

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
January 26, 2010**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Spain, Hutchison, Riccardo, Voigt

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

FILMED: Channel 79

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**PUBLIC HEARING**

Chairman Conze called the meeting to order at 8:00 PM and read the following agenda item:

**Coastal Site Plan Review #194-A, Flood Damage Prevention Application #6-B, Robert & Debi Lee, 8 North Road.** Proposing to install a dock and to perform related site activities within regulated areas. The subject property is located on the east side of North Road approximately 200 feet north of its intersection with Butler's Island Road and is shown on Assessor's Map #67 as Lot #74, in the R-1 Zone.

Jeff MacDougal of William W. Seymour and Associates, Land Surveyors, represented the owners and explained that the dock is similar to other docks located on nearby single family residential properties. Due to the wave action in the area, this dock will be constructed using steel beams for structural strength. They will attach the pier to the land in the vicinity of a rocky knoll. There will be no impacts to any sensitive natural coastal features.

Jeremy Ginsberg read aloud the January 22<sup>nd</sup> e-mail for the Connecticut Department of Environmental Protection indicating that they had already issued a permit for the proposed work and had no further comment about the pending application. He also read the comments from the South Western Regional Planning Agency (SWRPA) indicating that they foresee no inter-municipal impacts.

There were no comments from the public regarding the proposal. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mr. Voigt, and unanimously approved.

Mr. Conze read the following agenda item:

**Coastal Site Plan Review #208-A, Flood Damage Prevention Application #224-A, 35 Pear Tree Point, LLC, 35 Pear Tree Point Road.** Proposing to repair a stone seawall, construct a concrete landing, ramp, and timber floating dock, and to perform related site activities within regulated areas. The subject property is located on the west side of Pear Tree Point Road approximately 450 feet south of its northernmost intersection with Long Neck Point Road and is shown on Assessor's Map #60 as Lot #55, in the R-1 Zone.

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Attorney Amy Zabetakis, represented the owners and explained that the dock has been approved by the Connecticut DEP. The only work that is above Mean High Water, and thus the only work within the jurisdiction of the Planning and Zoning Commission, is a 4'x4' concrete pad. Remnants of the old dock will be removed. She said there will be no impacts to any sensitive natural coastal features.

Jeremy Ginsberg read aloud the January 22<sup>nd</sup> e-mail from the Connecticut Department of Environmental Protection indicating that they had already issued a permit for the proposed work and had no further comment about the pending application.

There were no comments from the public regarding the proposal. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mr. Hutchison, and unanimously approved.

Mr. Conze read the following agenda item:

**Coastal Site Plan Review #247, Land Filling & Regrading Application #232, Rita Marber, 14 Crane Road.** Proposing to fill, excavate and regrade for construction of a pool and landscaped area and to perform related site activities within a regulated area. The subject property is located on the east side of Crane Road approximately 900 feet south and east of its intersection with Pear Tree Point Road and is shown on Assessor's Map #60 as Lot #28, in the R-1 Zone.

Doug DiVesta, P.E., represented the owners and explained that the property is located in an R-1 zone and is served by public water. In 2009, permits were obtained to demolish the old house and construct a new house, which will be connected to public sanitary sewers. The approval for the house involved only limited regrading in the immediate vicinity of the house. They are now seeking permission to regrade a portion of the backyard to accommodate the proposed swimming pool and a terrace. This will involve excavating into the existing slope and then placing a boulder wall infilled with plants to stabilize the new slope. Also, a gravel guest parking area will be created in the south portion of the front yard.

Mr. DiVesta explained that the large stockpile of previously excavated soil will be removed from the site and an addition 100 cubic yards of material will be excavated to create the flat area for the pool and terrace. Removing this material will take about 4 days, with two, 16 yard trucks making one trip each hour. The runoff from the proposed pool and terrace area will be directed into a drainage system on the site and the overflow from that system is piped to the Town's catch basin in the street. He said that there are no wetlands or coastal resources or flood hazard areas on the site.

Mr. Ginsberg noted that the Connecticut DEP had indicated that they had no comments about the project. Mr. Voigt asked if any consideration had been given to increasing the height of the retaining wall so that the slope of the soil being held behind the retaining wall could be reduced. Mr. DiVesta reviewed the drawings of the proposed retaining wall and slope and said that he is comfortable with the stability of the designed slope. He said that they are increasing the total impervious area from 4,900 square feet to 8,100 square feet. Runoff water will be directed into the infiltrator drainage system that consists of 165 linear feet of recharger chambers to be buried in the front yard. There will be a controlled outlet to release the overflow water into the Town drainage pipe at a modest rate. The soil in the area is silty-loam and thus will provide good infiltration.

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There were no comments from the public regarding the proposal. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mr. Spain, and unanimously approved.

Mr. Conze read the following agenda item:

**Coastal Site Plan Review #248, Kathleen Connor, 42 Contentment Island Road.** Proposing to repair the existing failing septic system by installing a new septic tank, pump chamber, and leaching fields, and perform related site activities within a regulated area. The subject property is located on the west side of Contentment Island Road approximately 1,100 feet south of its intersection with Shennamere Road and is shown on Assessor's Map #68 as Lot #26, in the R-1 Zone.

Doug DiVesta, P.E. represented the owner and explained that the plan is to install a replacement septic system because the existing system is very old and has failed. The design of the system has been approved by the Darien Health Department. The old system will be removed. Compared to the old system, the new system will be farther from the waters of Scott's Cove and Long Island Sound. The waste from the house will be pumped to the new leaching fields, which are designed to be shallow and near the surface. In response to a question, he said that the house does have an emergency generator in case there is a power failure, but even if that fails, the large new tank will have a storage capacity of at least a day.

Mr. Ginsberg confirmed that the Health Department had approved the design of the new system. He read aloud the January 22, 2010 e-mail from the Connecticut DEP indicating that they have no comment about the proposal.

There were no comments from the public regarding the proposal. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mr. Hutchison, and unanimously approved.

Mr. Conze read the following agenda item:

**Land Filling & Regrading Application #233, Daniel & Margaret Smith, 147 Long Neck Point Road.** Proposing to construct a retaining wall with associated excavation, filling and regrading along the northern property line for a modified driveway and to perform related site activities. The subject property is located on the east side of Long Neck Point Road approximately 100 feet north of its southernmost intersection with Pear Tree Point Road and is shown on Assessor's Map #59 as Lot #10, in the R-1 Zone.

Vincent Falotico, Architect, represented the property owners and explained that the old garage portion of the existing structure is nonconforming because it is too close to the side lot line. The plan is to remove the old garage and construct a replacement in a conforming locations. The driveway will be revised and this will require that some of the soil along the northerly lot line needs to be removed to accomplish the correct grade.

Steve McAllister, P.E., explained that the existing septic system in the rear yard will be abandoned and the house will be connected to the sanitary sewers in Long Neck Point Road. A second pipe

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conduit will be laid through the site so that the house on the rear lot could easily be connected to sewers in the future. The storm water runoff from the driveway will be accommodated with a drainage system to be installed within the site. The regrading near the north property line will be stabilized by the installation of a low retaining wall.

There were no comments from the public regarding the proposal. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mr. Hutchison, and unanimously approved.

Mr. Conze read the following agenda item:

**Land Filling & Regrading Application #234, James Wise, 7 Andrews Drive.** Proposing to fill, excavate, and regrade; construct associated retaining walls for construction of front porch, new walkway, and relocated driveway; and to perform related site activities. The subject property is located on the west side of Andrews Drive, approximately 250 feet south of its intersection with Old King's Highway South and is shown on Assessor's Map #63 as Lot #73, in the R-1 and R-1/2 Zones.

Robert Sherwood, Landscape Architect, represented the property owner and explained that the regrading is needed to accommodate a series of proposed retaining walls adjacent to the proposed front porch and new landscaping to be installed. The project is within 50 feet of wetlands and has been approved by the Darien EPC in November of 2009. There will be an increase of approximately 200 square feet of impervious surface.

The Commission reviewed and discussed the plans. There were no comments from the public regarding the proposal. The following motion was made: That the Commission close the hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mr. Voigt, and unanimously approved.

## **GENERAL MEETING**

Mr. Conze opened the General Business portion of meeting and read the following agenda item:

*Discussion, Deliberation, and possible decision on the following closed public hearing item:*

**Coastal Site Plan Review #246, Flood Damage Prevention Application #91-A, Andrew & Katrina Firlik, 124 Pear Tree Point Road.** Proposing to relocate the existing driveway to the south and add a second curb cut with a parking court in front of the house and perform related site development activities within regulated areas. *PUBLIC HEARING CLOSED: JANUARY 12, 2010. DECISION DEADLINE: MARCH 18, 2010.*

The Commission members discussed the draft resolution. The following motion was made: That the Commission waive the process of reading aloud the draft resolution. The motion was made by Mr. Spain, seconded by Mr. Hutchison, and unanimously approved. The conclusions were that the draft resolution should be modified to include more landscaping and will be considered at a future meeting.

Mr. Conze read the following agenda item:

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*Discussion and Deliberation only on the following closed public hearing item:*

**Business Site Plan #205-D/Special Permit, 205 Post Road Development Partners, LLC, 205 Boston Post Road.** Proposing to modify the existing building and parking area and to establish a new drive-through only restaurant and perform related site development activities. *PUBLIC HEARING CLOSED: JANUARY 12, 2010. DECISION DEADLINE: MARCH 18, 2010.*

Members discussed the pending application. They concluded that the use would be acceptable subject to a number of conditions and stipulations to assure that there would be no significant impacts upon the neighbors and upon surrounding street traffic safety; and that any problems that do arise, will be corrected. The staff was asked to draft a resolution for consideration at a meeting in late February.

Mr. Conze read the following agenda item:

**Deliberation only on any public hearing items closed on January 26, 2010.**

Members had no problems or reservations about the items heard earlier in the evening. They asked staff to draft resolutions for consideration at a meeting in February.

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning

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