

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
SEPTEMBER 6, 2011**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Conze, Spain, Hutchison, Cameron, Riccardo, Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Conze called the meeting to order at 8:00 P.M. and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Coastal Site Plan Review #261-A, Flood Damage Prevention Application #28-B, Land Filling & Regrading Application #2-B, Foster Kaali-Nagy, 144 Five Mile River Road. Proposing to construct a single-family residence, garage, and swimming pool and to perform related site development activities within regulated areas. The subject property is on the south side of Five Mile River Road at its terminus, and is shown on Assessor's Map #67 as Lot #10 & #11, in the R-1/2 Zone. *PUBLIC HEARING OPENED ON 7/26/2011.*

Tom Ryder of Land Tech explained that the July 26th Public Hearing had been continued so that there would time and opportunity to address the items in the comments from the Connecticut DEEP. Mr. Ryder said that the plans dated 9/1/2011 had been revised to relocate the pool equipment and reduce the pool terrace area. He said that the closeness of the proposed construction to DEEP jurisdiction makes it difficult to build, but not impossible. He said that even the erosion controls and construction barriers will be outside of the DEEP jurisdiction. Mr. Ginsberg read the 9/6/11 email from the DEEP indicating that they had reviewed the revised plans. Mr. Ryder said that some planned work, such as fixing up the boat house and working on a wall at the water's edge, are not part of the current proposal submitted to the Town. They will definitely require further permits from the Connecticut DEEP and then submission of additional applications to the Planning and Zoning Commission.

In response to a question, Mr. Ryder said that one of the cedar trees near the construction fence and south of the proposed pool will definitely need to be removed. The other tree is labeled to be removed, but they will try to save it.

Foster Kaali-Nagy said that in the recent hurricane the dock was submerged, but the site of the proposed house was not flooded. Mr. Hutchison asked whether the design of the new house would withstand hurricane forces. Mr. Ryder said that the design exceeds all current requirements and it will also satisfy new, more stringent standards that might become effective later this year. Mr. Kaali-Nagy noted that regulations call for a minimum floor elevation of 12, but the design is to have the lowest floor at elevation 13 feet above mean sea level.

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Mrs. Cameron asked if it would be possible to have a conservation easement to permanently protect the sensitive portions of the western part of the property. Mr. Kaali-Nagy said this is something that could be up for discussion, and the applicant is willing to discuss.

Todd Robbins of 7 Edgehill Drive said that the recent revisions reduce the amount of fill and work in the flood prone area of the center of the site.

There were no other questions or comments. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #257-A, Flood Damage Prevention Application #289-A, Land Filling & Regrading Application #245-A, Dale & Hillary Miller, 5 Tokeneke Beach Drive. Proposing to raze the existing residence and demolish the existing pool, and to construct a new single-family residence and pool and to perform related site development activities within regulated areas. The subject property is located on the east side of Tokeneke Beach Drive approximately 500 feet south of its intersection with Contentment Island Road, and is shown on Assessor's Map #67 as Lot #67, and is in the R-1 Zone.

Attorney Robert Maslan represented the applicants and said that they are still awaiting a decision from the Darien EPC about whether they will assert jurisdiction. There is also a pending application with the Connecticut Department of Energy and Environmental Protection. He said that they sent notices to all neighbors about the start of this hearing, even though they realize that the hearing will need to be continued. He asked the Commission if they had any issues or if there is any additional information that the Commission needs. Mrs. Cameron said that the applicant should: a) submit information about the impacts of the recent hurricane; and b) tag the trees and vegetation to be removed greater than 6" in diameter at breast height (DBH) as well as that which will be preserved; and c) clarify on the plan the location of the CAM 100 foot critical area. Todd Ritchie said that the entire site is within the CAM area, but he will clarify the exact location of the 100 foot area.

The Public Hearing regarding this matter will be continued on October 4, 2011 at 8:00 PM in room 206 of the Town Hall.

Chairman Conze read the following agenda item:

Special Permit Application #125-D(2)/Site Plan, Darien Junior Football League (DJFL), Holahan Field, 2 Renshaw Road. Proposing to install three temporary lights at Holahan Field for DJFL team practices on weekdays in the fall 2011 and 2012 seasons. The subject property is located on the northeast corner of the intersection formed by Renshaw Road and Park Place, and Holahan Field is behind Town Hall. The property is shown on Assessor's Map #41 as Lot #85, in the R-1/3 Zone.

Jim Coley, President of DJFL, and John Sini, Jr., Chair of the DJFL Lights Committee, presented the application. Mr. Coley said the DJFL is an all volunteer organization that is self sustaining and serves 550 Darien children. There is usually one game for each team each weekend. One of the most important issues is the safety of the players. Most of the volunteer coaches work in New

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York, and thus the 3 weekday practices are held in the evening. The temporary lights promote safety during evening practices in the latter part of the season when it gets dark so early.

Mr Sini said that the Commission has allowed temporary lights in past seasons and the DJFL has submitted the required follow up report in January to summarize and evaluate the experience with the temporary lights. He said that on June 15, 2011, the Darien Park and Recreation Commission authorized the DJFL to reapply to the P&ZC to request temporary lights for the 2011 and 2012 seasons. As in the past, the proposal is to have three, generator powered light stands on Holahan Field to provide safety lighting for the weekday evening practices. The current request is for the next two seasons. The use of the lights would start on October 10 and would extend until no later than November 18 during the 2011 season, and from October 8 to November 18 of the 2012 season. As in the past, the DJFL will provide sound baffles on the neighbor side of the generators, and the lights will only be used for practices, not games. Mr. Sini said that in 2010, they judiciously used the lights for only 25 hours of practices at this field. Mr Sini said that the DJFL investigated the possibility of avoiding the generators by providing a direct electrical hook up. The cost to do that properly would be approximately \$150,000 because there are no existing conduits or subpanels. There is also uncertainty about the Town's plans for the possible expansion of the building and modifications of the field. Mr. Coley said that the annual budget of the DJFL is approximately \$120,000.

Mr. Sini said that the DJFL has been very sensitive to concerns and problems expressed by neighbors. He said that most neighbors have been in favor of the temporary lights for the safety of the players as they practice. He said the application is virtually identical to the DJFL's previous lights applications, except that this request is for two years. They will continue to use the sound baffles to protect the neighbors to the greatest extent that is reasonably possible. They will also position and redirect the lights to avoid glare that might impact the neighbors. Mr. Sini said that they usually move the generator/light stands weekly to allow the lawn to be mowed, but they will not do that if the ground is soft and moving the units would damage the field.

Brian Park of 39 Park Place said that the lights do not directly impact his property, but said that it does increase traffic flow through the neighborhood at dusk and in the dark. This could be dangerous. He asked that parents coming to pick up children, and drivers leaving practice, be urged to be mindful of the local neighbors and the safety of the residents. Mr. Sini said that DJFL will continue to remind parents of these safety concerns.

Mr. Sini said that all of the DJFL equipment is stored at the Town Hall building close to Holahan Field. It is the only storage facility used by DJFL.

There were no other comments. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

Chairman Conze read the following agenda item:

GENERAL MEETING

Modification of Site Plan Application #251-A, Special Permit Application #246-A, Land Filling & Regrading Application #184-A, Lot line Adjustment #609-A, CL Partners, LLC, (formerly Hoyt Street Partners, LLC), Hoyt Street/Wakemore Street.
Requested amendments to reconfigure the units; adjust the on-site filling and regrading; and proposed naming of private access driveway.

Mr. Ginsberg noted that three recent letters have been distributed to the Commission members. They include: a letter from the project engineer regarding the minor changes to the site plan; a letter from Bill McGuinness regarding some proposed changes to the buildings; and a letter from Attorney Hill regarding the naming of the private driveway to provide for street addresses and public safety. There will still be 62 units and the driveway access will be from Wakemore Street as previously approved.

Attorney Hill said the revisions will provide more air and light between building and they will be more marketable. He said that they hope to take ownership of the site later in the month and then commence with the site improvements.

In response to a question, project engineer Denise Halstead of GHD said there will be slight changes in the grading but the drainage pattern will remain the same.

After further review of the requests, the following motion was made: That the Commission approve the requested modifications of the site plan and the building designs and also approve the concept of allowing the common driveway through the complex to be called a street to allow for addresses and numbering of the units, and for public safety. The exact name still needs to be selected and is subject to final approval of the Director of Planning upon consultation with the Town Historian. The motion was made by Mr. Hutchison, second by Mrs. Cameron and was unanimously approved.

Chairman Conze read the following agenda item:

Flood Damage Prevention Application #303, Patrick & Lauren Palomo, 104 Rose Lane.
Proposing to construct a one-story addition to the existing single-family residence and to perform related site development activities within a regulated area. The subject property is located on the south side of Rose Lane approximately 100 feet east of the intersection of Denhurst Place and Rose Lane and is shown on Assessor's Map #25 as Lot #14, in an R-1/5 (residential) Zone.

Mr. Ginsberg explained that the proposed addition has been reviewed and approved by the Environmental Protection Commission and the Zoning Board of Appeals. The final step is review and action by the Planning and Zoning Commission because the project is within a Flood Hazard Zone adjacent to the Noroton River. He said that the neighbors have reviewed the application and signed the requisite form indicating that they did not see the need for a Public Hearing. If the Commission believes this is a relatively minor application, the Commission may waive the normal requirement for a Public Hearing. The Commission reviewed the application drawings and plans. In response to a question, Attorney Zabetakis said that the proposed addition will be used as a family room, which is needed for this modest house

After further discussion, the following motion was made: That, in light of the signatures from the neighbors and the modest nature of the proposed addition, the Commission waives the need for a Public Hearing. Also, noting the permit granted by the Environmental Protection Commission and the variance granted by the Zoning Board of Appeals, the Commission hereby approves the permit for the proposed addition to the residence as set out in the submitted plans. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and was unanimously approved.

Chairman Conze read the following agenda item:

Land Filling & Regrading Application #221, Robert Lavin, 480 Middlesex Road.

Discussion of ongoing issues related to implementation of project.

Mr. Ginsberg explained that the Commission had approved this project, which involves regrading large portions of this steeply sloped property. Monitoring reports are required to be submitted on a weekly basis. Some reports have been submitted, but not on a timely basis and erosion problems at the site are not being prevented or corrected. It is up to the project engineer to make sure that the erosion controls are working and that any problems which do develop are corrected.

Robert Lavin, the property owner said that he has hired a new engineer to make sure that things are done right. Chairman Conze said that Mr. Lavin must make sure that everything is done correctly and that the reports are submitted as required, as set forth in the Commission's conditions of approval.

Chairman Conze read the following agenda item:

Business Site Plan #228-A, Little Red Schoolhouse, 21 Tokeneke Road, CBD Zone.

Request for a new dog grooming tenant for a portion of the first floor.

The first floor, front of the building, facing Tokeneke Road, is now occupied by D'Iorio Printing. The Commission reviewed and discussed an August 9, 2011 memo proposing that the rear of the first floor be a dog grooming business, accessible only from the Center Street entrance. Since this site has received special approval as a Protected Town Landmark building, each and every use of the site is subject to review and action by the Commission. The Commission agreed that the proposed use was acceptable, and approved it.

Chairman Conze read the following agenda item:

Discussion, deliberation and possible decision regarding:

Coastal Site Plan Review #218-B, Flood Damage Prevention Application #255-A, Land Filling & Regrading Application #46-A, Robert Minicucci, 159 Long Neck Point Road. Proposing to: construct a fixed pier, ramp and float; restore a tidal wetland by removing Phragmites and lowering the elevation of the wetlands; and perform related site development activities within regulated areas.

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

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The Commission briefly discussed the project and the following motion was made: That the Commission adopt the following resolution to approve the pier and tidal wetlands restoration project. The motion was made by Mr. Hutchison and seconded by Mrs. Cameron. All voted in favor except Mr. Voigt and Mrs. Riccardo who abstained because they had not attend the Public Hearing. The motion was adopted by a vote of 4 – 0 – 2.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2011**

Application Number: Coastal Site Plan Review #218-B
Flood Damage Prevention Application #255-A
Land Filling & Regrading Application #46-A

Street Address: 159 Long Neck Point Road
Assessor's Map #61 Lot #1

Name and Address of Property Owner: Robert Minicucci
And Applicant: 159 Long Neck Point Road
Darien, CT 06820

Name and Address of: Tom Ryder
Applicant's Representative: Land-Tech Consultants
31 Franklin Street
Westport, CT 06880

Activity Being Applied For: Proposing to: construct a fixed pier, ramp and float; restore a tidal wetland by removing Phragmites and lowering the elevation of the wetlands; and perform related site development activities within regulated areas.

Property Location: The subject property is located on the east side of Long Neck Point Road, approximately 200 feet south of its southernmost intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: July 26, 2011

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

Publication of Hearing Notices

Dates: July 15 & 22, 2011

Newspaper: Darien News

Date of Action: September 6, 2011

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 16, 2011

Newspaper: Darien News

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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, 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 install a 32' long by six foot wide fixed pier, a 24' long by 3 foot wide gangway, and a 22' long by four foot wide float with float stops and a padded lift rail system; and restore the tidal wetlands; and perform related site development activities within regulated areas.
2. In 2008, an application to restore the beach, install a pier on the south side of the driveway and remove six large trees was approved by the Commission. As noted by the applicant's representative at the public hearing, the beach restoration project has been completed; but the tree removal was not done, pending further discussion with the Connecticut Department of Environmental Protection (DEP) regarding the proper location for a dock to be installed. Applicant now has revised the dock location request in accordance with the DEP recommendations. The current application is for site work and the dock on the north side of the driveway, extending into the protected cove (rather than the previous proposal for a dock on the south side of the driveway and extending into the open waters of Long Island Sound). This application also includes the removal of the six trees, the removal of invasive phragmites and restoration of a tidal marsh area.
3. The State of Connecticut DEP (now DEEP) approved this project on June 17, 2011 as part of Permit #201101116-KR. The US Army Corps of Engineers (ACOE) also approved this project on December 16, 2010. Each of those decisions was submitted for the record in this matter, and are hereby incorporated by reference.
4. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. 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.
6. The proposed activity is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The

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conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

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 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.
9. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #218-B, Flood Damage Prevention Application #255-A and Land Filling & Regrading Application #46-A are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. All work shall be in accordance with the plans entitled:
 - Proposed Dock & Tidal Wetland Restoration Plan prepared for Robert Minicucci, 159 Long Neck Point, by Land-Tech Consultants, Inc., scale 1"=40', dated 6/01/11, Sheet 1 of 1.
 - Proposed Dock Plan, by Cuoco Structural Engineers, LLC, rev 3 01-17-2011, Drawing No. 3.
 - Elevation, by Cuoco Structural Engineers, LLC, last revised 01-17-2011, Drawing No. 4.
 - Tidal Wetland Restoration prepared for Robert Minicucci, 159 Long Neck Point Road, by Land-Tech Consultants, Inc., scale 1"=20', dated 1/7/10, Sheet 1 of 1.
- B. 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.
- C. Due to the location of the subject property and the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for stormwater management per Sections 888a(1) and 888a(3) of the Darien Zoning Regulations.
- D. Prior to September 6, 2012, as-built maps, surveys and/or other documentation shall be submitted to the Commission to verify that the dock has been installed and completed in accordance with the approved plans, and that the tidal wetlands restoration has been properly completed. No deviation or alterations from the approved plans shall be permitted except with the prior written permission of the Commission.

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- E. 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.
- F. 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.
- 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 (1) year of this action (September 6, 2012). This may be extended as per Sections 815 and 829f.

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 plans by the Chairman, and the filing of a Special Permit form in the Darien Land Records.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #267, Flood Damage Prevention Application #302, Spencer F. Segura, 24 Tokeneke Trail. Proposing to construct a detached garage, cabana, modify the existing driveway, and perform related site development activities within regulated areas.

The Commission briefly discussed the project and the following motion was made: That the Commission adopt the following resolution to approve the project. The motion was made by Mrs. Cameron and seconded by Mr. Hutchison. All voted in favor except Mr. Voigt and Mrs. Riccardo who abstained because they had not attend the Public Hearing. The motion was adopted by a vote of 4 – 0 – 2.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 6, 2011**

Application Number: Coastal Site Plan Review #267
Flood Damage Prevention Application #302

Street Address: 24 Tokeneke Trail
Assessor's Map #69 Lot #24

Name and Address of Property Owner:
And Applicant: SFS Growth Fund, LLC
Spencer F. Segura
24 Tokeneke Trail
Darien, CT 06820

Name and Address of:
Applicant's Representative: Teodoro Milone
Redniss & Mead, Inc.
22 First Street
Stamford, CT 06905

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Activity Being Applied For: Proposing to construct a detached garage, cabana, modify the existing driveway, and perform related site development activities within regulated areas.

Property Location: The subject property is on the north side of Tokeneke Trail, approximately 400 feet south of its intersection with Runkenhage Road.

Zone: R-1

Date of Public Hearing: July 26, 2011

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

Publication of Hearing Notices

Dates: July 15 & 22, 2011

Newspaper: Darien News

Date of Action: September 6, 2011

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 16, 2011

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 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'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 owner proposes to construct a detached garage, detached cabana, modify the existing driveway, and perform related site development activities within regulated areas. The subject property is served by a private on-site septic system. The property is in an AE Flood Zone with the expected flood elevation of eleven feet.
2. The slab of the proposed garage structure would be at elevation 9.5. No finished space would be located on the slab level of the garage. On the second floor of the proposed garage, the owner proposes to create some finished floor space. Submitted plans show that the second floor would be an exercise room. It will not be an apartment or a dwelling unit.
3. The slab of the proposed cabana structure would be at elevation 8.0, so that it is adjacent to the swimming pool level. At the public hearing it was noted that the cabana structure is more like a

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pergola with a roof. It does not have walls that enclose any finished or heated or living space. Therefore, it does not need to be located at or above the expected flood level. It was also mentioned at the hearing that the mechanical equipment for the pool will be at or above the expected flood level at elevation 11.0.

4. Runoff from the garage and cabana will head toward the nearby pond and/or stream. Rather than trying to delay or detain the storm water flow, they will instead be filtering it through a ten foot wide planting strip along the pond edge in order to filter pollutants and improve water quality. The Commission agrees with the applicant's engineer that this will improve water quality, and that it is not necessary to retain the storm water because this property is located in the southern portions of the drainage area.
5. At the public hearing, there was concern expressed about the potential use of loudspeakers in the cabana. Mr. Segura, the subject property owner, said that there are no outdoor speakers now, and he does propose to install one in the cabana, but he will keep the noise level under control.
6. At the July 26 public hearing, it was noted that the Environmental Protection Commission (EPC) was likely to approve this application at their August 3, 2011 meeting. Subsequent to the close of the Planning and Zoning Commission public hearing, the Planning and Zoning Commission received a copy of the EPC's approval of this project on August 3.
7. 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.
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 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.
10. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #267 and Flood Damage Prevention Application #302 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. All work shall be in accordance with the plans entitled:
 - Zoning Location Survey depicting Proposed Garage and Cabana #24 Tokeneke Trail prepared for Spencer Segura, by Redniss & Mead, last revised 7/26/11.
 - Site Development Plan depicting 24 Tokeneke Trail prepared for Spencer Segura, by Redniss & Mead, last revised 7/14/11, Drawing No. SE-1.

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- Notes and Details depicting 24 Tokeneke Trail prepared for Spencer Segura, by Redniss & Mead, dated June 15, 2011, Drawing No. SE-2.
 - Planting Plan “A” by Rutherford Associates Landscape Architecture, scale 1”=10’, dated June 14, 2011, Sheet No. 1 of 1.
 - Segura Residence – Garage House Plan, Cabana Plan, and Details, by Rutherford Architects, Sheet A1 dated June 15, 2011 and revised July 26, 2011; Sheet A2 dated June 15, 2011; and Sheet A3 dated June 15, 2011 and revised July 26, 2011.
- B. The garage structure and the cabana structure are proposed within the flood hazard zone and must be designed, constructed, and anchored to withstand structural damage that could occur during a flood. With the submission of the Zoning Permit application, the architect or engineer must certify that although the structures would be inundated, they will not be structurally damaged by the flood forces and that they will be properly anchored to each foundation. The structures should utilize materials that will sustain minimal damage when they are inundated and the electrical systems should be installed to avoid or at least minimize damage resulting from the flood waters. Flood damage should be limited to cosmetic items that can be repaired at minimal cost, rather than structural damage that would endanger the safety of the residents and would be very expensive to repair.
- C. 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. Prior to the completion and/or occupancy of the house, all approved site work must be completed and the disturbed areas are to be stabilized with appropriate vegetation.
- D. Due to the location of the subject property, the Commission hereby waives the requirement for stormwater management per Section 888a(1) of the Darien Zoning Regulations.
- E. The proposed activity is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
- F. The applicant must make sure that at all times during the redevelopment of the site, the storm water runoff is properly managed to avoid impacts to the neighbors and the street. This shall include, but not be limited to, sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and speedy restabilization of all disturbed areas.
- G. The property owner shall have the continuing obligation to ensure that storm water runoff and drainage from the site will not have negative impacts upon the environment to adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the

owner(s) of the property shall be responsible for remedying the situation at their expense and as quickly as possible.

- H. Prior to the issuance of a Certificate of Occupancy, as-built maps, surveys and/or other documentation regarding the site work, proposed plantings and garage and cabana construction details shall be submitted to the Commission staff to verify that the work has been implemented in accordance with the approved plans. No deviation or alterations from the approved plans shall be permitted except with the prior written permission of the Commission.
- 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. 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 Darien Health Department.
- K. 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 (1) year of this action (September 6, 2012). This may be extended as per Sections 815 and 829f.

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 plans by the Chairman.

Chairman Conze read the following agenda item:

Amendment of Land Filling & Regrading Application #145-B, Gene Sykes, 5 Homewood Lane, R-1 Zone.

Request to construct retaining walls and steps in the rear of the residence.

The Commission discussed the revised project to install landscape style steps. Mr. Figura said that no construction work has taken place on the pool or pool house. The following motion was made: That the Commission approve the requested modifications to install the landscape style steps per the submitted plans; and that it extend the approvals for the pool and pool house until March 6, 2012. The motion was made by Mrs. Cameron, seconded by Mr. Spain and was unanimously approved.

Approval of Minutes

July 26, 2011 Public Hearing/General Meeting

The Commission discussed and agreed upon minor corrections and clarifications. The following motion was made: That the revised/corrected minutes be adopted. The motion was made by Mr. Spain and seconded by Mrs. Cameron. All voted in favor except Mr. Voigt and Mrs. Riccardo who abstained because they had not attend the meeting of 7/26/2011. The minutes were adopted by a vote of 4 – 0 – 2.

Chairman Conze read the following agenda item:

Deliberations ONLY on any public hearings closed on September 6, 2011.

144 Five Mile River Road -- The revised plans seem acceptable and staff was asked to draft a resolution for consideration at a future meeting. Mr. Ginsberg will discuss the desired conservation easement with the applicant.

DJFL -- Commission members noted that this is still an experiment and that a report should be submitted after the 2011 season. They are still concerned about the low frequency drone and the air pollution from the diesel generators. It is likely that after two more years, the generators would no longer be allowable or acceptable. Staff will draft a resolution for consideration at a future meeting.

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

Mr. Ginsberg asked if the Commission would discuss 2269 – 2271 Boston Post Road and Flair Fitness under Other Business. The following motion was made: That the Commission discuss those two items under Other Business. The motion was made by Mr. Hutchison and seconded by Mrs. Cameron. All voted in favor of the motion.

2269 – 2271 Boston Post Road Mr. Ginsberg explained that the Commission had granted approval for the modification of the common driveway. The applicant is requesting an extra 60 days to finalize and file the paperwork. The Commission unanimously approved the extension request.

Flair Fitness Mr. Ginsberg said that the Commission had previously approved the intensification of the use of Flair Fitness and there has been some friction between the tenant and the property owner. The owner and tenant are in the process of working out their differences. No action is needed by the Commission at this time.

There being no other business, the meeting was adjourned at 9:21 p.m.

Respectfully submitted,

David J. Keating
Assistant Planning and Zoning Director