

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
May 12, 2009**

Place: Room 206
Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Conze, Spain, Hutchison, Finke, Grimes

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat

GENERAL MEETING

Chairman Conze read the following agenda item:

Mr. Ginsberg reviewed the proposed site modifications and indicated that the Planning & Zoning Commission had previously discussed the installation of a generic directional sign at the intersection of Brook Street and the Boston Post Road and a crosswalk spanning Brook Street. He said that these improvements are proposed by Penny Glassmeyer and since some of the improvements would be within the Town's right-of-way for Brook Street, a referral under Section 8-24 of the Connecticut General Statutes has been submitted from the Board of Selectmen. Mr. Ginsberg indicated that a Department of Transportation official has indicated that it is likely that the crosswalk spanning Brook Street will be approved within the State right-of-way, but that the proposed crosswalk spanning the Boston Post Road will need to get relocated and redesigned. Mr. Ginsberg said that the installation of this type of special crosswalk is being considered at other locations, but will not be implemented until people can see how this first proposal turns out.

Commission members discussed the draft report that had previously been distributed. The following motion was made: that the Commission adopt the following report regarding the Brook Street area improvements. The motion was made by Mr. Finke, seconded by Mr. Hutchison and unanimously approved.

Mandatory Referral Pursuant to CGS §8-24 (#1-2009), Board of Selectmen, for Requested Private Improvements to Brook Street. *REPORT DEADLINE: MAY 26, 2009.*

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
BOARD OF SELECTMEN
PRIVATE IMPROVEMENTS TO BROOK STREET
MAY 12, 2009**

Mandatory Referral Pursuant to CGS §8-24 (Report #1-2009), Board of Selectmen, for Requested Private Improvements to Brook Street. *REPORT DEADLINE: MAY 26, 2009.*

This proposal involves the desire by a private property owner to install a crosswalk across Brook Street parallel to Boston Post Road/Route 1 with a brick "bump-out" containing granite curbing; to

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install a directional sign (new way-finding signage); and to place a large flowerpot under that proposed new sign.

The Commission reviewed this project informally on Tuesday March 10, 2009. At that time, they noted that their top priority is safety.

Regarding the proposed crosswalk and associated “bump out” spanning Brook Street parallel to Boston Post Road from Uncle’s Deli to the Sugar Bowl, the Commission confirmed that safety is paramount in this area. They noted that due to the crosswalk’s proposed location, specific approval is needed from the State of Connecticut DOT, as Boston Post Road (Route 1) is a State Road.

Relative to the sign, the Commission very specifically approved “Sign A” dated March 10, 2009 by Environmental Design Associates, PC. The proposed sign is black (editors note: subsequently changed to dark russet) with yellow type, and has 3 parts—1) To Grove Street (with an arrow); 2) Public Plaza; and 3) Shops & Parking. The dimensions are shown on the plans. A large flowerpot with flowers would be placed underneath the sign. Neither the post that the sign would be attached to nor the flowerpot obstructs any sidewalks or sight lines to an unreasonable or unsafe degree. That sign would be located near the telephone pole which now has the Brook Street street sign attached to it. The location is shown on the photo rendering entitled, “Sign A-Render 03-10-09” by EDA. The wording on this sign was very deliberate, as it does not refer to the name of a specific business or a specific development project. By keeping the sign generic, it does not become an off-premise sign or billboard advertising sign, which is not allowed under the Zoning Regulations. This type of generic directional signage and the specific wording is consistent with the 2006 Town Plan of Conservation & Development.

The Commission believes that the new bump-out and crosswalk improvements, directional sign, and flowerpot are integral to giving Darien a more-pedestrian friendly downtown, and furthers their goal of having downtown be less linear and extending it to both the north to Grove Street and to the south. Both the sign and crosswalk assist in the development of a “park once and walk” policy, which the Commission specifically refers to in the Town Plan.

Overall, the three aspects of this proposal (crosswalk with “bump-out”, directional sign, and flowerpot) are fully consistent with the 2006 Town Plan of Conservation & Development, especially the following recommendations:

Page 4-3:

Create a pedestrian-friendly downtown where people park once and walk, instead of driving from one store to another.

Page 4-5:

1. *Increase efforts to repair existing sidewalks, and construct new ones where needed and appropriate. (see page A4-37).*

Page 9-4:

5. *Consider the ease of pedestrian access during the site plan review process. This would especially apply to pedestrian access from municipal parking lots to Boston Post Road and other businesses locations throughout downtown.*

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7. *Create better signage directing people to downtown municipal parking lots. Adopt clearly defined standards for signs in all commercial zones. Expedite approval of conforming signs. Permit administrative approval of conforming sign applications.*

11. *Continue to establish sidewalks in all commercial areas and in front of all commercial properties and include other pedestrian amenities such as benches, trash cans, street lights, and crosswalks and pathways to encourage pedestrian access.*

Chairman Conze read the following agenda item:

Mandatory Referral, Pursuant to CGS §8-24 (#2-2009), Board of Selectmen, Possible Acquisition of 33 Cherry Street with Awarded FEMA Grant Funding. REPORT DEADLINE: MAY 26, 2009.

Mr. Ginsberg explained that the proposal is to have the Town accept a grant from the Federal Emergency Management Agency (FEMA). In order for the Town to accept the grant and purchase the property, a Mandatory Referral under Section 8-24 of the Connecticut General Statutes has been submitted. Under the program, the Federal Emergency Management Agency would pay for 75% of the acquisition price of the property that frequently floods. The Town would pay the 25% balance. Once the land has been acquired by the Town, the existing house will be demolished and the area turned into open flood plain area.

Commission members discussed the draft report. The following motion was made: that the Commission adopt the following favorable report regarding the grant and acquisition of the property at 33 Cherry Street. The motion was made by Mr. Hutchison, seconded by Mr. Spain and unanimously approved.

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
BOARD OF SELECTMEN
POSSIBLE ACQUISITION OF 33 CHERRY STREET
WITH AWARDED FEMA GRANT FUNDING
MAY 12, 2009**

Mandatory Referral, Pursuant to CGS §8-24 (Report #2-2009), Board of Selectmen, Possible Acquisition of 33 Cherry Street with Awarded FEMA Grant Funding. REPORT DEADLINE: MAY 26, 2009.

The subject request is for the proposed acquisition of 33 Cherry Street with grant funding awarded under FEMA Hazard Mitigation Grant Program which will have the subject property cleared of all improvements in order to minimize any future flood damage to any structure on that property.

The Commission notes that other residences at 27 and 31 Cherry Street have recently been elevated in order to minimize flood damage to those properties.

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This proposal to acquire 33 Cherry Street and raze the residence is consistent with the 2006 Town Plan of Conservation & Development, especially relative to the policy on page 3-2 of the Town Plan which reads as follows:

- 1 To reduce the potential for loss of life and property resulting from flood conditions, both for existing and future development, and to protect the natural flood carrying capacity of all floodplains.

It is also consistent with the following recommendation within the Town Plan on page 8-3, as the subject property is adjacent to Holahan Field.

Consider purchasing properties contiguous to Town-owned properties if they become available.

Chairman Conze then read the following agenda item:

Business Site Plan #246/Special Permit, Darien Library, 1441 Boston Post Road.

Discussion regarding LEED certification and the seven parking spaces with preferred parking for hybrid vehicles.

Louise Berry, Library Director, explained that the library has gone to great lengths to create an energy efficient design and an environmentally sound design for the library and parking facilities. They understand that as a public facility, they want to take a leading role in demonstrating how modern building can be constructed with energy and the environment in mind. Under the LEED program, which stands for leadership in energy and environmental design, they are seeking certification as the first, gold accredited library in New England under the LEED's program. In order to accomplish this, they need to acquire certain points set forth in the LEED's Certification Program. One available point is possible if they encourage alternative forms of transportation to and from the building and the use of low emission vehicles. In keeping with that requirement, 5% of the total parking spaces on the site need to be designated as preferred parking spaces for low emission and high mileage vehicles. They have installed signs indicating that seven of the parking spaces on the site are preferred for use by hybrid type vehicles. She said that by her observation, approximately 70% of the users respect that preferential treatment for the hybrid vehicles. She also noted that whenever the parking lot is nearing full capacity, even people without hybrid vehicles will park in the designated parking spaces rather than park on the street.

John Amatruda is a consultant regarding the LEED program working on behalf of the Library. He submitted a handout regarding the LEED point system. He noted that only four other libraries in New England are accredited by the LEED program and two of those have earned the silver accreditation. The Darien Library is seeking the gold accreditation and it is close to compliance with those standards. He said that the parking preference signs are one way that the Library is encouraging the use of low emission and/or high miles per gallon vehicles.

Louise Berry said that the on-site parking during the week days seems to be adequate and on weekends they have made arrangements to have off-site parking at the near-by Nielsen office park. The Boston Post Road and Hecker Avenue street frontages are designated as no parking areas.

Mr. Hutchison said that the signs seem to be confusing and wondered if alternative wording might be better. Alan Gray, Assistant Director of the Library, said that they will try to better educate the

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people that use the Library regarding energy efficient vehicles that qualify for use of those preferred parking spaces. Mr. Ginsberg said that the Library has been open for approximately five months and that he would recommend that the Commission approve the continued use of the preference signs in the parking lot on a six month or one year trial basis. Mr. Spain said that he was concerned about adopting a general regulation or rule without knowing the potential ramifications.

The Commission members agreed that it would be appropriate the continued temporary use of the seven preferential parking spaces on a one year trial basis. The motion to that effect was made by Mr. Spain, seconded by Mr. Hutchison and unanimously approved.

Mr. Conze read the following agenda item:

Amendment of Business Site Plan #228-A/Protected Town Landmark #7-A, Charles Thomas, 21 Tokeneke Road, CBD Zone.

Request to display and sell work from Nantucket Woodcarving within the existing building.

Mr. Ginsberg indicated that the proposed use of the building is subject to Protected Town Landmark 7-A. In addition to the existing hair stylist and vitamin shop, they now wish to display wood cutting products on one of their interior walls. He said that although this is a minor modification, since the use is specifically limited to that which has previously been approved by the Commission. The applicant is seeking the Planning & Zoning Commission approval. Reference is made to the one-page letter with attachments from William T. Rowe dated April 15, 2009. The following motion was made: that the Commission approve the display of woodcutting items in accordance with the letter dated April 15, 2009. The motion was made by Mr. Finke, seconded by Mr. Hutchison and unanimously approved.

Mr. Conze read the following agenda item:

Informal discussion with Richard Freedman of Garden Homes Management Corp., regarding 397 Boston Post Road.

Mr. Richard Freedman indicated that his firm, Garden Homes Management, currently owns the office building and desires to convert it to a series of small apartments rather than continuing the office use. He submitted a preliminary floor plan and preliminary front elevation drawings, both dated 5.11.09. Mr. Freedman also submitted a 3-page document with Unit Mix & Forecasted Rents, Selected Multi-family Parking Standards, and information about his other projects. He said that the site plan does not need to change to accommodate the change of use. He said that by creating a series of small units, they find it to be better than creating a fewer number of large apartment units. He said that energy efficient heavy insulation and all electrical heating facilities will need to be added within the building. Also, all windows will need to be replaced with energy efficient windows. The pebble finish on the exterior of the building will remain.

Mr. Freedman said that the typical parking standard of requiring 2½ parking spaces for each dwelling unit will not work when they are creating small dwelling units such as proposed here. There is no on-street parking and therefore all parking must be on this particular site. He said that the number of parking spaces should be based on the number of occupants, rather than the number of units. He said that 1.2 to 1.4 parking spaces per unit will work well. In this case, there are 51

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on-site parking spaces which equals approximately 1.5 parking spaces per unit. Mr. Spain said that he was concerned about the one bedroom units because they are likely to have two cars per unit plus the need for visitor parking spaces. Mr. Conze said that the applicant should hire a traffic consultant to verify the adequacy of the on-site parking. He is also concerned about the appearance of the building. Mr. Ginsberg offered to assist Mr. Freedman with any questions he may have about preparing an application for the Commission's review. No action was taken regarding this matter.

Mr. Conze read the following agenda item:

Coastal Site Plan Review #232, Flood Damage Prevention Application #260, Land Filling & Regrading Application #205, Patrick & Jennifer Robinson, 88 Nearwater Lane.

Request for a one-year extension of time to July 16, 2010 to implement and complete plan.

Mr. Ginsberg explained that they are requesting a one year extension in accordance with their letter. The following motion was made: that the Commission grant a one year extension. The motion was made by Mr. Hutchison, seconded by Mrs. Grimes and unanimously approved.

Chairman Conze read the following agenda item:

Special Permit #66-K, Darien YMCA, 2420 Boston Post Road.

Request to hold three days of summer camp at the YMCA.

Mr. Ginsberg reviewed the letter from Patrick Morrissey, Director of the YMCA, regarding the three days of summer camp to be conducted at the YMCA. The Commission members reviewed the letter and discussed the situation. The following motion was made: that the Commission approve the requested three days of summer camp at the YMCA. The motion was made by Mr. Finke, seconded by Mrs. Grimes and unanimously approved.

Chairman Conze read the following agenda item:

Discussion, deliberation and possible decisions regarding the public hearings closed on 4/28:

Coastal Site Plan Review #39-B, Flood Damage Prevention Application #30-B, Joseph & Christine Donelan 240 Long Neck Point Road. Proposing to install a fixed pier with gangway and floating dock and perform related site development activities within regulated areas.

Commission members noted that they had received a number of draft Resolutions regarding various pending applications. 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 read the draft prior to the meeting. The motion was made by Mr. Finke, seconded by Mr. Spain and unanimously approved.

Mr. Spain said that he was absent for the public hearing regarding this matter, but had read the materials and watched the video of the entire April 28 public hearing and therefore felt qualified to act upon the application. The draft Resolution to approve the project was reviewed and discussed. The following motion was made: that the Commission adopt the following Resolution to approve the project. The motion was made by Mr. Finke, seconded by Mrs. Grimes and unanimously approved.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 12, 2009**

Application Number: Coastal Site Plan Review #39-B
Flood Damage Prevention Application #30-B

Street Address: 240 Long Neck Point Road
Assessor's Map #61 Lot #14

Name and Address of Applicant's Representative: Azure Dee Sleicher, PE
Ocean and Coastal Consultants, Inc.
35 Corporate Drive
Trumbull, CT 06611

Name and Address of Property Owner: Joseph & Christine Donelan
And Applicant: 240 Long Neck Point Road
Darien, CT 06820

Activity Being Applied For: Proposing to install a fixed pier with gangway and floating dock and perform related site development activities within regulated areas.

Property Location: The subject property is on the west side of Long Neck Point Road, approximately 2,250 feet south of its southern intersection with Pear Tree Point Road.

Zone: R-1 Zone

Date of Public Hearing: April 28, 2009

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

Publication of Hearing Notices
Dates: April 16 & 23, 2009 Newspaper: Darien News-Review

Date of Action: May 12, 2009 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News-Review
May 21, 2009

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

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820 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

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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 steel and timber 4' x 70' long fixed pier with a 3' x 34' ramp and 10' x 10' float and perform related site development activities within regulated areas.
2. As noted at the public hearing, in 2008, this dock has received approvals from the State of Connecticut DEP and the US Army Corps of Engineers.
3. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
4. 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.
5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
6. The 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.
7. 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 #39-B and Flood Damage Prevention Application #30-B are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans entitled:
 - Construction of Private Pier and Floating Dock, for Joseph P. Donelan, II, 240 Long Neck Point Road, by Ocean and Coastal Consultants, Inc., General Plans, Vicinity Map, Elevation and Section dated 8/4/08 and last revised 3/3/09; Framing Plan and Details dated 5/4/08, Concrete Foundations and Miscellaneous Details dated 8/4/08.
- B. 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.

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- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. 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. Prior to May 11, 2010, 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. No deviation or alterations from the approved plans shall be permitted except with the prior written permission of the Commission.
- 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 Section 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (May 11, 2010). This may be extended as per Section 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 documents by the Chairman.

Chairman Conze read the following agenda item:

Special Permit Application #160-C, Cellco Partnership d/b/a Verizon Wireless, 24 Chestnut Street. Proposing to install wireless telecommunications antennas on an existing water tank and to install an equipment room within a rebuilt wooden shed.

The draft Resolution was discussed. Revisions to the draft were discussed. It was noted that the exterior maintenance of the other tank is Aquarion's responsibility, but is not something that the Planning & Zoning Commission can mandate as part of the antenna installation for the large tank. The following motion was made: that the Commission adopt the following revised Resolution to approve the project. The motion was made by Mr. Spain, seconded by Mrs. Grimes and unanimously approved.

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 12, 2009**

Application Number: Special Permit Application #160-C
Cellco Partnership d/b/a Verizon Wireless

Assessor's Map #20 Lot #60
Street Address: 24 Chestnut Street

Name and Address of Applicant: Cellco Partnership d/b/a Verizon Wireless
C/o Sandy Carter, Regulatory Manager
99 East River Drive
East Hartford, CT 06108

Name and Address of Applicant's Representative: Kenneth Baldwin, Esq.
Robinson & Cole, LLP
280 Trumbull Street
Hartford, CT 06103-3597

Name and Address of Property Owner: Aquarion Water Company of CT
835 Main Street
Bridgeport, CT 06604

Activity Being Applied For: Proposing to install wireless telecommunications antennas on an existing water tank and to install an equipment room within a rebuilt wooden shed. (Application was later modified to include RF transparent screening material on the water tank, removal of the old wooden shed and the construction of a new equipment shelter with noise attenuation measures).

Property Location: The subject property is located on the north side of Chestnut Street approximately 250 feet east of its intersection with Noroton Avenue.

Zone: R-1/3

Date of Public Hearing: March 24, 2009 continued to April 28, 2009

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

Publication of Hearing Notices

Dates: March 12 & 19, 2009

April 16 & 23, 2009

Newspaper: Darien News-Review

Date of Action: May 12, 2009

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
May 21, 2009

Newspaper: Darien News-Review

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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, 950 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 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 subject application is to install wireless telecommunications antennas on an existing water tank and to install an equipment room within a rebuilt wooden shed. Proposed are the installation of 12 antennae on the top of the existing water tank at 24 Chestnut Street. The antennae will be at 87.8 feet above ground level. The existing water tank is 104 feet tall.
2. During the public hearing process the application was modified to include RF transparent screening material to conceal the antennae to be installed near the top of the water tank, and the construction of a new equipment shelter (as shown on Sheet Z-2 of the 4/14/2009 plans). More specifically, the revisions to the plans include: A 9'3" band of RF transparent screening will be placed around the top of the tank to conceal the proposed antenna and any future antenna that might be located in that area; The old wooden storage structure, located near the property line, will be removed and a new storage structure for Aquarion Water Company and shelter structure for the generator and equipment for the Cellco equipment will be installed farther from the property line than the existing building; landscaping has been added to the plan to provide additional screening and buffering; noise attenuation features have been added to the structure that will enclose the emergency generator; and the generator will comply with the noise standards established for uses within this residential area. Any future additional generators installed within the equipment structure shall comply with the noise regulations, as there would be multiple generators inside.
3. There is an existing one-story wood structure on the property, seven feet from the rear property line. That structure will be razed, and a new equipment shelter constructed, which will be about eighteen feet from the rear property line. Cellco Partnership/Verizon Wireless will be providing and constructing said structure.
4. At the public hearing, the Commission noted that one of their concerns is a procedure for neighbors and/or the staff to contact someone of responsibility at the water company if they notice a problem at the site with the tank or the maintenance of the facilities or the new equipment. Ms. Camerino-Schultz of Aquarion Water Company said that she would be the contact person for the neighbors or any staff.

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5. One of the purposes of the proposed screening band near the top of the tower (aka the RF transparent screen) is to ensure that any and all future antenna will be concealed within that screen. This screen shall be radio frequency transparent, and will be visually opaque and will be painted white to match the existing tank. The screening material will be a curved shape to match the shape of the tank, rather than a series of angles or facets. The curved panels are fiberglass material that will be mounted on a metal frame and the exterior of the fiberglass will be painted. The project engineer said that these screens can be fabricated with a curve so that they will match the curve of the tank and will be located about three feet away from the outer edge of the tank. The screen will be painted to closely resemble the tank in color.
6. The base station of electronic equipment to support the operation of the antenna is typically inspected on a monthly basis for maintenance. As the maintenance worker is there, they would also look at the top of the structure to see that the screening and antenna are in good condition. Detailed inspection of the antenna and screening is conducted much less frequently than the monthly inspection of the base station.
7. During the public hearing on this matter, the neighbors discussed the existing conditions on the other Aquarion Water Company tank property on Chestnut Street. The neighbors explained that that property contained debris, including stumps. At the hearing, a representative of Aquarion Water Company explained that they will clean up that other property. Aquarion acknowledged that the other tank on Chestnut Street was currently off-line, and was not abandoned, and that this other property also needs to be maintained.
8. Use of the existing tower structure, rather than erecting another tower, is the preference expressed in Section 950 of the Darien Zoning Regulations.
9. According to the submitted report, the Radio Frequency (RF) emissions from the antennas, as proposed, comply fully with all Federal standards. The proposed antennas will comply with all Federal standards.
10. Most of the monitoring of the antennas and related equipment will occur off-site. Therefore, there will be very little activity at this site after construction and installation is complete. Most likely, this will involve a monthly visit by a maintenance technician.
11. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
12. The location and nature of the proposed use, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
13. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

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NOW THEREFORE BE IT RESOLVED that Special Permit #160-C is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the antennas and equipment, and construction of a new equipment shed shall be in accordance with the plans entitled:
 - Verizon Wireless, Darien Southwest, 24 Chestnut Street, by Natcomm, Inc., dated 02/04/09, last revised 4/14/2009, Sheets Z-1A, Z-2, Z-3.
- B. As agreed to by the property owner, prior to the issuance of a Zoning Permit for the new antennas and/or equipment shed, any stumps and debris on the other Chestnut Street tank property shall be removed.
- C. Before November 12, 2009 (within the next six months), Aquarion Water Company shall inspect the 24 Chestnut Street water tank (the tank on the subject property) inside and outside to determine if it needs maintenance and/or painting. Based upon that inspection, a letter shall be sent to the Planning & Zoning Department within two months of the completion of the inspection noting what painting cycle the tank will be on. The tank shall continue to be inspected on a minimum seven year cycle, and similar letter sent to the Department within two months of any subsequent inspection. The proposed vertical coax cable support as well as the proposed 9'3" RF transparent screen shall be painted to closely resemble the tank in color.
- D. All required landscaping shall be installed prior to the antennas becoming operational.
- E. RF emission testing under full power shall be conducted within 30 days of the antennas becoming operational. Actual instrument measurements of the signal shall be taken at the same locations as the chart presented in the application once the antennas are "on-air". Within fourteen days of the test results, they shall then be filed with the Planning and Zoning Department, along with a statement from an independent qualified inspector that these are the actual emission signal levels measured on a clear day, and that they fall within FCC requirements. The RF emissions shall comply at all times with all applicable FCC standards.
- F. Verizon Wireless shall comply fully with all provisions in the current lease regarding equipment operations and maintenance. Due to the Commission's policy to encourage co-location, the lessor cannot give Verizon Wireless exclusive rights to situate antenna(s) in this location.
- G. Because the antennas are on the existing water tower, the Commission hereby waives the requirement for posting of a bond.
- H. An as-built certification shall be submitted upon completion of construction, per Section 953.9 of the Darien Zoning Regulations.
- I. As explained by the applicant, the antennas and their emissions will not cause any electro-magnetic, radio, telephone or TV interference, nor shall it interfere with the structural integrity of the existing tank.

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- J. During the public hearing process, neighbors voiced their concerns regarding the look of the existing water tower, as well as the other Aquarion Water Company water tank across Chestnut Street. The Commission cannot require conditions on another property to this approval. Although the painting and maintenance of the tank on a separate parcel on the other side of the street cannot be mandated as a condition of the approval for the antenna on the subject tank, the Commission strongly requests that the water company perform the necessary, and long overdue, maintenance work on the tank and property across the street from the subject facility.
- K. A detailed procedure to deal with complaints about radio, telephone, television and other consumer electronic equipment shall be developed by Verizon Wireless and submitted to the Planning and Zoning Office prior to receiving a Zoning Permit or Building Permit. That Complaint Procedure shall also be filed with the Selectmen's Office. The purpose of this procedure is that citizens will have a contact person at Verizon Wireless and prompt action will be taken by Verizon Wireless to remedy any interference caused by, or reasonably attributed to, the communications system.
- L. A detailed procedure to address issues related to construction activity, property maintenance or the timing or number of employee visits to the site shall be prepared by Verizon Wireless and the property owner, Aquarion Water Company. The procedure shall be submitted to the Planning and Zoning Office prior to receiving a Zoning Permit or Building Permit. That Procedure shall also be filed with the Selectmen's Office. The purpose of this procedure is that citizens will have a contact person at Aquarion Water Company and/or Verizon Wireless and prompt action will be taken by Aquarion Water Company and/or Verizon Wireless to remedy any problems relative to the construction activities, to property maintenance, or to employee visits. As noted within the application materials, the site shall be visited on the average of once a month for periodic maintenance by Verizon Wireless employees, and will be continuously monitored from off-site at all times.
- M. This permit will last for the extent of the lease. If, however, during the term of the lease, or any renewal thereof, the operation of the facility creates electro-magnetic, radio, telephone or television interference problems, Verizon Wireless shall immediately take all steps necessary to correct and eliminate any interference. If such interference cannot be eliminated within forty-eight hours after receipt of written notice of existence of such interference, Verizon Wireless shall discontinue use of the equipment. If repeated interference problems occur which the Commission deems unacceptable, the Commission reserves the right to review, and if appropriate after notice and hearing, terminate this Special Permit.
- N. If the telecommunications facility ceases operations at the water tank or is abandoned by Verizon Wireless, Verizon Wireless shall immediately notify the Planning and Zoning office. Within 30 days of ceasing operation, Verizon shall submit a plan for both removing their equipment and assuring the structural stability of the tower and cap, certified by a licensed engineer and approved by the Planning & Zoning Director. Verizon Wireless shall also remove all antennas and all related equipment, and notice thereof shall be furnished to the Planning and Zoning Commission upon completion of same.
- O. The Commission acknowledges that this water tank may be considered in the future by other telecommunications carriers. The Commission strongly recommends that future carriers locate

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their antennas behind the proposed RF Transparent screening material, and locate their required equipment within the new equipment shelter.

- P. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- Q. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- R. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (May 11, 2009). This may be extended as per Section 1009.

All provisions and details of the plan, as required to be modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Commission, and a Special Permit form filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Chairman Conze read the following agenda item:

Subdivision Application #323-A, Coastal Site Plan Review #222-A, Flood Damage Prevention Application #244-A, Land Filling & Regrading Application #176-A, James & Katherine Kane, 147 Five Mile River Road. Proposal to raze the existing residence, garage and cottage; abandon the existing septic systems; subdivide the subject property; construct one new residence on each of the two properties and a pool on one of the properties; tie the new residences into the existing sanitary sewer system; and to perform related site development activities within regulated areas.

The Commission members reviewed and discussed the draft Resolution. Mr. Hutchison said that the overhead wires and utilities should all be placed underground for the entire street in cases where appropriate. The Commission should have some type of program so that when a large number of houses on the street like this are knocked down and rebuilt or likely will be, the overhead wires all get buried.

The following motion was made: that the Commission adopt the following Resolution to approve the project. The motion was made by Mrs. Grimes, seconded by Mr. Finke and unanimously approved.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 12, 2009**

Application Number: Subdivision Application #323-A, Coastal Site Plan Review #222-A,
Flood Damage Prevention Application #244-A,

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Land Filling & Regrading Application #176-A

Assessor's Map #67 Lot #9
Street Address: 147 Five Mile River Road

Name and Address of Property Owner: James Kane
147 Five Mile River Road
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Wilder G. Gleason
Gleason & Associates, LLC
455 Boston Post Road
Stamford, CT 06901

Activity Being Applied For: Proposal to raze the existing residence, garage and cottage; abandon the existing septic systems; subdivide the subject property; construct one new residence on each of the two properties and a pool on one of the properties; tie the new residences into the existing sanitary sewer system; and to perform related site development activities within regulated areas.

Subject Property: The subject property is located on the east side of Five Mile River Road approximately 1,500 feet south of its intersection with Davis Lane.

Zone: R-1/2

Date of Public Hearing: March 31, 2009 continued to April 28, 2009

Time and Place: 8:00 p.m. March mtg. (room 119) April mtg. (Room 206) Darien Town Hall

Publication of Hearing Notices

Dates: March 19 & 26, 2009
April 16 & 23, 2009

Newspaper: Darien News-Review

Date of Action: May 12, 2009

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
May 21, 2009

Newspaper: Darien News-Review

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

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850 and 1000 of the Darien Zoning Regulations and all applicable sections of the Subdivision 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 showing the proposed two lot subdivision, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.

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- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The applicant proposes to raze the existing residence, garage and cottage; abandon the existing septic systems; subdivide the subject property; construct one new residence on each of the two properties and a pool on one of the properties; tie the new residences into the existing sanitary sewer system; and to perform related site development activities within regulated areas. It is noted that this property is the second-to-last property on Five Mile River Road.
2. In 2007, the Environmental Protection Commission and the Planning and Zoning Commission approved a request for the subject property to raze the existing structures and construct a new residence with pool. The subject application reduces the size of the buildings from those previously approved.
3. At the public hearing on this matter, the applicant presented a letter from June 13, 1967, noting that the portion of Five Mile River Road in front of the subject property is considered a private street. Thus, the Kane property has sufficient road frontage to subdivide this property. Five Mile River Road in this vicinity has a paved width of 12+/- feet, and the various adjacent property owners own to the centerline of the road. There is no distinct right-of-way area. Numerous aspects of the existing street do not comply with the current standards of the Subdivision Regulations. In accordance with those Regulations, the applicant for subdivision approval is required to upgrade the street to comply with all current standards, unless the Commission waives some or all of those standards.
4. It was noted that the proposed residences shown on the submitted Site Plan are the actual residences proposed for the property. They are smaller than the residences previously approved by the Commission in 2007.
5. The submitted Sedimentation and Erosion Control Plan shows the trees to be protected and preserved.
6. The Commission notes the need for the applicants to file a Notice of Drainage Maintenance Plan regarding maintenance of the proposed and installed drainage system 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 impacts to adjacent properties.
7. In an April 24, 2009 letter, the applicant referred to two sketches showing possible roadway expansion in front of the Kane property. During the public hearing, the applicant noted that the Fire Marshal, in an e-mail dated April 28, 2009, found that proposal "B" with the proposed 16 foot asphalt pavement width plus four feet wide grass style pavers was acceptable to attain a hard surfaced 20 foot wide travel area for emergency equipment to access and egress the site.

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8. The applicant has requested a number of waivers of the Darien Subdivision Regulations. They are the following:
 - Waivers relative to the low volume local residential street regarding proposed length of street; proposed number of building lots served; width of right of way; minimum width of pavement; minimum radius of circular turnaround at street line. Other waivers needed are the requirement for a sidewalk and the 50-year on-site storm water detention.The Commission hereby finds that conditions exist which affect the subject land and are not generally applicable to other land in the area. None of these waivers granted will have a significant adverse affect on adjacent property or on public health and safety. Five Mile River Road has existing in front of this property for many years, and the conditions imposed by the Commission are improving safety in the area while maintaining the character of the neighborhood. The Fire Marshal has reviewed the submitted plans and believes that they will provide safety improvements, such as widening of the existing road, a new fire hydrant, and a turnaround area for larger emergency vehicles. Thus, the Commission hereby waives the applicable standard street improvement requirements and instead, requires the improvements as noted herein.
9. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
10. As revised, the proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
11. The proposal conforms to the standards for approval as specified in Sections 810, 820 and 850of the Darien Zoning Regulations.
12. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties and, therefore, this proposal is consistent with the need to minimize flood damage.
13. 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.
14. 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.
15. 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.
16. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
17. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined

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herein include all reasonable measures that would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Subdivision Application #323-A, Coastal Site Plan Review #222-A, Flood Damage Prevention Application #244-A, Land Filling & Regrading Application #176-A are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The subdivision and other work on the subject properties shall be in accordance with the following plans submitted to and reviewed by the Commission:
- Zoning Location Survey depicting Topography and Lot Line Revision of Properties at 143 & 147 Five Mile River Road prepared for James B. Kane Katherine G. Kane by Rocco V. D'Andrea, Inc., dated January 15, 2009.
 - James & Katherine Kane, 147 Five Mile River Road, by Rocco V. D'Andrea, Inc., last revised 2-2-09. Grading Plan Sheet 1 of 4; Utility Plan Sheet 2 of 4; Sedimentation and Erosion Control Plan Sheet 3 of 4; Notes and Details Sheet 4 of 4.
 - Residential Subdivision James B. Kane 147 Five Mile River Road, Roadway Expansion, by Rocco V. D'Andrea, Inc., last revised 4-20-09, PROPOSAL B, Sheet 1 of 1.

All plans and drawings shall be revised as needed to be consistent with the 4-20-09 plans.

- B. To ensure safety, all construction vehicles must park on-site, rather than on the street in front of the subject property.
- C. All utilities serving these properties shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring. The Commission requires the applicant to discuss with his neighbors the feasibility of burying the power lines along the portion of Five Mile River Road in front of his subject property.
- D. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- E. The applicant has proposed road improvements to Five Mile River Road as part of this application. The Commission hereby requires the road improvements as shown on the submitted plans (proposal B). Those improvements shall be completed prior to the issuance of a Certificate of Occupancy or Certificate of Completion for any of the structures approved herein, or by May 11, 2014, whichever comes first.
- F. In accordance with Article IV Section C2 of the Darien Subdivision Regulations, there is no requirement to provide open space as part of this subdivision.
- G. In preparing the final mylar, lot numbers and street addresses shall be verified with the Assessor. Those should be included on the final mylar for filing.
- H. The Commission notes that although house plans were submitted for the record, there is no condition that said house plans must be constructed on the two lots. As part of the development

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of each parcel, a detailed storm water management/drainage plan (which can be the plans with associated drainage reports submitted as part of this application) shall be submitted with any application for Zoning and Building Permits for construction on each lot. Each plan shall be implemented to assure that development will not have any negative impact upon the street or neighboring property(ies).

- I. 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, making provisions for the diversion of water around disturbed areas, sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and speedy restabilization of all disturbed areas.
- J. Prior to the issuance of a Zoning Permit for either of the proposed residences, a drainage maintenance plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records by the applicant or property owner. The maintenance plan shall require the property owner and all subsequent property owners of each lot to maintain the drainage facilities per the maintenance plan.
- K. The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- L. A Professional Engineer shall submit certification that the required street improvements, drainage, site grading and structural elements of each foundation have been properly implemented per the approved plans prior to the issuance of a Certificate of Occupancy of either residence.
- M. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans noted in Item A and B, 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.
- N. The Commission hereby approves the requested waivers of the Darien Subdivision Regulations.
- O. This approval of this subdivision does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. The Commission notes that approval from the Health Department will be needed to abandon the existing septic systems, and a Sewer Connection Permit will need to be obtained by the property owner prior to any construction. A demolition permit for the existing cottage and garage will need to be obtained from the Building Department.

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- P. 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 approval as it deems appropriate.
- Q. 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 two (2) years of this action (May 11, 2011). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements [the final revised mylar showing the location of any sewer easement(s) with Lot number(s) and street address(es)], shall be submitted to the Planning and Zoning Department for review and signature. The applicant must obtain a demolition permit and raze the existing cottage, the non-conforming portion of the residence at 147 Five Mile River Road prior to filing the map in the Darien Land Records. Because that will take some period of time, the Commission hereby authorizes the applicant up to six months from the date of this action (until November 11, 2009) to file the map and appropriate deeds in the Darien Land Records or this approval shall become null and void.

Chairman Conze read the following agenda item:

Land Filling & Regrading Application #224, Craig Ferguson, 6 Old Parish Road. Proposing to relocate existing driveway to the south side of the residence and perform related site development activities.

Commission members reviewed the draft Resolution. The following motion was made: that the Commission adopt the following Resolution to approve the project. The motion was made by Mr. Hutchison, seconded by Mr. Finke and unanimously approved.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 12, 2009**

Application Number: Land Filling & Regrading Application #224

Street Address: 6 Old Parish Road
Assessor's Map #20 Lot #40

Name and Address of Applicant &
Property Owner: Craig Ferguson
6 Old Parish Road
Darien, CT 06820

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Name and Address of Applicant's Representative: Jay Keillor, PE
Land Engineering & Surveying
525 John Street, 2nd floor
Bridgeport, CT 06604

Activity Being Applied For: Proposing to relocate existing driveway to the south side of the residence and perform related site development activities.

Property Location: The subject property is on the west side of Old Parish Road, approximately 650 feet south of its intersection with Middlesex Road.

Zone: R-1 Zone

Date of Public Hearing: April 28, 2009

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

Publication of Hearing Notices
Dates: April 16 & 23, 2009

Newspaper: Darien News-Review

Date of Action: May 12, 2009

Action: APPROVED WITH
CONDITIONS

Scheduled Date of Publication of Action:
May 21, 2009

Newspaper: Darien News-Review

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

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

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

1. The subject application is to relocate existing driveway to the south side of the residence and perform related site development activities. The existing driveway will be removed and filled in. It is noted that a tennis court and in-ground swimming pool have recently been removed from the back yard, thereby resulting in less overall impervious surface on the subject property.

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2. As part of the proposed drainage system, the applicant will be tying the roof leaders of the house to proposed galleries to be placed in the northeast corner of the property. A yard drain will also be placed in that vicinity.
3. The Commission notes the need for the applicant to file a Notice of Drainage Maintenance Plan regarding maintenance of the proposed and installed drainage system 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 impacts to adjacent properties.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. As revised, 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 Land Filling and Regrading Application #224 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work shall be in accordance with the following plan submitted to and reviewed by the Commission:
 - Proposed Grading and Drainage Plan property located at 6 Old Parish Road, prepared for Craig Ferguson, by Land Engineering & Surveying, LLC, dated Mar. 19, 09 and revised 4/28/09.
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During the regrading and site work, the applicant shall utilize the sediment and erosion controls illustrated on the plan in Condition A, above, and any additional measures as may be necessary due to site conditions. 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.
- D. Upon completion of the work, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with the approved plans. This shall include written certification for the project's professional engineer that the drainage facilities have been installed according to the approved plans.
- E. Before July 11, 2009, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. The actual plan shall be filed in the Planning & Zoning Department and/or in

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the Land Records. The drainage maintenance plan shall require the property owner and all subsequent property owners of 6 Old Parish Road to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records by the owner as well.

- F. The applicant shall install the drainage system as shown on the submitted plan in Condition A, above. The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- 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.
- 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 (May 11, 2010). This may be extended as per Sections 858 and 1009.

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 approved plan 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 proposed filling or regrading work, or this approval shall become null and void.

Mr. Conze read the following agenda items:

Proposed Amendments to the Darien Zoning Regulations put forth by the Darien Planning & Zoning Commission. Create a new Section 880 *et. seq.* of the Zoning Regulations. The purpose of these Regulations is to require storm water management plans for certain projects and applications. The Regulations define the applicability of the new Section and establishes components of Stormwater management plans.

Proposed Amendments to the Darien Subdivision Regulations put forth by the Darien Planning & Zoning Commission. Add to Article IV Section I a new #8 requiring that all subdivisions shall comply with the requirements for Stormwater management as outlined within Section 880 *et. seq.* of the Darien Zoning Regulations.

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Commission members discussed the draft Resolution. They noted that the Regulations should be more generic with respect to heating, ventilation and air conditioning pads and therefore, it should just refer to equipment pads. The Commission members also noted that it is important that they are utilizing the more accurate, up-to-date numbers regarding a 50 year design storm and are only requiring that storm drainage systems to be designed to a 50 year design storm, not a 100 year design storm. Mr. Hutchison explained that for small projects, these new Regulations may become a serious hindrance because the cost of engineering and designing the storm and drainage system and then installing the systems may be too cumbersome. Mr. Spain noted that the Commission will need to think about an accumulation period of one year or five years regarding how many square feet of additional impervious surface are being added. Everyone agreed that it is difficult to track the size of patios and driveways because these types of impervious surfaces do not require Zoning or Building Permits. Mr. Ginsberg said that as the Regulations are implemented and utilized, the staff and Commission will learn from experience. Future modifications of the Regulations may be necessary to deal with unforeseen problems.

The following motion was made: that the Commission adopt the following Resolutions to adopt the Storm Drainage Management Amendments to the Zoning and Subdivision Regulations. The motion was made by Mr. Hutchison, seconded by Mrs. Grimes and unanimously approved, except Mr. Spain abstained, as he was not present at all of the public hearing sessions.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 12, 2009**

Application: Proposed Amendments to the Darien Zoning Regulations and Subdivision Regulations
Application Put Forth by the Darien Planning and Zoning Commission

Proposed Amendments to the Darien Zoning Regulations put forth by the Darien Planning & Zoning Commission. Create a new Section 880 *et. seq.* of the Zoning Regulations. The purpose of these Regulations is to require storm water management plans for certain projects and applications. The Regulations define the applicability of the new Section and establishes components of Stormwater management plans.

Proposed Amendments to the Darien Subdivision Regulations put forth by the Darien Planning & Zoning Commission. Add to Article IV Section I a new #8 requiring that all subdivisions shall comply with the requirements for Stormwater management as outlined within Section 880 *et. seq.* of the Darien Zoning Regulations.

Date of Public Hearing: March 24, 2009 continued to April 28, 2009

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

Publication of Hearing Notices
Dates: March 12 & 19, 2009
April 16 & 23, 2009

Newspaper: Darien News-Review

Date of Action: May 12, 2009

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Action: AMENDMENTS TO THE DARIEN ZONING REGULATIONS ADOPTED, WITH AN EFFECTIVE DATE OF SUNDAY, JUNE 7, 2009 AT TWELVE NOON.

AMENDMENT TO THE DARIEN SUBDIVISION REGULATIONS ADOPTED, WITH AN EFFECTIVE DATE OF SUNDAY, JUNE 7, 2009 AT TWELVE NOON.

Scheduled Date of Publication of Action:

May 21, 2009

Newspaper: Darien News-Review

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

1. The Commission proposes to create a new Section 880 *et. seq.* of the Darien Zoning Regulations. The purpose of these Regulations is to require storm water management plans for certain projects and applications. The Regulations define the applicability of the new Section and establishes components of Stormwater management plans. The Commission also proposes to amend the Darien Subdivision Regulations by adding to Article IV Section I a new #8 requiring that all subdivisions shall comply with the requirements for Stormwater management as outlined within Section 880 *et. seq.* of the Darien Zoning Regulations.
2. These proposals to amend the Subdivision Regulations and the Zoning Regulations are put forth by the Planning and Zoning Commission consistent with the October 24, 2008 Stormwater Management Report and Draft Regulations prepared by Tighe & Bond.
3. These proposals have been revised compared to the original proposal dated December 19, 2008. That original proposal was presented at the January 2009 public hearing. In response to comments received at that public hearing, department staff worked with Town Counsel and local professional engineers in revising the proposal. The revised proposal dated February 17, 2009 was put forth.
4. At the public hearing on this matter, Craig Flaherty, a professional engineer, explained amounts of rainfall which comprise storm events. He noted that in recent years, an increase in local rainfall depths has modified what comprises a 2, 5, 10, 25, 50 and 100 year storm. In Connecticut, we are experiencing more rainfall than in the past, and that must be considered in analyzing what comprises these storms. He noted that the University of Connecticut recently published the document "Rainfall in Connecticut" which estimates rainfall depths over a 24-hour period using data through the early 1990s. This more recent data from reflects a trend of increasing precipitation that has been observed in Connecticut.
5. A letter of support of this application was received from the State of Connecticut DEP dated March 12, 2009. The Darien Environmental Protection Commission sent comments dated March 18, 2009. The Southwestern Regional Planning Agency (SWRPA) in a letter dated February 24, 2009, noted that the proposed amendments "do not appear to pose inter-municipal impacts."
6. At the April public hearing, staff noted that comments were received regarding the proposal. Also at that hearing, the Commission heard from a professional engineer and local attorney.

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They suggested modifications to the proposed waiver provision (Section 888 of the Zoning Regulations). The Commission also noted at that time that the burden of demonstrating the appropriateness of the requested waiver should be on the applicant, not on the Commission.

7. Discussion also focused on whether studying and requiring drainage systems to attenuate the 100 year design storm is appropriate. Using the newer, more accurate numbers of how much rain falls during a 100 year design storm is substantially greater than the amount of rain fall that must be accommodated using the old data for a 50 year design storm. The Commission finds that because of higher rainfalls, and the new storm sizes, that studying and possibly designing for 100 year design storms is not appropriate and shall not be required. The Commission believes that the new, more accurate data should be utilized and that a 50 year design storm (using the new data) should be the minimum standard to which the drainage systems are designed.
8. Details regarding the design standards and methods of analysis are contained within the Department of Public Works Drainage Manual. The DPW Drainage Manual must be updated to reflect the comments and policies of the Planning & Zoning Commission. Thus, the Commission will establish an effective date of June 7, 2009 to allow the Department of Public Works to modify their Manual accordingly.
9. The applicable recommendations in the 2006 Town Plan of Conservation & Development, as previously amended, are as follows:
 - Chapter 3 (page 3-3) recommends the following:
 - “Requiring the submission of grading, drainage, and erosion control plans for all construction projects which involve site disturbance.”
 - Chapter 3 (page 3-5) recommends the following:
 - Consider revising site and subdivision plan submission requirements to require stormwater management plans.
 - Chapter 9 of the Town Plan (page 9-3) includes the following recommendation:
 - “The Darien Zoning Regulations should be amended to specifically require addressing storm drainage as part of development and/or redevelopment of property.”
10. The Commission hereby finds that the proposed Amendment of the Darien Zoning Regulations and the proposed Amendment of the Subdivision Regulations are fully consistent with the 2006 Town Plan of Conservation & Development, as amended.
11. The effective date of these Regulations is June 7, 2009. Section 8-2h of the Connecticut General Statutes addresses the issue of zoning applications filed prior to a change in the Zoning Regulations, and notes that an application filed with the Planning and Zoning Commission shall not be required to comply with any change in the zoning regulations taking effect after the filing of such application.

NOW THEREFORE BE IT RESOLVED that ***Proposed Amendment to the Darien Zoning Regulations*** and ***Proposed Amendments to the Darien Subdivision Regulations*** are hereby ADOPTED WITH AN EFFECTIVE DATE OF SUNDAY, JUNE 7, 2009 AT TWELVE NOON, as approved herein:

Amend the Darien Subdivision Regulations:
(Additions in bold, deletions in strikeout)

Add to Article IV Section I a new #8 as follows:

- 8. All subdivisions shall comply with the requirements for Stormwater management as outlined within Section 880 et. seq. of the Darien Zoning Regulations.**
-

Amend the Darien Zoning Regulations:

Create a new Section 880 et. seq. Also, amend: the inside cover page of the regulations to note the new effective date of the Regulations, the Table of Contents, and Appendix C (Schedule of Amendments) accordingly.

(Additions in bold, deletions in strikeout)

SECTION 880 – STORMWATER MANAGEMENT

Stormwater management is the practice of controlling the runoff of stormwater from a site such that the quantity of stormwater flow does not result in a cumulative adverse impact on properties proximate to the site, or cause adverse cumulative impact downstream as a result of the proposed development, while managing the stormwater runoff in a manner that mitigates impacts to water quality. These regulations are intended to improve stormwater management and give reasonable consideration to the restoration and protection of the ecosystem and habitat of Long Island Sound as provided in Connecticut General Statutes 8-2(b), 8-23(a), and 8-35a.

- a. **Conformance to Established Standards.** Proposed stormwater management plans are to conform to the technical guidance and procedures in the Town of Darien Department of Public Works Stormwater Management and Drainage Manual, as may be amended and to the extent not inconsistent with these regulations.
- b. **Applicability.** Proposals for any site meeting one or more of the following criteria shall submit a stormwater management plan conforming to Section 882:
 - 1) Construction of 1,000 square feet or more of impervious surface; or
 - 2) Demolition and reconstruction or replacement of an existing residential dwelling; or
 - 3) Submission of any application subject to review and action by the Planning and Zoning Commission if the activity is within the jurisdiction of that Commission and/or by the Environmental Protection Commission (EPC) if the activity is within the jurisdiction of the EPC.

If the proposed activity does not require the approval of either the Planning and Zoning Commission or the Environmental Protection Commission, then any stormwater management plan shall be submitted to the Zoning Enforcement Officer (ZEO) with an application for a Zoning Permit or Certificate of Zoning Compliance. The ZEO has thirty days to act on the application.

- c. **Impervious Surfaces.** Impervious surface, for the purpose of this section is defined as Building Coverage plus the area covered by driveways, sidewalks, walkways, parking areas, terraces, patios, outside storage areas, loading and unloading areas, and equipment pads.
- d. **Public Emergency.** In order to help alleviate an emergency situation, the Public Works Director may waive the requirement for a drainage analysis in order to protect the health, safety, and welfare of the public, if a public emergency has been declared.
- e. **Exception for Coastal Areas.** If a site is within the Town's Coastal Boundary, and does not require formal review or action by the Planning & Zoning Commission or Environmental Protection Commission, the requirement for a comprehensive Stormwater Management Plan is waived—the plan need only address water quality impacts and mitigation.

881. **Basic Components of Stormwater Management Plans**

Comparative hydrology shall document no increase in downstream flooding conditions for the 2, 10, 25, and 50 year storms on properties proximate to the site, or cause adverse cumulative impact downstream as a result of the proposed development.

- a. **Upstream and Downstream Drainage Analysis.** Stormwater management plans shall take into account the upstream tributary drainage area and include a downstream impact analysis for proposals which are likely to result in increased runoff, or alter the flow of an existing discharge into a storm drainage system or watercourse. The downstream impact analysis shall include analysis of a confluence point downstream of the site where the area of the site is 10% or less of the area of the upstream watershed and includes an assessment of potential adverse impacts arising from the runoff.
- b. **Nonstructural Drainage Systems.** Stormwater management plans shall include non-structural approaches to controlling runoff to the maximum extent practicable, promoting the infiltration of rainfall into the soil and preservation of existing drainage patterns.
- c. **Stormwater Runoff Quality.** Stormwater management plans shall include measures to minimize, to the extent practicable, discharge of pollutants including suspended sediment from the site through the use of measures that control both the sources and minimize to the extent practicable, transport of pollutants, including suspended sediment.

- d. **Conveyance System.** Conveyance systems for the proposed project must be analyzed, evaluated, designed, and constructed to accommodate existing upstream and off-site runoff onto a site in addition to the on-site runoff from the proposed development.
- e. **Outlet Locations.** The runoff from proposed development sites should utilize existing outlets to the maximum extent practicable, unless it is demonstrated that using the existing outlet would exacerbate downstream flooding or result in adverse impacts to downstream properties or properties proximate to the site. The location of the new outlets is critical to avoid adverse impacts to property(ies) proximate to the site. Such point sources shall be located such that they do not adversely affect nearby property or structures that may be proximate to the site and discharge to natural or manmade drainage systems with adequate capacity to handle the anticipated flow.
- f. **Maintenance and Operation.** Maintenance of drainage facilities and systems constructed or modified as part of a proposed development, is the responsibility of the property owner, unless otherwise dedicated to, or the acknowledged responsibility of, a government agency or other entity.

Stormwater management plans shall include an Operation and Maintenance (“O&M”) plan which shall identify the specific drainage facilities or systems subject to the plan, inspection methods and frequencies, and maintenance methods and frequencies. The plan shall provide for routine maintenance such as minor cleaning usually once or twice a year and insure that the drainage facility or system is unimpeded and operational.

- g. **Licensed Professional Engineer.** Stormwater management plans, reports, calculations, and O&M plans and schedules shall be prepared, signed, and sealed by a Professional Engineer licensed in the State of Connecticut.
- h. **Exceedance of Minimum Standards.** Applicants are encouraged to exceed the minimum drainage standards set forth in these regulations to increase positive impacts in flood prone areas.

882. Documentation Requirements

Stormwater management plans and reports where required in these Regulations, as defined in Section 880 shall include the following documentation:

- a. Separate topographic contour mapping showing the existing and proposed drainage areas at an appropriate scale.
- b. Floodplain boundaries and Stream Channel Encroachment Lines as defined by the National Flood Insurance Program and the Connecticut Department of Environmental Protection, respectively.

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- c. Inventory and evaluation of on-site hydraulic structures and watercourses, within or related to areas of proposed impact, including brooks, channels, culverts, bridges, dams, weirs, and dikes, with information on their flow capacity and physical condition. The limiting capacity of existing structures may, at the option of the Director of Public Works, be used to establish the allowable post-development peak flow rate from the site.**
- d. Inventory and evaluation of existing and proposed on-site stormwater storage areas, including impoundments, riverine corridors, swamps, ponds, wetlands, floodplains, and miscellaneous depressions.**
- e. Identification of peak rate of runoff under pre-development and post-development conditions from the site at each design point including those included in the downstream impact analysis as applicable.**
- f. Specific documentation in support of stormwater management design shall include, but is not limited to the following:**

 - (1) Method used to calculate Stormwater runoff.**
 - (2) Runoff characteristics of the property before and after development.**
 - (3) Watershed calculations used to develop NRCS Curve Number or Rational Method Calculations.**
 - (4) Time of concentration calculations identifying length and slope of various components including overland, shallow concentrated and channel flow. Time of concentration paths shall be shown on the watershed maps.**
 - (5) Hydrologic model input and output files for all storms evaluated.**
 - (6) Subwatershed map delineating all contributing areas to each catch basin in a proposed storm sewer system.**
 - (7) Hydraulic computations for all storm drainage systems. Computations shall show hydraulic grade line elevations and structure rim elevations.**
 - (8) Pond and storage area stage-storage discharge calculations.**
 - (9) Soils information, including depth to seasonally high groundwater and permeability testing and drawdown calculations for proposed infiltration systems.**
- g. A complete set of construction plans. Where storm drains are proposed in roadways, the plans shall include storm sewer specifications and profiles.**

883. Hydrologic Evaluation

Various methods are available for hydrologic modeling, with some methods more appropriate than others. Most methods are based upon land cover and time of concentration relationships. Hydrologic models should use methods established by the Soil Conservation Service (now Natural Resources Conservation Service) or the United States Army Corps of Engineers. In all cases, the 2, 10, 25, and 50 year storms shall be evaluated for existing and proposed conditions comparative hydrology, with the same modeling methodology used for both conditions. The Director of Public Works may waive the requirements herein if the applicant demonstrates, in writing, why a proposed alternate method of analysis is appropriate and adequate.

- a. **Basis of Existing Conditions Analysis.** Existing Conditions Analysis shall account for actual on-site conditions at the time of the proposal, accounting for all depressions, and types of land cover, except for applications involving the demolition of an existing residential dwelling or commercial building and replacement of the razed structure with a new structure.

Where an existing residential dwelling or commercial building is proposed to be razed and replaced with a new structure, the basis of existing conditions analysis shall be the site's undeveloped condition if there is no engineered detention system on the existing site. If there is an existing engineered detention system on the existing site, then the actual existing conditions at the time of application shall be used as the basis of the existing conditions analysis. The local land use board or ZEO may require a comparison to undeveloped conditions where warranted.

- b. **Detention Analysis.** A complete runoff hydrograph evaluation is required for projects utilizing detention methods.

884. Peak Flow Attenuation

- a. The discharge of stormwater runoff from development sites shall not result in cumulative adverse impacts on properties proximate to the site and shall not exacerbate downstream flooding conditions.
- b. In all cases, the applicant shall perform a watershed study to document that the proposed development will not cause adverse impacts on properties proximate to or downstream from the site. The limit of this study will be the downstream point at which the site represents 10% or less of the total watershed area. This study shall be done for the 2, 10, 25, and 50 year storms.

885. Infiltration and Stormwater Quality

Infiltration shall be utilized where appropriate to reduce stormwater runoff rate and volume, to improve stormwater quality, and to recharge groundwater. Runoff from areas with high pollutant loadings, such as gasoline stations shall not be infiltrated. All infiltration practices shall be subject to pretreatment with another stormwater best

management practice. The Town of Darien Department of Public Works Stormwater Management and Drainage Manual, as may be amended, shall be used as a guide.

886. Stormwater Detention Facilities

Stormwater detention facilities to temporarily store excess runoff may be used to control peak flow rate and duration of downstream flows when coordinated with the runoff characteristics of the watershed in which they are located and the local site conditions.

887. Certification and Maintenance Agreements

- a. Prior to obtaining a Zoning Permit and/or starting work on a project, an O&M plan or Notice of Drainage Maintenance Plan shall be recorded on the Darien Land Records. The O&M plan either filed in the Land Records or referred to by the Notice of Drainage Maintenance Plan shall stipulate the inspection frequency, maintenance requirements and intervals for all proposed stormwater management practices on the site.
- b. Prior to issuance by the Zoning Enforcement Officer of a Certificate of Zoning Compliance, a Certificate of Occupancy, or use of the site, the following shall be submitted:
 - (1) An improvement location survey prepared and submitted by a Connecticut licensed land surveyor, depicting: pipe inverts, diameters and sizes, structure inverts and elevation, and other information to adequately describe the constructed stormwater management system. The survey shall also indicate the extent of impervious surfaces, and topography of the completed site where changes in grade exceed one foot.
 - (2) A certification by a professional engineer licensed in the State of Connecticut stating that the proposed drainage system was installed in conformance with the approved plans. If plans were not prepared by a professional engineer, a signed statement by the owner shall be submitted stating that the system was installed in substantial conformance with the approved design.

888. Waivers

- a. The Planning and Zoning Commission and/or the Environmental Protection Commission may waive one or more of the provisions in Section 880 et. seq. under any of the following circumstances:
 - (1) Based upon the size and/or location of the subject property;
 - (2) Based upon any unique site characteristics of the subject property;
 - (3) Due to the scope, nature, and/or amount of work proposed within the application;
 - (4) Due to any prior applications for the subject property which have accounted for stormwater management, and those drainage structures or facilities are still in place.

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The burden is upon the applicant to demonstrate why a waiver should be granted.

Mr. Conze read the following agenda item:

Amendment of Special Permit #39-L, St. Luke's Church, 1842-1864 Boston Post Road.

Proposal to modify one of the three previously approved residences.

Attorney Wilder Gleason explained that the Church is in the process of building three new residential structures for staff of the Church. Special Permit approval had been acquire, but the plans have been modified to allow each building to be approximately three feet deeper from front wall to back wall. This causes revisions to the site plan. Mr. Ginsberg said that the revised site plan has been discussed with the Fire Marshal and he is satisfied with the emergency access and egress. The Commission members reviewed the site plan illustrating the proposed modifications. The following motion was made: that the Commission approve the site plan and Special Permit modifications regarding the slightly revised design for the new, single family structures on the St. Luke's campus. The motion was made by Mr. Finke, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

Discussion and deliberation only on the following item:

Special Permit Application #251-A, Joan Davey, 192 Middlesex Road. Proposing to create a 25' x 45' terraced/blacktopped area in the backyard for a basketball court with associated drainage and perform related site activities. *DECISION DEADLINE: 7/2/2009.*

Mr. Hutchison excused himself from the discussion in order to avoid any perception of a possible conflict of interest. He left the meeting room. Mr. Spain said that the closest example that he can think of is the sports court that was constructed on Briar Brae Road. He said in that case, it is also located on a half acre lot and there was some neighborhood opposition to the court that was proposed relatively far away from the applicant's house. Mr. Conze said that he sympathizes with the neighbors about the potential noise and activity, but what makes the difference is the behavior of the people using the facility, not the actual sports court itself. He said that it is important to him that the applicant is not taking down the big evergreen tree located in the center of the site. Mr. Finke said he does not envision as much impact on the neighbors as the existing basketball hoop located in the driveway already has upon the neighbor. He said that the Commission should approve the project, but require the installation of significant trees along the easterly side lot line. He said that kids will be kids and they will congregate and play on the property whether it is to play basketball or soccer or on a swing set or any other type of outdoor activity.

Mr. Spain said that one of the uses that we generally anticipate at a single family residential house is the need to have room for these types of outdoor uses and activities. He said the use is not the problem, but it will be important to have screening and vegetation and fencing to minimize the impact upon the neighbors.

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No action or vote was taken regarding this matter. A draft Resolution will be prepared for action at a later date.

Chairman Conze read the following agenda item:

Discussion of PA490/CGS12-107e—Classification of Land as open space land.

Commission members noted that private and local clubs such as the three golf clubs want the Town to pursue the designation of their land as open space. This will allow the Tax Assessor to tax the property for its true use as opposed to its potential use which would be as developed property. Mr. Ginsberg explained that in order for this program to proceed that the Planning & Zoning Commission would need to amend the Town Plan to create an open space land designation. He said that it is possible that a deed restriction might need to be placed on the parcels within this open space designated area. He said that the actual taxing of the property would need to be determined by the Tax Assessor. He said that all parties generally agree that we want to encourage the open land areas to remain as open space but the question of how the Town should subsidize that preservation is the issue. Mr. Finke said that the program seems worthwhile to pursue, but asked Mr. Ginsberg to discuss the matter with the Tax Assessor and with the private property owners before a formal proposal is made to the Commission. He said that the burden should be on the applicants to come to the Commission with the proposal if they want to pursue this open space designation. Mr. Conze said that the process will be important and it will be necessary to hold a public hearing. Other Commission members agreed that a hearing would be critical. Mr. Conze said that if the 450 to 500 acres of open space currently owned by the three golf clubs is converted into new houses, this could result in 250 or more new residential structures. That kind of construction could substantially impact the community. Mr. Ginsberg agreed that he would continue to work on the project and try to coordinate with others.

Mr. Conze read the following agenda item:

Discussion of Incentive Housing Zones and HomeConnecticut program.

Mr. Ginsberg explained that the Incentive Housing Zone is specifically authorized under Section 8-13m through 8-13x of the Connecticut General Statutes. He distributed information that summarizes the Darien Housing Regulations, Section 8-30g of the Connecticut General Statutes regarding affordable housing, and the Incentive Housing Zones as allowed by the State Statutes. No motions were made and no actions were taken regarding the matter.

Approval of Minutes

April 14, 2009 General Meeting

The minutes of April 14th were discussed. The following motion was made: that the Commission adopt the Minutes as submitted. The motion was made by Mrs. Grimes, seconded by Mr. Finke. All voted in favor except for Mr. Spain who abstained because he had not attended the meeting.

April 28, 2009 Public Hearing

The minutes of April 28th were discussed. The following motion was made: that the Commission adopt the Minutes as presented. The motion was made by Mr. Finke and seconded by Mrs. Grimes. All voted in favor except Mr. Spain who abstained because he had not attended that meeting.

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

Mr. Ginsberg asked if the Commission would consider an extension request for 95 Gardiner Street under other business. The following motion was made: that the Commission consider an extension request for 95 Gardiner Street under other business. The motion was made by Mr. Hutchison, seconded by Mr. Finke.

Mr. Ginsberg reviewed the request from Carol Spivey regarding the installation of a driveway at 95 Gardiner Street. The work is nearly complete and the applicant has requested an extension of time to complete the work within the near future. The Commission members agreed with the request. The following motion was made: that the Commission approve the requested extension so that the Special Permit for the grading shall remain valid until June 13, 2009. The motion was made by Mr. Finke, seconded by Mr. Hutchison and unanimously approved.

There being no further business, the meeting was adjourned at 10:05 P.M.

Respectfully submitted,

David Keating
Assistant Planning & Zoning Director

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