

TOWN OF DARIEN
PLANNING & ZONING COMMISSION

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PLANNING AND ZONING DIRECTOR

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ASSISTANT DIRECTOR/
ZONING ENFORCEMENT OFFICER

FRED W. DONEIT, AICP, GISP
SENIOR PLANNER



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ELIZABETH S. RIVA

November 29, 2018

Robert F. Maslan, Jr., Esq.
Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: *Proposed Amendments to the Darien Zoning Map (COZM #2-2018)*
Proposed Amendments to the Darien Zoning Regulations (COZR #6-2018)
put forth by Darien Baywater Housing Partners, LLC

Dear Bob:

This letter is to confirm that on November 27, 2018, the Darien Planning and Zoning Commission, by a vote of 5-0, adopted with modifications your proposal to amend the Darien Zoning Map and Zoning Regulations to create a new Special Needs Housing Overlay Zone (new Section 450 of the Regulations) to allow the creation of affordable housing for persons with special needs. As originally proposed by the applicant, the regulations would apply in certain residential zones (R-2, R-1, R-1/2, R-1/3, and R-1/5) on lots that are at least 150 percent of the minimum lot area, but not less than three-quarter acres in size (38,115 square feet). The originally proposed maximum density was twelve dwelling units located within two or more buildings, with not more than six units per building.

These new zoning regulation and map amendments will take effect on Sunday, December 16, 2018 at 12:15 p.m. The regulation amendment comprises Amendment #71 of the Zoning Regulations, and will be noted as such in Appendix 'C' of the Regulations. The enclosed Adopted Resolution outlines the Commission's findings and reasons for adopting the amendments to the zoning regulations and map.

If you have any questions, please give me a call.

Sincerely,

Fred W. Doneit, AICP, GISP
Senior Planner

Enclosure

Cc: Donna Rajczewski, Town Clerk

David Genovese, Baywater Housing Partners, LLC ✓

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 27, 2018

Application Number: Site Plan Application #303, Special Permit Application #59-G
Land Filling & Regrading Application #437

Street Address: 26 East Lane
Assessor's Map #32 Lot #23

Name and Address of Applicant & Property Owner: Baywater Housing Partners, LLC
1019 Boston Post Road
Darien, CT 06820

Name and Address of Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to demolish an existing single-family residence and child care center, and to construct two (2) six-unit residential buildings to satisfy the inclusionary housing requirement for the Corbin Subarea project; and to perform related site development activities.

Property Location: The 0.9045+/- acre subject property is located on the east side of East Lane, approximately 400 feet north of its intersection with Old King's Highway North.

Zone: R-1/2

Dates of Public Hearing: July 10, 2018 (opened and immediately continued to July 17), July 17, 2018, continued to July 31, 2018, August 28, 2018 & September 4, 2018

Deliberations held on: September 4, 2018 (COZM #1, 2018, COZR #5-2018 only), October 9, 2018, October 23, 2018.

Time and Place: 8:00 P.M. Auditorium & Room 206 (8/28 and 9/4 hearings) Town Hall

Publication of Hearing Notices

Dates: June 28 & July 5, 2018

Newspaper: Darien Times

Date of Action: November 27, 2018

GRANTED WITH STIPULATIONS WITH
AN EFFECTIVE DATE OF SUNDAY,
DECEMBER 23, 2018 AT 12:30 p.m.

Scheduled Date of Publication of Actions:
December 6, 2018

Newspaper: Darien Times

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

DARIEN PLANNING & ZONING COMMISSION
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- the proposed use and activities must comply with all provisions of Sections 850, 1000 and 1020 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 applicants 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 review of the submitted application materials and related analyses, the Commission finds:

1. The subject applications consist of a proposal to demolish an existing single-family residence and child care center, and to construct two (2) six-unit apartment buildings to satisfy the inclusionary housing requirement for the Corbin Subarea project; and to perform related site development activities. The subject property is served by public water and sewer.

ZONING REGULATION AMENDMENT

2. In an associated application (COZM #2 2018, COZR #6 2018), the applicant proposed to amend the Darien Zoning Map and Zoning Regulations to create a new Special Needs Housing Overlay Zone to allow the creation of affordable housing for persons with special needs. The regulations would apply in certain residential zones (R-2, R-1, R-1/2, R-1/3, and R-1/5) on lots that are at least 175 percent of the minimum lot area, but not less than three-quarters of an acre (38,115 square feet). That amendment was adopted by the Planning & Zoning Commission on November 27, 2018, and will take effect on December 16, 2018.
3. The Commission finds that the subject property is appropriate for the "Special Needs Housing Overlay Zone".

INCLUSIONARY UNITS

4. In an associated application (Business Site Plan Application #302, Special Permit Application #302, Flood Damage Prevention Application #383, Land Filling & Regrading Application #436), the applicant, Corbin Baywater Partners, LLC, proposes to demolish all buildings within the Corbin Subarea (CBD-CS) and to build a new mixed-use development with retail, restaurant, office and residential uses.
5. Section 580 of the Zoning Regulations requires that a minimum of 12 percent of the 116 proposed residential units within that Corbin Baywater Partners development be designated as affordable. The Commission finds that the twelve proposed special needs affordable units on the subject property (26 East Lane) may serve to satisfy a portion of the required inclusionary units for the Corbin Baywater Partners project (12 of the 14 units required).

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OTHER LOCAL REVIEWS AND APPROVALS

6. The Environmental Protection Commission (EPC) approved the removal of pavement and landscaping within an upland review area on the subject property as part of EPC #18-2018. That approval is hereby incorporated by reference.
7. The Architectural Review Board (ARB) reviewed the plans at their meeting on June 19, 2018 as part of ARB #23-2018, and sent a letter for the record dated June 25, 2018, issuing a favorable report for the proposal.
8. As part of this application, the Planning & Zoning Commission hired two peer-reviewers. Michael Galante of Frederick P. Clark Associates was hired to review traffic and parking; and Craig Flaherty of Redniss & Mead was hired to review the stormwater management/drainage aspects of the proposal.

TRAFFIC & PARKING

9. Based on the estimated 16 vehicle trip ends to East Lane, the Commission finds that the proposal will not have a significant impact to traffic operations on the adjacent roadway network. As such, no off-site mitigation to control traffic, sight lines, or pavement markings is necessary.
10. A total of twelve parking spaces, including two handicap parking spaces are proposed for the site. Access will be provided via a single driveway at the south end of the property from East Lane.
11. At the public hearings on this matter, there were comments received from the general public regarding traffic, parking, and public safety. The Commission believes that provisions for a crosswalk from East Lane, crossing Old King's Highway North, would increase the walkability to and from the site by residents to public transportation and other in-town amenities. Though the Commission cannot require the provision of off-site improvements, the installation of a crosswalk is strongly encouraged.

SITE PLAN

12. In the absence of any garage or basement space, the Commission finds that there is a need for onsite storage space for residents. Thus, a storage shed, as shown on the submitted plans, is hereby approved.

LANDSCAPING & SCREENING

13. A proposed landscaping/buffering plan was submitted for the record. The Commission hereby waives the 25 foot landscape requirement, noting that, in this specific instance, the existing landscaping, coupled with the proposed planting plan and erection of a screening fence on the south side of the property, meets Section 944 of the Zoning Regulations.

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EROSION CONTROLS

14. At the public hearing it was noted that regrading of the existing contours and ledge rock removal would be required. Blasting and/or hoe-ramming are proposed to implement this project.

STORMWATER MANAGEMENT

15. As part of the originally submitted application, Tighe & Bond submitted an Engineering Report, dated May 25, 2018 showing a comprehensive stormwater management system.
16. The proposed project includes both stormwater quality and quantity improvements and improves the existing storm drainage conditions. Peak runoff rates are reduced in all storms through the 100-year peak storm event. The project also includes water quality volume and flow measures that meet the requirements of the CTDEEP Connecticut Stormwater Quality Manual.
17. The Commission acknowledges that the stormwater improvements being introduced and implemented by the applicant are part of a comprehensive and collaborative approach to improve stormwater management in the vicinity of the project site. The project exceeds the minimums regarding stormwater management which are required per Section 880 of the Darien Zoning Regulations.

SPECIAL PERMIT FINDINGS

18. 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.
19. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
20. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
21. The elements of the Site Plan, submitted as part of the application, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Site Plan Application #303, Special Permit Application #59-G, and Land Filling & Regrading #437 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:

SURVEY

- Zoning Location Survey Depicting Proposed Improvements, 26 East Lane, Prepared for

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Baywater Housing Partners, LLC by William W. Seymour & Associates, P.C., dated May 22, 2018.

ENGINEERING PLANS

Plans generally entitled 'Baywater Housing Partners, 26 East Lane', Prepared by Tighe & Bond, dated May 25, 2018:

- Sheet C0.1, General Notes, Legend and Standard Abbreviations Plan;
- Sheet C1.0, Site Plan, last revised 8/21/2018;
- Sheet C1.1, Proposed Driveway Profile;
- Sheet C2.0, Grading Plan;
- Sheet C3.0, Drainage and Utility Plan;
- Sheet C4.0, Soil Erosion and Sediment Control Plan;
- Sheet C4.1, Soil Erosion and Sediment Control Details;
- Sheet C5.0, Site Details;
- Sheet C5.1, Site Details;
- Sheet C5.2, Storm Details;
- Sheet C5.3, Storm Details;
- Sheet C5.4, Storm Details;
- Sheet C5.5, Sanitary Details;
- Sheet C5.6, Water Service Details;

LANDSCAPE PLAN

- Sheet LP-1, Landscape Plan, Entitled 'Baywater Housing Partners, 26 East Lane', Prepared by Environmental Land Solutions, LLC, dated May 25, 2018.

ARCHITECTURAL PLANS

Plans generally entitled 'Baywater Housing Partners, 26 East Lane', Prepared by Daniel Conlon Architects, dated May 25, 2018.

- Sheet A-1, 1st Floor Plans (Building 1);
- Sheet A-2, 2nd Floor Plans (Building 1);
- Sheet A-3, Front & Right Elevations (Building 1);
- Sheet A-4, Rear & Left Elevations (Building 1);
- Sheet B-1, 1st Floor Plans (Building 2);
- Sheet B-2, 2nd Floor Plans (Building 2);
- Sheet B-3, Front & Right Elevations (Building 2);
- Sheet B-4, Rear & Left Elevations (Building 2);

EROSION CONTROLS

- B. 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

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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.

LANDSCAPING & SCREENING

- C. All landscaping shown on the landscape plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- D. The applicant shall post a Performance Bond for the buffer plantings required by Condition 'C' above with the Town of Darien in the amount of \$3,500 to ensure the successful implementation of the proposed planting plan. The bond may be released by Department staff one year after all of the required plants have been installed, and can be reduced by up to 50 percent after one growing season.

SITE PLAN

- E. All structures, including the storage shed, dumpster, and mechanical equipment shall be located outside of the required yards. Locations shall be as shown on the submitted Site Plan, last revised August 21, 2018.

STORMWATER MANAGEMENT

- F. The applicant shall install the drainage system as shown on the submitted plans. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at such owner's expense and as quickly as possible. The applicant is responsible for the management of storm water throughout the development process, even before the final approved drainage system is installed. Proper provisions shall be made to assure that, for the many months while the site is disturbed, structures are being built and systems are being installed, runoff water will be directed into temporary on site drainage systems to assure that it will not adversely impact the nearby neighbors, streets, and/or stormwater sewers.
- G. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval. This Notice of Drainage Maintenance Plan shall require the property owner and all subsequent property owner(s) of 26 East Lane to maintain the on-site drainage facilities in accordance with the Drainage Maintenance Plan, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize impacts upon adjacent properties.

DEED RESTRICTIONS

- H. Deed restrictions on the affordable housing units shall be filed in the Darien Land Records prior to the issuance of Zoning and Building Permits for new construction above the foundation of the second on-site building. Copies of those restrictions, which should include the entity certifying annually the income verification of the tenants, would need to be submitted for the record in this

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matter. Restrictions shall comply with Sections 450, 586 and 587 of the Darien Zoning Regulations.

SPECIAL NEEDS RESTRICTIONS

- I. All dwellings allowed shall be occupied by persons that are deemed to have an intellectual disability, as defined in Section 1-1g of the Connecticut General Statutes.
- J. The subject housing, including selection of residents, shall be managed by a non-profit organization in the business of providing housing services to persons with intellectual disabilities in the State of Connecticut.
- K. The Town of Darien Department of Human Services shall confirm eligibility for occupancy with Section 1-1g of the Connecticut General Statutes with respect to whether a person has an intellectual disability.

AS-BUILTS & CERTIFICATIONS

- L. A final "as-built" survey is hereby required for each phase to certify that the site improvements (including drainage and landscaping) are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the required drainage work has been properly completed in accordance with the approved plans. A certification shall be submitted regarding the final building height of the buildings as constructed.
- M. All site work around and related to a particular building, including but not limited to curbing, paved parking spaces, drainage systems, safety signage, landscaping and other site improvements as shown on the approved plans shall be properly installed and completed prior to the use of and/or the issuance of a Certificate of Occupancy for that building.
- N. All landscaping shall be installed per the submitted Landscape Plan referenced in Condition A, above. Prior to implementation, any changes or substitutions must be reviewed and acted upon by the Planning and Zoning Commission.
- O. 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. This would include, but not be limited to the following:
 - 1. A Demolition Permit(s) from the Building Department.
 - 2. A Blasting Permit from the Fire Marshal for any proposed blasting.
 - 3. Sewer Connection Permits for the new units.
 - 4. Zoning and Building Permits. It is acknowledged that the applicant will need to proceed with Foundation Permits separate from the work above the foundation for each building.
- 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.

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- Q. This permit shall be subject to the provisions of Sections 858, 1009 and 1025 of the Darien Zoning Regulations, including but not limited to implementation of the approved plan within two (2) years of this action (November 27, 2020). This approval may be extended as per Sections 858, 1009 and 1025.

All provisions and details of the plans, as required to be revised and 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. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void. All completed requirements and materials shall be completed and submitted to the Planning and Zoning Department within 90 days of this action, or this approval shall become null and void.

TOWN OF DARIEN
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November 29, 2018

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30 Old King's Highway South
Darien, CT 06820

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: *Site Plan Application #303, Special Permit Application #59-G
Land Filling & Regrading Application #437
Baywater Housing Partners, LLC, 26 East Lane*

Dear Bob:

This letter is to confirm that at its meeting on Tuesday, November 27, 2018, the Darien Planning and Zoning Commission granted with stipulations the aforementioned application to demolish an existing single-family residence and child care center, and to construct two (2) six-unit residential buildings to satisfy the inclusionary housing requirement for the Corbin Subarea project; and to perform related site development activities. The enclosed Adopted Resolution outlines the conditions of approval. Please read the Resolution carefully.

Though the Commission didn't specifically require a pre-blasting survey, it is strongly encouraged that prior to any required blasting, that a survey be completed and be inclusive of all surrounding properties, including the historic property at 150 Old King's Highway North. It is also encouraged that additional evergreen plantings be placed along the shared property boundary with 150 and 152 Old King's Highway North for additional screening of the property.

In order to finalize this approval, you or the property owner(s) must now file a "Special Permit form" and "Notice of Drainage Maintenance Plan" in the Darien Land Records. Those forms can now be picked up from the Planning and Zoning Department and brought to the Darien Town Clerk, with a filing fee of \$120.

The property owners may now apply for the two required Demolition Permits followed by two Zoning and Building Permit for the foundation of each new building. Separate Zoning and Building Permits will be needed for the work above the foundations. Any HVAC units and generator(s) will require separate Electrical Permits from the Building Department.

If you have any questions, please give me a call.

Letter to Robert Maslan, Esq.
November 29, 2018
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Sincerely,



Fred W. Doneit, AICP, GISP
Senior Planner

Enclosure

Cc: Anthony Homicki, Assessor
Ed Gentile, DPW Director
Bob Buch, Fire Marshal
Don Anderson, Darien Police Department
Craig Flaherty, Redniss & Mead
John Block, Tighe & Bond
David Genovese, Baywater Corbin Partners, LLC ✓

Pzc\letters\Decisions\26 East Lane

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 27, 2018

Application Number: Site Plan Application #303, Special Permit Application #59-G
Land Filling & Regrading Application #437

Street Address: 26 East Lane
Assessor's Map #32 Lot #23

Name and Address of Applicant & Property Owner: Baywater Housing Partners, LLC
1019 Boston Post Road
Darien, CT 06820

Name and Address of Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to demolish an existing single-family residence and child care center, and to construct two (2) six-unit residential buildings to satisfy the inclusionary housing requirement for the Corbin Subarea project; and to perform related site development activities.

Property Location: The 0.9045+/- acre subject property is located on the east side of East Lane, approximately 400 feet north of its intersection with Old King's Highway North.

Zone: R-1/2

Dates of Public Hearing: July 10, 2018 (opened and immediately continued to July 17), July 17, 2018, continued to July 31, 2018, August 28, 2018 & September 4, 2018

Deliberations held on: September 4, 2018 (COZM #1, 2018, COZR #5-2018 only), October 9, 2018, October 23, 2018.

Time and Place: 8:00 P.M. Auditorium & Room 206 (8/28 and 9/4 hearings) Town Hall

Publication of Hearing Notices

Dates: June 28 & July 5, 2018

Newspaper: Darien Times

Date of Action: November 27, 2018

**GRANTED WITH STIPULATIONS WITH
AN EFFECTIVE DATE OF SUNDAY,
DECEMBER 23, 2018 AT 12:30 p.m.**

Scheduled Date of Publication of Actions:
December 6, 2018

Newspaper: Darien Times

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

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- the proposed use and activities must comply with all provisions of Sections 850, 1000 and 1020 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 applicants 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 review of the submitted application materials and related analyses, the Commission finds:

1. The subject applications consist of a proposal to demolish an existing single-family residence and child care center, and to construct two (2) six-unit apartment buildings to satisfy the inclusionary housing requirement for the Corbin Subarea project; and to perform related site development activities. The subject property is served by public water and sewer.

ZONING REGULATION AMENDMENT

2. In an associated application (COZM #2 2018, COZR #6 2018), the applicant proposed to amend the Darien Zoning Map and Zoning Regulations to create a new Special Needs Housing Overlay Zone to allow the creation of affordable housing for persons with special needs. The regulations would apply in certain residential zones (R-2, R-1, R-1/2, R-1/3, and R-1/5) on lots that are at least 175 percent of the minimum lot area, but not less than three-quarters of an acre (38,115 square feet). That amendment was adopted by the Planning & Zoning Commission on November 27, 2018, and will take effect on December 16, 2018.
3. The Commission finds that the subject property is appropriate for the "Special Needs Housing Overlay Zone".

INCLUSIONARY UNITS

4. In an associated application (Business Site Plan Application #302, Special Permit Application #302, Flood Damage Prevention Application #383, Land Filling & Regrading Application #436), the applicant, Corbin Baywater Partners, LLC, proposes to demolish all buildings within the Corbin Subarea (CBD-CS) and to build a new mixed-use development with retail, restaurant, office and residential uses.
5. Section 580 of the Zoning Regulations requires that a minimum of 12 percent of the 116 proposed residential units within that Corbin Baywater Partners development be designated as affordable. The Commission finds that the twelve proposed special needs affordable units on the subject property (26 East Lane) may serve to satisfy a portion of the required inclusionary units for the Corbin Baywater Partners project (12 of the 14 units required).

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6. The Environmental Protection Commission (EPC) approved the removal of pavement and landscaping within an upland review area on the subject property as part of EPC #18-2018. That approval is hereby incorporated by reference.
7. The Architectural Review Board (ARB) reviewed the plans at their meeting on June 19, 2018 as part of ARB #23-2018, and sent a letter for the record dated June 25, 2018, issuing a favorable report for the proposal.
8. As part of this application, the Planning & Zoning Commission hired two peer-reviewers. Michael Galante of Frederick P. Clark Associates was hired to review traffic and parking; and Craig Flaherty of Redniss & Mead was hired to review the stormwater management/drainage aspects of the proposal.

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9. Based on the estimated 16 vehicle trip ends to East Lane, the Commission finds that the proposal will not have a significant impact to traffic operations on the adjacent roadway network. As such, no off-site mitigation to control traffic, sight lines, or pavement markings is necessary.
10. A total of twelve parking spaces, including two handicap parking spaces are proposed for the site. Access will be provided via a single driveway at the south end of the property from East Lane.
11. At the public hearings on this matter, there were comments received from the general public regarding traffic, parking, and public safety. The Commission believes that provisions for a crosswalk from East Lane, crossing Old King's Highway North, would increase the walkability to and from the site by residents to public transportation and other in-town amenities. Though the Commission cannot require the provision of off-site improvements, the installation of a crosswalk is strongly encouraged.

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12. In the absence of any garage or basement space, the Commission finds that there is a need for onsite storage space for residents. Thus, a storage shed, as shown on the submitted plans, is hereby approved.

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13. A proposed landscaping/buffering plan was submitted for the record. The Commission hereby waives the 25 foot landscape requirement, noting that, in this specific instance, the existing landscaping, coupled with the proposed planting plan and erection of a screening fence on the south side of the property, meets Section 944 of the Zoning Regulations.

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EROSION CONTROLS

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15. As part of the originally submitted application, Tighe & Bond submitted an Engineering Report, dated May 25, 2018 showing a comprehensive stormwater management system.
16. The proposed project includes both stormwater quality and quantity improvements and improves the existing storm drainage conditions. Peak runoff rates are reduced in all storms through the 100-year peak storm event. The project also includes water quality volume and flow measures that meet the requirements of the CTDEEP Connecticut Stormwater Quality Manual.
17. The Commission acknowledges that the stormwater improvements being introduced and implemented by the applicant are part of a comprehensive and collaborative approach to improve stormwater management in the vicinity of the project site. The project exceeds the minimums regarding stormwater management which are required per Section 880 of the Darien Zoning Regulations.

SPECIAL PERMIT FINDINGS

18. 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.
19. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
20. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
21. The elements of the Site Plan, submitted as part of the application, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Site Plan Application #303, Special Permit Application #59-G, and Land Filling & Regrading #437 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:

SURVEY

- Zoning Location Survey Depicting Proposed Improvements, 26 East Lane, Prepared for

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Baywater Housing Partners, LLC by William W. Seymour & Associates, P.C., dated May 22, 2018.

ENGINEERING PLANS

Plans generally entitled 'Baywater Housing Partners, 26 East Lane', Prepared by Tighe & Bond, dated May 25, 2018:

- Sheet C0.1, General Notes, Legend and Standard Abbreviations Plan;
- Sheet C1.0, Site Plan, last revised 8/21/2018;
- Sheet C1.1, Proposed Driveway Profile;
- Sheet C2.0, Grading Plan;
- Sheet C3.0, Drainage and Utility Plan;
- Sheet C4.0, Soil Erosion and Sediment Control Plan;
- Sheet C4.1, Soil Erosion and Sediment Control Details;
- Sheet C5.0, Site Details;
- Sheet C5.1, Site Details;
- Sheet C5.2, Storm Details;
- Sheet C5.3, Storm Details;
- Sheet C5.4, Storm Details;
- Sheet C5.5, Sanitary Details;
- Sheet C5.6, Water Service Details;

LANDSCAPE PLAN

- Sheet LP-1, Landscape Plan, Entitled 'Baywater Housing Partners, 26 East Lane', Prepared by Environmental Land Solutions, LLC, dated May 25, 2018.

ARCHITECTURAL PLANS

Plans generally entitled 'Baywater Housing Partners, 26 East Lane', Prepared by Daniel Conlon Architects, dated May 25, 2018.

- Sheet A-1, 1st Floor Plans (Building 1);
- Sheet A-2, 2nd Floor Plans (Building 1);
- Sheet A-3, Front & Right Elevations (Building 1);
- Sheet A-4, Rear & Left Elevations (Building 1);
- Sheet B-1, 1st Floor Plans (Building 2);
- Sheet B-2, 2nd Floor Plans (Building 2);
- Sheet B-3, Front & Right Elevations (Building 2);
- Sheet B-4, Rear & Left Elevations (Building 2);

EROSION CONTROLS

- B. 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

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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.

LANDSCAPING & SCREENING

- C. All landscaping shown on the landscape plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- D. The applicant shall post a Performance Bond for the buffer plantings required by Condition 'C' above with the Town of Darien in the amount of \$3,500 to ensure the successful implementation of the proposed planting plan. The bond may be released by Department staff one year after all of the required plants have been installed, and can be reduced by up to 50 percent after one growing season.

SITE PLAN

- E. All structures, including the storage shed, dumpster, and mechanical equipment shall be located outside of the required yards. Locations shall be as shown on the submitted Site Plan, last revised August 21, 2018.

STORMWATER MANAGEMENT

- F. The applicant shall install the drainage system as shown on the submitted plans. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have negative impacts upon the adjacent properties. If such problems do become evident in the future, the owner of the property shall be responsible for remedying the situation at such owner's expense and as quickly as possible. The applicant is responsible for the management of storm water throughout the development process, even before the final approved drainage system is installed. Proper provisions shall be made to assure that, for the many months while the site is disturbed, structures are being built and systems are being installed, runoff water will be directed into temporary on site drainage systems to assure that it will not adversely impact the nearby neighbors, streets, and/or stormwater sewers.
- G. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval. This Notice of Drainage Maintenance Plan shall require the property owner and all subsequent property owner(s) of 26 East Lane to maintain the on-site drainage facilities in accordance with the Drainage Maintenance Plan, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize impacts upon adjacent properties.

DEED RESTRICTIONS

- H. Deed restrictions on the affordable housing units shall be filed in the Darien Land Records prior to the issuance of Zoning and Building Permits for new construction above the foundation of the second on-site building. Copies of those restrictions, which should include the entity certifying annually the income verification of the tenants, would need to be submitted for the record in this

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matter. Restrictions shall comply with Sections 450, 586 and 587 of the Darien Zoning Regulations.

SPECIAL NEEDS RESTRICTIONS

- I. All dwellings allowed shall be occupied by persons that are deemed to have an intellectual disability, as defined in Section 1-1g of the Connecticut General Statutes.
- J. The subject housing, including selection of residents, shall be managed by a non-profit organization in the business of providing housing services to persons with intellectual disabilities in the State of Connecticut.
- K. The Town of Darien Department of Human Services shall confirm eligibility for occupancy with Section 1-1g of the Connecticut General Statutes with respect to whether a person has an intellectual disability.

AS-BUILTS & CERTIFICATIONS

- L. A final "as-built" survey is hereby required for each phase to certify that the site improvements (including drainage and landscaping) are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the required drainage work has been properly completed in accordance with the approved plans. A certification shall be submitted regarding the final building height of the buildings as constructed.
- M. All site work around and related to a particular building, including but not limited to curbing, paved parking spaces, drainage systems, safety signage, landscaping and other site improvements as shown on the approved plans shall be properly installed and completed prior to the use of and/or the issuance of a Certificate of Occupancy for that building.
- N. All landscaping shall be installed per the submitted Landscape Plan referenced in Condition A, above. Prior to implementation, any changes or substitutions must be reviewed and acted upon by the Planning and Zoning Commission.
- O. 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. This would include, but not be limited to the following:
 - 1. A Demolition Permit(s) from the Building Department.
 - 2. A Blasting Permit from the Fire Marshal for any proposed blasting.
 - 3. Sewer Connection Permits for the new units.
 - 4. Zoning and Building Permits. It is acknowledged that the applicant will need to proceed with Foundation Permits separate from the work above the foundation for each building.
- 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.

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- Q. This permit shall be subject to the provisions of Sections 858, 1009 and 1025 of the Darien Zoning Regulations, including but not limited to implementation of the approved plan within two (2) years of this action (November 27, 2020). This approval may be extended as per Sections 858, 1009 and 1025.

All provisions and details of the plans, as required to be revised and 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. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void. All completed requirements and materials shall be completed and submitted to the Planning and Zoning Department within 90 days of this action, or this approval shall become null and void.