

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
April 28, 2009**

Place: Room 206
Town Hall

TIME: 8:00 P.M.

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

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat

PUBLIC HEARING

Chairman Conze read the following agenda item:

Special Permit Application #172-D/Site Plan, Darien Diner (former Driftwood Diner), 171 Boston Post Road. Proposing to construct first floor additions to the front of the existing building, install a handicap access ramp, allow use of the second floor for customer seating/increase seating capacity, install an exterior stair, and perform related site development activities. The subject property is on the northeast corner formed by the intersection of Richmond Drive and Boston Post Road, and is shown on Assessor's Map #12 as Lot #35 and is located in the SB-E Zone. *TO BE OPENED AND IMMEDIATELY CONTINUED TO MAY 26, 2009.*

The following motion was made: That at the applicant's request, the public hearing regarding this matter is opened and will be immediately continued, to resume on May 26, 2009 at 8:00 p.m. in the Town Hall. The motion was made by Mr. Bigelow, seconded by Mr. Finke, and unanimously approved.

Mr. Conze read the following agenda item:

Continuation of Public Hearing regarding 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 subject property is located on the north side of Chestnut Street approximately 250 feet east of its intersection with Noroton Avenue, and is shown on Assessor's Map #20 as Lot #60, R-1/3 Zone. *HEARING MUST CLOSE ON APRIL 28, 2009, UNLESS EXTENSION GRANTED BY APPLICANT.*

Kenneth Baldwin of Robinson & Cole said that at the March 24, 2009 public hearing, there was discussion about the proposed installation of 12 antenna on the top of the existing water tank at 24 Chestnut Street. The antenna will be at 88.5 feet above ground level. Numerous comments were expressed by the neighbors and the Commission at the March public hearing. The plans have been revised to address those concerns and incorporate numerous changes. The revised plans were submitted on April 16, 2009. Mr. Baldwin mentioned that the revised plans were sent to the neighbors located within 100 feet of the site. They have also produced a proximity plan for the water tanks on both the southerly side of Chestnut Street and the northerly side of Chestnut Street.

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Changes and revisions to the plans include:

- 1) A band of screening has been placed around the top of the tank to conceal the proposed antenna and any future antenna that might be located in that area;
- 2) The shelter structure, located near the property line, will be removed and a new storage structure for Aquarion and shelter structure for the generator and equipment for the Cellco equipment will be installed farther from the property line than the existing building;
- 3) Landscaping has been added to the plan to provide additional screening and buffering;
- 4) A noise study has been conducted and noise attenuation features have been added to the structure that will enclose the emergency generator. The generator will comply with the noise standards established for uses within this residential area.

Mr. Bigelow asked about the possibility of future cellphone carriers wanting to have equipment on the tower and whether provision has been made for their ground mounted equipment to be accommodated within the shelter type structure. Liz Camerino-Schultz of Aquarion Water Company said that the water company does not know who might want antennas on the tank in the future and any future application would need to be submitted to the Planning & Zoning Commission. The cellphone tenant is not allowed to sublet space to any other carriers. Any new carrier would need approval from the water company and the Planning & Zoning Commission. The installation of ground mounted equipment would vary depending on the type of carrier and it is impossible for them to make provisions for future carriers without knowing who those carriers might be.

Mr. Conze 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 said that she would be the contact person for the neighbors or any staff.

Mr. Christopher Klumb of 260 Noroton Avenue said that he lives to the west of the water tank in question. He noted that the plans had been modified to include that top level screen around the antenna, but he wants to make sure that any and all future antenna will be concealed within that screen. He noted that plans call for and are RF transparent material, and he wanted to make sure that the material will be radio frequency transparent, but will be visually opaque and will be painted white to match the existing tank. He also wants to make sure that the screening material will be a curved shape to match the shape of the tank, rather than a series of angles or facets. Mr. Klumb wanted to know if there were any details about the spacing, and overhang of the screen from the building and what the view of the screen would look from directly below. He also questioned why a 9 foot high tall screen is necessary.

Carlos Centore of NatComm said that the RF panels are radio frequency transparent but cannot be seen through. They are fiberglass material that will be mounted on a metal frame and the exterior of the fiberglass will be painted. He said that they can be fabricated with a curve so that they will match the curve of the tank. He said the only way that you would be able to see the view from below the screens is if you were standing at the base of the tank. He said if you were at the base of the tank and looked straight up, you would see that the screen is separated from the tank by approximately 3 feet. This 3 foot gap will allow for access for service and for any future installations of antennas. He said that it is important that once the screening panels are installed, that

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they are not moved or removed. This type of design maintains the structural integrity and the visual screening that is desired by the neighbors. He noted that the cables that connect the antenna will be installed near the top of the screen and therefore will not hang down below the screen. The enclosed cable tray will then run from the top of the tank down the side of the tank and will be painted to match the tank to minimize how noticeable it will be. He said this whole screening package has been designed to avoid disruption during any maintenance and during any future installation of antennas by other carriers. It has also been designed to be safe for wind storms that include a 105 mile per hour gust of wind for three seconds. He said that the structure has been over designed to meet those safety criteria.

In response to questions, Mr. Baldwin said that the base station 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. Having a worker go to the top of the tank to do a detailed inspection of the antenna and screening is conducted much less frequently than the monthly inspection of the base station.

Victor Labozzo of 254 Noroton Avenue explained that he lives on the corner of Chestnut Street and he is very concerned that more carriers will want to install more antennas at the top of the tank and, therefore, more equipment and generators at the base of the tank. He said that such construction will be disruptive to the neighborhood and should not be allowed.

Virgil Naveda of 22 Chestnut Street said that each carrier will need their own generator and will have their own inspectors coming to the site. He said that more traffic and disturbance of the neighborhood is not appropriate for this quiet, single family, residential neighborhood.

Peter Rogers explained that he owns property in the area and submitted a letter expressing his concerns regarding the proposed antenna. He said that cellphone antennas should be located within existing church steeples rather than on the outside of water tanks such as the Chestnut Street facility. He submitted photographs of the two tank sites and noted that lack of maintenance. He said that the smaller tank, located across the street from the subject property, has been virtually abandoned for 20 years or so. It is rusted and the grounds have not been properly maintained. He said that if the Commission is inclined to approve the installation of antenna, they should require that maintenance of both facilities be undertaken prior to the antenna installation.

Liz Camerino-Schultz of Aquarion Water Company reviewed the photographs and agreed that the stumps should be removed. She said that one of the problems has been that the stumps and debris may or may not be on the water company property. She will work to determine the extent of the water company property in that area and take appropriate action. She said that the smaller tank across the street is not abandoned, but is not in active use at this time. It is the back-up tank. She said that she did not know what Aquarion's schedule is for the painting of the back-up tank. Mr. Conze said that Aquarion has a responsibility to do maintenance rather than leave a rusting tank that is so visible to all the neighbors. Mr. Hutchison said that if the application is approved, the Commission should require that the maintenance work, including the painting of the tank, be conducted first, before the new antenna is installed.

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

At about 8:50 P.M., Chairman Conze read the following agenda item:

Continuation of Public Hearing regarding 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 subject property is located on the east side of Five Mile River Road approximately 1,500 feet south of its intersection with Davis Lane, and is shown on Assessor's Map #67 as Lot #9 in the R-1/2 Zone.

Attorney Wilder Gleason explained that the application had previously been discussed at a public hearing and that the remaining issue had to do with the width of the paved roadway. He submitted two alternative plans to the Commission. One would be a 20 foot wide paved area or the applicant's preferred plan is to have a 16 foot wide asphalt paved area with four foot wide section of paver blocks adjacent to the asphalt. He said that the turn-around area would be constructed of paver blocks rather than asphalt. He said that this is the end of a long, dead-end roadway and, rather than creating a wide, paved swath, it is more appropriate to have something that preserves as much of the small lane character. He said that they have also revised the plans to re-locate the fire hydrant to be near the power pole. He said that he met with Paul Hanley of the Connecticut Light & Power Company (CL&P) regarding the possible relocation of the power pole. Mr. Gleason said that the advice from Mr. Hanley was that they should not mess with the power pole and to keep it as is because it feeds other off-site properties. Any new connections from that pole need to be underground, but they should leave the pole where it is. Mr. Gleason said that the pole carries power, telephone and cable lines.

Mr. Ginsberg said that the revised plan does result in the removal of five trees along the roadway in order to make a better access and necessary turn-around area.

Mr. Kane said that he walked the area with the Connecticut Light & Power (CL&P) representative to see if it was possible to bury the power lines in front of his property and other properties. He said that the cost to bury the power lines would need to be shared by many property owners and he will re-examine whether he can work that out with his neighbors and the power company. Mr. Hutchison said that the overhead wires and power poles should be eliminated and replaced with new underground cables in order to minimize the likelihood of power outages and in order to improve views from all properties. Mr. Gleason noted that they will need neighborhood support to do the relocation of the power lines and they will work on seeing if that is feasible and practical.

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

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At about 9:00 P.M, Mr. Conze then read the following agenda 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. The subject property is on the south side of Middlesex Road, approximately 150 feet west of its intersection with Edgerton Street, and is shown on Assessor's Map #22 as Lot #77, in the R-1/2 Zone.

Mr. Hutchison indicated that he would abstain from participating in this matter in order to avoid any perception of a potential conflict of interest. He then left the meeting room. Attorney Michael Nedder represented Mr. & Mrs. Davey and explained that their schedule did not allow them to attend the meeting. He explained that the proposal is to construct a 25' x 45' paved play area in the backyard. It would be located in the southeast portion of their backyard and dry wells will be installed to accommodate storm water runoff. There will be a slight amount of regrading as they cut down or lower part of the high area in order to make the play area flat. They will install screening plants to supplement the existing vegetation on the perimeter of the property. Depending on the shade conditions, the screening plants will be white pines or arborvitae. He said that the play area meets the setback requirements for a detached structure and that the play area in the backyard will replace the existing basketball hoop in the front driveway. In the discussion that followed, it was noted that a large tree in the back corner of the property needs to be removed, but the large tree in the middle of the backyard will remain. Mr. Nedder said that the natural screening along the boundaries will remain and will be supplemented. He said that the location of the screening can be extended along the east boundary line as far as the Commission requires.

Mr. Nedder added that there will be no lights on the play area and that it would be used in the day time only. He explained that the noise concern raised by the neighbors is nothing special because the noise to be created in the play area will be the typical noise of children playing. He noted that the proposed play court is located close to the Middlesex School soccer field. He felt that the property values of adjacent owners would not be decreased by the location of a play court in the Davey property. Mr. Nedder said that the existing hoop in the driveway is bothersome to the immediate neighbor and that it will be removed. Mr. Bigelow said that the existing hoop location in the driveway seems to work, but apparently is bothersome to the neighbor because the balls get loose and go across the property line and because the hoop is located close to the neighbor's house.

Mr. Jordan Costa of 6 Edgerton Street said that his backyard is adjacent to the proposed paved play area and it would be unfair to allow the playcourt to be constructed in response to one neighbor's dislike of the existing basketball hoop. He said that pleasing one neighbor to the detriment of the entire neighborhood is not appropriate. He mentioned that he purchased his property in July of 2008, and would not have purchased if a basketball court had been located in the Davey backyard as is now proposed. He said that the screening proposed with the landscaping will not be sufficient to block out the view and noise that will result from this play area. He said that the swing set activity is not nearly as bothersome as the noise and commotion that would result from a basketball play area in the backyard. He said that the soccer field at Middlesex School is located quite a distance from his backyard and is not bothersome. He also noted that stormwater runoff is a concern and nothing in the application addresses how the drainage will be managed. He noted that his letter of opposition was submitted.

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Evelyn Haggart of 188 Middlesex Road asked the Commission members if they would like it if a professional basketball court were located in their neighbor's yard. She said that the noise of the balls bouncing and teenagers playing basketball there would not be appropriate or fair to the neighbors. She said that the paved area would also be used for other recreation activities such as street hockey and skate boarding. She strongly objects to the proposed use of the backyard as a paved, play area. She said that any shrubs or trees that are installed to provide buffering or screening would likely die due to lack of maintenance. She said that she feels that the Daveys installed the existing basketball hoop so close to the neighbor in order to ultimately get this paved play area approved in the back yard. She mentioned that when the Davey children play in their own backyard, it is not unusual for their ball to go into her property. She said that this is not the neighborhood that is conducive to allowing a basketball court in the backyard. She explained that as the Davey children get older, they and their friends would tend to hang out in the backyard and this would lead to other problems.

Mr. Conze asked why the existing basketball hoop was put in so close to the side property line rather than on the face of the garage. Mr. Bigelow concurred that the logical place for the installation of the existing hoop would have been on the garage or on a pole in the driveway that was not so close to the neighbors. He said that he has seen installations where the pole in the driveway is removeable, so that access to and from the garage door could easily be achieved and then the pole reinstalled so that the children can safely play on the driveway without the ball going into the neighbor's yard. He also expressed concern about the design of the drainage and wanted assurance that the neighbors would not be impacted by storm water runoff.

Mr. Nedder replied that Mrs. Haggart and other neighbors have basketball hoops on their properties, and the activity and noise created by this play area would be similar to what they have enjoyed for years. He said that the positioning of the proposed court (on the east side of the site) means that it is very unlikely that balls would travel from the proposed paved play area to the Haggart property (which is to the west of the Davey property). He said that there would be netting or fencing to the east of the play area to minimize the balls getting into any neighbor's properties and noted that there would be no lights and no spectator stands that would make this play area any different than the existing basketball hoops in the neighborhood. Mr. Nedder said that a play court on Briar Brae was installed in a back yard and this would be similar to that.

Commission members noted that the Briar Brae court was controversial and that a drainage plan was part of that application. In response to questions about the location of the existing basketball hoop on the side of the driveway close to the neighboring property line, Mr. Nedder said that there was a safety concern due to overhead power lines that prevented the existing basketball hoop from being placed on the driveway near the existing Davey residence. He said that the design of the garage doors also precluded the installation of the basketball hoop on the front of the garage. He submitted photographs of the existing site and noted that the Special Permit is necessary for the installation of this specially designed play area, but it will only contain one single hoop. He said that the Commission must weigh the pros and cons of the design. He then submitted a drainage proposal from P&S Paving.

There being no further comments, the following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Finke, seconded by Mrs. Grimes and unanimously approved.

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Mr. Hutchison returned to the meeting. Mr. 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. The subject property is on the west side of Old Parish Road, approximately 650 feet south of its intersection with Middlesex Road, and is shown on Assessor's Map #20 as Lot #40 and is located in the R-1 Zone.

Jay Keillor, Professional Engineer, explained that the existing house is being renovated and additions are being constructed. A new garage is being constructed on the south end of the existing house and the driveway needs to be revised in order to achieve access from the street to the new garage. He said that the old pool and old tennis court have been removed from the back yard. He said that they are addressing storm water runoff by collecting all of the drainage from the roof area and dissipating it into galleries that will be installed. Runoff from the new driveway will travel down slope to the street, just as runoff from the existing driveway travels to the street. He said that they have done excavation work to determine the depth of the ground water and have found that there is no ground water to a depth of at least eight feet.

In response to questions, Mr. Keillor said that the first 30 feet of driveway from the street into the site will not exceed a 2% grade. After that, the grade will be increased to 10% and then, near the garage, the driveway will be flatter. By regulation, 10% is the maximum grade allowed for any part of the driveway and the first 30 feet of the driveway from the street cannot exceed a 2% grade.

Mr. Keillor said that the galleries to accommodate storm water runoff from the roof are designed for a 50 year storm. He said that since there are no drainage structures on the property at this time, and due to the removal of the existing impervious areas in the backyard, the actual rate of runoff (that is the volume of water over time) is reduced.

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

Chairman Conze read the following agenda item:

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. 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, and is shown on Assessor's Map #61 as Lot #14 and is located in the R-1 Zone.

Azure Dee Sleicher explained that the proposal is to install a four foot wide and 79 foot long fixed pier from the existing seawall out into Long Island Sound. Then there would be a hinged gangway and a floating dock. All permits and approvals have been obtained from the Connecticut Department of Environmental Protection and the United States Army Corps of Engineers. The connection of the fixed pier to the land is the only thing that is yet to be approved by the Planning & Zoning Commission.

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Mr. Ginsberg confirmed that the Planning & Zoning Commission's jurisdiction is the work that is upland of mean high water. He said that the DEP and Army Corps of Engineers have already approved this project, and that sometimes they conduct public hearing and sometimes they waive the public hearing regarding applications such as this. Commission members reviewed the plans. No members of the public were present to comment on the application. The following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mrs. Grimes, seconded by Mr. Bigelow and unanimously approved.

Mr. Conze read the following two agenda items:

Continuation of Public Hearing regarding 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.

Continuation of Public Hearing regarding 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.

Jeremy Ginsberg, Planning & Zoning Director, noted that the drainage amendments are a result of the October 2008 study report by Tighe & Bond Engineering. A hearing had been conducted on January 27, 2009 and there were numerous comments from engineers and the public that needed to be incorporated into the Regulations. There is also a February 17, 2009 Memorandum from the Environmental Protection Commission. He said that the original proposed regulations were substantially revised and the current proposals incorporate those comments. He explained that a public hearing regarding the revised Proposed Amendments to the Zoning Regulations and Subdivision Regulations had been scheduled for March, but it would have been one week prior to the public discussion regarding the Engineering Study by Milone and MacBroom regarding the Stony Brook Watershed. In March, the Commission continued the public hearing to April in order to allow the public to get that information regarding Stony Brook. He read aloud the comments from the Connecticut Department of Environmental Protection regarding the original and the revised Draft Regulations. DEP found that the proposal was consistent with the Coastal Area Management provisions. He also read aloud the comments dated February 24th from the Southwestern Regional Planning Agency. They found no apparent inter-municipal impacts. There is also a March 18, 2009 Memorandum from the Environmental Protection Commission regarding the revised draft.

Mr. Ginsberg said that in general, the January proposal was revised to be more concise and revised to clarify Section 880-d regarding who needs to address drainage as part of a project. Also, Section 888 was added to provide a waiver provision within the Regulations because, in some instances, a detailed drainage plan would not be necessary or appropriate. He said that the drainage amendments formalize what has been standard policy and practice regarding substantial projects. He reviewed portions of the existing Town Plan of Conservation & Development that call for drainage plans and storm water management plans.

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Mr. Ginsberg said that Section 888 would allow the Planning & Zoning Commission or Environmental Protection Commission to waive the requirement for a drainage plan based on the size and/or location of the site and/or the scope of the work and/or previous drainage improvements that have been incorporated into the project site. Based on the findings, the Commissions could waive one or more provisions or requirements of the Drainage Regulations. Mr. Conze felt that some flexibility is necessary for the Commission to make sure that detailed drainage plans are not required for projects where it would be inappropriate. The Commission discussed whether it would be appropriate to have the staff waive the provision of the Regulations or whether the waiver would be up to the Commission. If it was up to the Commission, the only way for determination to be made would be to have the applicant make a presentation to the Commission and then the question would become whether it would be an informal presentation (before a detailed application is submitted) or whether it would be part of an application that has already been submitted and is being presented to the Commission on a formal basis. Mr. Ginsberg said that it would be akin to the request for waivers of the Subdivision Regulations wherein the applicant would make a formal application and, as part of their presentation, they would explain to the Commission why certain provisions of the Regulations should be waived. It would then be up to the Commission to determine whether additional, more detailed information would be necessary or whether the Regulations should be waived.

Craig Flaherty explained that he is a professional Engineer and a member of the Environmental Protection Commission. He said that the revised Regulations address and accommodate most of the comments and concerns that had been previously expressed. He said that one of the problems is that the drainage requirements will substantially impact the redevelopment that occurs on small lots where there is not much room to accommodate a new and usually larger house plus the drainage system that would be required. He suggested adding another provision to the waiver criteria to address unique site characteristics in addition to the size and location to the site. He asked the Planning and Zoning Commission to carefully review the Environmental Protection Commission's memorandum. He discussed with the Commission the complexity of the drainage problems, particularly as noted in the Milone & MacBroom study of the Stony Brook flooding conditions. Another possible waiver criteria would be to note that the waiver would not be unreasonably withheld by the Commission. As the Commission discussed that possible provision, it was noted that it would shift the burden from the applicant to the Commission. Mr. Finke said that the burden should be on the applicant to demonstrate that a waiver should be granted. The burden should not be on the Commission to demonstrate that the Regulations should apply. Mr. Flaherty said that one of the difficulties is the on-site work necessary to determine if the infiltrators will be feasible on a particular site. He said that the applicant needs to go to the expense of having percolation tests conducted to know whether the infiltrators will work.

Craig Flaherty, speaking as an engineer, said that there could be some confusion regarding the amount of rain fall to be accommodated in the various design storms. He noted that the old standards that are generally in use are gradually being replaced with more accurate and up-to-date standards that recognize a greater amount of rain fall within a 24 hour period. He said that the proposed regulations would require the drainage plan to accommodate a 100 year design storm instead of the current practice of accommodating a 50 year storm. Using the newer, more accurate numbers of how much rain falls during a 100 year storm is substantially greater than the amount of rain fall that must be accommodated using the old data for a 50 year storm. This means that the drainage systems that would be required by the new regulations would be much larger, and much

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more expensive, than what has previously been required. Mr. Flaherty submitted information sheets illustrating the differences between various design storms and the old data and the new data. Commission members discussed what design storm should be used and whether the old data or the new data should be utilized. It was generally agreed that the new, more accurate data should be utilized and that a 50 year design storm (using the new data) should be the standard to which the drainage systems are designed.

Mr. Flaherty said that another issue involves the redevelopment of a site where an existing structure and impervious area is being removed. He said that under the current proposed regulations, the engineer cannot take credit for the existing impervious surfaces in the drainage calculations. They must assume that they are starting with a blank and undeveloped property and adding new impervious area. He said that this is difficult because storm water management is based on standards, but also must be designed on a case-by-case basis.

Mr. Flaherty said that the hydrograph is a curved line on a graph that illustrates the amount of storm water runoff that occurs within a 24 hour period. Details regarding the design standards and methods of analysis are contained within the Department of Public Works Drainage Manual. He said that the DPW Drainage Manual must be updated to reflect the comments and policies of the Planning & Zoning Commission.

Attorney Wilder Gleason spoke and indicated that a waiver provision needs to be added in order to deal with unusual circumstances. He suggested that another factor be added for waiver which would be something like "reasonableness of the application of the Regulations to the property". He said that the cost to the applicant to determine whether the drainage system will work in the existing ground conditions can be several thousand dollars.

There was some discussion regarding what steps should be taken next. Mr. Ginsberg said that the Commission could close the public hearing or the Commission could choose to keep the public hearing open. In either event, he will revise the draft Regulations to incorporate the comments that had been received and the discussion that was conducted. He said that if the public hearing is closed, then deliberations can take place at a future meeting and the Regulations could be adopted with a specified effective date. Mr. Bigelow said it is important to make sure that the Department of Public Works engineers have no problems with utilizing the new data and the policies that the Commission is likely to adopt. Mr. Flaherty said that he would be glad to send to Mr. Ginsberg that back-up data regarding the drainage numbers that he submitted to the Commission. Commission members agreed that that back-up data would be appropriate.

There being no further comments, the following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Finke, seconded by Mr. Bigelow and unanimously approved. There being no further discussion, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

David Keating
Assistant Planning & Zoning Director

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