

**PLANNING AND ZONING COMMISSION
DRAFT MINUTES
PUBLIC HEARING / GENERAL MEETING
January 16, 2024**

Place: Auditorium, Darien Town Hall

TIME: 7:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, Balgach, Reilly, Barsanti, Zionie

STAFF ATTENDING: Ginsberg, Doneit
Recorder: Karen Manz
Channel 79

Chairman Olvany opened the meeting at 7:15 P.M. and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Land Filling & Regrading Application #557 (PL-23-140), Ivan & Adelya Khmelevskoy, 10 Hoyt Court. Proposal to construct additions to the west side of the existing single-family residence, construction of a new driveway with a covered parking area, construction of deck, patio, and terrace areas, as well as numerous landscape and retaining walls, and to perform related site development activities, including regrading of the property and installation of stormwater management. The 0.6+/- acre subject property is located on the south side of Hoyt Court approximately 240 feet west of its intersection with Hoyt Street, and is shown on Assessor's Map #30 as Lot #24 in the R-1/3 Residential Zone.

Mr. Doneit provided the Commission with an overview of the application.

Professional Engineer Tessa Jucaite, of TJ Engineering, the applicant's engineer and representative began by addressing concerns of the Commission relative to proposed filling and regrading of the site. She said that a total of approximately 400 cubic yards of material would be used to fill the south and western portions of the site. She then reviewed the proposed 6 foot retaining walls on the western side of the site in response to questions from Ms. Barsanti. She said that a chain link or wooden fence would be installed on top of the walls.

Mr. Ivan Khmelevskoy, the property owner and applicant said that a wooden fence would be used on the west side of the property and a chain link fence would be used on the south side of the property where it would not be visible to abutting property owners.

Ms. Jucaite said that the stormwater improvements consist of a series of recharger units on the west side of the property. The Cultec units are sized to treat and control stormwater runoff from all new impervious surfaces through the 50-year storm. The total amount of stormwater storage provided for the entire 12 chamber Cultec system is 1,191 cubic feet. She said that eight Cultec chambers would be placed under the carport and four units would be placed on the southwestern portion of the property. She reviewed stormwater calculations and the movement of water through the watershed. The elevations of the Cultec units relative to the placement of fill was discussed at length.

Construction and staging was then discussed. Ms. Jucaite said that 10 trucks would be needed for the

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import of fill. Additional fill will be utilized from the excavation of the house foundation and installation of stormwater management. She said that staging of construction equipment would mostly be on the northwestern portion of the site.

Mr. Khmelevskoy then discussed the submitted road repair agreement. He said that the agreement was made to assure the residents of Hoyt Court that he will bear full responsibility for any damages to Hoyt Court, which may occur as a result of construction activities related to the project. He said that before the commencement of construction activities, the current condition of the private roadway will be documented and will serve as a benchmark to assess any potential damages caused by construction activities, should repairs be necessary.

Ms. Zionie noted some concerns regarding the road repair agreement, given that the roadway is located entirely on the applicant's property. Mr. Reilly had some further question regarding the design of the retaining wall on the west side of the property relative to drainage and stormwater flows as well as the location of Cultec units under the carport.

Professional Engineer Joseph Canas, of Tighe & Bond, the Commission's peer review engineer noted that he submitted review comments for the record dated October 23, November 1, and November 28, 2023, and that all of his comments have been satisfied by the applicant. Chairman Olvany had further questions regarding the elevations of the Cultec units relative to the placement of fill and the slope of the property. Mr. Canas confirmed that the system is designed properly. Chairman Olvany also asked Mr. Canas to confirm the volumes of cut and fill proposed. He confirmed the clean-out ports are provided for and recommended an additional clean-out between the two Cultec banks. Each Cultec unit holds approximately 600 gallons of water. Soils are favorable for drainage.

Chairman Olvany opened the hearing to public comment.

Ms. Sharon Schoen, of 24 Hoyt Court, noted further concerns regarding stormwater impacts to her property. She asked questions about the elevations of the Cultec units, units under the carport and soil suitability.

Mr. Canas responded to concerns raised by Ms. Schoen. Chairman Olvany questioned whether it would be appropriate to add additional Cultecs to the property.

Ms. Ruby Huang, of 12 Lake Drive noted concerns regarding stormwater impacts and the flooding of her property.

Ms. Stephanie Trotta, of 19 Hoyt Court noted that an off-street parking area located off of the south side of Hoyt Court that they utilize would be disturbed as a result of construction. It was noted that a portion of that parking area is on the applicant's property.

The applicant granted an extension for the Commission to continue the public hearing on the matter to January 23, 2024 to allow for Mr. Canas to provide additional information and confirmation regarding cuts and fill and capacity of the drainage system.

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At about 8:59 p.m. Chairman Olvany then read the following agenda item:

Special Permit Application #334 (PL-23-162), Glass & Mirror Express Solutions, LLC, 1913 Boston Post Road. Proposal to establish a new retail glass & mirror product showroom in the first-floor space formerly occupied by Flaherty Plumbing & Heating. The 0.37+/- acre subject property is located on the north side of Boston Post Road approximately 150 feet west of its intersection with Dickinson Road, and is shown on Assessor's Map #42 as Lot #5 in the Neighborhood Business Zone (NB) and R-1/3 Residential Zone.

Mr. Doneit provided the Commission with an overview of the application.

Ms. Vanessa Chirino of Glass & Mirror Express Solutions summarized the application. She explained that the business specializes in the design and installation of custom frameless glass shower doors and enclosures, exterior/interior glass railing systems, safety glass, insulated glass, tempered glass, wine rooms, glass office partitions and doors, storefronts, and gym mirrors. She said that 1,300 square feet of floor area is being leased, with 300 square feet to be utilized by an office and showroom and 1,000 square feet to be utilized for storage of materials. All materials and products are to be fabricated off-site. Hours of operation are 8 a.m. to 4 p.m. Monday through Friday. A total of seven parking spaces are to be dedicated to the use of the business, including for truck/van parking. Two work vans will be parked overnight behind the building.

There being no further comments from Commission members and no comments from the general public, Mr. Balgach made a motion to close the public hearing. That motion was seconded by Ms. Zionie, and approved by a vote of 5-0.

At about 9:08 p.m. Chairman Olvany then read the following agenda item:

Land Filling & Regrading Application #241-A (PL-23-187), Michael & Tracey Riccardi, 158 Long Neck Point Road. Proposal to fill and regrade in association with the construct a new single-family dwelling, a detached barn/garage, new driveways, retaining walls, and pool and patio areas; and to perform related site development activities, installation of stormwater management. The 1.57+/- acre subject property is located on the west side of Long Neck Point Road, at the southwest corner formed by its southernmost intersection with Pear Tree Point Road, and is shown on Assessor's Map #61 as Lot #23-A and is located in the R-1 Residential Zone.

Mr. Doneit provided the Commission with an overview of the application.

Professional Engineer, Andy Soumelidis, of LANDTECH the applicant's engineer and representative summarized the application.

He said that under existing conditions, the site terraces down from east to west from about elevation 50' to approximately elevation 26' with a series of retaining walls. An original proposal was granted zoning approval for a new house, barn, pool, patio areas, and associated grading. He said that upon construction of the barn, groundwater was encountered, which resulted in elevating the barn slab elevation by about 4 feet. This resulted in less grading (cutting) in the northwest corner of the site, but

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requires elevating the walls and grades on the southwestern portion of the site by approximately 3 feet. The pool is also proposed to be relocated parallel with the rear of the house versus the previous location which was parallel with the barn. He said that approximately 300 cubic yards of material would be required to complete the work.

Mr. Soumelidis reviewed the proposed on-site stormwater management system, noting that it has been designed based on the required water quality volume and runoff control for the 2- through 50-year storm events. The underground detention system will filter pollutants and retain runoff generated from the residence, barn, patios/terraces, pool, and portions of lawn area. There are not currently any on-site drainage facilities on the property. Drainage patterns will not be altered in the post development condition.

There being no further comments from Commission members and no comments from the general public, Ms. Barsanti made a motion to close the public hearing. That motion was seconded by Ms. Zionis, and approved by a vote of 5-0.

At about 9:20 p.m. Chairman Olvany then read the following agenda item:

Coastal Site Plan Review #376-A (PL-23-189), RRE Holdings, LLC, 244 Long Neck Point Road. Proposal to construct additions and alterations to the existing residence on the property; and to perform related site development activities within a regulated area, including limited regrading of the property within 25-feet of the residence. The 1.02+/- acre subject property is located on the west side of Long Neck Point Road approximately 0.44 miles south of its intersection with Pear Tree Point Road, and is shown on Assessor's Map #61 as Lot #13-8 in the R-1 Residential Zone.

Mr. Reilly recused himself from the matter and left the meeting.

Mr. Doneit provided the Commission with an overview of the application.

Attorney Amy Zabetakis, of Rucci Law Group, the applicant's representative, summarized the proposal. She said that the proposal is to construct roughly 1,400 square feet of additions to the existing residence on the property, construct a patio, and to install stormwater management. She said that no impacts to coastal resources are expected. She said that approvals were granted by the Commission in June 2023 to construct an in-ground pool on the southern portion of site, including regrading of the property, installation of stormwater management, excavating the existing septic system, and connecting the main residence and cabin on the property to the sanitary sewer in Long Neck Point Road. She said that the applicant intends on completing the pool work in conjunction with the proposed additions to the residence. She noted that a new pool house may be desired by the current property owner in the future.

Mr. Liam Harris, the applicant's architect said that approximately 500 square feet of the total 1,400 square feet of additions are to be located within the 100-foot CAM review area.

Professional Engineer, Jim Kousidis, of Kousidis Engineering, the applicant's engineer addressed construction phasing associated with the approved excavation of the on-site septic system.

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There being no further comments from Commission members and no comments from the general public, Mr. Balgach made a motion to close the public hearing. That motion was seconded by Ms. Barsanti, and approved by a vote of 4-0.

At about 9:29 p.m. Chairman Olvany then read the following agenda item:

GENERAL MEETING

Deliberations and possible decision regarding the following:

Coastal Site Plan Review #227-D, Flood Damage Prevention Application #254-E, Land Filling & Regrading Application #458-B, Site Plan Application #253-C (PL-23-158), Town of Darien, Weed Beach Park, 155 & 159 Nearwater Lane. Proposal to strategically improve the property at 155 Nearwater Lane and the southern portion of 159 Nearwater Lane (Town Sewer Plant) to create a passive recreational area, intended to integrate with the remainder of Weed Beach Park to the west; and to perform related site development activities within regulated areas, including installation of stormwater management. The improvements are to consist of open lawn areas, a paved loop pathway, and an expansion of the beach area. A new crushed stone parking area to be located off the southeast side of the existing access drive to Weed Beach Park will be integrated with the remainder of parking at the Park. An existing boat storage area on the southeast portion of the combined site will remain.
HEARING CLOSED: 11/28/2023. DECISION DEADLINE: 2/2/2024.

Mr. Reilly returned to the meeting.

Commission members noted that they were generally in favor of the proposal.

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

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 16, 2024**

Application Number: Coastal Site Plan Review #227-D
Flood Damage Prevention Application #254-E
Land Filling & Regrading Application #458-B
Site Plan Application #253-C
Town of Darien, Weed Beach Park, 155 & 159 Nearwater Lane
(PL-23-158)

Street Addresses: 155 & 159 Nearwater Lane
Assessor's Map #56 as Lots #3, #4, #5, #6, #8, #9, and #10 (155 Nearwater Lane) and Assessor's Map #56 as Lot #7 (159 Nearwater Lane)

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Name and Address of Property Owner:
and Applicant: Town of Darien
c/o Parks and Recreation
2 Renshaw Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Daniel Biggs, RLA, ISA, CERP
Weston & Sampson
712 Brook Street
Rocky Hill, CT 06067

Activity Being Applied For: Proposal to strategically improve the property at 155 Nearwater Lane and the southern portion of 159 Nearwater Lane (Town Sewer Plant) to create a passive recreational area, intended to integrate with the remainder of Weed Beach Park to the west; and to perform related site development activities within regulated areas, including installation of stormwater management. The improvements are to consist of open lawn areas, a paved asphalt loop pathway, and an expansion of the beach area. A new reconstructed crushed stone parking area to be located off the southeast side of the existing access drive to Weed Beach Park will be integrated with the remainder of parking at the Park. A permeable gravel-pave kayak storage area will be constructed to replace the existing bituminous concrete storage area located within an unused parking area and driveway. ADA compliance will be ensured throughout the site.

Property Location: The subject properties are located on the southwest side of Nearwater Lane approximately 250 feet southwest of the corner formed by its intersection with Brush Island Road.

Zone: R-1

Date of Public Hearing: November 28, 2023

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

Publication of Hearing Notices

Dates: November 16 & 23, 2023

Newspaper: Darien Times

Date of Action: January 16, 2024

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
January 25, 2024

Newspaper: Darien Times

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

- the proposed use and activities must comply with all provisions of Sections 406, 810, 820, 850, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative

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whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

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

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

1. The proposal is to strategically improve the property at 155 Nearwater Lane and the southern portion of 159 Nearwater Lane (Town Sewer Plant) to create a passive recreational area, intended to integrate with the remainder of Weed Beach Park to the west; and to perform related site development activities within regulated areas, including installation of stormwater management. The improvements are to consist of open lawn areas, a paved asphalt loop pathway, and an expansion of the beach area. A new reconstructed crushed stone parking area to be located off the southeast side of the existing access drive to Weed Beach Park will be integrated with the remainder of parking at the Park. A permeable gravel-pave kayak storage area will be constructed to replace the existing bituminous concrete storage area located within an unused parking area and driveway. ADA compliance will be ensured throughout the site. A public park is a Permitted Use in the R-1 (Residential) Zone, and the subject properties are served by public water and sewer.
2. The project site generally consists of lawn and beach areas, trees, bituminous concrete pavement, and scrub-shrub vegetation. The area previously contained a residential home on the now abandoned Short Lane. The Town of Darien acquired the subject 4.95+/- parcel in 2012 for use as parkland.
3. Access to the project site is proposed to be from the existing Weed Beach Park entrance/exit via Nearwater Lane. The Short Lane paved area will be removed apart from a curb cut and gate intended for maintenance access only.
4. Three man-made wetland areas within abandoned sewage beds and one Aquents Wetland have been delineated within the project site. To offset the impacts of the proposed removal of the three smaller, poor quality wetlands within the project site, the largest wetland will be restored and expanded in size to provide educational opportunities for visitors and mitigate the environmental impact of this project. The wetland will be restored and expanded in accordance with the Environmental Protection Commission's previous 2020 approval (EPC 43-2019), under all applicable State and local guidelines.
5. Planning & Zoning Department staff Rick Talamelli submitted comments on the application dated August 29, 2023. Those comments were addressed in a September 12, 2023 response letter from Daniel Biggs of Weston & Sampson, and are included as part of the record on the matter.
6. Mr. Braden Lynn of the Connecticut Department of Energy and Environmental Protection (CT DEEP) Land and Water Resources Division submitted comments on the application dated

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November 24, 2023. Those comments are included as part of the record on the matter. CT DEEP notes that comments on the proposal were previously submitted by the Agency on September 7, 2023 in connection with a previous application that was subsequently withdrawn by the applicant. CT DEEP's comments are generally supportive of the proposal.

7. Mr. Bill Moorhead of CT DEEP's Natural Diversity Database Program submitted comments for the record on December 11, 2023 relative to a review of State-Listed, threatened and endangered plant and fish species. In Mr. Moorhead's letter he notes that CT DEEP does not anticipate this proposed project to impact any State-Listed plants. An evaluation of State-Listed fish was not performed by the Program as the project does not require a state permit, license, registration, or authorization.
8. The Western Connecticut Council of Governments (WestCOG) submitted an October 30, 2023 email for the record in which they note "the opinion of WestCOG staff is that the proposal is of local interest and with minimal intermunicipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment".

OTHER APPROVALS

9. A required Mandatory Referral report (MR #6-2023) under Section 8-24 of the Connecticut General Statutes was issued on December 6, 2023 for substantial improvements to the subject town-owned properties. The Planning & Zoning Commission's report, noting consistency with the 2016 Town Plan of Conservation & Development, is hereby incorporated by reference.
10. The Environmental Protection Commission (EPC) approved this project as part of EPC #43-2019 on January 8, 2020. That approval is hereby incorporated by reference.

STORMWATER MANAGEMENT

11. A Drainage Analysis Report by Weston & Sampson, dated October 2023 was submitted for the record as part of the application. An Operations and Maintenance Plan for stormwater structures and features has been provided.
12. Professional Engineer Joseph Canas of Tighe & Bond submitted comments for the record dated September 26 and October 2, 2023. Daniel Biggs, of Weston & Sampson, submitted responses to those comment memos on September 28 and October 20, 2023. Those comments are included as part of the record on the matter.
13. The project site currently contains several impervious areas, including a compacted earth/gravel parking area and asphalt access drives and storage areas, totaling approximately 33,164 square feet of impervious area. The proposed impacts of the site involve the removal of all existing asphalt, and the construction of new impervious area in the form of asphalt walking paths and minor increases in the size of the parking area through paving and formalizing drive aprons and layout. The proposed impervious surface area is approximately 31,722 square feet, resulting in a net decrease of 1,442 square feet.
14. Existing catch basins and storm drainage facilities will be utilized to collect runoff from the site. These structures already serve an informal parking area and collect runoff from the project area.

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As the structures already serve the project area with no known flooding issues, based on an estimated decrease in rate of runoff, the existing storm facilities will be adequate to handle runoff from the proposed site. The proposed condition will have a lower rate of runoff than existing conditions and will not negatively impact flooding or runoff rates in the project area or for adjacent properties. The proposed condition also includes a 250-foot-long stone drainage trench with perforated pipe that will collect runoff from the crushed stone parking area. The stone trench will provide 900 cubic feet of Water Quality Volume treatment, exceeding the 862 cubic foot requirement.

15. The natural and existing drainage patterns, surface runoff and groundwater infiltration patterns will not be altered as a result of the proposed improvements. The groundwater flow, recharge and volume of runoff will also not be altered as a result of the proposed improvements.
16. The subject property is located within the lower 1/3 of the watershed. The Commission finds that there is no requirement or need to detain water and manage stormwater quantity, because of the property's direct proximity to the Long Island Sound.
17. The Commission finds that if implemented property, 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

18. The proposed improvements are located within the FEMA 100-year AE flood zone with a Base Flood Elevation (BFE) of 14.0'.
19. The highest point of the proposed park improvements is elevation 10.50', located at the top of the grass berm near the center of the project area. This is approximately 2.79 feet lower than the highest point that currently exists onsite. The proposed improvements to the project area will not result in any area of fill to exceed elevation 14.0'.
20. The shoreline configuration within the project area will be minimally impacted during the project. Beachfront area is to be expanded, and vegetated sand dunes will be constructed to mitigate the impacts of high velocity flooding and better protect the park area. These dunes will be constructed in a similar manner to those currently existing adjacent to the project site within the park. As a result, the improvements will not increase the hazard of coastal flooding.
21. 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.
22. The Commission believes that the proposed activities as shown on the site 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

23. A Coastal Area Management Report prepared by Weston & Sampson, dated July 2023 was submitted for the record as part of the application.

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24. The proposed improvements are confined to existing previously developed areas and outside of the Coastal Jurisdiction Limit (CJL). Improvements within the coastal area are to restore and expand the beachfront and to remove existing impervious area and manmade structures, which will expand potential habitat. As a result, proposed improvements will not alter the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat.
25. No historic/cultural resources will be impacted as a result of the proposed improvements.
26. 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.
27. 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.
28. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

29. A proposed net import of approximately 8,066 cubic yards of fill is expected to be needed to meet the proposed grades of the site. A majority of this fill is needed to fill in and level out existing low areas on the site and meet ADA accessibility guidelines, create a grass berm, and construct additional vegetated sand dunes along the new beachfront to help mitigate potential damage caused by storm surge to the project site. The new dunes will be planted with an appropriate beach grass species native to Connecticut and be approximately 36 to 48 inches in height.
30. 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 remainder of Weed Beach Park, neighbors, and the Long Island Sound.
31. 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 drains, and a stone construction entrance to the eastern portion of the site.
32. An existing retaining wall and parking driveway adjacent to the shoreline will be removed and replaced with an expanded sand beach area, bringing the beachfront in line with the adjacent beach along the rest of Weed Beach Park.
33. Detailed specifications for the sand to be used for the beach expansion indicates that it will match the material currently utilized by the Town for the replenishment of Weed Beach. The

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sand will be inspected for contaminants including PCBs, dioxins, hydrocarbons, and other chemicals prior to use.

34. 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. The existing rock outcropping areas on site are proposed to remain undisturbed.
35. 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.
36. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
37. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

UTILITY UPGRADES

38. The existing overhead utility wires and poles within the park area will be removed and converted to an underground conduit line that connects to the existing conduit within Weed Beach Park. The pole closest to Nearwater Lane is proposed to be replaced and relocated.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #227-D, Flood Damage Prevention Application #254-E, Land Filling & Regrading Application #458-B, and Site Plan application #253-C are hereby granted subject to the foregoing and following stipulations,

- A. Construction and other site development activity shall be in accordance with the following plans reviewed by the Commission:

SURVEY

- Property & Topographic Survey Depicting Weed Beach – Nearwater Lane, Darien, Prepared for The Town of Darien, Department of Parks and Recreation by Redniss & Mead, Inc., dated June 6, 2005, last revised August 22, 2009.

ENGINEERING PLANS

Plans generally entitled ‘Weed Beach Meadow and Trail, Darien, CT’ prepared for the Town of Darien by Weston & Sampson, dated October 20, 2023:

- Sheet G000, Cover Sheet;
- Sheet C100, Existing Conditions Plan;
- Sheet C101, Site Demolition & Removals Plan;
- Sheet C102, Layout & Materials Plan;
- Sheet C103, Erosion and Sediment Control Plan;
- Sheet C104, Grading Drainage & Utility Plan;
- Sheet C105, Planting Plan;
- Sheet C401, Wetland Restoration Plan;

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- Sheet C501, Erosion and Sediment Control Details;
- Sheet C502, Erosion and Sediment Control Details;
- Sheet C503, Site Construction Details;
- Sheet C504, Site Construction Details;
- Sheet C505, Site Construction Details.

B. Because of the nature of the proposal, the Commission hereby waives the requirement for a Performance Bond.

SEDIMENT & EROSION CONTROLS

- C. During construction, the applicant shall utilize sediment and erosion controls and any additional measures as may be necessary due to site conditions. These 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 immediately after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication of rock or gravel or construction debris or other similar activities shall be engaged in or be operated on the site. The material excavated from the site to accommodate the development activity and to accomplish the approved site grading, shall be removed from the site.
- E. No blasting and/or chip hammering may be performed on the site in connection with the proposal without prior authorization from the Planning & Zoning Commission.

STORMWATER MANAGEMENT

- F. Because of the property's location directly adjacent to the 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.
- G. 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 remainder of Weed Beach Park, neighbors, and the Long Island Sound. 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.
- H. An Operations and Maintenance Plan is included as Appendix 'H' of the October 2023 Drainage Analysis Report by Weston & Sampson. The Drainage Maintenance Program requires the town to maintain the 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 prior to any onsite work.

LANDSCAPING & BUFFERING

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- I. All landscaping planted and shown on the Site Development Plan shall be maintained in a vigorous growing condition throughout the duration of the use of subject property. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- J. The granting of this Permit 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 agencies. All conditions of approval in connection with the Environmental Protection Commission's 2020 approval of the project (EPC 43-2019), are hereby incorporated by reference.
- K. Prior to the issuance of a Certificate of Approval/Completion of the project, the applicant shall submit the following:
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'.
 2. 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 all zoning and flood regulations. The as-built survey shall show all utilities or buried infrastructure installed as part of this application. 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.
- L. 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.
- M. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within two (2) years of this action (January 16, 2026). This may be extended as per Sections 815, 829f, and 1028.

All provisions and details of the application, as approved herein, shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A "Notice of Drainage Maintenance form" shall be filed in the Darien Land Records prior to commencement of any work on the property.

Deliberations ONLY on public hearings closed on January 9, 2024.

Special Permit Application #334 (PL-23-162), Glass & Mirror Express Solutions, LLC, 1913 Boston Post Road.

Commission members noted that they were generally in favor of the proposal and directed staff to draft an approval for their consideration at an upcoming meeting.

Land Filling & Regrading Application #241-A (PL-23-187), Michael & Tracey Riccardi, 158 Long Neck Point Road.

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Commission members noted that they were generally in favor of the proposal and directed staff to draft an approval for their consideration at an upcoming meeting.

Coastal Site Plan Review #376-A, RRE Holdings, LLC, 244 Long Neck Point Road.

Commission members noted that they were generally in favor of the proposal and directed staff to draft an approval for their consideration at an upcoming meeting.

Approval of Minutes

The Commission postponed the approval of the November 28 and December 6, 2023 minutes to a future meeting.

Chairman's Report

Chairman Olvany provided a brief report on his December State of the Town address.

It was noted that the next meetings are scheduled for January 23 and 30.

There being no other business, Ms. Barsanti made a motion to adjourn the meeting. That motion was seconded by Mr. Balgach, and approved by a vote of 5-0. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Assistant Director

1.16.2024min