

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**March 10, 2009**

Application Number: Amendment of Zoning Map #4-2008, Amendment of Zoning Regulations #8-2008, Site Plan Application #268, Special Permit Application #122-A, Land Filling & Regrading Application #219, lot line revision.

Site Location Street Address: Noroton Avenue, Elm Street, and West Avenue  
Assessor's Map #21 as Lots #14, #15, #17, #21, #22, #68-99, #100-107

Name and Address of Property Owner: Darien Housing Authority  
And Applicant: 2 Renshaw Road  
Darien, CT 06820

Name and Address of Applicant's Representative: D. Bruce Hill, Esq.  
Law Office of Bruce Hill, Esq.  
23 Old King's Highway South  
PO Box 1103  
Darien, CT 06820

Activity Being Applied For: Proposing to replace all but two of the existing single-family residences and apartment building which now comprise Allen-O'Neill Homes; to amend the DMR Zoning Regulations, and rezone the properties to DMR; abandon the existing Allen-O'Neill Drive; revise lot lines; construct 24 new apartment and townhouse structures containing 116 units of housing (modified to 111 units by the applicant and to 107 units by the Commission); construct one community building; install drainage facilities; and to perform related site development activities.

Property Location: The subject properties are on the east side of Noroton Avenue, approximately 450 feet north of its intersection with West Avenue.

Zone: R-1/3 Zone

Date of Public Hearing: *PUBLIC HEARING OPENED ON NOVEMBER 25, 2008 AND CONTINUED TO DECEMBER 9, 2008 AND JANUARY 13, 2009.*

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: November 13 & 20, 2008

Newspaper: Darien News-Review

Date of Action: March 10, 2009

Actions:

**Amendments to the Zoning Map and the Darien Zoning Regulations: ADOPTED WITH MODIFICATIONS WITH AN EFFECTIVE DATE OF SUNDAY, MARCH 29, 2009 AT TWELVE NOON.**

**Site Plan Application #268, Special Permit Application #122-A, Land Filling & Regrading Application #219, lot line revision, Darien Housing Authority, Noroton Avenue, Elm Street,**

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**and West Avenue.** Proposing, as modified, to replace all but two of the existing single-family residences and apartment building which now comprise Allen-O'Neill Homes; abandon the existing Allen-O'Neill Drive; revise lot lines; construct 23 new apartment and townhouse structures containing 107 units of housing; construct one community building; install drainage facilities; and to perform related site development activities. APPROVED WITH CONDITIONS AND MODIFICATIONS WITH AN EFFECTIVE DATE OF SUNDAY, MARCH 29, 2009 AT 12:01 PM.

Scheduled Date of Publication of Action:  
March 19, 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 850, 1000, and 1020 of the Darien Zoning Regulations for the Commission to approve the site development aspects of 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.

***Amendment to the Zoning Regulations***

The applicant proposes to amend the Darien Zoning Regulations by modifying certain sections in the DMR Zone (Section 520 et. seq.). The Commission acknowledges that the only other DMR Zone now in Darien is the AvalonBay property west of Hollow Tree Ridge Road and south of the railroad tracks. The Background and Purposes now in Section 521 is generally applicable to rezoning the subject properties as well, except that the phrase "...but it will not be adjacent to or adversely impact existing or potential single family residences." will need to be modified to now read "...but, except for dwelling units of the Darien Housing Authority, it will not be adjacent to existing or potential single family residences; and in no case, shall the new units adversely impact existing or potential single family residences."

The Commission believes that rezoning the subject properties to DMR, with the modifications approved herein is appropriate. The subject properties are within walking distance to Noroton Heights shopping district and the Noroton Heights Train Station. It is also within walking distance to McGuane Field, a Town park.

Recommendations on Page 6-3 of the 2006 Town Plan of Conservation and Development reads as follows:

5. *The Town should work with the Darien Housing Authority to ensure the viability and availability of affordable housing where and when possible. Also, consider the adoption of*

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*mechanisms which would facilitate the continued maintenance and operation of the Housing Authority's residential units.*

7. *Develop incentives to encourage greater apartment construction in critical areas such as the CBD, Noroton Heights and adjacent areas.*

The Commission hereby finds that the proposed Amendments of the Darien Zoning Regulations as modified herein are fully consistent with the 2006 Town Plan of Conservation & Development.

NOW THEREFORE BE IT RESOLVED that ***Proposed Amendments of the Darien Zoning Regulations*** regarding Amendments of Section 521, insert new Subsections 530-533, and renumber existing Sections 530-535 to become Sections 560-565 of the Darien Zoning Regulations is hereby ADOPTED WITH MODIFICATIONS WITH AN EFFECTIVE DATE OF SUNDAY, MARCH 29, 2009 AT TWELVE NOON.

The approved wording for these Sections is as follows:

*New wording in bold, deletions in strikeout:*

521. Background and Purposes

This district permits multi-family uses subject to special provisions. The district provides for the construction of residential dwellings, the preservation of open space, and the general enhancement of residential development of larger properties conveniently located with respect to basic services within the community. The district is designed to be ~~compatible with adjoining residential development and is adjacent to~~ **within walking distance** of the Noroton Heights Shopping Center and the Noroton Heights train station in Darien. The zone is intended to provide a broader choice of housing types, to address needs for affordable housing, and to preserve the residential character of Darien. Multi-family housing **within prescribed density limitations** may only be constructed here, where it will be in close proximity to commercial services and mass transportation facilities, but, **except for dwelling units of the Darien Housing Authority, it** will not be adjacent to ~~or~~, **and in no case, shall the new units** adversely impact existing or potential single family residences. This zone is in close proximity to a commercial retail center and permits the establishment of multi-family housing units that will serve the housing needs of persons who desire this form of housing with its associated conveniences and advantages.

530. Darien Housing Authority Special Permit Regulations

531. Background and Purposes

**The rights, duties, privileges and obligations of these Special Permit Regulations shall be limited to the Darien Housing Authority only, in order to provide low and moderate income housing.**

532. Permitted Uses

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**The applicability of this Special Permit section is also limited to land now or in the future owned or leased by the Darien Housing Authority within the DMR Zone. All of the regulations of the DMR Zone shall apply to applications by the Darien Housing Authority except the Commission may, provided it shall make all findings under Section 1000, in its discretion, grant a Special Permit modifying the following:**

- a. **Setback requirements, by reducing front yard setback from fifty (50) feet to thirty (30) feet.**
- b. **Density, by increasing from a maximum of six (6) to a maximum of twelve (12) dwelling units/net acre.**
- c. **Parking, by reducing minimum number of spaces to not less than two (2) spaces per unit for developments which are entirely low and/or moderate income housing.**
- d. **Removing garage requirement and modifying driveway requirements.**
- e. **Maximum floor Area Ratio (FAR) by increasing to .28.**

**533. Special Permit**

**The basis for a Special Permit hereunder shall be in addition to those findings required to be made under Section 1000 and shall also be based upon:**

- a. **The housing permitted hereunder being limited to entirely low and/or moderate income housing as provided by the Darien Housing Authority pursuant to and in accordance with applicable State laws and these Regulations.**

Renumber Section 530-535 Parking Residential (PR) to become Section 560-565 Parking Residential (PR).

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***Amendment to the Zoning Map***

The applicant proposes to amend the Darien Zoning Map to rezone the subject properties, except for Lots #21 and #22 to Designed Multi-Family Residential (DMR).

Recommendations on Page 6-3 of the 2006 Town Plan of Conservation and Development reads as follows:

5. *The Town should work with the Darien Housing Authority to ensure the viability and availability of affordable housing where and when possible. Also, consider the adoption of mechanisms which would facilitate the continued maintenance and operation of the Housing Authority's residential units.*
7. *Develop incentives to encourage greater apartment construction in critical areas such as the CBD, Noroton Heights and adjacent areas.*

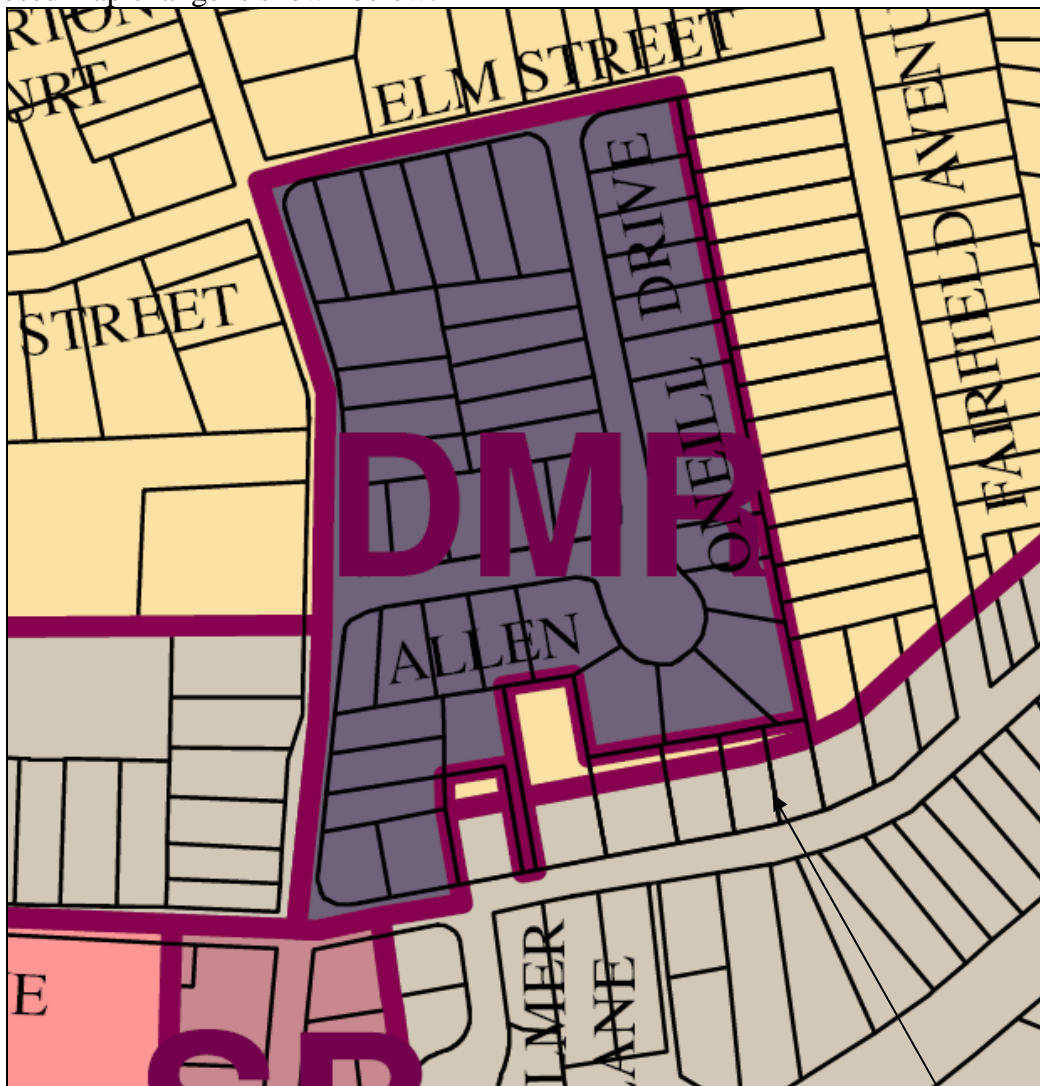
The Commission hereby finds that the proposed Amendment of the Darien Zoning Map to facilitate the Housing Authority's maintenance of affordable housing at the Allen-O'Neill site by rezoning

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and redeveloping the properties is fully consistent with the 2006 Town Plan of Conservation & Development.

NOW THEREFORE BE IT RESOLVED that *Proposed Amendments of the Darien Zoning Map* is hereby ADOPTED WITH MODIFICATIONS WITH AN EFFECTIVE DATE OF SUNDAY, MARCH 29, 2009 AT TWELVE NOON.

The proposed map change is shown below:



The proposal put forth by the applicant shows all of the properties owned by the Housing Authority as part of the Allen O'Neill project rezoned to DMR except for the two lots which now each contain a single-family residence on West Avenue. These lots will continue to be owned and operated by the Darien Housing Authority. Those are shown on Assessor's Map #21 as Lots #21 (218 West Avenue) and #22 (216 West Avenue). Note that part of the subject application is to revise the lot lines to combine all of the lots which would be within the new DMR Zone.

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-----With respect to the redevelopment of the site -----

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

- A. **Site Plan Application #268, Special Permit Application #122-A, Land Filling & Regrading Application #219, and lot line revisions** are to abandon the existing Allen-O'Neill Drive; revise lot lines; construct 23 new apartment and townhouse structures containing 107 units of housing; construct one community building; install drainage facilities; and to perform related site development activities.
- B. The original October 16, 2008 proposal showed 24 apartment buildings containing 116 units, one "community building", and two single-family houses on West Avenue, to remain.
- C. The project was revised during the public hearing process. The revised proposal was dated December 9, 2008. As part of that proposal, perpendicular parking on either side of the new parade ground will be changed to angled parking. Other plan changes included the reduction of the density at the corner of West Avenue and Noroton Avenue by removing one of the five proposed buildings near that corner. The applicant also changed the types of buildings and number of units at the south end of Allen O'Neill Drive near the turnaround. The total number of units on the project was reduced from 116 to 111 by the applicant and then to 107 by the Commission. This does not include two single-family units on West Avenue, which are now, and will be continued to be owned and operated by the Darien Housing Authority. Those are shown on Assessor's Map #21 as Lots #21 (218 West Avenue) and #22 (216 West Avenue), which total 16,200 square feet of land area. All of the units will continue to be occupied by eligible tenants.
- D. On November 20, 2008, the Architectural Review Board granted approval for this project (ARB #41-2008). That approval is hereby incorporated by reference.
- E. In his one-page referral comments memorandum dated November 12, 2008, Fire Marshal Robert Buch requested the water main to be a looped system to provide for greater reliability, and to clearly define the location of fire hydrants. A November 20, 2008 letter from Crosskey Associates was submitted in response to Mr. Buch's memorandum. This memo notes that the water main will be a looped system and that fire hydrants will be provided in the approved locations. They also confirmed that a hydrant flow test will be performed to confirm adequate water pressure and supply.
- F. At the public hearings on this application, neighbors and residents had concerns regarding the size and bulk of the proposed buildings, especially those on Elm Street. Their concern was that the proposal was not in harmony with the neighborhood.

**TRAFFIC, PARKING, AND DRIVEWAYS/CURB CUTS**

- G. As part of this application, the applicant submitted a traffic study from Milone & MacBroom. The Planning & Zoning Commission hired Michael Galante of FP Clark Associates to review

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and comment upon that Barkan and Mess report. Mr. Galante sent a December 9, 2008 letter with his comments on the Milone & MacBroom, Inc. traffic study.

- H. The existing public road, Allen O'Neill Drive, loops from Noroton Avenue to Elm Street and has a turnaround area to the southeast. As part of this application, that public road is to be abandoned, and the property turned over to the Darien Housing Authority. That road abandoning process will require a Mandatory Referral from the Planning and Zoning Commission and possibly approvals from the Board of Selectmen and/or the Representative Town Meeting. Although the abandonment of a public road is highly unusual, the Commission believes that it is appropriate due to the size, nature, location, and specific layout of this development. The development of this property will look and function like existing condominium complexes in Darien, as well as the Avalon Darien apartment complex, all of which are served by private driveways and not public or private roads. Those driveways are all maintained privately by the owners/renters of the condominiums.
- I. During the public hearing, a member of the public had concern about the existing public road being abandoned and turned into a private driveway. Their belief was that this could impact police patrols, because it would become a private road. That is not the case, as the Darien Police Department now patrols all of the roads in the Town, whether private or public.
- J. During the public hearing process, there was concern about traffic flow and queuing in the area of Noroton Avenue and West Avenue. To improve future traffic flow, there shall be a 15 foot wide street and pedestrian improvement easement near the intersection of Noroton Avenue and West Avenue. This will allow for future widening of this intersection. Given the increased pedestrian traffic that will be generated toward the South and West by the greater number of residents occupying the proposed site, improvements to pedestrian safety shall be required at the intersection of West Avenue and Noroton Avenue both in the installation of striped crosswalks and of pedestrian walk and don't-walk synchronized traffic signals.
- K. There are no new curb cuts onto West Avenue. In fact, three existing curb cuts, two of those within 200 feet of the intersection of West and Noroton Avenues, will be eliminated. Existing traffic and queuing conditions leading into this intersection were noted during the public hearing.
- L. Sidewalks have been proposed as part of this project both within the site and along some of the perimeter streets. The Commission believes that those sidewalks are essential to having safe pedestrian access through and around the site.
- M. There is an existing monument now on the site. That monument is proposed to be relocated. The Commission believes that the proposed new location is appropriate, and with the proposed accent pavers and plantings, the monument will be enhanced, and will have more visibility than currently.

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DRAINAGE

- N. A comprehensive drainage analysis was submitted by the applicant. The Town hired Tighe & Bond to review that analysis along with the plan. This is consistent with one of the comment's from the EPC that "P&Z should retain an engineering consultant to peer review the proposal". Tighe & Bond sent comments dated November 18, 2008 and December 19, 2008.
- O. At the public hearing, it was noted that most of the storm water now drains to the southeast towards West Avenue. After the regrading to accommodate the development, the existing four drainage sectors will be very similar, but slightly altered. Less area will flow to the southwest (towards Heights Road), once the development is completed. It is common knowledge that there are know drainage problems on Heights Road, and the Commission needs to ensure that these existing problems will not get worse. Because the amount of water flowing towards Heights Road will be decreased as part of this project, the Commission believes that it will not make existing drainage problems on Heights Road worse, and in fact, may actually improve them. Therefore, in most rain storm conditions, runoff will be significantly reduced in comparison to current conditions. The overall design is to store and accommodate storm water runoff from a 50-year design storm.
- P. Another drainage aspect to the application is the curtain drain proposed by the applicant to be installed along the eastern property line. This curtain drain will intercept and collect much of the subsurface water that might flow through the site and then easterly into the underground areas along Fairfield Avenue.
- Q. The Commission hereby approves the lot line revision to merge the parcels with the exception of Lots #21 and #22, which front on West Avenue. This will allow all of the new buildings to be on one parcel.
- R. The Commission's main concern with respect to the Special Permit component of this application is the "fit" with Elm Street. As proposed, there will be four new buildings which will have frontage on Elm Street—three to the west of the converted Allen O'Neill Drive, and one to its east. Of the three buildings to the west of the drive (Buildings #8, #9, and #10), two are building type "C" and one is building type "D". The building to the east of the drive (Building #24 on the original submission and renumbered #23 on the most recently submitted plan) is proposed to be type "C". To better fit into the neighborhood, the Commission finds that a two bedroom unit shall be deleted from each of these four buildings and there shall be a reduction of each of their footprints by at least ten percent (10%). This reduction in total number of dwelling units along Elm Street and the building size of these four buildings will allow them to better fit in with the character of the neighborhood. The Commission also finds that other modifications and improvements can and should be made to the Elm Street streetscape to allow the Commission to make the requisite Special Permit findings. Those other modifications are outlined herein, but include streetscape improvements as well as larger setbacks (35 feet rather than 30 feet) to minimize any potential visual impact. It is specifically noted by the Commission that the building to the east of the intersection of Allen O'Neill Drive and Elm Street (formerly Building #24, now #23) will have a foundation elevation which in

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some parts will be lower than the adjacent portion of Elm Street, and will fit with the existing grades.

- S. 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.
- T. The Special Permit application and associated site plan and detailed information has been reviewed by the Commission and, subject to the required modifications discussed herein, is in general compliance with the intent and purposes of Section 1000.
- U. As modified herein, the proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
- V. 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, as amended herein, is in harmony with the orderly development of the district in which it is located.
- W. The location and nature of the proposed use is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
- X. The design, location, and specific details of the proposed use and site development, as modified and approved herein, 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.
- Y. The elements of the Site Plan, submitted as part of the application, **AS REQUIRED TO BE MODIFIED HEREIN**, 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 #268, Special Permit Application #122-A, Land Filling & Regrading Application #219, lot line revision*, to replace the existing single-family residences and apartment building which now comprise Allen-O'Neill Homes; abandon the existing Allen-O'Neill Drive; revise lot lines; construct 23 new apartment and townhouse structures containing 107 units of housing; to install necessary drainage facilities; to construct one community building; and to perform related site development activities are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

1. Construction and site activity shall be in accordance with the following plans as submitted to the Commission as required to be revised herein:

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- a. Redevelopment-Allen O’Neill Homes—Darien Housing Authority dated December 09, 2008 (11” x 17”)
- b. Allen O’Neill Homes Darien Housing Authority by Crosskey Architects, LLC, dated Oct. 14, 2008, Sheets A-1, B-1, C-1, D-1, E-1, F-1, H-1, CB-1, TS-1.
- c. Demolition Plan, Allen O’Neill Homes, by Crosskey Architects, LLC, dated Oct. 14, 2008, Sheets C-1, C-2.
- d. Density: Site Plan by Crosskey Architects LLC (modified site plan showing one less building near the intersection of Noroton Avenue and West Avenue.

**All drawings and plans must be revised to be coordinated and consistent with each other and this approval.**

*REVISED PLANS NEEDED:*

2. **Revised plans** shall be submitted showing the following:

- a. Add a walkway between Buildings 1 and 2 to go from the parking lot to a crosswalk at the Noroton Avenue/West Avenue intersection. The goal of this is to have it be a “cut through” for pedestrians to walk between the Allen O’Neill development and Noroton Heights.
- b. Change the size of the four buildings on Elm Street to reduce their footprints by at least ten percent (10%) and deleting a two bedroom unit from each of these buildings—those revised units may be the same height as on the proposed plans. Realign the buildings on Elm Street to be farther back from the street and evenly spaced. Leave the number of on-site parking spaces unchanged to avoid the likelihood of on-street parking on Elm Street. Another option, which may make redesign easier for the Housing Authority, would be to delete two units from each of those four buildings (delete eight units from the Elm Street buildings), then relocate four of those units into other buildings on the site which are not on Noroton Avenue or Elm Street.
- c. Show angled parking along the two new driveways entering from and exiting to Noroton Avenue. This angled parking will reinforce the one-way traffic flow.
- d. Establish a 15 foot wide street and pedestrian improvement easement running from the intersection of West Avenue and Noroton Avenue extending for 150 feet eastward along the northerly side of West Avenue. The creation of the easement would allow the Housing Authority to retain ownership of the land, but would allow the town to make improvements to the street and sidewalk in the vicinity. The Commission strongly recommends that the Town consider a widening of West Avenue in this area, allowing either a “straight ahead or right turn only” lane or similar. This will allow vehicles making a left turn from West Avenue onto Noroton Avenue to have a separate lane and thereby not have other traffic queuing behind them.
- e. Proposed location of all fire hydrants, as noted in the Fire Marshal’s November 12, 2008 memo.
- f. Reexamine the site plan to maximize the number of large trees to be preserved and to minimize the number of trees (particularly large Elm trees) to be removed.
- g. Add a note to the plans stating that the property owner is responsible to maintain the drainage passing through the site from the adjacent roadways.

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- h.** Minimize the street impact on adjacent areas, especially Elm Street. In order to achieve this: a 35 foot setback shall be established for any new structures fronting on Elm Street; a detailed landscaping/streetscape plan shall be established for Elm Street and the landscaping/streetscape plan shall include additional and varied vegetation and at a minimum, the installation of a 4 foot tall hedge or residential style fence located at least 20 feet in from the travel portion of the street to provide a substantial softening of the visual impact of the new buildings;
- i.** The land area acquired through the abandonment of public streets is not to be used in the total land area as used in the calculations for permissible density of number of dwelling units nor for Building Coverage permitted on the site.

Also required are separate plans showing the following:

- j.** Within the intersection of West Avenue and Noroton Avenue, crosswalk striping shall be required for the walkways on both sides of West Avenue, and also for walkways on both sides of Noroton Avenue. At the ends of these each striped walkway, walk-don't walk pedestrian signals shall be installed and shall be coordinated with the vehicular traffic signals serving that expanded intersection (See item **d.**, supra).
- k. Landscape/Planting Plan**—this plan shall specifically show the trees to be removed and the trees to be planted, consistent with representations made during the public hearings, but modified as needed to reflect the modifications required herein. Specific landscaping around each of the buildings also needs to be shown. This plan shall be consistent with the Streetscape Plan for Elm Street, and shall incorporate those features. This plan shall also show the six foot high fence (with details) proposed for the property line abutting Fairfield Avenue and six or eight foot high fencing along the rear property line abutting West Avenue.
- l. Drainage Plan**---showing all drainage as revised to address concerns presented by Tighe & Bond in their December 19, 2008 letter, including, but not limited to the proposed curtain drain.
- m. Streetscape Plan for Elm Street frontage**---This plan shall show a four foot high hedge or fence along Elm Street, the reduction in size of the four buildings which front on Elm Street, a slight adjustment in the location the Elm Street buildings to be at least 35 feet back from the front property line.
- n. Lighting Plan**—a full sized version of the plan presented to the Commission entitled, “Public Questions: Lamppost—size, location & design”, by Crosskey Architects, LLC. (in a bound packet).
- o. Sequencing and Phasing Plan**---The Housing Authority must now develop a detailed plan of the steps and sequences to implement this construction process while still accommodating the existing residents, and addressing the issues raised herein. The project must be broken down into a number of phases because all improvements within an entire phase must be completed before any units within that phase are occupied. Before moving on to another phase, the Housing Authority shall complete the prior phase to the full extent.

*All plans shall be submitted to the Planning and Zoning Director for his review to confirm that they comply with this resolution, and are coordinated with each other. The Director shall hire an*

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*independent engineer at the Town's expense for a final review of the revised plans to confirm that all of the comments on the Drainage Plan have been properly resolved.*

***OTHER INFORMATION REQUIRED/NEEDED BEFORE ISSUANCE OF ANY ZONING OR BUILDING PERMITS:***

3. *Other approvals and permits:* Part of this application is to formally abandon the existing Allen O'Neill Drive. This requires review from the Board of Selectmen, and a Mandatory Referral from this Commission under Section 8-24 of the Connecticut General Statutes. Approval of the Darien Sewer Commission for installation/extension of sewer lines. The Sewer Commission will likely require proof of sufficient capacity before approving the project.
4. *Work to be done before any Zoning or Building Permit can be issued:* Complete the installation of the curtain drain and fence along the easterly property line (adjacent to the backyards of Fairfield Avenue properties). It is acknowledged that to do these two items, some tree cutting may be required in this area. In order to allow for greater efficiency, other trees may be cut at the same time. If the neighboring property owners allow test holes on their property, the applicant shall install three test holes on the down slope side of the curtain drain to measure and monitor the effectiveness of the drain upon the groundwater. The periodic test results shall be submitted to the Director of Planning every six months throughout the construction process.
5. The applicant shall file the lot line revision map, and the Drainage Plan and/or Notice of Drainage Maintenance Plan in the Darien Land Records.
6. A construction phasing plan shall be submitted to the Planning and Zoning Department for review and action by the Planning and Zoning Director prior to the issuance of any Zoning or Building Permits. This will ensure the safety of residents who move into a portion of the development during the construction process (before all of the units have been completed). All aspects (including but not limited to parking, drainage, landscaping, utilities, access and egress, etc) of the entire phase must be completed before any units within the phase are eligible for occupancy. Detailed sediment and erosion control plans as well as soil stabilization and replanting plans for each phase are needed.
7. The revised Landscape/Planting Plan and the Streetscape Plan for Elm Street frontage, once reviewed and approved by the Planning & Zoning Director, is an integral part of this approval. No deviations from that plan are allowed. If a tree dies, it shall be replaced as quickly as possible. Any trees that are not replaced are a violation of this approval.
8. Fire Marshal Robert Buch noted in his comments that he desires a looped water system into the development to provide for greater reliability, and to clearly define the location of the water main and fire hydrants. The applicant has stated that it will work with the Fire Marshal to resolve that matter. The plans shall be revised accordingly.
9. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring. The Commission notes that the applicant is hoping to have natural gas lines extended to serve this area.

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10. The applicant has proposed that all of the buildings will be served by a private driveway and not a street. Since there is no new public or private road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
11. Per Section 527 of the Regulations, the required usable open space areas shall be properly monumented by a licensed land surveyor for clear demarcation. This monumentation shall be put in place prior to the filing of the final Lot Line Revision Map and/or project plans in the Darien Land Records. In the alternative Section 527b of the Regulations allows for terrace areas to be located adjacent to buildings.
12. Prior to preparing the final lot line revision mylar, lot numbers and street addresses shall be verified with the Assessor. Those should be included on the final mylar of the lot line revision map for filing in the Darien Land Records.

*DURING CONSTRUCTION:*

13. 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.
14. A construction phasing plan shall be submitted to the Planning and Zoning Department for review and action by the Planning and Zoning Director prior to the issuance of any Zoning or Building Permits. This will ensure the safety of residents who move into a portion of the development during the construction process (before all of the units have been completed).

*DRAINAGE:*

15. Rough site work for the project may commence once the sediment and erosion controls and other environmental protection measures are in place. Prior to the issuance of a Zoning or Building Permit for any of the proposed buildings, the required curtain drain along the eastern side of the property shall be completed. Around the work area for each building or group of buildings that are being constructed, the storm water runoff must be addressed on a temporary, during construction basis. This includes limiting the potential for erosion, capturing sediment that does get created, and providing for the flow of storm water in a manner that will not create any problems for adjacent or downstream properties.
16. 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 any negative impacts upon the adjacent

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properties. If such problems do become evident in the future, the owner of the property shall be responsible of remedying the situation at their expense and as quickly as possible.

17. Prior to the installation of the curtain drain, a Professional Engineer shall perform boring tests to confirm that the proposed curtain drain will “cut off” subsurface flow to the east (i.e., to confirm that the curtain drain will work effectively). After all of the underground galleries and surface feeders are in place, another “effectiveness” test shall be performed by the engineer.
18. 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.
19. It is incumbent upon the property owner(s) to maintain the installed drainage system, including, but not limited to, maintenance on the underground structures, (such as inspection and clean out once every 18 months or more frequently as needed). A long-term maintenance plan for drainage shall be submitted for the Planning and Zoning Commission file, and implemented by the Darien Housing Authority. This plan, and/or Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records.

*OTHER:*

20. Prior to a Certificate of Occupancy of any unit in any building within this multi-building project, the applicant shall complete all common improvements for the entire building. These improvements include, but are not limited to: driveways; parking; the exteriors of all buildings; drainage work; landscaping; garbage areas, and utilities.
21. All restrictions on these affordable housing units shall be filed in the Darien Land Records prior to the issuance of a Certificate of Occupancy for the building. Copies of those restrictions, which should identify the entity certifying annually the income verification of the tenants, would need to be submitted for the record in this matter.
22. It is noted that the Darien Sewer Commission will need to act upon the proposal to modify the sanitary sewer extensions for this project. Without obtaining the approval of the Sewer Commission, the project could not be implemented. Once the applicant has obtained that necessary approval, a copy shall be submitted for the Commission’s file. The Planning and Zoning Commission wants to ensure that the Town’s existing, or, as needed, improved sewer system can accommodate the increase in volume from this development.
23. Starting in July 1, 2009, the Housing Authority shall file a quarterly report with the Commission, noting the status of the project and any changes in the financial aspects. These quarterly reports shall be filed until construction of the final building is complete.
24. 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, approval for cutting any trees within the Town right-of-

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way; approval to extend existing sanitary sewer lines; and approval for any new curb cuts/street openings on public streets. The Housing Authority is also responsible for ongoing maintenance of the project. A subsequent Mandatory Referral report from this Commission under CGS 8-24 will be needed for the abandonment of the existing Allen O'Neill Drive and possibly for sanitary sewer extensions as well. Demolition Permits from the Building Department will be needed to demolish the existing structures. Permits from the Fire Marshal will be needed to remove underground oil tanks, to install any new oil tanks, and for any above-ground or underground propane tanks.

25. 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.
26. This permit shall be subject to the provisions of Sections 1009 and 1025 of the Darien Zoning Regulations, including but not limited to implementation (i.e., the start of construction) of the approved plan within two years of this action (March 9, 2011). This will allow the applicant time to pursue approvals from other boards and agencies, and pursue necessary funding for the project. This approval may be extended as per Sections 1009 and 1025.

All provisions and details of the plans 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 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: the revised plans; the Open Space Declaration; final mylar reflecting the lot line revisions with Lot numbers, street addresses, and 15 foot wide easement near the Noroton and West intersection; and drainage maintenance plan, or Notice of Drainage Maintenance Plan; shall be completed and submitted to the Planning and Zoning Department within 90 days of this action and filed in the Darien Land Records or this approval shall become null and void.