

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
PUBLIC HEARING / GENERAL MEETING
May 30, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

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

STAFF ATTENDING: Doneit
Recorder: Karen Manz
Channel 79

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

PUBLIC HEARING

Coastal Site Plan Review #227-B, Flood Damage Prevention Application #254-C, Land Filling & Regrading Application #459, Site Plan Application #253-B / Special Permit, Town of Darien, Weed Beach Park, 155 Nearwater Lane. Proposing to construct a sixth paddleball court directly north of the five existing paddle courts with associated lighting, decking, and retaining wall; and to perform related site development activities within regulated areas. The combined 5.37+/- acre subject property is located on the west side of Nearwater Lane, approximately 400 feet north of Shipway Road, and is shown on Assessor's Map #56 as Lots #3 through #9 and is located in the R-1 Residential Zone.

Mr. Doneit provided the Commission with an overview of the application. He said that the application was referred out to Joe Canas of Tighe & Bond, the State of CT DEEP, and WestCOG. Comments are included as part of the record.

Dan Biggs, of Weston & Sampson, the applicant's representative summarized the proposal. He said that the sixth paddleball court, to be elevated four feet above grade, will improve the operational efficiency of the Weed Beach's paddle sport operation and is not intended to allow for an increase in overall usage of the courts. Steel piles would be placed in the ground. He said that about 16 cubic yards of materials would be excavated to accommodate the construction of the court.

Mr. Biggs noted that all proposed elements will be properly anchored to remain in place during a flood event and that gas heating units will be attached to the side of the structure/court at grade, rather than below the structure. He said that the heating units would have a quick disconnect to enable the removal of units if necessary before a storm event. He said that new lighting for the court would be LED dark-sky compliant similar to the lighting that already exists for the other five courts and that the light source would not be visible to neighboring property owners. The light source would be 20 feet above the court surface.

The use of all paddleball courts will be limited to the hours of 8:00 a.m. through 10:00 p.m. on a daily basis. This will be the same as the other five courts adjacent to it.

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

At about 7:38 p.m. Chairman Olvany read the following agenda item:

Land Filling, Excavation & Regrading Application #543-A, Michael Michaux, 142 Nearwater Lane. Proposal to excavate and regrade portions of the property to accommodate the construction of additions to the existing single-family residence and to create a level rear yard area, and to perform related site development activities. The 0.43+/- acre subject property is located on the east side of Nearwater Lane approximately 340 feet south of its intersection with Juniper Road, and is shown on Assessor's Map #57 as Lot #24 in the R-1 Zone.

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

Mr. Doneit provided the Commission with an overview of the application. He said that the matter before the Commission was an after-the-fact permit. He noted that material was chipped out/removed from the northeastern corner of the property to create a more level yard area, without proper permitting from the Planning & Zoning Commission. He said that the application was referred out to Joe Canas of Tighe & Bond and that his comments are included as part of the record.

Attorney John Leydon, Jr., the applicant's attorney and representative summarized the proposal. He confirmed that regrading work had been done by the applicant at the front and rear of the property without the necessary permits from the Planning & Zoning Commission. A Stop Work Order had been previously issued and is currently in effect. He said that he had been working with staff to submit an application to correct the deficiencies. He noted that a rooftop deck shown on previous plans had be removed from the proposal.

Mr. Doneit explained the nature of the Stop Work Orders issued by the Zoning Enforcement Officer and Building Official relative to the height of the house and partial encroachment of a corner of the rear of the house into the side yard setback. He said that those issues had been addressed to the satisfaction of staff.

Chairman Olvany opened the hearing to public comment.

Attorney Amy Zabetakis, of Rucci Law Group, spoke on behalf of the property owners/neighbors to the east at 5 Juniper Road. Attorney Zabetakis asked that building height be verified by requirement of an as-built survey prior to the issuance of a Certificate of Occupancy and that the Commission prohibit the construction of a rooftop deck on the house in the future.

Mr. Robert Rachofsky of 3 Juniper Road, said that the project has been burdensome on neighbors and that the Town should be cognizant of making sure that the project be completed in a proper manner. He said he would oppose any variance being issued.

There being no additional comments from Commission members or the public, Mr. Nedder made a

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motion to close the public hearing on this matter. That motion was seconded by Mr. Balgach, and was approved by a vote of 5-0.

Chairman Olvany then read the following agenda item:

Land Filling & Regrading Application #552, Jason & Gina Gromelski, 95 Raymond Street.

Proposal to construct new additions to the existing single-family residence on the property, construction of patio, porch, and deck areas, with a series of terraced retaining walls, expansion of the driveway area; and to perform related site development activities, including regrading of the property, and installation of stormwater management. The 1.85+/- acre subject property is located on the west side of Raymond Street approximately 560 feet north of its intersection with Little Brook Road, and is shown on Assessor's Map #33 as Lot #10-A in the R-1 Zone.

Mr. Reilly returned to the meeting.

Mr. Doneit said that the application had been withdrawn by the applicant earlier in the day and would not be proceeding.

At about 7:58 p.m. Chairman Olvany read the following agenda item:

Continuation of Public Hearing regarding 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.

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

Mr. Doneit provided the Commission with an overview of the application. He said that the application was submitted in January, but has been in front of the Environmental Protection Commission for the past several months. That public hearing remains open and is expected to close on June 7. The application was referred out to Joe Canas of Tighe & Bond, Matt Popp of Environmental Land Solutions, and the State of CT DEEP. Comments are included as part of the record.

Mr. Curt Lowenstein, of LANDTECH, the applicant's engineer and representative, summarized the proposal. He said that the applicant had agreed to scale back the original proposal. He reviewed the stormwater management plan noting that the stormwater management system is designed to enhance water quality through an underground infiltration system prior to discharging water off the western portion of the property into Holly Pond. The infiltration system will recharge the groundwater and filter pollutants from the runoff generated from the driveway, the roof of the

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proposed dwelling, and the pool and pool patios. There are not currently any on-site drainage facilities on the property. Only water quality is proposed to be treated. He said that drainage patterns will not be altered in the post-development condition. Distribution of infiltrator units was discussed.

Mr. Lowenstein said that house is partially within a special flood hazard area and would be designed in conformance with Section 820 of the Darien Zoning Regulations. There would be no basement, only a crawl space with flood venting.

The property is located within the Coastal Area Management boundary, being directly adjacent to Holly Pond. Tidal wetlands and shellfish communities are present. Mr. Lowenstein reviewed the proposed planting mitigation plan to protect resources, promote positive water quality and improve the overall conservation values of the regulated areas and property.

There would be a net cut of approximately 500 cubic yards of material – all landward of the flood zone. The material would be exported from the site. Elevations were reviewed and the proposed height of the house was discussed.

Mr. Richard Nichols, of VanderHorn Architects, the applicant's architect reviewed the architectural details of the proposal. He said that the first floor would be set at elevation 17.5'. The house is between 6,000 and 7,000 square feet, six bedrooms, six full and two half baths, and a two car garage. The house will be connected to public water and sewer. No variances are required.

Chairman Olvany opened the hearing to public comment.

Mr. Alex Wiggin, of 14 Nickerson Lane, noted concerns regarding the height of the house, potential flooding, and preservation of environmental resources in proximity to Holly Pond.

Mr. Lowenstein said that the stormwater system will only treat water quality. He then addressed a comment regarding the height of retaining walls, noting that walls would not exceed four feet in height.

Mr. Peter Van Dijk, of 19 Nickerson Lane, had comments/concerns regarding screening of the property. He asked for assurances that a planted buffer be provided between the subject property and his house to the north.

Mr. Lowenstein said that most of the trees proposed to come down are within the footprint of the proposed house. He said that only invasive species and dead and dying trees would be removed from the wooded area to the north of the location of the house.

Ms. Evette Van Dijk, of 19 Nickerson Lane, asked that the trees proposed to be cut, be flagged. Mr. Lowenstein agreed to the request. Approximately twenty-five trees will be removed from the site as a result of the construction.

The Commission then continued the hearing on the matter to June 13, 2023 in Room 206 of Darien Town Hall.

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At about 8:44 p.m. Chairman Olvany read the following 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.

Mr. Reilly returned to the meeting.

Mr. Doneit explained that Town Counsel had recommended an amendment to the mandatory referral relative to the stable's limited right to use bridle trails, riding rings, and wash stalls previously adopted by the Commission on May 23, 2023. Mr. Balgach 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 report and the subject amendment. The approved report read as follows (amendments redlined):

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
MANDATORY REFERRAL REPORT #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, the leasing of which is to be coupled with such tenant's limited right to use of the bridle trails, riding rings and wash stalls, as well as 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.

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Discussions and deliberations ONLY on the Following:

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.

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

Coastal Site Plan Review #227-B, Flood Damage Prevention Application #254-C, Land Filling & Regrading Application #459, Site Plan Application #253-B / Special Permit, Town of

Darien, Weed Beach Park, 155 Nearwater Lane. Proposing to construct a sixth paddleball court directly north of the five existing paddle courts with associated lighting, decking, and retaining wall; and to perform related site development activities within regulated areas.

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

Approval of Minutes

May 9, 2023

Mr. Balgach made a motion to approve the May 9, 2023 meeting minutes as amended. That motion was seconded by Mr. Ball, and approved by a vote of 5-0.

It was noted that the next upcoming meetings have been scheduled for June 6 and 13.

There being no other business, Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Mr. Ball, and approved by a vote of 5-0. The meeting was adjourned at 8:53 p.m.

Respectfully submitted,



Fred W. Doneit, AICP, GISP
Assistant Director