

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
May 9, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Olvany, Reilly, Balgach, Nedder, Ball (arrived at 7:40 p.m.), Barsanti (arrived at 7:45 p.m.),

STAFF ATTENDING: Ginsberg, Doneit

Recorder: Karen Manz

Channel 79

Chairman Olvany opened the meeting at 7:30 P.M. and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing Regarding Land Filling & Regrading Application #548, Grzegorz Matyszkowicz, 53 Camp Avenue. Proposal to construct a new retaining wall with associated regrading of the property, on the southwestern portion of the property to accommodate an expansion of the driveway area; and to perform related site development activities. The 0.34+/- acre subject property is located on the south side of Camp Avenue approximately 110 feet east of its intersection with Spring Grove Street, and is shown on Assessor's Map #8 as Lots #111 and #112 in the R-1/3 Residential Zone. *HEARING OPENED 4/25/2023.*

Mr. Olvany noted that this hearing was continued to give the owner/applicant time to prepare a landscaping plan. Mr. Ginsberg said that he spoke to the owner prior to the meeting, who explained that five extra trees were shown on the plan in error. He added that the neighbor Ms. Quinn sent in an e-mail voicing her concerns regarding the application.

Property owner and applicant Mr. Matyszkowicz was present to discuss his Proposed Landscape Plan. It showed eight New Emerald Green 4-5 feet high, and seven Green Giant, 5-6 feet high. Mr. Matyszkowicz explained that there will be a new four foot fence atop the proposed retaining wall. Mr. Nedder said that it is important to continue to maintain the plantings. It was noted that most new plantings come with a one year warranty.

There were no members of the general public who commented on the application. Mr. Balgach made a motion to close the public hearing on the matter. That motion was seconded by Mr. Nedder, and approved by a vote of 4-0.

At about 7:40 p.m., Mr. Ball arrived at the meeting and Chairman Olvany read the next agenda item:

GENERAL MEETING

Mandatory Referral #4-2023, Board of Selectmen, Great Island.

Report regarding leases on a number of buildings on the subject property.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 2

Mr. Olvany noted that any proposals for lease of Town property must come before the Planning and Zoning Commission as required by Connecticut General Statute 8-24.

Ms. Barsanti arrived at 7:45 p.m.

Mr. Ginsberg summarized the letter from Town Administrator Kathleen Buch. He said that these are one year extensions of the leases. He explained that what the Town is basically doing is keeping “status quo”, and that no decisions have been made on the property. The Town would have the opportunity to give 90 days’ notice to the tenants to vacate. Mr. Olvany believed that the request is straightforward. Mr. Reilly, disagreed that it was straightforward, and inquired about the stable. He noted that the stable use has not been approved by the Commission. Mr. Ginsberg said that an application for a Special Permit has been submitted, and the Commission will hear that in late May or early June. Mr. Ginsberg said that there are single-family structures on the property, and the stable, which also has apartments within it. Mr. Reilly questioned whether the stable is a commercial use in a residential zone. Mr. Ginsberg responded that there are two possible provisions in the zoning regulations which could apply—Section 404d and/or Section 404e. Mr. Reilly suggested the Municipal Use (MU) overlay zone for the property. Mr. Ginsberg said that Great Island is Town-owned property and not Park and Recreation property.

Mr. Reilly had concern about the stable use, and the timing of the Special Permit. Mr. Ginsberg said that the Commission can say in the report that the stable use still requires a Special Permit, and there will be a public hearing on that. Mr. Olvany noted the presence of country clubs and the Ox Ridge Riding & Racquet Clubs in the residential zones. Mr. Reilly agreed, but noted that at this time, a stable use is not approved. Mr. Reilly believed that wording in the Commission’s report could include language something like “...we are not sanctioning a special permit at this time...” Mr. Reilly asked about insurance. Mr. Ginsberg said that his understanding was that the Town has been working with its insurance company during the recent due diligence period. Mr. Nedder said that the Planning & Zoning Commission has never involved itself in insurance issues.

Mr. Reilly had some questions regarding access. Mr. Ginsberg responded that the structures on-site have been occupied for many years. He said that at this time, no public access is allowed. Ms. Barsanti said that there may be an area or areas where the access is less than two vehicles wide. Mr. Ginsberg said that future improvements to the property will hinge on future uses put forth. Mr. Ball said that the prior owners have leased out the on-site buildings for many years.

Mr. Ginsberg said future applications to the Planning & Zoning Commission are likely for Great Island, as well as future 8-24 referral report request(s).

Mr. Reilly reiterated his concern about access. Mr. Nedder said that this would not impact the lease, and the current uses have been there for about 100 years.

It was agreed that staff would work on a draft report for the Commission’s review and a vote at an upcoming meeting in late May, possibly May 23.

At about 8:07 p.m., Chairman Olvany read the next agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 3

Subdivision Application #616, Land Filling & Regrading Application # 386, Okie, Raider's Lane
Request for extension of time.

Mr. Ginsberg summarized the request from Ms. Okie. Mr. Ginsberg said that the EPC approved the project in 2016 and the Planning & Zoning Commission in early 2017. Mr. Ginsberg confirmed that the subdivision has been finalized, but the Land Filling & Regrading Permit has not yet been implemented. Mr. Ball asked about the “typical” extensions granted by the Commission. Mr. Ginsberg noted that EPC approval expires in 2026. Mr. Olvany suggested a two year extension. Ms. Okie was present, and said that they have no intent on proceeding at this time. Mr. Balgach said that he was willing to approve another one year extension. Mr. Nedder suggested three years, so that the approval matches the EPC expiration date. Mr. Reilly noted that he would be abstaining on this matter, since he serves on the Blight Review Board with Ms. Okie. Ms. Barsanti said that she would approve a one or two year extension.

Mr. Balgach made a motion to approve a two year extension of time. That motion was approved by a vote of 4-1-1, with Mr. Ball voting against, and Mr. Reilly abstaining. Mr. Balgach noted that it appears, based upon tonight’s review, that the Commission will not be willing to extend the permit/approval beyond that date.

At about 8:19 p.m., Chairman Olvany read the next agenda item:

Discussion regarding Accessory Dwelling Units (ADUs).

Mr. Olvany noted that there does not need to be one blanket size for all ADUs—there can be one standard for “free standing”/detached ADUs, and another for an ADU within the existing residence. The Commission does not want to allow duplexes, thus, they want to cap the size of the ADU relative to the main residence. Ms. Barsanti suggested that at least one unit be owner-occupied. Her concern was the unintended consequences of investors, thus, she believed that it was important to have an owner on-site. She wondered whether 1,200 square feet is too big. Mr. Reilly suggested using the wording “principal owner or direct relative”. Mr. Olvany agreed that it would be important to not have two rentals on a property. Mr. Balgach disagreed, noting that an owner should be allowed to rent out both units. Mr. Balgach and Ms. Barsanti agreed that any living space must meet the setbacks for the zone in which it is in.

Mr. Dave Keating then referred to and presented the details of his two documents, dated May 1 and May 2, 2023.

Mr. Olvany said that he was hoping to have a first public hearing on the proposal in late June 27 or July 11, with a second public hearing in September. Mr. Olvany asked whether a date earlier than July 11 was possible. Mr. Keating then reviewed the other changes from the first draft.

Mr. Olvany believed that having 1,200 square feet in a detached building would be appropriate, but a 1,200 square foot ADU within a residence would not be. Mr. Keating noted that his original suggestion was 1,000 square feet. Mr. Olvany believed that there should be two sets of numbers. Mr. Nedder noted that there are other limiting factors on properties. Mr. Ball, Mr. Nedder, Mr. Reilly and Ms. Barsanti agreed that having two different maximum sizes would be appropriate—one for detached

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 4

units and one for attached units. Mr. Olvany asked staff to research the size of pool houses.

Mr. Keating continued, by reviewing potential parking requirements for ADUs. It was agreed that any additional does not need to be paved, but it cannot be lawn. Commission members agreed that a recreational vehicle cannot be considered an ADU. They also agreed that it would be appropriate to file notice of an ADU in the Darien Land Records. Mr. Balgach and Mr. Olvany believed that it would be appropriate to include a “sunset clause” in the proposal. Mr. Keating then suggested a maximum size of 1,000 feet in a detached building, and 600 feet for a unit within an existing residence. Mr. Nedder was concerned about the Commission’s ability to restrict condominiumization.

Mr. Ginsberg said that staff will continue to do research, and finalize a proposal to be put forth for a public hearing in late June or on July 11.

At about 9:06 p.m., Chairman Olvany read the next agenda item:

Discussion regarding Designed Business (DB) Zone.

Mr. Ginsberg summarized his memo dated April 27, 2023. Mr. Olvany suggested that the staff work on “tightening up” the wording to avoid any confusion by staff or the general public. Mr. Nedder and Mr. Balgach agreed.

At about 9:14 p.m., Chairman Olvany read the next agenda item:

Discussion and deliberations and possible decisions regarding the following:

Business Site Plan #94-B, Land Filling & Regrading Application #547, Bery Realty, LLP, 118 Old King’s Highway South and 1302 Boston Post Road. Proposal, on both properties, is to expand the parking lot for existing veterinary office, including regrading of the property, installation of stormwater management, and to perform related site development activities. *DECISION DEADLINE: 6/22/2023.*

Chairman Olvany noted that a draft resolution was included in Commission members’ packets. Mr. Nedder made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Balgach, and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 9, 2023**

Application Number: Business Site Plan #94-B/Special Permit
Land Filling & Regrading Application #547

Street Address: 118 Old King’s Highway South and 1302 Boston Post Road
Assessor's Map #63 Lots #2 and #27-29

Name and Address of Applicant: Bery Realty, LLP

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 5

and Property Owner: 118 Old King's Highway South
Darien, CT 06820

Name and Address of Applicant's Representative: Harry Rocheville, P.E.
McChord Engineering Associates, Inc.
1 Grumman Hill Road
Wilton, CT 06897

Activity Being Applied For: Proposal, on both properties, is to expand the parking lot for an existing veterinary office, including regrading of the property, installation of stormwater management, landscaping, and to perform related site development activities.

Properties Location: The 0.386+/- acre 118 Old King's Highway South property is located on the west side of Old King's Highway South approximately 485 feet north of its intersection with Queen's Lane, and is shown on Assessor's Map #63 as Lot #27, 28, and 29. The 0.44+/- acre 1302 Boston Post Road property is shown on Assessor's Map #63 as Lot #2, directly to the west of the 118 Old King's Highway South property.

Zone: SB Zone and portion of the 118 Old King's Highway South property is in the R-1/3 zone

Date of Public Hearing: March 14, 2023 continued to April 18, 2023

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: March 2 & 9, 2023

April 6 & 13, 2023

Newspaper: Darien Times

Date of Action: May 9, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
May 18, 2023

Newspaper: Darien Times

- the proposed use and activities must comply with all provisions of Sections 660, 850, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant's representative 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:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 6

1. This project is to expand the parking lot for existing veterinary office, including regrading of the property, installation of stormwater management, and landscaping, and to perform related site development activities. The 118 Old King's Highway South property is split-zoned, with the portion closest to Old King's Highway South being zoned as Residential R-1/3, and the remainder of the property being zoned Service Business (SB). The entire parking lot will be in the SB Zone. No commercial activity is proposed to occur within the residential zone. Both properties are served by public water and sewer.
2. At the public hearing, engineer Harry Rocheville explained that the application does not include any change to the existing operation of the veterinary office, including the nature of the use, the outdoor area for animals, number of employees, or the hours of operation.
3. The existing veterinary office has 18 parking spaces. This proposal will increase the number of parking spaces. The Commission hereby finds that the number of parking spaces are adequate for this use, per Section 904t of the Darien Zoning Regulations. The plans were revised during the public hearing process to reflect that all commercial parking will be at least 25 feet from the residential zone boundary line, which is parallel to Old King's Highway South.
4. As represented at the public hearing by the applicant's engineer, the lights within the parking lot will be turned off no later than 9 p.m. every night as the vet's office is closed.

STORMWATER MANAGEMENT

5. The applicant's engineer prepared a Site Development Plan and associated Stormwater Management Report dated February 16, 2023. The Report contains a Stormwater Facilities Maintenance Plan as Appendix C. The Plan and Report were reviewed by outside engineer Joe Canas of Tighe & Bond. Mr. Canas' comments were submitted in a memo dated March 1, 2023. In that memo he had a number of recommendations for conditions of approval.

SITE PLAN AND SPECIAL PERMIT FINDINGS

6. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
7. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
8. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
9. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024 through 1025 of the Darien Zoning Regulations.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 7

10. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #94-B/Special Permit and Land Filling & Regrading Application #547 are hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the additional parking area, stormwater management, and associated lighting and landscaping shall be in conformance with the plans entitled:
- Site Development Plan, Plan Prepared for Bery Realty LLP, last revised 3-29-2023, prepared by McChord Engineering, scale 1"=20', Drawing No. SE-1.
 - Construction Notes and Details, Plan Prepared for Bery Realty LLP, last revised 3-29-2023, prepared by McChord Engineering, scale as shown, Drawing No. DT1.
 - Landscape & Lighting Plan, by Environmental Land Solutions, dated March 29, 2023, Drawing No. LP.1
 - Improvement Location Survey-Proposed, by Pereira Engineering, LLC, scale 1"=20', dated March 28, 2023, Sheet 1 of 1.

The March 29 plans are responsive to the comments made in Mr. Canas' March 1, 2023 memo.

- B. Once reviewed and approved by the Director of Land Use, a mylar map shall be filed in the Darien Land Records consolidating the two existing parcels (Lots #2 and #27-29) into one parcel. Prior to the filing, the Assessor should be consulted regarding any new Lot number, if appropriate. The filing must occur prior to the issuance of a Zoning/Building permit for the proposed work.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. At the April public hearing, the applicant's representative confirmed that the veterinary office closes around 6 p.m. daily, and that the lights in the parking lot will not need to remain on beyond that time. Thus, the Commission hereby requires the parking lot lights to be turned off no later than 9 p.m. daily.
- E. Care must be taken by the operators of the veterinary facility to assure that noise and/or odors from the animals are not a nuisance to the adjacent properties, some of which are located in a residential (rather than business) zone.
- F. Prior to the issuance of Certificate of Completion for the parking lot, stormwater management, and lighting, the applicant shall submit the following:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 8

1. As noted within Mr. Canas' memo, an as-built survey shall be submitted showing the drainage/stormwater management and final grading.
 2. Also as noted within Mr. Canas' memo, an as-built letter of certification from the engineer/applicant that the plans have been built in substantial conformance with the approved plans.
 3. The applicant's landscape architect, ELS, shall certify the landscaping, lighting and fence installation.
- G. 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.
- H. The granting of this Special 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 agency. The Planning & Zoning Department will file a Special Permit form and Notice of Drainage Maintenance Plan in the Darien Land Records prior to the start of work. A Demolition Permit is required to demolish the existing structure(s) at 118 Old King's Highway South. A Zoning/Building Permit will be required for all on site work (including, but not limited to the electrical work for the lighting poles). A Street Opening Permit from Darien DPW will be required to close off the Old King's Highway South curb cut.
- I. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (May 9, 2024). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action, including the filing of a mylar map to combine the parcels, and filing of a Notice of Drainage Maintenance Plan and Special Permit form in the Darien Land Records, or this approval shall become null and void.

Chairman Olvany then read the next agenda item:

Coastal Site Plan Review #367-A, Flood Damage Prevention Application #420-A, Land Filling & Regrading Application #526-A, John & Amanda Spatola, 11 Searles Road. Proposal to construct additions to the north/west and east sides of the existing single-family residence, construction of new and realigned driveways, and patio areas, and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management and a new septic system. *DECISION DEADLINE: 6/22/2023.*

Commission members reviewed the draft resolution. Mr. Reilly noted that he would be recusing himself on this matter. Mr. Balgach then suggested a change to Condition D, relative to hoe-ramming for the basement. Ms. Barsanti then made a motion to adopt the resolution as amended by Mr. Balgach. That motion was seconded by Mr. Ball, and was approved by a vote of 5-0, with Mr.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 9

Reilly abstaining. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 9, 2023**

Application Number: Coastal Site Plan Review #367-A
Flood Damage Prevention Application #420-A
Land Filling & Regrading Application #526-A (PL22-33)

Street Addresses: 11 Searles Road
Assessor's Map #66 Lot #69

Name and Address of Property Owners: Patrick & Amanda Spatola
11 Searles Road
Darien, CT 06850

Name and Address of Applicant & Applicant's Representative: Bryan Nesteriak P.E.
B&B Engineering
15 Research Drive, Suite 3
Woodbridge, CT 06525

Activities Being Applied For: Proposal to construct additions to the north/west and east sides of the existing single-family residence, construction of new and realigned driveways, and patio areas, and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management and a new septic system.

Property Location: The 1.89+/- acre subject property is located on the south side of Searles Road, at its northern intersection with Indian Trail.

Zone: R-1

Date of Public Hearing: March 14, 2023 (no testimony taken) continued to April 18, 2023

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

Publication of Hearing Notices

Dates: March 2 & 9 and April 6 & 13, 2023

Newspaper: Darien Times

Date of Action: May 9, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
May 18, 2023

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,

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 10

850, and 1000 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 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 construct additions to the north/west and east sides of the existing single-family residence, construction of new and realigned driveways, and patio areas, and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management and a new septic system.

STORMWATER MANAGEMENT

2. An Engineering Report entitled Stormwater Management Analysis by B&B Engineering Associates, Inc., dated December 29, 2022, last revised February 14, 2023 was submitted for the record as part of the application. That report was reviewed by Joe Canas of Tighe & Bond, and Mr. Canas submitted comments dated March 1, 2023. Mr. Nesteriak responded to those comments in a March 6, 2023 two-page memorandum. He also submitted a Stormwater Operational & Maintenance Plan dated March 6, 2023.
3. 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 location so close to the Long Island Sound.

PROPOSED WORK WITHIN THE FLOOD ZONE

4. The western portion of the property lies with the FEMA 100-year AE 13.0 flood zone. The house additions and alterations will be constructed entirely outside of the flood zone. Portions of the proposed northernmost driveway and drainage system will be located within the limits of the existing flood zone, with minor regrading proposed. The project will not result in a reduction of flood storage capacity. As noted within the State of CT DEEP comments, the additions to the house have been deliberately designed to be outside the flood zone at elevation 13.0.
5. 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.
6. 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

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 11

7. The State of CT DEEP submitted comments on March 9, 2023 via a comments checklist. In those comments, they note that the house is outside of the flood zone, and if the house or any of its attached accessory features is in the flood zone, then the project would then have to meet a “substantial improvement” threshold. It would also prohibit the house from having a basement.
8. 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.
9. 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.
10. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

11. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
12. 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 #367-A, Flood Damage Prevention Application #420-A and Land Filling & Grading Application #526-A are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Grading, construction and other site development activity shall be in accordance with the plans submitted to and reviewed by the Commission:

ENGINEERING PLANS

Plans generally entitled ‘11 Searles Road, Darien’, Prepared for Amanda Spatola by B&B Engineering, dated February 14, 2023, last revised March 6, 2023.

- Sheet 1 of 2, Proposed Site Development Plan;
- Sheet 2 of 2, Construction Notes and Details.

ARCHITECTURAL PLANS

Plans generally entitled ‘Proposed Addition & Alterations to an Existing Dwelling, 11 Searles Road, Darien’, Prepared for Amanda Spatola by Demaio Design Group, LLC, dated February 14, 2023.

- Sheet A-1.0, Title Sheet & General Notes;
- Sheet A-1.1, Proposed Foundation Plan;
- Sheet A-1.2, Proposed First Floor Plan;
- Sheet A-1.3, Proposed Second Floor Plan;
- Sheet A-1.4, Proposed Roof Plan;
- Sheets A-2.0 through A-2.3, Proposed Elevations.

The Commission acknowledges that specific architectural plans are not being approved herein. However, the plans are being approved with the belief and understanding that the house is

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 12

outside of the flood zone.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Site Development Plan in Condition 'A', above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and 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.
- 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. Hoe ramming/rock chipping shall be permitted if necessary for excavation of the basement area.

STORMWATER MANAGEMENT

- E. The Commission notes that the proposed stormwater management system, designed by Professional Engineer, Bryan Nesteriak, of B&B Engineering, has been reviewed by Professional Engineer, Joseph Canas, of Tighe & Bond, on behalf of the Town of Darien. The March 6, 2023 civil engineering plans reflect changes made in response to comments by Mr. Canas.
- F. 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 the street.
- G. 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 agencies.
- H. Prior to the issuance of a Certificate of Occupancy (CO) for the house additions/alterations, the applicant shall submit the following to demonstrate compliance with the approved plans:
 - 1. Verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management system have been completed in compliance with the approved plans referred to in Condition 'A', above. It is incumbent upon the applicant's engineer to witness the drainage installation;
 - 2. A final "as-built" survey prepared by a licensed land surveyor and other evidence that all work has been properly completed in accordance with the approved plans, and complies with zoning setback, 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. 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.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 13

It shall also show the flood elevation and flood zone line, so it can be ascertained that the house additions are still outside of the flood zone.

- I. 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.
- J. This permit shall be subject to the provisions of Sections 815, 829f, and 858 of the Darien Zoning Regulations, including but not limited to, the implementation of the approved plan within one (1) year of this action (May 9, 2024). This may be extended as per Sections 815, 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 Zoning and Building Permit.

Chairman Olvany then read the next agenda item:

Business Site Plan Application #24-AD / Special Permit, Rag Stio Corporation, Emilio's Brick Oven Pizza, 25 Old King's Highway North, Goodwives Shopping Center. Proposal to establish a new 1,371+/- square foot Quick Service Restaurant in the first floor space formerly occupied by Clean Juice. *HEARING CLOSED: 4/25/2023.*

Mr. Reilly suggested a change to finding #6. Mr. Balgach made a motion to adopt the resolution. That motion was seconded by Mr. Reilly, and approved by a vote of 6-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 9, 2023**

Application Number: Business Site Plan Application #24-AD/Special Permit (PL23-46)

Street Address: 25 Old King's Highway North (Goodwives Shopping Center)
Assessor's Map #71 Lot #19

Name and Address of Applicant & Applicant's Representative: Emilio and Sarah Stio
Rag Stio Corp.
148 Riverbank Drive
Stamford, CT 06903

Name and Address of: UB Darien Inc.
Property Owner: Urstadt-Biddle Properties, Inc.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 14

321 Railroad Avenue
Greenwich, CT 06830

Activity Being Applied For: Proposal to establish a new 1,371+/- square foot Quick Service Restaurant in the first floor space formerly occupied by Clean Juice.

Property Location: The space is located within Goodwives Shopping Center, located on the south/east side of Old King's Highway North, approximately 150 feet southeast of its intersection with Brookside Road.

Zone: Designed Commercial (DC)

Date of Public Hearing: April 25, 2023

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

Publication of Hearing Notices

Dates: April 13 & 20, 2023

Newspaper: Darien Times

Date of Action: May 9, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
May 18, 2023

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 770, 905, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted information, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

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

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

1. The proposal is to establish a new 1,371+/- square foot Quick Service Restaurant in the first-floor space formerly occupied by Clean Juice. The proposed use is considered a quick-service restaurant use, which requires special Permit approval under Section 773c of the Darien Zoning Regulations in the DC Zone. The subject property is served by public water and sewer.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 15

2. It was explained at the public hearing that hours of operation for the pizzeria/restaurant will generally be from 11 a.m. to 10 p.m., seven days a week.
3. The pizzeria/restaurant will offer the option to order from the menu and take-out; or the option to order and sit down. Delivery service also will be provided. The business will have three full-time employees, including a pizza man, a cook, and a prep person. The owner/manager will be present full-time, every day. Part-time staff will include a pizza delivery person and a counter person. Deliveries will be made from the rear entrance to the building.
4. Sixteen (16) indoor seats are shown on the submitted floor plan. At the public hearing, the applicant explained that they desired to have eighteen (18) indoor seats. It was noted during the hearing that some seasonal outdoor seating may be desired in the future. The Commission finds that any desired outdoor seating would require review and action by both the Architectural Review Board (ARB).

PARKING

5. As the Commission has noted in its Goodwives Shopping Center approvals in the past, according to the Darien Zoning Regulations, the shopping center would require a total of approximately 1,000 on-site parking spaces, but there are approximately 465 to 486 parking spaces for the 96,000+/- square foot building on the subject property. As part of previous applications for the Goodwives Shopping Center, the Planning and Zoning Commission made a finding under Section 904 of the Darien Zoning Regulations that due to the unique nature of the Goodwives Shopping Center, the parking is adequate. The proposed use might be more parking intense than typical retail stores, but because they are only leasing a small portion of the Shopping Center (1,371+/- square feet), the Commission finds that no increase in parking spaces is necessary. The Commission also finds that the proposed capacity of the on-site parking will meet the intent of the regulations.
6. At the public hearing, a representative of the property owner Urstadt-Biddle explained how parking capacity is addressed by the owner. He notes that while the parking lot very rarely reaches capacity or near-capacity, it is the shopping center tenants who will provide the impetus of the owner to tow vehicles. He acknowledged that this did occur recently, and was prompted by a largely-attended hockey game at the nearby ice rink.

SPECIAL PERMIT FINDINGS

7. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
8. The location and nature of the proposed use, the size and height of the existing building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
9. The location and size of the use and the nature and intensity of the proposed operations conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 16

10. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
11. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #24-AD/Special Permit is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. The Commission hereby approves the proposed Quick-service restaurant use as described in the application materials and at the Public Hearing. The following plan was submitted by the applicant:
 - Sheet FS101, Emillio's Pizza, Floor Plan of Equipment, Prepared by Restaurant Equipment Paradise, dated February 10, 2023.Final details of the floor plan may be modified subject to final approval by the Fire Marshal, Health Director, Planning & Zoning Director, and Building Official. Any final floor plans and use of the space must be consistent with representations made within the submitted application materials and at the public hearing by the applicant, and this resolution.
- B. The Commission hereby approves a total of 18 indoor seats, as well as up to 16 outdoor seats for seasonal dining. Review and a positive report by the Architectural Review Board (ARB) will be necessary to finalize any outdoor seating relative to exact style, design, and location.
- C. All deliveries shall be made from the rear of the building, or from the Goodwives Shopping Center parking lot. Deliveries shall not be taken from the Fire Lane. No stopping or parking within the fire lane shall be permitted.
- D. Because the restaurant is located directly adjacent to other businesses, it is imperative that odor and noise be controlled and minimized so as not to become a nuisance. Prior to the issuance of a Zoning or Building Permit, final revised plans shall be submitted reflecting the installation of a venting system to control kitchen emission of odors and particulates. These plans shall be reviewed by the Fire Marshal, Health Director, Planning & Zoning Director, and Building Official. This is imperative to minimize any potential odors to other adjacent businesses. All equipment to be installed shall be maintained by the applicant. All hood and venting systems shall be fully installed and operational prior to the issuance of a Certificate of Occupancy for the business.
- E. Because of the nature of the business, and the unique location of Goodwives Shopping Center within a commercial zone, and the location of this space within the shopping center, the Commission places no limits on the maximum hours of operation, or the days of the week which it may operate.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 17

- F. The applicant shall use the trash area and dumpsters located behind the building. The tenant shall work with other tenants and the property owner to keep it neat and orderly.
- G. There is no new impervious surface created as part of this application, and thus, the Commission waives the requirement for stormwater management under Section 880 of the Zoning Regulations.
- H. 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.
- I. The granting of this approval does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. A Zoning and Building Permit will be needed for the proposed interior tenant fit-out of the space, and this permit shall include the venting and hood details. Darien Health Department review and approval is required prior to opening of the business. Any desired signage shall require review and a report by the Architectural Review Board (ARB). Any outdoor dining or seating requires further review and action by the ARB.
- J. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved interior plan within one (1) year of this action (May 9, 2024). This may be extended as per Section 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final approved plans by the Chairman, or this approval shall become null and void. A Special Permit form shall be filed in the Darien Land Records prior to the issuance of a tenant fit-out Zoning/Building Permit or establishment of the business on-site, whichever comes first.

Chairman Olvany then read the next agenda item:

Coastal Site Plan Review #373, Land Filling & Regrading Application #547, Marisa Bistany-Perkins, 5 Conant Place. Proposal to construct a new additions to the southwest side of the existing residence, to construct a new retaining wall with associated regrading of the property; and to perform related site development activities within a regulated area. *HEARING CLOSED: 4/25/2023.*

Commission members reviewed the draft resolution. Mr. Reilly made a motion to adopt the resolution as written. That motion was seconded by Ms. Barsanti, and was approved by a vote of 6-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 9, 2023**

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 18

Application Number: Coastal Site Plan Review #373
Land Filling & Regrading Application #547 (PL23-48)

Street Addresses: 5 Conant Place
Assessor's Map #62 Lots #72 and #73

Name and Address of
Property Owners: Marisa Bistany-Perkins
5 Conant Place
Darien, CT 06850

Name and Address of Applicant &:
Applicant's Representative: Morgan Lister
Dodaro Architects
1 Park Avenue
Old Greenwich, CT 06870

Activities Being Applied For: Proposal to construct new additions to the southwest side of the existing residence, to construct a new retaining wall with associated regrading of the property; and to perform related site development activities within a regulated area.

Property Location: The 1.45+/- acre subject property is located on the east side of Conant Place at the southeastern corner formed by its intersection with Salem Straits Road.

Zone: R-1

Date of Public Hearing: April 25, 2023

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

Publication of Hearing Notices
Dates: April 13 & 20, 2023

Newspaper: Darien Times

Date of Action: May 9, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
May 18, 2023

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, 850, and 1000 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 whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 19

- 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 construct new additions to the southwest side of the existing residence, to construct a new retaining wall with associated regrading of the property; and to perform related site development activities within a regulated area.
2. A very small portion of the property near Candlewood Lane may line within the FEMA 100-year AE 14.0 flood zone. All proposed improvements are located entirely outside of the flood zone, above elevation 36.0.

STORMWATER MANAGEMENT

3. An Engineering Report entitled Drainage Computations by H.K. Associates Professional Engineer, dated November 23, 2022 was submitted for the record as part of the application. A Stormwater Operations and Maintenance Manual was submitted by H.K. Associates.
4. 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 proximity to Scotts Cove and the Long Island Sound.

PROPOSED WORK WITHIN CAM AREA

5. 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.
6. 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.
7. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

8. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. 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 #373 and Land Filling & Regrading Application #547 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Regrading, construction and other site development activity shall be in accordance with the plans submitted to and reviewed by the Commission:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 20

SURVEY

- Zoning Location Survey, Prepared for Marisa Bistany Perkins by Arcamone Land Surveyors, LLC, dated September 22, 2015, last revised September 29, 2022.

Since the house addition is shown within a few inches of the front yard setback line, the Commission is requiring that a signed/stamped survey be submitted prior to the issuance of a Zoning/Building Permit.

ENGINEERING PLAN

- 'Drainage Design', Prepared for Marisa Bristany Perkins by H.K. Associates Professional Engineer, dated November 21, 2022, last revised April 21, 2023.

ARCHITECTURAL PLANS

Plans generally entitled 'Perkins Residence, 5 Conant Place, Darien', Prepared by Dodaro Architects, LLC, dated January 25, 2023.

- Sheet A001, Cover Sheet;
- Sheet A002, 3D Model Views;
- Sheet A100, Basement Plan;
- Sheet A101, First Floor Plan;
- Sheet A102, Attic Floor Plan;
- Sheet A103, Roof Plan;
- Sheet A201, Exterior Elevations;
- Sheet A301, Building Sections;
- Sheet A302, Building Sections;
- Sheet A401, Wall Sections & Details;
- Sheet A402, Wall Sections & Details;
- Sheet A403, Wall Sections & Details;
- Sheet S001, General Structural Notes;
- Sheet S100, Foundation & First Floor Framing Plan;
- Sheet S101, Second Floor Framing Plan;
- Sheet S102, Attic Floor & Roof Framing Plan.

The Commission acknowledges that specific architectural plans are not being approved herein.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Site Development Plan in Condition 'A', above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and 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.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 21

- 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.

STORMWATER MANAGEMENT

- E. The Commission notes that the proposed stormwater management system, designed by H.K. Associates, has been reviewed by Professional Engineer, Joseph Canas, of Tighe & Bond, on behalf of the Town of Darien. Revised plans have been submitted in response to Mr. Canas' comments.
- F. 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 the street.
- G. 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 agencies.
- H. Prior to the issuance of a Certificate of Occupancy (CO) for the house additions/alterations, the applicant shall submit the following to demonstrate compliance with the approved plans:
3. Verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management system have been completed in compliance with the approved plans referred to in Condition 'A', above. It is incumbent upon the engineer to visit the site while the drainage system is being installed;
 4. A final "as-built" survey prepared by a licensed land surveyor and other evidence that all work has been properly completed in accordance with the approved plans, and complies with zoning setback, building height, and building coverage requirements. 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.
- I. 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.
- J. This permit shall be subject to the provisions of Sections 815 and 858 of the Darien Zoning Regulations, including but not limited to, the implementation of the approved plan within one (1) year of this action (May 9, 2024). This may be extended as per Sections 815 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 Zoning and Building Permit.

At about 9:23 p.m., Chairman Olvany read the next agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
MAY 9, 2023
PAGE 22

Discussion ONLY regarding the following:

Business Site Plan Application #234-B, Special Permit Application #236-A, Grove Street Plaza, LLC, Harvest Restaurant Group, 14 Grove Street. Proposal to establish a new 1,371+/- square foot Full Service Restaurant in the first floor and basement space formerly occupied by the Melting Pot. Proposal to establish part-time, seasonal use of the existing public plaza area to accommodate outdoor dining for the new restaurant, the businesses at 20 Grove Street, and the general public.

Mr. Olvany said that he believes that the indoor changes to the restaurant are fine. His concern was the outdoor seating. Mr. Olvany said that the outdoor changes need review by the Board of Selectmen and the Architectural Review Board (ARB). Mr. Balgach wanted to ensure egress to the upper floor apartments. Mr. Ginsberg said that he would check with the Fire Marshal. Mr. Reilly noted that the applicant said during the presentation that two tables near the Grove Street entrance will be eliminated. Mr. Nedder and Mr. Ball said that they were comfortable with the application as submitted. Mr. Reilly suggested removing more tables near the fountain. Ms. Barsanti suggested waiting for a decision from the Board of Selectmen regarding outdoor dining. Mr. Olvany said that in his opinion, too many outdoor tables and chairs are proposed.

Chairman's Report

Chairman Olvany congratulated everyone on the purchase of Great Island. He said that he is working with other local Planning & Zoning Chairman regarding pending legislation.

Approval of Minutes

March 7, 2023

Ms. Barsanti made a motion to approve the minutes as written. That motion was seconded by Mr. Balgach, and was approved by a vote of 4-0, with Mr. Nedder and Mr. Ball abstaining, since they were not at the meeting.

March 28, 2023

Mr. Reilly made a motion to approve the minutes as written. That motion was seconded by Mr. Balgach, and was approved by a vote of 5-0, with Mr. Ball abstaining, since he was not at the meeting.

April 25, 2023

Mr. Balgach made a motion to approve the minutes as written. That motion was seconded by Mr. Nedder, and was approved by a vote of 5-0, with Mr. Ball abstaining, as he was not at the meeting.

There being no other business, Mr. Ball made a motion to adjourn the meeting. That motion was seconded by Mr. Nedder and unanimously approved. The meeting was thus adjourned at 9:39 p.m.

Respectfully submitted,

Jeremy B. Ginsberg, AICP
Director of Land Use