

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
May 23, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

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

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

Special Permit Application #329-A / Site Plan, Town of Darien, 40 & 46 Great Island. Proposal to rent the stables and associated equestrian facilities on Great Island to an outside operator with the specialized expertise necessary to run a full-service show stable for programmed active recreational use with specific restrictions and limits. These indoor and outdoor facilities include an 18-stall granite stable and indoor heated riding arena, an outdoor sand dressage ring, and a half-size polo field as well as numerous paddocks and riding trails that comprise the facility. The operator of the facilities would be a full-service show stable offering full boarding and training of up to 23 horses, a riding lesson program, an animal therapy program, and a summer children's program. The 60.92+/- acre subject property is located on the east side of Goodwives River Road and Long Neck Point Road and consists of a total of three separate lots, identified as Map #58 Lot #1-A (13.5+/- acres); Map #58 Lot #1 (45.94+/- acres); and Map #58 Lot #1AA (1.48+/- acres) (accessway) in the R-1 Residential Zone. The subject property is accessible via a causeway at the southeastern terminus of Rings End Road from Goodwives River Road. ***TO BE POSTPONED.***

Chairman Olvany confirmed that this item has been postponed. He read the next agenda item:

Coastal Site Plan Review #372, Flood Damage Prevention Application #436, Land Filling & Regrading Application #544, Mitchell & Kerry Ross, 17 Nickerson Lane. Proposal to construct a new 6-bedroom single-family dwelling on a now vacant lot, construction of a new driveway and parking court, patio and terrace areas, and a pool; and to perform related site development activities, including regrading of the property and installation of stormwater management. The project will establish new connections to public water and sewer. The 0.98+/- acre subject property is located on the southwest side of Nickerson Lane approximately 750 feet west of its intersection with Nearwater Lane, and is shown on Assessor's Map #52 as Lot #9; R-1 Residential Zone. ***TO BE OPENED AND IMMEDIATELY CONTINUED TO MAY 30, 2023.***

Mr. Ginsberg said that this item will be continued to May 30, 2023. Mr. Reilly confirmed that he is recused on this matter.

At about 7:35 p.m., Chairman Olvany then read the next agenda item:

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Continuation of Public Hearing Regarding Proposed Amendments of Zoning Regulations (COZR #1-2023), Site Plan Application #310-A, Special Permit Application #324-A, Flood Damage Prevention Application #425-A, 7 Sedgewick Avenue, LLC, 7 Sedgwick Avenue. Proposal to amend Section 726(13) of the Zoning Regulations to increase the maximum floor area of dwelling units in the Central Business District (CBD) from 1,000 square feet to 1,600 square feet; Proposal to amend Section 726, Note (f) of the Zoning Regulations to allow third floor dwelling units as incentive units under the Inclusionary Zoning Regulations, and to clarify the residential parking requirements in the Central Business District (CBD); Proposal to raze the existing bank building on the site, convert and redevelop the property as multi-family residential, and to perform related site development activities within a regulated area, including regrading of the property, installation of landscaping, lighting, and stormwater management. The applicant proposes to construct a multi-family apartment building with a total of 22 one- and two-bedroom apartments on the two floors above the parking level, including 4 deed restricted affordable units. A total of 38 surface level parking spaces will be created under the building. The 0.49+/- acre subject property is located at the southwest corner formed by the intersection of Sedgwick Avenue and Old King's Highway North, and is shown on Assessor's Map #71 as Lots #15 and #16 in the Central Business District (CBD). The full text of the proposed zoning regulation amendment is on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at darienct.viewpointcloud.com.

Mr. Doneit confirmed that the public hearing on this matter was opened on March 28, 2023. It was noted that the applicant has addressed a number of concerns. The application went before the Architectural Review Board (ARB) on May 16, 2023, and an unfavorable report was issued. They have addressed the concerns of peer review engineer Joe Canas regarding stormwater management and peer review traffic reviewer Greg Del Rio of Hardesty & Hanover. Mr. Doneit said that comments had been received the Local Traffic Authority (LTA) dated February 9, 2023; Darien Health Department February 7, 2023; EPC staff Rick Talamelli March 6, 2023; and State of CT DEEP dated March 6, 2023.

Attorney Robert F. Maslan, Jr., was present on behalf of the applicant. It was noted that three letters from Mr. Maslan had been received, dated May 18, May 15, and April 11, 2023. The April 11 letter noted a proposed revision to the text amendment from 2,000 square feet maximum down to 1,600 square feet maximum. That change was filed with the Town Clerk. In May, they had submitted information on flood certifications. They also addressed Mr. Canas' and Mr. Talamelli's comments. On May 18, 2023, revised architectural plans were submitted. That submittal also noted the removal of the proposed rooftop amenities. Mr. Maslan noted that the plans are the same, but only the rooftop plan has changed—just one sheet. Mr. Maslan confirmed that they resolved the Sewer Commission question, and there is sufficient sewer capacity for the 22 proposed units.

Professional engineer Andy Soumelidis of LandTech said that there are now two catch basins in the parking lot. They have converted floor drains to connect to the oil/water separator for treatment, then to the Town stormwater system—not the sanitary sewer system. This was in response a comment from Mr. Canas. The sewer will have tight joints and be a tight fitting pipe. There will be a 10' x 30' loading space along Old King's Highway North within the Town right-of-way, but not in the travel way. It is basically an "on-street" space. A draft flood contingency plan was prepared. Mr. Olvany said that the flood notification should run with the land, not with the property owner. Mr. Olvany asked about the possibility of flooding in an overnight situation. Mr. Soumelidis

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responded that this can be revisited with the Darien Fire Marshal. Mr. Olvany differentiated this from the situation at the nearby Goodwives Shopping Centers, since residents do not reside there. In response to a question, Mr. Soumelidis said that the stormwater design is not designed to mitigate flood water. It will treat a 2 to 50 year storm event.

At about 8:01 p.m., Matt Popp of ELS spoke. He noted that the May 11, 2023 revision is the most recent plan. He said that the ARB requested higher shrubs. Mr. Reilly asked whether the trees will encroach on the sidewalk in future years. Mr. Popp responded that the narrow plants will not encroach, and will help hide the garage openings. Mr. Olvany asked about the lighting. Mr. Popp responded that there is enough lighting for the sidewalk area. There will be lighting under the building within the parking lot. Lights on the building will be 12+/- feet above the ground. Mr. Olvany said that there is no lighting shown on the architectural plans. Mr. Popp said that four bikes can fit in the proposed bike rack.

Traffic consultant Neil Olinski of SLR explained his findings. He said that they propose the crosswalk to be moved. It can be angled, which will help with visibility. Mr. Olvany asked whether the loading space blocks the crosswalk. He asked whether sight lines will be obscured if the loading zone is occupied.

At about 8:30 p.m., architect Marc Andre then spoke. He said that the proposed Dumpsters are roll outs. He confirmed that the lobbies are the minimum size. Mr. Nedder noted that there is no lighting shown in the walkway. Mr. Popp said that those can be added to the plans. Mr. Olvany had a number of questions about the plans. Mr. Andre confirmed that there is no longer an elevator or stair to the roof. The parapet will be 42" to 48", and the perimeter of the building is the same.

Ms. Barsanti asked about the proposed zoning regulation amendment regarding maximum unit size. Mr. Olvany asked if they have changed the number of proposed units from that originally proposed. Mr. Andre said that they have increased the proposal from 20 to 22 units. Mr. Maslan noted that the largest unit is proposed at 1,542 square feet. Mr. Olvany confirmed that the largest unit size now allowed in the CBD zone is 1,000 square feet.

Mr. Balgach asked if any projects that received an unfavorable report from the ARB were ultimately constructed. Mr. Olvany asked Mr. Andre what changes have been made to the plans to respond to ARB comments and concerns. Mr. Andre said that the first iteration was very modern.

Mr. Maslan said that under Section 585 of the Regulations, the Commission can grant incentives for building height and less plaza space. He also noted that the parking standards for multi-family housing changed within the past two years in Section 904. References to parking in the CBD zone are found within Section 700 of the Regulations, and the Commission needs to clarify that. Mr. Maslan said that a plaza is not required in this instance. He also said that the 1,000 square foot maximum size is inconsistent with other zones. Mr. Olvany mentioned that the proposed density of this project is about 45 units per acre. Mr. Maslan confirmed that there is no maximum density allowed in this zoning district. He also mentioned that there is no zoning regulation that requires a flood contingency plan.

Mr. Olvany noted that they propose to move the traffic lines in the road, and wondered if the LTA commented upon that aspect of the proposal. Mr. Olinski responded that the recommend shoulders

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on Sedgwick Avenue, and peer reviewer Mr. Del Rio agreed with that plan. The traffic lanes would be 12 feet wide and the shoulder 5 feet wide. They are not moving the yellow line. It was noted that the notes from Zoning Officer Herve Hamon are now in the record, relative to his comments from a recently attended flood seminar. The Sewer Commission report is also now in the record. Mr. Maslan then showed a Powerpoint slide with potential conditions of approval, suggesting that any generator be on the roof of the building, and that all residential units be at least one foot above the base flood elevation.

At about 9:40 p.m., professional engineer Joe Canas of Tighe & Bond spoke. He referred to item 6b in his letter. He said that the transformer required for this project will need to be at least four feet in the air on a platform. The site is tight, and this could be problematic. The applicant will need to contact Eversource to determine their requirements for accessing the transformer. Mr. Canas also referred to Section 829g3 of the Darien Zoning Regulations. The building is completely in the flood zone. He said that he was satisfied with the applicant's response to the vector truck.

Greg Del Rio of Hardesty & Hanover explained that the only outstanding issue is related to trucks. He said that the loading dimensions seem appropriate. He referred to the February 9 LTA letter regarding adding shoulders and improving sight lines. Mr. Olvany questioned whether having a necessary loading space in a public right-of-way is typical.

Mr. Ed Tobergte of 20 Sedgwick Village Lane said that he is concerned about having parked cars in the flood zone, and concerned about sight lines. Ms. Lisa Savage of 26 Sedgwick Village Lane also voiced her concerns regarding the project.

Mr. Maslan concluded by noting that the subject property is not in the floodway, and improves existing conditions, since there will be less finished space on the first floor below the flood elevation than current conditions.

There being no further questions or comments, Mr. Balgach made a motion to close the public hearing on this matter. That motion was seconded by Ms. Barsanti, and was unanimously approved. The public hearing was thus closed.

At about 10:09 p.m., it was unanimously agreed to take some agenda items out of order to accommodate members of the general public.

GENERAL MEETING

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

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

Mr. Reilly had concern about the lease stable. He believed that the stables are a "for profit" operation. Mr. Reilly recommended wording changes to the draft report. Mr. Olvany made a motion to the report as amended. Mr. Nedder seconded the motion. The motion passed by a vote of 4-1, with Mr. Reilly voting against the issuance of the report. The approved report read as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
Mandatory Referral #4-2023
Leases for Great Island Property
May 23, 2023**

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

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

The Darien Planning & Zoning Commission has reviewed the one-page May 3, 2023 memo from Town Administrator Kathleen Clarke Buch. This memo notes that the Town has recently taken ownership of Great Island.

As part of that purchase, there are a number of structures on the property, including, but not limited to, a stable and the apartments above the stables, and single-family houses.

The Planning & Zoning Commission acknowledges that it is highly likely that there will be subsequent applications and Commission reviews for activity on this property. This could include future mandatory referral reports for leases or substantial improvements; special permit applications; coastal site plan reviews; and/or site plan reviews.

The use of the structures is not changing from their previous historical uses.

Thus, the Commission finds that the proposed leases for the existing structures on the Great Island property are fully consistent with the 2016 Town Plan of Conservation and Development.

Chairman Olvany then read the next agenda item:

Amendment of Special Permit Application #47-D, Darien Community Association (DCA), 274 Middlesex Road.

Request for five (5) front lawn events in 2024 and 2025.

Commission members acknowledged the May 16, 2023 letter from DCA Executive Director Amy Bell. Commission members then unanimously agreed to approve the request as submitted.

At about 10:32 p.m., Chairman Olvany then read the next agenda item:

Coastal Site Plan Review #376 and Land Filling & Regrading Application #551, RRE Holdings, LLC, 244 Long Neck Point Road.

Proposal to construct a 20' x 50' in-ground pool on the southern portion of site, and to perform related site development activities within a regulated area, including regrading of the property, installation of stormwater management, and connecting the main residence and cabin on the property to sanitary sewer in Long Neck Point Road. The 1.13+/- 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.

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Mr. Doneit explained that the application has been submitted pursuant to Sections 810 and 850 of the Zoning Regulations. Comments were received from the Darien Health Department; peer review engineer Joe Canas; and the State of CT DEEP.

Professional engineer Jim Kousidis was present on behalf of the applicant. He said that there is now an existing residence on the subject property. A pool is proposed. Mr. Ginsberg suggested that Mr. Kousidis meet with Health Director David Knauf to address his concerns. No members of the general public spoke regarding this application.

It was agreed to continue this matter to June 6, 2023.

At about 10:45 p.m., Chairman Olvany then read the next agenda item:

Flood Damage Prevention Application #438, Land Filling & Regrading Application #546, Joshua & Shari Soloway, 9 Crane Road. Proposal to construct a new 4-bedroom single-family dwelling, construction of a new driveway, retaining walls, and terrace and porch areas; and to perform related site development activities within a regulated area, including regrading of the property and installation of stormwater management. The 1.2+/- acre subject property is located on the west side of Crane Road approximately 630 feet east/south of its intersection with Pear Tree Point Road, and is shown on Assessor's Map #60 as Lot #32 in the R-1 Residential Zone.

Professional engineer Jim Kousidis was present on behalf of the property owners. He explained that the existing residence is non-compliant relative to the flood regulations. They seek to construct a new, compliant house with a first floor of about elevation 18.0'. They expect to submit a Conditional Letter of Map Revision (CLOMR). It was noted that only a small part of the property flows to Crane Road. Overall, runoff will be reduced. Mr. Olvany asked whether the proposed rain garden could be increased in size. Mr. Kousidis responded that they could increase it by 10-20 feet. Mr. Kousidis confirmed that they now address the 2-50 year storms. Ms. Barsanti asked why the first floor elevation of the house is shown as 18'. Mr. Kousidis responded that this will allow them to have a crawl space. Mr. Olvany said that a zoning chart needs to be submitted. Mr. Steve Jones, the house designer, said that there is a need to run the HVAC under the joists.

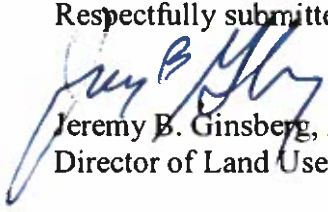
Mr. Olvany said that the Commission has received a letter dated May 19, 2023 from Attorney Wilder Gleason requesting additional time for the Erringtons to hire a professional engineer to review the application. Ms. Jennifer Errington of 116 Pear Tree Point Road asked if the rain garden could handle the additional runoff. She said that the pool enclosure should be removed from the plans, since no pool is being proposed.

It was agreed to continue this matter to June 6, 2023 at 7:30 p.m. in Darien Town Hall.

There being no other business, Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Mr. Reilly and unanimously approved by a vote of 4-0. The meeting was thus adjourned at 11:11 p.m.

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Respectfully submitted,



Jeremy B. Ginsberg, AICP
Director of Land Use

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