section 210 (Definition of Building Coverage) by noting that the first six inches (6") of building eave, and up to twenty (20) square feet for overhangs for stairs, stair landings, and stoops do not count toward Building Coverage. Delete subsection 416h. Modify subsection 351 (Porches) to better reflect current policy of acceptable size covered front porches which would be exempt from setbacks or subject to reduced setbacks. Modify subsection 354 (Stairs and Ramps) to better reflect current policy of acceptable size entry stairs which would be exempt from setbacks or subject to reduced setbacks. Modify subsection 1126b (General Rules of the Zoning Board of Appeals) regarding submitted application materials. Modify subsection 1126e (General Rules of the Zoning Board of Appeals) regarding reapplications to the ZBA. Modify subsection 1127 (Notification-ZBA) to have proof of mailing submitted one week prior to the public hearing.

Other proposed changes are amendments recommended by the Architectural Review Board (ARB): Modify subsections 923.1b, c, and d, regarding wall signs in the CBD, DC, and NB Zones; Modify subsection 923.2b regarding hanging signs in the CBD, DC, and NB Zones; Modify subsection 923.5 Prohibited Signs in the in the CBD, DC, and NB Zones; Modify subsection 925.2b, regarding wall signs in the OB, DOR-1 and DOR-5 Zones; Modify subsection 926.1, regarding wall signs in the SB and SB-E Zones.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 13 OF 14

Commission members had no objections to the proposed Regulation amendments. Mr. Ginsberg said that he will try to draft a resolution for consideration at the November 12, 2013 meeting.

Chairman Spain read the following agenda item:

Amendment of Business Site Plan #249-A, Whole Foods Market, 150 Ledge Road.

Request to install solar panels on existing roof of the building.

Commission members discussed the proposed solar panel installation on the existing roof. They felt that it was a great idea in part because it will not be visible to the public because it will be concealed by the existing parapet wall of the roof. It will create more energy efficiency. The following motion was made: That the Planning & Zoning Commission approve the application to allow for the installation of the solar panels on the roof in accordance with the submitted application materials. The motion was made by Mr. Voigt, seconded by Ms. Cameron and unanimously approved.

Chairman Spain read the following agenda item:

Flood Damage Prevention Application #315, Mark & Heather Wright, 26 Waverly Road.

Request for extension of time to complete back terrace.

Commission members discussed the request and the following motion was made: That the requested time extension be granted. The motion was made by Mr. Olvany, seconded by Ms. Cameron and unanimously approved.

Chairman Spain read the following agenda item:

Approval of Minutes

October 1, 2013 Public Hearing/General Meeting

Commission members discussed the draft minutes and several minor corrections and clarifications were made. The following motion was made: That the Planning & Zoning Commission adopt the revised and corrected minutes. The motion was made by Ms. Cameron, second by Mr. Voigt and unanimously approved.

Chairman Spain read the following agenda item:

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

The following motion was made: That the Planning & Zoning Commission consider under Other Business the request to install an emergency generator at Hindley School. The motion was made by Mr. Voigt, second by Mr. Olvany and unanimously approved.

Proposed Emergency Generator at Hindley School, Hoyt Street.

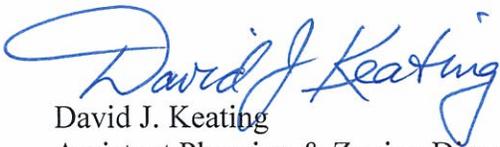
Commission members reviewed the submitted information. Michael Lynch of the Board of Education explained that the proposed generator will be located to the rear of the building. It would be partially visible from a great distance from Boston Post Road and from the vicinity of the parking lot behind St.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
OCTOBER 22, 2013
PAGE 14 OF 14

John's Church. Mr. Voigt said that he would love to have some kind of noise baffling provision installed but he would not require it. The following motion was made: That the Planning & Zoning Commission approve the site plan modification to allow the installation of an emergency generator at the rear of Hindley School in accordance with the submitted materials. The motion was made by Mr. Voigt, seconded by Mr. DiDonna 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. DiDonna, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 10:15 P.M.

Respectfully submitted,



David J. Keating
Assistant Planning & Zoning Director