

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
January 10, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, Reilly, Ball, Balgach, Nedder

STAFF ATTENDING: Ginsberg, Doneit
Recorder: Syat
Channel 79

Chairman Olvany opened the meeting at 7:37 P.M. and read the first agenda item.

PUBLIC HEARING

Continuation of Site Plan Application #286-A, Darien Board of Education, Hindley Elementary School, 10 Nearwater Lane. Proposal to renovate and construct additions to Hindley Elementary School, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to the bus loop; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and improving stormwater management. The 9.6+/- acre subject property is situated on the east side of Nearwater Lane, at the southeast corner formed by its intersection with Boston Post Road, and is shown on Assessor's Map #51 as Lot #43 in the R-1/2 Residential Zone and the Municipal Use Overlay Zone (MU). *PUBLIC HEARING OPENED ON: 11/15/2022.*

Mr. Erik Kaeyer, of KG+D Architects, the applicant's representative, summarized the proposal and updated the Commission on the progress that had been made since the last public hearing. He said that they have been working closely with the Architectural Review Board regarding the front elevation of the school. They will be meeting again with them next week.

Professional Engineer Joe Canas of Tighe & Bond then reviewed his Powerpoint. He said that they received and responded to peer review comments from Redniss & Mead and that the design team and HHR Building Committee met with the Darien DPW engineers. The DPW cleaned catch basins and pipes on Pasture Lane and the Board of Education is cleaning pipes in its drainage easement. He said the plans had been revised to eliminate the detention pond in favor of an underground chamber system; to add a courtyard conveyance system designed for the 100-Year Storm; and to add a high-level overflow to Nearwater Lane from the detention system. There will be two sleeves for pipes going under the building. He said that the design goals were to ensure no increase in peak flow from site, no increase in stormwater volume from site, and to reduce peak flow and volume for downstream neighbors. No water would be released by the system up to and through the 25-Year Storm. He said that larger chambers could not be used because of the elevation of groundwater. He then reviewed changes in impervious surfaces and the elements and areas of the site that would contribute drainage to the chamber system, Pasture Lane, and Nearwater Lane. He said that the DPW did not endorse increased stormwater flows to Nearwater Lane. He also noted that the Nearwater Lane drainage system invert is not as high as the Pasture Lane system.

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Mr. Canas summarized with the following points:

- Peak flow to Pasture Lane reduced 22% for Town design standard;
- Total volume to Pasture Lane reduced 25% for Town design standard;
- Design balances DPW comments, physical constraints, neighbor flooding and ecological concerns;
- Design exceeds 50-year Town design standard with 100-year design;
- Design enhances student safety and allows for usable green space vs. previous pond concept;
- Design meets maintenance standards of school district.

Commission members had questions and concerns about wetlands south of the school property, capacity of drainage pipes, pipe blockages, and implementation of the stormwater maintenance plan that were addressed and discussed in further detail by Mr. Canas.

Mr. Canas then reviewed the revised landscape design/architecture for the site. He said that approximately 20 existing trees would be removed and that 41 new trees would be planted. He reviewed the locations of benches, special paving areas, and design elements of the proposed amphitheater area within the courtyard.

Mr. Kaeyer then reviewed the proposed phasing and site logistics plan with the Commission. He said that the project is to be constructed in three separate phases, beginning during the summer of 2023, and ending in the second half of 2025. The phasing will allow the school to continue to operate while the additions and alterations are being completed. Construction hours would be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff.

Professional Engineer Craig Yannes of Tighe & Bond then reviewed the applicant's traffic peer review responses. He said that traffic volumes and traffic analyses and Intersection Sight Distance (ISD) were found to be acceptable. He said that "no standing anytime" signage would be added to the south side of Boston Post Road and that revisions to circulation are expected to discourage student pick-up and drop-off on the Post Road. He then reviewed several modifications to the site plan including the addition of a crosswalk, a stop sign and relocated stop bar at the new egress to the Boston Post Road. He said that a median was proposed for vehicular and pedestrian safety on the Post Road. He said that initial discussions with the CTDOT had been held and that the process will continue as part of the encroachment permit review.

Professional Engineer Craig Flaherty of Redniss & Mead reviewed his January 9, 2023 letter, noting that the proposal is consistent with and exceeds the requirements of Section 880 of the Zoning Regulations. He positively endorsed the project.

Professional Engineer Greg Del Rio of Hardesty and Hanover reviewed his January 10, 2023 letter, positively endorsing the project. He said that a signal modification at the intersection of Nearwater Lane with the Boston Post Road would improve traffic and help to mitigate traffic backups on Nearwater Lane during student drop-offs and pick-ups.

At about 9:00 p.m., Chairman Olvany then opened the hearing to public comment.

Mr. Doug Bora, of 38 Nearwater Lane, noted concern with flooding on his property and in the vicinity of Pasture Lane. He did not believe that the submitted plan complied with Section 880 of

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the Zoning Regulations.

Mr. Stephen Gabriel, of 4 Pasture Lane, noted concerns regarding flooding and the volume of water flowing between 2 and 4 Pasture Lane. He said that a 12" pipe was installed by the Board of Education sometime around 2012.

Mr. Raphael Bonvillian, of 7 Pasture Lane, noted flooding concerns.

Ms. Theresa Boras, of 2 Pasture Lane, noted concerns regarding flooding and stormwater runoff as well as pedestrian access to the school from the south. She suggested moving the proposed underground detention system, and adding more landscaping to buffer the bus loop.

Mr. Thomas Ross, of 9 Pasture Lane, asked that more stormwater be directed towards Nearwater Lane and captured by the town's stormwater system, instead of being directed to Pasture Lane.

Mr. Alex Boras, of 2 Pasture Lane, had concerns regarding pedestrian access to the school from the south and said there was the need for a new sidewalk along Nearwater Lane from the south.

Mr. Canas responded to drainage concerns and noted again that the design balances physical constraints, neighbor flooding, and ecological concerns with the maintenance standards of the school district, and that the design exceeds the 50-year Town design standard with 100-year design standard and is fully compliant with Section 880 of the Regulations.

Mr. Chris Price, Co-Chairman of the HHR Schools Building Committee, said that the design reduces stormwater flows to Pasture Lane by about 30 percent and that any other off-site mitigation measures to further reduce impacts to Pasture Lane are outside the jurisdiction of the Board of Education and the HHR Building Committee.

There being no additional comments from Commission members or the public, Mr. Balgach made a motion to close the public hearing on this matter. That motion was seconded by Mr. Ball, and was approved by a vote of 5-0.

At about 10:12 p.m. Chairman Olvany read the following agenda item:

Continuation of Site Plan Application #283-A, Darien Board of Education, Royle Elementary School, 133 Mansfield Avenue. Proposal to renovate and construct additions to Royle Elementary School, including eliminating temporary portable classroom buildings, replacing the library/learning commons, correctly sizing general and special subject classrooms, upgrading building systems, and adding parking spaces to existing parking areas; and to perform related site development activities, including adding landscape plantings, restoring and adding to hardscape areas, and installing stormwater management. The 8.3+/- acre subject property is situated on the west side of Mansfield Avenue, at the northwest corner formed by its intersection with Royle Road, and is shown on Assessor's Map #6 as Lot #54 in the R-1/2 Residential Zone and the Municipal Use Overlay Zone (MU). *PUBLIC HEARING OPENED ON: 11/15/2022.*

Mr. Erik Kaeyer, of KG+D Architects, the applicant's representative, summarized the proposal and

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updated the Commission on the progress that had been made since the last public hearing. He said that they have been working closely with the Architectural Review Board regarding the front elevation of the school. They will be meeting again with them next week. He then reviewed the revised landscape design/architecture for the site. He said that approximately 5 existing trees would be removed and that 16 new trees would be planted. He reviewed the locations of benches, special paving areas, and design elements of the proposal.

Mr. Kaeyer then reviewed the proposed phasing and site logistics plan with the Commission. He said that the project is to be constructed in three separate phases, beginning during the summer of 2023, and ending in the second half of 2025. The phasing will allow the school to continue to operate while the additions and alterations are being completed. Construction hours would be staggered, so as not to conflict with drop-off and pick-up times for students, faculty, and staff. He said that no additional changes to the site drainage plan were being proposed from the first public hearing.

Professional Engineer Craig Yannes of Tighe & Bond then reviewed the applicant's traffic peer review responses. He said that traffic volumes and traffic analyses were found to be acceptable. He said buses will be instructed to use the bus loop for maximum storage as necessary and that the nine additional parking spaces in the loop are to be designated as "staff only" spaces.

Professional Engineer Greg Del Rio of Hardesty and Hanover reviewed his January 10, 2023 letter, positively endorsing the project. He recommended that nine additional parking spaces in the loop be pushed back slightly to allow for a drop-sidewalk in that location.

Professional Engineer Joe Canas of Tighe & Bond then reviewed the engineering aspects of the proposal. He said there would be a +/-0.5 acre reduction in impervious surface on the site as a result of the improvements. He referenced the January 9, 2023 letter issued by Redniss & Mead, noting that the proposal was in compliance with Section 880 of the Regulations.

Professional Engineer Craig Flaherty of Redniss & Mead reviewed his January 9, 2023 peer review letter, noting that the proposal is in compliance with the requirements of Section 880 of the Zoning Regulations. He recommended that a callout be added to the plan to ensure consistency with the drainage report and the plans and that additional details be provided on the construction drawings regarding new drainage on the western portion of the site. He positively endorsed the project.

HHR Chairman Chris Price granted an extension to February 14, 2023 for the Commission to decide the matter.

There being no additional comments from Commission members and none from the public, Mr. Ball made a motion to close the public hearing on this matter. That motion was seconded by Mr. Nedder, and was approved by a vote of 5-0.

At about 10:26 p.m. Chairman Olvany read the following agenda items:

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Mandatory Referral #1-2023, Board of Selectmen, Hindley Elementary School, 10 Nearwater Lane.

Proposal for substantial improvement to Town property.

Mandatory Referral #2-2023, Board of Selectmen, Royle Elementary School, 133 Mansfield Avenue.

Proposal for substantial improvement to Town property.

Mandatory Referral #3-2023, Board of Selectmen, Holmes Elementary School, 18 Hoyt Street.

Proposal for substantial improvement to Town property.

Mr. Ginsberg summarized the CGS 8-24 process, noting the time frame for reports from the Commission on the planned improvements to Hindley, Holmes, and Royle elementary schools, and the applicable review standards. He mentioned the submittal prepared by Town Administrator Kathleen Clarke Buch on behalf of the Board of Selectmen. Commission members agreed that the schools are in need of physical improvements and that the proposed improvements are consistent with the Town Plan of Conservation & Development and town policies. Commission members then directed staff to draft three separate positive reports on the referrals, one for each school.

Chairman Olvany then read the following agenda item:

Deliberations and possible decisions regarding the following:

Coastal Site Plan Review #155-A, Flood Damage Prevention Application #159-A, Land Filling & Regrading Application #539, 8 Pratt LLC, 8 Pratt Island. Proposal to raze the existing residence and construct a new 3-bedroom single-family dwelling in the same general location, construction of a new driveway, patio/terrace areas, and new pool and spa; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management. The applicant proposes to integrate the lot with 6 Pratt Island while preserving the separate lots. *HEARING CLOSED: 11/29/2022.*

Mr. Doneit said that since the draft had been circulated to the Commission, the language around the requirement for a site monitor for the full duration of the project had been modified to limit it to only the filling and regrading portion of the project and until the site is stabilized.

Commission members noted that with the suggested changes, they were in support of the draft decision on the matter.

Mr. Nedder made a motion to adopt the draft resolution as amended. That motion was seconded by Mr. Balgach, and approved by a vote of 5-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 10, 2023**

Application Number: Coastal Site Plan Review #155-A

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Flood Damage Prevention Application #159-A
Land Filling & Regrading Application #539

Street Address: 8 Pratt Island
Assessor's Map #55 Lot #116

Name and Address of Property 8 Pratt, LLC
Owner: 8 Pratt Island
Darien, CT 06820

Name and Address of Applicant Wilder Gleason, Esq.
& Applicant's Representative: Gleason & Associates, LLC
23 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to raze the existing residence and construct a new 3-bedroom single-family dwelling in the same general location, construction of a new driveway, patio/terrace areas, and new pool and spa; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management. The applicant proposes to integrate the lot with 6 Pratt Island while preserving the separate lots.

Property Location: The 0.53+/- acre subject property is located on the southwest side of Pratt Island approximately 1,000 feet south of its intersection with Baywater Drive.

Zone: R-1

Date of Public Hearing: October 18, 2022 immediately continued to October 25, 2022 immediately continued to November 15, 2022 immediately continued to November 29, 2022

Deliberations Held: December 6, 2022, January 10, 2023

Time and Place: 7:30 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: October 6 & 13, 2022 Newspaper: Darien Times
November 3 & 10, 2022

Date of Action: January 10, 2023 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
January 19, 2023

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

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted redevelopment plans, and the statements of the applicant's representatives whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The proposal is to raze the existing 4-bedroom 5,245 square foot residence and construct a new smaller 3-bedroom 2,972 square foot single-family dwelling in the same general location, further inland from Mean High Water, construction of a new driveway, patio/terrace areas, and new pool and spa; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management. The applicant proposes to integrate the lot with 6 Pratt Island while preserving the separate lots. The proposed residence will be served by public water and sewer.
2. A separate application for Coastal Site Plan Review (#369-A), Flood Damage Prevention (#428-A), and Land Filling & Regrading (#538) was submitted to fill portions of the directly adjacent 6 Pratt Island property to integrate the two properties while preserving the separate lots. That is the subject of a related, yet separate decision by the Commission.
3. The Commission notes the presence of tidal wetlands on the property, mostly in the area around the perimeter of the property.
4. Planning & Zoning Department staff Rick Talamelli submitted comments on the application dated September 20, 2022. Those comments were addressed in a November 8, 2022 five-page response letter from the Professional Engineer Brian McMahon of Redniss & Mead and are included as part of the record.
5. Julia Kendzierski of the State of Connecticut DEEP submitted comments on the application dated September 27, 2022. The DEEP comments specifically note that "the FEMA NFIP program generally discourages significant fill within V zones, and especially for non-compelling reasons, such as a walkway or creation of a flat area, as is the case here. The use of fill in a V zone should be minimized to the maximum extent possible." Those comments were addressed in the November 8, 2022 response letter and revised plans from Professional Engineer Brian McMahon of Redniss & Mead and are included as part of the record.
6. Letters were submitted for the record in support of the proposal from the property owners of 6 & 9 Pratt Island.

OTHER LOCAL APPROVAL

7. The Zoning Board of Appeals (ZBA) approved this project as part of ZBA Calendar #16-2022 on October 26, 2022. The ZBA granted variances to the rear setback regulations for the structure and mechanical equipment. That approval is hereby incorporated by reference.

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STORMWATER MANAGEMENT

8. A Site Engineering Report by Redniss & Mead, dated August 24, 2022, last revised November 8, 2022 was submitted for the record as part of the application.
9. The submitted site plans show a decrease in impervious surfaces on the site. The proposed on-site stormwater management system is designed to enhance water quality through an underground infiltration prior to discharging water off the southern portion of the property into Long Island Sound. The infiltration system will recharge the groundwater and filter pollutants from the runoff generated from the driveway, the roof of the proposed dwelling, and the pool and pool patios. There are not currently any on-site drainage facilities on the property. Only water quality is proposed to be treated.
10. A comparison of the peak discharge rates for pre- and post-development watershed conditions demonstrates that the peak rate of runoff from the proposed development will be decreased from all storm events analyzed up to and including the 50-year storm. Stormwater flow patterns on the site will remain as they do presently.
11. A waiver of Section 880 of the Regulations has been requested by the applicant since the property is in the lower 1/3 of the watershed and directly adjacent to the Long Island Sound.
12. Professional Engineer Darren Oustafine of Darien DPW submitted comments in a two-page memo for the record dated September 2, 2022.
13. The Commission finds that if implemented properly, the proposed site development activities will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN THE FLOOD ZONE

14. The property lies within the Federal Emergency Management Agency (FEMA) Flood Hazard Areas VE (elevation 15.0) and AE (elevation 14.0) as depicted within the FEMA Flood Insurance Rate (FIS) Map Panel No. 536-G, Map No. 09001C with effective date July 8, 2013.
15. The Commission acknowledges that the existing house on 8 Pratt Island conformed to FEMA requirements when it was built in the late 1990s. However, FEMA remapping in 2013 placed the property in the VE Elevation 15' and the AE Elevation 14' zones while retaining a small portion of Zone X in the easterly quarter of the property. As a result of the 2013 remapping the existing house became non-compliant with FEMA as its first floor is at elevation 13.2' when 15' is required, mechanical equipment is located at elevation 12.0' when 15' is required, and the crawl space at elevation 6.4' no longer complies with FEMA.
16. An August 18, 2022 letter/report was submitted for the record by RACE Coastal Engineers, on the proposal's impact on flood conditions and structural stability. RACE notes that the proposed improvements would not adversely impact the FEMA Base Flood Elevation for the 100-year storm or cause increased flood or wave impacts on the site or the adjacent properties. The fence posts, terrace walls, and pool, to be designed by RACE, will be adequately anchored to prevent flotation, collapse or lateral movement during to the 100-year base flood event.

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17. The proposed work will not result in an increase of flood heights and the proposal meets or exceeds Section 825 of the Darien Zoning Regulations.
18. The Commission believes that the proposed activities as shown on the plan, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

PROPOSED WORK WITHIN CAM AREA

19. A Statement of Consistency with Coastal Area Management (CAM) Policies prepared by Redniss & Mead, Inc., dated August 24 2022 was submitted for the record.
20. Though nearly the entire project site is located within the 100 foot Critical Coastal Area Management Review Area, all construction activities are planned to occur within a previously constructed residential landscape (lawn and hardscape areas) which will be restored as part of the project.
21. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program and will not result in any significant, long-term negative impacts on coastal resources.
22. The Commission finds that the proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The Commission notes that building locations are limited because virtually the entire site is located within the 100-foot critical CAM review area.
23. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

24. During construction, there is the potential for adverse impacts related to erosion and sedimentation. To mitigate this, sediment & erosion controls are proposed on the site throughout the construction period. These controls include installation of silt fencing down gradient of all construction activities, inlet protection for all existing and proposed area drains, and a stone construction entrance. Permanent stormwater control measures incorporated into the site design include 24" sumps within drains, a stormwater infiltration system and landscaping throughout the site.
25. During the November 29 public hearing it was noted that a combined 1,900+/- cubic yards of materials would need to be imported onto the site to create a FEMA compliant platform for the new house and to create a level yard area between the 6 and 8 Pratt Island properties. Between 125 and 190 truck trips will be necessary to bring fill onto the site. This is proposed to occur in three separate phases, with between 30 to 70 trucks per phase and ten trucks per day during each of the three phases. The initial phase for the import of fill is anticipated to last for 7+/- days, whereas the subsequent two phases are anticipated to last for 2.5+/- days each. An estimated 1,500 cubic yards of material is proposed to be placed on 8 Pratt Island.

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26. The Commission noted the importance of implementing temporary soil stabilization measures during the redevelopment of the site to minimize erosion of exposed soils and avoid impacts to the neighbors, Pratt Island Road, and the Long Island Sound.
27. During the public hearing, the applicant maintained that no blasting and/or chip hammering would be necessary to implement the project and none is approved by the Commission herein.
28. With proper implementation of the site development plan and temporary and permanent sediment and erosion control measures, it is anticipated that the proposed development will not have adverse impacts on neighboring properties, coastal resources, or downstream drainage systems.
29. The subject property can only be accessed via a narrow causeway and private roads, including over Nearwater Lane and through the roads of the Noroton Bay Association. At the public hearing, Commission members commented about their concerns related to large trucks utilizing area roads, potentially causing congestion, safety issues and damage to the pavement and surrounding properties, including residential properties, Hindley School, and Weed Beach.
30. Environmental experts testified that fill and building equipment and materials could not be delivered on barges due to shallow water depths and other environmental considerations present at the site.
31. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
32. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #155-A, Flood Damage Prevention Application #159-A and Land Filling & Regrading Application #539 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 submitted to and reviewed by the Commission:

CIVIL ENGINEERING PLANS

Plans generally entitled '8 Pratt Island', Prepared for 8 Pratt, LLC by Redniss & Mead, Inc., dated August 18, 2022, last revised November 8, 2022.

- Sheet SE-1, Site Development Plan;
- Sheet SE-2, Site Grading Plan;
- Sheet SE-3, Site Utility Plan;
- Sheet SE-4, Sediment & Erosion Control Plan;
- Sheet SE-5, Details.

ARCHITECTURAL PLANS

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Plans generally entitled 'Residence, 8 Pratt Island, Darien', Prepared by Roger Ferris + Partners, dated August 25, 2022, last revised November 8, 2022.

- Sheet G000, Cover Sheet;
- Sheet L000, Landscape Plan;
- Sheet A000, Site Plan;
- Sheet A101, First Level Plan.

The Commission acknowledges that specific architectural plans are not being approved herein, other than relative to the footprint of the house and flood elevations. Specific details and calculations regarding building height and average finished grade around the residence shall be submitted for staff review, prior to the issuance of a foundation only Zoning and Building Permit for the new residence.

PERFORMANCE BOND(S)

- B. The property owner shall cover the reasonable costs of any damage that is not preexisting to Nearwater Lane and/or Pratt Island that is shown to be directly caused by the construction work approved by this resolution. A pre-pavement survey of Nearwater Lane from #90 Nearwater Lane, across Pratt Island to the project site shall be performed to access the existing condition of the roadway in the pre-construction condition. This survey shall be completed and provided to the Planning & Zoning Department prior to the issuance of a Demolition Permit for the existing residence on the property.
- C. Consistent with Section 857 of the Darien Zoning Regulations, the Planning and Zoning Commission hereby requires a Performance Bond for possible repairs of Nearwater Lane from #90 Nearwater Lane to the pillars of the Noroton Bay Association (0.35+/- miles) in connection with truck/heavy equipment travel to and from the project site during the construction period. A bond in the amount of \$150,000 shall be placed prior to the issuance of a Demolition Permit for the existing residence on the site. The bond may be released in whole or in part by the Planning & Zoning Commission once a Certificate of Occupancy has been issued for the new house. The Commission acknowledges that this bond will not cover possible roadway repair costs to private roads within the Noroton Bay Association and on Pratt Island. The Commission strongly encourages the applicant to coordinate directly with the Noroton Bay Association on construction travel across private Association roads and any additional stipulations regarding construction access that may apply.

SEDIMENT & EROSION CONTROLS

- D. A maximum of 10 truckloads of fill shall be delivered to the 6 and 8 Pratt Island properties during any one day.
- E. The property owner's General Contractor (GC) shall first remove the existing house and related improvements, then fill to allow installation of the new residence and related improvements on 8 Pratt Island (estimated 1,100 cubic yards of material), then construct same, to be followed by fill, as necessary, to allow completion of the improvements related to the house, pool, pool terrace and infiltrators (estimated 400 cubic yards of material), then to complete such improvements, and then to be followed by installation of the balance of the approved fill on the site and adjoining 6 Pratt Island property (estimated 400 cubic yards of material). If field conditions or other circumstances require material changes to the above phasing, the GC shall consult with Planning & Zoning staff.

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- F. During construction, the applicant shall install the proposed erosion controls as shown on the plans noted in Condition ‘A’, above, and also utilize any sediment and erosion control measures as may be necessary due to site conditions, including tree protection. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during construction and until the area has been revegetated or restabilized. Temporary stabilization may include seeding, sodding, mulching, erosion control blankets, etc. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately 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.
- G. No rock crushing or similar processing of earth materials has been requested and no such activity is authorized, approved, or permitted. If such activity is desired, prior review and action by the Planning & Zoning Commission shall be required. No ledge removal is shown on the plans and none is approved herein.

ISSUES DURING CONSTRUCTION

- H. Because of this property’s unique location and because the roads are all private roads, with most of them being narrower than a typical public road, the Commission hereby incorporates the following conditions. The General Contractor (GC) shall notify all subcontractors of these limits/restrictions:
1. Prior to the issuance of a Zoning and Building Permit for the new house foundation, the General Contractor (GC) shall establish clearly defined days and the hours of operation. These shall include a prohibition of any outdoor on-site work before 7 a.m. or after 7 p.m., or on Sundays. The applicant should be aware of any additional limits imposed by the Noroton Bay Association.
 2. All trucks which travel through the neighborhood should be informed of the speed limits, which are enforced by the Darien Police Department.
 3. The GC shall employ carpooling strategies to reduce the number of vehicles transporting crew(s) to the job and/or parked at the site.
 4. The GC or property owner shall identify a contact person for issues should they arise. That person’s contact information (mobile phone number and e-mail) shall be given to the Planning & Zoning Department and President of the Noroton Bay Association.
 5. The GC shall attempt to stage/schedule work in order to limit the number of large trucks trips per day. On days where more than 8 large trucks (e.g. dump trucks, building material delivery trucks, construction equipment delivery trucks, etc.) are expected to access the site, the GC shall arrange for traffic safety monitors, guide cars, flagmen or police officers to ensure pedestrian and traffic safety on Nearwater Lane and Pratt Island.
 6. The GC shall advise the Planning and Zoning Director how these parameters will be established, agreed to, and enforced.
- I. Due to the sensitive nature of the site, the Commission hereby requires, at the applicant’s expense, a site Monitor to visit the site at least once every two weeks from the start of construction or the beginning of the filling and regrading work, whichever comes first, and until the filling and regrading of the site is complete and the site is stabilized. The Site Monitor shall be responsible for reporting on the accuracy and progress of the filling and regrading and the

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installation of stormwater management, allowing the Town and applicant the opportunity, if necessary, to address problems before and as they arise. Reports shall be filed at least every two weeks by e-mail with the Planning & Zoning Department. The applicant's engineer may be used as said Site Monitor.

STORMWATER MANAGEMENT

- J. The applicant must make sure that at all times during the redevelopment of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and to Pratt Island Road. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the speedy restabilization of all disturbed areas.
- K. Because of the property's location directly adjacent to Long Island Sound, the Commission hereby waives the requirement for treatment of stormwater quantity under Section 880 of the Zoning Regulations. The Commission does hereby require that stormwater quality be addressed through the proposed stormwater infiltration units.
- L. A Drainage Operations and Maintenance Plan as part of the November 8, 2022 Site Engineering Report was submitted to the Planning and Zoning Office. The Drainage Maintenance Program requires the property owner and all subsequent property owners of 8 Pratt Island to maintain the on-site drainage facilities and will alert future property owners of the existing on-site drainage facilities and the requirement to maintain said facilities to minimize any potential downstream impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval and prior to the issuance of a Demolition Permit for the existing residence.

PERMITS REQUIRED

- M. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to the following:
 - 1. Separate Zoning and Building Permits will be required for the house foundation, the work above the foundation for the residence, and the pool. A Zoning and Building Permit for work above the house foundation can only be issued once an as-built survey of the house foundation has been submitted to and reviewed by the Planning & Zoning Department relative to zoning setbacks (noting applicable variances issued by the ZBA), coverage, and flood height requirements.
 - 2. HVAC / Electrical Permits for all generator and air conditioning units as well as changes to the existing propane tank. All generators, HVAC equipment, pool equipment, and propane tank(s) must be designed to meet the flood regulations.

REQUIRED AS-BUILTS AND CERTIFICATIONS

- N. Prior to the request for the Certificate of Occupancy for the new residence, the applicant shall submit verification:
 - 1. Verification in writing and/or photographs from the professional designer of the drainage system that certifies that all aspects of the stormwater management system have been completed in compliance with the approved plans referred to in Condition 'A'.

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2. An Elevation Certificate shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property, in order to verify that the final elevation of the new residence and the associated HVAC equipment and mechanical equipment comply with the flood regulations.
 3. A final “as-built” survey shall be prepared by a licensed land surveyor demonstrating that all work has been properly completed in accordance with the approved plans, and complies with zoning setback (noting applicable variances issued by the ZBA), building height, building coverage requirements, and flood regulations. The as-built survey shall show all utilities or buried infrastructure installed as part of this application including, but not limited to the location and elevation of all HVAC units, generators, pool equipment, and propane tank(s). The as-built survey shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- O. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- P. This permit shall be subject to the provisions of Sections 815, 829f, 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within two (2) years of this action (January 10, 2025). This may be extended as per Sections 829f and 858.

All provisions and details of the plan, as granted herein, shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan form shall be filed in the Darien Land Records within 60 days of this approval AND prior to the issuance of a Demolition Permit for the existing residence.

Chairman Olvany then read the following agenda item:

Coastal Site Plan Review #369-A, Flood Damage Prevention Application #428-A, Land Filling & Regrading Application #538, Abigail & William Hausberg, 6 Pratt Island. Proposal to regrade the southwestern portion of the property to create a flat area, integrating the property with 8 Pratt Island while preserving the separate lots; and to perform related site development activities within regulated areas. *HEARING CLOSED: 11/29/2022.*

Commission members noted that with the suggested changes, they were in support of the draft decision on the matter.

Mr. Balgach made a motion to adopt the draft resolution as amended. That motion was seconded by Mr. Ball, and approved by a vote of 5-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION**

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January 10, 2023

Application Number: Coastal Site Plan Review #369-A
Flood Damage Prevention Application #428-A
Land Filling & Regrading Application #538

Street Address: 6 Pratt Island
Assessor's Map #55 Lot #115

Name and Address of Property Owners: Abigail & William Hausberg
6 Pratt Island
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Wilder Gleason, Esq.
Gleason & Associates, LLC
23 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to regrade the southwestern portion of the property to create a flat area, integrating the property with 8 Pratt Island while preserving the separate lots; and to perform related site development activities within regulated areas.

Property Location: The 0.76+/- acre subject property is located on the southwest side of Pratt Island approximately 820 feet south of its intersection with Baywater Drive.

Zone: R-1

Date of Public Hearing: October 18, 2022 immediately continued to October 25, 2022 immediately continued to November 15, 2022 immediately continued to November 29, 2022

Deliberations Held: December 6, 2022, January 10, 2023

Time and Place: 7:30 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 6 & 13, 2022 Newspaper: Darien Times
November 3 & 10, 2022

Date of Action: January 10, 2023 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
January 19, 2023

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

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted redevelopment plans, and the statements of the applicant's representatives whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The proposal is to regrade the southwestern portion of the property to create a flat area, integrating the property with 8 Pratt Island while preserving the separate lots; and to perform related site development activities within regulated areas. Both the 6 and 8 Pratt Island properties are served by public water and sewer.
2. A separate application for 8 Pratt Island (Coastal Site Plan Review (#155-A), Flood Damage Prevention (#159-A), and Land Filling & Regrading (#539)) was submitted to raze the existing residence and construct a new 3-bedroom single-family dwelling in the same general location, construction of a new driveway, patio/terrace areas, and new pool and spa; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management. That is the subject of a related, yet separate decision by the Commission.
3. The Commission notes the presence of tidal wetlands on the property, mostly in the area around the perimeter of the property.
4. Planning & Zoning Department staff Rick Talamelli submitted comments on the application dated September 20, 2022. Those comments were addressed in a November 8, 2022 five-page response letter from the Professional Engineer Brian McMahon of Redniss & Mead and are included as part of the record.
5. Julia Kendzierski of the State of Connecticut DEEP submitted comments on the application dated September 27, 2022. The DEEP comments specifically note that "the FEMA NFIP program generally discourages significant fill within V zones, and especially for non-compelling reasons, such as a walkway or creation of a flat area, as is the case here. The use of fill in a V zone should be minimized to the maximum extent possible." Those comments were addressed in the November 8, 2022 response letter and revised plans from Professional Engineer Brian McMahon of Redniss & Mead and are included as part of the record.
6. A Letter was submitted for the record in support of the proposal from the property owner of 9 Pratt Island.

STORMWATER MANAGEMENT

7. A Site Engineering Report by Redniss & Mead, dated August 24, 2022, last revised November 8, 2022 was submitted for the record as part of the application.

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8. Stormwater flow patterns on the site will remain as they do presently.
9. Professional Engineer Darren Oustafine of Darien DPW submitted comments in a two-page memo for the record dated September 2, 2022.
10. The Commission finds that if implemented properly, the proposed site development activities, which is only filling and regrading for the 6 Pratt Island property, will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN THE FLOOD ZONE

11. The property lies within the Federal Emergency Management Agency (FEMA) Flood Hazard Areas VE (elevation 15.0) and AE (elevation 14.0) as depicted within the FEMA Flood Insurance Rate (FIS) Map Panel No. 536-G, Map No. 09001C with effective date July 8, 2013.
12. An August 18, 2022 letter/report was submitted for the record by RACE Coastal Engineers, on the proposal's impact on flood conditions. RACE notes that the proposed improvements would not adversely impact the FEMA Base Flood Elevation for the 100-year storm or cause increased flood or wave impacts on the site or the adjacent properties.
13. The proposed work will not result in an increase of flood heights and the proposal meets or exceeds Section 825 of the Darien Zoning Regulations.
14. The Commission believes that the proposed activities as shown on the plan, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

PROPOSED WORK WITHIN CAM AREA

15. A Statement of Consistency with Coastal Area Management (CAM) Policies prepared by Redniss & Mead, Inc., dated August 24 2022 was submitted for the record.
16. Though nearly the entire project site is located within the 100 foot Critical Coastal Area Management Review Area, all filling and regrading activities are planned to occur within an existing lawn area which will be restored as part of the project.
17. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program and will not result in any significant, long-term negative impacts on coastal resources.
18. The Commission finds that the proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The Commission notes that building locations are limited because virtually the entire site is located within the 100-foot critical CAM review area.
19. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

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LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

20. During construction, there is the potential for adverse impacts related to erosion and sedimentation. To mitigate this, sediment & erosion controls are proposed on the site throughout the construction period. These controls include installation of silt fencing down gradient of all construction activities and a stone construction entrance.
21. During the November 29 public hearing it was noted that a combined 1,900+/- cubic yards of materials would need to be imported onto 6 & 8 Pratt Island to create a FEMA compliant platform for the new proposed house on 8 Pratt Island and to create a level yard area between the 6 and 8 Pratt Island properties. Between 125 and 190 truck trips will be necessary to bring fill onto the site. This is proposed to occur in three separate phases, with between 30 to 70 trucks per phase and ten trucks per day during each of the three phases. The initial phase for the import of fill is anticipated to last for 7+/- days, whereas the subsequent two phases are anticipated to last for 2.5+/- days each. An estimated 400 cubic yards of material is proposed to be placed on 6 Pratt Island.
22. The Commission noted the importance of implementing temporary soil stabilization measures during the redevelopment of the site to minimize erosion of exposed soils and avoid impacts to the neighbors, Pratt Island Road, and the Long Island Sound.
23. During the public hearing, the applicant maintained that no blasting and/or chip hammering would be necessary to implement the project and none is approved by the Commission herein.
24. With proper implementation of the site development plan and sediment and erosion control measures, it is anticipated that the proposed development will not have adverse impacts on neighboring properties, coastal resources, or downstream drainage systems.
25. The subject property can only be accessed via a narrow causeway and private roads, including over Nearwater Lane and through the roads of the Noroton Bay Association. At the public hearing, Commission members commented about their concerns related to large trucks utilizing area roads, potentially causing congestion, safety issues and damage to the pavement and surrounding properties, including residential properties, Hindley School, and Weed Beach.
26. Environmental experts testified that fill and building equipment and materials could not be delivered on barges due to shallow water depths and other environmental considerations present at the site.
27. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
28. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #369-A, Flood Damage Prevention Application #428-A, and Land Filling & Regrading Application #538 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

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- A. Site development activity shall be in accordance with the following plans submitted to and reviewed by the Commission:

CIVIL ENGINEERING PLANS

Plans generally entitled '8 Pratt Island', Prepared for 8 Pratt, LLC by Redniss & Mead, Inc., dated August 18, 2022, last revised November 8, 2022.

- Sheet SE-1, Site Development Plan;
- Sheet SE-2, Site Grading Plan;
- Sheet SE-3, Site Utility Plan;
- Sheet SE-4, Sediment & Erosion Control Plan;
- Sheet SE-5, Details.

Note: plans are entitled '8 Pratt Island', but do reflect the proposed filling and regrading work on 6 Pratt Island.

- B. The property owner shall cover the reasonable costs of any damage that is not preexisting to Nearwater Lane and/or Pratt Island that is shown to be directly caused by the construction work approved by this resolution. A pre-pavement survey from #90 Nearwater Lane, across Pratt Island to the project site shall be performed to access the existing condition of the roadway in the pre-construction condition. This survey shall be completed and provided to the Planning & Zoning Department prior to the start of work on the property.

SEDIMENT & EROSION CONTROLS

- C. A maximum of 10 truckloads of fill shall be delivered to the 6 and 8 Pratt Island properties during any one day.
- D. During construction, the applicant shall install the proposed erosion controls as shown on the plans noted in Condition 'A', above, and also utilize any sediment and erosion control measures as may be necessary due to site conditions, including tree protection. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during construction and until the area has been revegetated or restabilized. Temporary stabilization may include seeding, sodding, mulching, erosion control blankets, etc. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately 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.
- E. No rock crushing or similar processing of earth materials has been requested and no such activity is authorized, approved, or permitted. If such activity is desired, prior review and action by the Planning & Zoning Commission shall be required. No ledge removal is shown on the plans and none is approved herein.

ISSUES DURING CONSTRUCTION

- F. Because of this property's unique location and because the roads are all private roads, with most of them being narrower than a typical public road, the Commission hereby incorporates the following conditions. The General Contractor (GC) shall notify all subcontractors of these limits/restrictions:

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1. The General Contractor (GC) shall establish clearly defined days and the hours of operation. These shall include a prohibition of any outdoor on-site work before 7 a.m. or after 7 p.m., or on Sundays. The applicant should be aware of any additional limits imposed by the Noroton Bay Association.
 2. All trucks which travel through the neighborhood should be informed of the speed limits, which are enforced by the Darien Police Department.
 3. The GC shall employ carpooling strategies to reduce the number of vehicles transporting crew(s) to the job and/or parked at the site.
 4. The GC or property owner shall identify a contact person for issues should they arise. That person's contact information (mobile phone number and e-mail) shall be given to the Planning & Zoning Department and President of the Noroton Bay Association.
 5. The GC shall attempt to stage/schedule work in order to limit the number of large trucks trips per day. On days where more than 8 large trucks (e.g. dump trucks, building material delivery trucks, construction equipment delivery trucks, etc.) are expected to access the site, the GC shall arrange for traffic safety monitors, guide cars, flagmen or police officers to ensure pedestrian and traffic safety on Nearwater Lane and Pratt Island.
 6. The GC shall advise the Planning and Zoning Director how these parameters will be established, agreed to, and enforced.
- G. Due to the sensitive nature of the site, the Commission hereby requires, at the applicant's expense, a site Monitor to visit the site at least once every two weeks from the start of construction or the beginning of the filling and regrading work, whichever comes first, and until the filling and regrading of the site is complete and the site is stabilized. The Site Monitor shall be responsible for reporting on the accuracy and progress of the filling and regrading, allowing the Town and applicant the opportunity, if necessary, to address problems before and as they arise. Reports shall be filed at least every two weeks by e-mail with the Planning & Zoning Department. The applicant's engineer may be used as said Site Monitor.

STORMWATER MANAGEMENT

- H. The applicant must make sure that at all times during the redevelopment of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and to Pratt Island Road. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the speedy restabilization of all disturbed areas.

REQUIRED AS-BUILTS AND CERTIFICATIONS

- I. Prior to the request for the Certificate of Zoning Compliance for the filling and regrading of the property, the applicant shall submit a final "as-built" survey, prepared by a licensed land surveyor demonstrating that all work has been properly completed in accordance with the approved plans. The as-built survey shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- J. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

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K. This permit shall be subject to the provisions of Sections 815, 829f, 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within two (2) years of this action (January 10, 2025). This may be extended as per Sections 829f and 858.

All provisions and details of the plan, as granted herein, shall be binding conditions of this action and such approval shall become final upon compliance with these conditions 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 approval, and prior to the start of work.

Approval of Minutes

Due to the late hour, the approval of minutes for November 15 and 29, and December 6, 2022 were postponed to a future meeting.

Director's Report

Mr. Ginsberg said that Commission members had been signed up for the upcoming continuing education class, Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions, put on by the Connecticut Bar Association. It was noted that this training will help Commissioners meet the mandated training requirements that went into effect on January 1.

It was noted that the next upcoming meetings have been scheduled for January 24 and 31.

There being no other business, Mr. Ball made a motion to adjourn the meeting. That motion was seconded by Mr. Reilly, and approved by a vote of 5-0. The meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Assistant Director

1.10.2023min