

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING / GENERAL MEETING  
July 11, 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

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Chairman Olvany opened the meeting at 7:34 P.M. and read the first agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Special Permit Application #60-S / Site Plan, Flood Damage Prevention Application #208-C, Country Club of Darien, 300 Mansfield Avenue.**

Proposal to replace an existing pump house and irrigation system located southeast of the clubhouse for the purposes of golf course irrigation, and to perform related site development activities within a regulated area. The subject property is located on the east side of Mansfield Avenue approximately 1,250 feet south of its intersection with Middlesex Road, and is shown on Assessor's Map #5 as Lot #40 in the R-2 Zone.

Ms. Barsanti recused herself from the application and left the room.

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 and the State of CT DEEP. Comments are included as part of the record. The application was reviewed and approved by the Environmental Protection Commission (EPC).

Professional Engineer Patrick Shurr of Redniss & Mead, the applicant's engineer and representative, summarized the proposal. He said that the Club is proposing to remove and replace the non-FEMA compliant pump house with one occupying a similar footprint that is compliant with Section 820, Flood Damage Prevention Regulations. The generator and transformer are being relocated to accommodate the new building and Base Flood Elevation. Minimal grading around the pump house is proposed to accommodate the elevated floor elevation and transformer pad. He showed the location of the proposed replacement pump house, noting that the closest neighboring residence was more than 800 feet away.

Mr. Shurr said that the proposed improvements lie within FEMA Flood Zone A, with no elevation designation established by FEMA. A Flood Study Summary Report prepared by Redniss & Mead was submitted for the record as part of the application to determine the flood elevations at the Club. The base flood elevation (BFE) at the pump house was calculated as 149.50'. The proposed pump house and mechanical equipment is all set 1-foot above the base flood elevation or 150.50'.

Mr. Shurr said that the proposed improvements result in an increase in impervious coverage of less

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than 200 square feet. The roof leaders from the pump house will be directed to splash pads, allowing runoff to flow across the grassed area. No off-site stormwater impacts are expected.

He said that the existing 12-inch intake pipe serving the pump house is being replaced with a new 30-inch pipe. The applicant is also proposing a full replacement of the 20+ year old irrigation system, including the installation of new sprinkler heads, piping, and controls. He said that the system is mostly fed by the Goodwives River, but the Club does have a permit to pump 400,000 gallons per day from onsite wells. No downstream impacts are anticipated. The generator is in place to power the irrigation system in the event of a power outage.

There being no additional comments from Commission members and none from the public, Mr. Nedder 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 4-0.

At about 7:42 p.m. Chairman Olvany read the following agenda item:

**Special Permit Application #331 (PL-23-105), Tokeneke Road Properties, LLC, Man Chan, 33-35 Tokeneke Road.** Proposal to establish a new Quick Service Restaurant in the first floor space formerly occupied by Hitchcock Munson Opticians. The subject property is located on the south side of Tokeneke Road, approximately 230 feet east of its intersection with Boston Post Road, and is shown on Assessor's Map #72 as Lot #45 in the Central Business District (CBD).

Ms. Barsanti returned to the meeting.

Mr. Doneit provided the Commission with an overview of the application. It was noted that the application had been referred to the Health Department and the Fire Marshall's office.

Mr. Antonios Spetsaris, of S.D.A. Architecture, the applicant's architect and representative, summarized the proposal. He reviewed the floorplan, noting that the front of the house would include a customer area and sushi preparation counter. An office and an additional food preparation area would be located in the back. He said that a portion of the basement area may be used for limited dry storage. He said there would be no exterior changes to the building other than signage. Hours of operation would be from 11 a.m. to 8 p.m. seven days per week. Deliveries to the business would be made on average three times per week in the morning before opening. There is only one means of ingress/egress to the business through the front door.

Mr. Ginsberg said the building is parking exempt. Customers and employees of the business would likely use available parking on Tokeneke Road or within the Center Street parking lot at the back of the building.

Mr. Spetsaris said that no seating and/or tables are proposed. He said that venting could be installed if required for the limited cooking envisioned which includes the cooking of rice and tempura.

There being no additional comments from Commission members and none from the public, Ms. Barsanti made a motion to close the public hearing on this matter. That motion was seconded by

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Mr. Nedder, and was approved by a vote of 5-0.

At about 7:53 p.m. Chairman Olvany read the following agenda item:

**Coastal Site Plan Review #351-A, Flood Damage Prevention Application #403-A (PL-23-87), Sanford & Deborah Rich, 26 Beach Drive.** Proposal to construct a covered deck at the rear/west side of the existing residence and a covered front porch on the east side of the residence, and to perform related site development activities within regulated areas. The 0.31+/- acre subject property is located on the west side of Beach Drive, at the southwest corner formed by its intersection with Outlook Drive, and is shown on Assessor's Map #53 as Lot #9 and is located in the R-1/2 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 and the State of CT DEEP. Comments are included as part of the record. The application was reviewed and approved by the Environmental Protection Commission (EPC).

Professional Engineer Bryan Nesteriak, of B&B Engineering, the applicant's engineer and representative, summarized the proposal. He said that the proposed deck addition at the rear of the house is located within the FEMA 100 year AE flood zone with a Base Flood Elevation (BFE) of 14.0'. The proposed front porch addition is located entirely outside of the flood zone. He said the design is fully compliant with Section 820 of the Regulations. He reviewed the proposed erosion controls. He said the additions would be supported on piers. He confirmed that existing drainage patterns are to be maintained on the site. He said that development coverage is proposed to increase to about 17 percent from about 14.5 percent.

Mr. Nesteriak said that given the limited increase in overall site imperviousness, estimated at 469 square feet, and the location of the subject property located within the lower 1/3 of the watershed and directly adjacent to Holly Pond, there is no requirement or need to detain water and manage stormwater quantity as part of this project.

Chairman Olvany opened the hearing to public comment.

Professional Engineer Abed Yacoub, of S.E. Minor, spoke on behalf of the property owner/neighbor to the north at 24 Beach Drive. Mr. Yacoub asked that some drainage measures be installed along the shared property line to mitigate any potential drainage impacts that may result from the improvements.

Then Ms. Gigi Ma, also of S.E. Minor, spoke on behalf of the property owner/neighbor to the north at 24 Beach Drive. Ms. Ma referenced a July 5 letter from S.E. Minor asking for detailed topographic data for the subject and adjoining properties to better assess stormwater flows. She also asked that a curtain drain be installed along the shared property line.

Ms. Margro Long, of 24 Beach Drive, the abutting property owner to the north, noted concerns about changes that have occurred in the rear yard of 26 Beach Drive over a number of years, including the creation of garden(s).

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Mr. Nesteriak said that there is an existing drainage pipe that runs from the catch basin(s) on Beach Drive to Holly Pond. There is no access to the pipe from the 26 Beach Drive property and there is no intention to change that. He showed the Town topographic map, again confirming that the existing drainage patterns are to be maintained on the site. There are no proposed changes to topography.

Ms. Ma continued to express concerns regarding the displacement of stormwater as a result of the additional impervious surface in close proximity to 24 Beach Drive.

Mr. Nesteriak said that rooftop runoff from the porch additions will be captured by roof leaders and conveyed to rain barrels at grade to minimize potential stormwater impacts.

There being no additional comments from Commission members or the public, Mr. Nedder 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 8:28 p.m. Chairman Olvany read the following agenda item:

**Coastal Site Plan Review #34-A (PL-23-104), Daniel Barzach & Avery Hourihan, 69 Five Mile River Road.** Proposal to construct an 18.5'x 15' two-story addition to the east side of the existing residence, removal of a workshop attached to an existing detached garage, and to perform related site development activities within a regulated area. The 0.5+/- acre subject property is located on the east side of Five Mile River Road, approximately 550 feet southeast of its intersection with Berry Lane, and is shown on Assessor's Map #66 as Lot #14 in the R-1/2 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

Daniel Conlon, of Daniel Conlon Architects, the applicant's architect and representative summarized the proposal. He said that in addition to the additions and removal of the workshop, an existing shed would be removed from the side of the house and that HVAC equipment, pool equipment, and propane tanks would be relocated to conform to applicable setbacks. He said that the addition would be constructed over a previously existing footprint.

The property is presently non-conforming with respect to front, side, and rear yard setbacks and building coverage. The proposed improvements will correct the deficiencies relative to the side and rear yard setbacks and building coverage. The northeastern portion of the property, directly adjacent to the Five Mile River lies within the 100-year AE-13.0' flood zone; however, all work is located entirely outside the regulated flood hazard area. Mr. Conlon said that the closest activity to the Five Mile River is about 50 feet away.

Mr. Conlon reviewed the proposed sedimentation and erosion controls. He said about 40 cubic yards of material would be removed from the site. He said that given the proposed reduction in

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overall site imperviousness and the location of the subject property within the lower 1/3 of the watershed and directly adjacent to the Five Mile River, that there is no requirement or need to detain water and manage stormwater quantity as part of this project. He said there would be no changes to drainage patterns on the site as a result of the improvements.

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

At about 7:39 p.m. Chairman Olvany read the following agenda item:

**Land Filling & Regrading Application #553 (PL-23-96), Dan & Andrea Pezley, 23 Greenleaf Avenue.** Proposal to raze the existing residence and to construct a new 6-bedroom single-family dwelling, construction of new driveways and a parking court, patio and porch 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 a new connection to sanitary sewer. The 4.14+/- acre subject property is located on the north side of Greenleaf Avenue, approximately 650 feet west of its intersection with Hollow Tree Ridge Road, and is shown on Assessor's Map #28 as Lot #7 in the R-1 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. Comments are included as part of the record. The application was reviewed and approved by the Environmental Protection Commission (EPC).

Professional Engineer, Bryan Muller, of Muller Engineering, the applicant's engineer and representative, summarized the proposal. He reviewed stormwater flows and proposed stormwater management for the project. He said that the improvements will maintain existing drainage patterns and that the improvements will not adversely impact adjacent or downstream properties. Infiltrator units will be installed in the front and rear yards. He said that the house would be connected to public sewer. The old septic fields will be abandoned. The new house would be constructed in the general location of the currently existing house on the property. He said that the total square footage of the new house would be between 13,000 and 14,000 square feet, including the basement.

Chairman Olvany opened the hearing to public comment.

Mr. Edward Brokaw of 21 Greenleaf Avenue had concerns with drainage, noting that the subject property and the general area is very wet. Mr. Muller provided additional details on stormwater management. It was noted that comments from Joe Canas of Tighe & Bond had been addressed to his satisfaction.

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

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At about 9:03 p.m., Chairman Olvany read the following agenda item:

**GENERAL MEETING**

**Deliberations and possible decisions regarding:**

**Proposed Amendments of Zoning Regulations (COZR #1-2023) put forth by 7 Sedgewick Avenue, LLC.** 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). *HEARING CLOSED: 5/23/2023.*

Commission members reviewed and discussed the draft resolution. The following motion was made: That the Planning & Zoning Commission adopt the following resolution, as amended, to deny the application. The motion was made by Ms. Barsanti, seconded by Mr. Reilly and approved by a vote of 5-0. Staff noted that a separate draft resolution on the Site Plan and Special Permit application, Flood Damage Prevention application, and Land Filling & Grading application would be drafted for the future consideration and action by the Commission. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 11, 2023**

Application Number: Amendments to the Darien Zoning Regulations (COZR #1-2023)  
Put forth by 7 Sedgewick Avenue, LLC

Names and Address of: 7 Sedgewick Avenue, LLC  
Applicant(s) and 280 Post Road  
Property Owner(s): Fairfield, CT 06824

Name and Address of: Robert F. Maslan, Jr., Esq.  
Applicant's Representative: Maslan Associates PC  
30 Old King's Highway South  
Darien, CT 06820

Activities Being Applied For: Proposal to amend Section 726(13) within the Area and Bulk Requirements chart 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 clarify the parking requirement for multi-family residential developments in the CBD, and define third-floor dwelling units as incentive units under the Inclusionary Zoning Regulations.

Zone: Central Business District (CBD)

Dates of Public Hearings: March 28, 2023 continued to May 23, 2023

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Deliberations Held: June 6, 2023, June 13, 2023, and June 20, 2023

Time and Place: 7:30 P.M. Rooms 119 (March 28, 2023) and 206 (May 23, 2023) Town Hall

Publication of Hearing Notices Newspaper: Darien Times  
Dates: March 16 & 23, 2023; May 12 & 18, 2023

Date of Action: July 11, 2023 Action: DENIED

Scheduled Date of Publication of Action: Newspaper: Darien Times  
July 20, 2023

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

- Each of the proposed zoning regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt them.

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

1. The applicant's proposal is for two modifications to the Area and Bulk Requirements chart and one of the associated notes in Section 726 of the Zoning Regulations:
  - a) to amend Section 726(13) within the Area and Bulk Requirements chart 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;
  - b) Proposal to amend Section 726, Note (f) to clarify the parking requirement for multifamily residential developments in the CBD, and define third floor dwelling units as incentive units under the Inclusionary Zoning Regulations.The Commission acknowledges that the originally submitted application proposed to increase the maximum floor area of dwelling units in the Central Business District (CBD) from 1,000 square feet to 2,000 square feet; however, that maximum was reduced to 1,600 square feet during the course of the public hearing on the matter.
2. The location of the applicant's property has been identified as 7 Sedgwick Avenue, shown on Assessor's Map #71, as Lots #15 and #16 in the Central Business District (CBD). The proposal does not apply to any specific lot (it is not a Zoning Map amendment), but rather, it is two proposed amendments to the Central Business District (CBD) standards within the Zoning Regulations.

**PROPOSAL TO MODIFY SECTION 726 13.**

3. The applicant has requested a change to the Area and Bulk Requirements in Section 726 of the Zoning Regulations. The proposed changes are as follows (new wording in bold, deleted wording in ~~strikeout~~):

726. Area and Bulk Requirements . . . .

13. Maximum Floor Area of all Dwelling Units <del>1,000</del> <b>1,600</b> sq. ft. (See Note e f)
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4. The proposal is to modify the regulations to allow larger dwelling units in the CBD Zone. The current maximum allowed is 1,000 square feet. The applicant proposes to increase the maximum to 1,600 square feet. The Commission acknowledges that the maximum square footages for multi-family dwelling units vary throughout the town. However, the Commission desires to maintain smaller housing units within the Central Business District (CBD) to continue to allow for increased affordability, especially in that zone, which is within walking distance to downtown shopping, restaurants, and the Darien Train Station.
5. The applicant correctly notes that maximum floor areas of dwelling units varies, depending on the specific zoning district. There is no recommendation in the 2006 Town Plan of Conservation & Development to make them consistent among zones. In fact, the Town Plan encourages housing diversity, and thus, the 1,000 square foot maximum remaining as-is, and providing a range of housing densities, would be in keeping with that recommendation.
6. The proposal by the applicant also aims to correct an incorrect reference to note e, which should technically be a reference to note (f).

PROPOSAL TO MODIFY SECTION 726 NOTE (f)

7. The applicant proposes to modify the second sentence in Note f, as follows (new wording in bold, deleted wording in strikeout):  
*f. If more than 2 ~~two~~ **two** dwelling units, ~~than~~ **then** at least 30 percent of the total number of units shall be limited to one bedroom. **In mixed commercial and residential developments, one additional off-street parking space per bedroom shall be required. Dwelling units located on the third floor of a building shall be deemed "incentive units" for purposes of Section 585, provided that the use of second floor shall be limited to dwelling units.***
8. The applicant's proposal to clarify Section 726, note (f) relative to Section 585 is seen by the Commission as unnecessary, since the provisions for incentive units, absent the requirement that all units on a third floor be deemed incentive units, are already in the Zoning Regulations under Section 585. The Commission acknowledges that the Neighborhood Business (NB) Zone allows such third-floor apartments as incentive units; however, the Commission makes the finding that there is no compelling argument to extend this requirement to the Central Business District (CBD).
9. Relative to the proposed clarification regarding number of parking spaces in Section 726, note (f) – Part of the confusion is possible due to the recent modification of the parking requirements recently adopted by the Planning & Zoning Commission relative to multi-family housing. In 2021, the Commission reduced the parking requirements for multi-family housing, such that they now require in Section 904b, one space for each studio unit; 1.5 spaces for each 1-bedroom unit; 2 spaces for each 2-bedroom unit; and 2.5 spaces for each 3+ bedroom unit. The prior standard in Section 904 was 2 ½ spaces for each dwelling unit as provided in Section 512(a). The Commission reads Section 904 as superseding Section 726 Note (f).



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10. The 2016 Town Plan recognizes the need for, and encourages diversity within Darien's housing portfolio. The Commission acknowledges that this includes diversity within the Town's multi-family housing stock.
11. On page 98, the 2016 Town Plan of Conservation & Development reads in part as follows:  
Maintain Residential Character—Policies  
*2. Maintain the basic organizational pattern of higher densities in and near downtown Darien and the Noroton Heights business district and a reduction in density as distance from these centers increases.*  
*3. Within this overall framework, seek to provide for a range of housing types and densities to meet a broad array of housing needs.*

On page 104 of the 2016 Town Plan of Conservation & Development reads in part as follows:  
*Maintain residential character:*  
*To accommodate future housing needs, Darien may consider allowing: ...*  
*• Additional multi-family units in appropriate places and configurations to address potential future needs.*

12. The Commission believes that increasing the maximum size of a dwelling unit in the CBD Zone will discourage the creation of smaller units, and could also result in higher housing costs, since rents will likely reflect square footage provided.

**INCONSISTENCY WITH 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT**

13. The Commission hereby confirms that the proposals described herein, to modify the Darien Zoning Regulations in Section 726 (13) and Section 726 (Note f), are each not consistent with the 2016 Town Plan of Conservation and Development (POCD).

**NOW THEREFORE BE IT RESOLVED** that the subject application for an Amendment to Darien Zoning Regulations (COZR #1-2023), is hereby DENIED.

Chairman Olvany then read the following agenda item:

**Coastal Site Plan Review #375 and Land Filling & Regrading Application #550, WZ III 2002 Trust FBO M.J. Ziegler, 95 Long Neck Point Road.** Proposal to construct a new 4-bedroom single-family dwelling on a now vacant lot, construction of a new driveway, a porch, and a pool; and to perform related site development activities within a regulated area, including regrading of the property and installation of stormwater management. *HEARING CLOSED: 6/6/2023.*

The Commission noted that they were generally in favor of the proposal. Mr. Nedder noted that the Commission could not weigh in on the privately enforced deed restriction relative to setbacks.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution, as written. The motion was made by Mr. Nedder, seconded by Mr. Balgach and approved by a vote of 3-1, with Mr. Olvany voting against, and one abstention—Ms. Barsanti. The Adopted Resolution reads as follows:

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**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 11, 2023**

Application Number: Coastal Site Plan Review #375  
Land Filling & Regrading Application #550

Street Address: 95 Long Neck Point Road  
Assessor's Map #58 Lot #1Q

Name and Address of Property Owner(s) and Applicant(s): WZ III 2002 Trust FBO M.J. Ziegler  
c/o 95 Long Neck Point Road  
Darien, CT 06820

Name and Address of Applicant's Representative: RosaLinda Sibilio  
S.E. Minor & Company  
33 West Elm Street  
Greenwich, CT 06830

Activity Being Applied For: Proposal to construct a new 4-bedroom single-family dwelling on a now vacant lot, construction of a new driveway, a porch, and a pool; and to perform related site development activities within a regulated area, including regrading of the property and installation of stormwater management.

Property Location: The 1.41 +/- acre subject property is located on the east side of Long Neck Point Road approximately 430 feet south of its intersection with Ziggy's Way.

Zone: R-1

Date of Public Hearings: April 25, 2023 and June 6, 2023  
Deliberations Held: June 13, 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: July 11, 2023 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: July 20, 2023 Newspaper: Darien Times

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

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- the proposed use and activities must comply with all applicable 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.
- 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 a new 4-bedroom single-family dwelling on a now vacant lot, construction of a new driveway, a porch, and a pool; and to perform related site development activities within a regulated area, including regrading of the property and installation of stormwater management. The proposed residence is about 5,000+/- square feet. The site will be served by public water and sewer.
2. The eastern portion of the property lies within the 100-year AE-14.0' flood zone, and the area closest to Ziegler Cove is in flood zone VE14.0'. The Commission acknowledges that all proposed work is located entirely outside the regulated flood hazard areas. The eastern part of the property is wooded and sloped.
3. The Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted comments on the application dated April 6, 2023. Those comments are included as part of the record on the matter. At the public hearing, no members of the general public spoke.
4. At the public hearing, the Commission had the minutes and approval from the original subdivision in the 1980s and shown on Darien Land Records Map #4145-A be incorporated into the record for this matter.
5. There will be no proposed work beyond the current edge of the lawn except for 1) removing the existing barbed wire; and 2) removing a dying tulip tree. The Commission hereby approves those minor work items as part of this approval.

#### STORMWATER MANAGEMENT

6. A Drainage Summary Report prepared by Robert Sandolo of S.E. Minor dated May 15, 2023 was submitted for the record as part of the original application. A separate Operations and Maintenance Plan is also included as part of the record, at the end of the Drainage Summary Report.
7. Professional Engineer Joseph Canas of Tighe & Bond submitted comments for the record dated April 13, 2023 and May 4, 2023. Those comments are included as part of the record.

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8. The subject property is located directly adjacent to the Long Island Sound and within the lower 1/3 of the watershed. Currently, runoff from the property drains directly to the Long Island Sound. At the public hearing, it was noted that water quantity and quality will be treated by utilizing new infiltrators to be installed in two areas—underneath the driveway in the front of the house, and to the south of the pool in the back of the house. The 2- through 50-year storm events will be mitigated by the system.

ORIGINAL SUBDIVISION

9. During the public hearing, it was noted that the subject lot was created as part of a subdivision approval by the Planning & Zoning Commission in the early 1980s, and subsequent to that approval, a final subdivision map was filed in the Darien Land Records (DLR) as Map #4145-A. That map shows building envelopes/setbacks which are different than the typical setbacks for the R-1 zone, and the map also shows specific Limits of Access for many, but not all of the lots. Commission members agreed that the original subdivision approval, the minutes of the meetings, and DLR Map #4145-A, shall be included as part of this record.
10. The Commission's position on that filed subdivision map is that there is no mechanism for the enforcement of more restrictive setbacks from a zoning perspective—it is purely a real property issue governed by the terms of the Declaration (to which the Town is not a party). However, because the Limits of Access, as depicted on the approved subdivision map, were specifically included in the Conditions of Approval to the 1980 subdivision, those locations can be enforced by local zoning. Thus, the Limits of Access shown on the Map 4145-A for Parcel #19 do apply to this lot, however the special building envelopes/setbacks do not.
11. In response to concerns from the Commission, the applicant's engineer prepared a map/plan showing the proposed residence and pool relative to the special building envelopes/setbacks and Limit of Access according to Map #4145-A. That map/plan is shown as Sheet #2 in the submitted plan packet. It shows that the proposed driveway will be located within the Limit of Access. While most of the proposed residence fits within the building envelope/setback established within Map #4145-A, some of the house does not. The pool also does not fall into the building envelope/setback shown on Map #4145-A.

PROPOSED WORK WITHIN CAM AREA

12. A Coastal Area Management Report prepared by S.E. Minor dated March, 2023 was submitted for the record as part of the original application. Though the subject property directly abuts the Long Island Sound, the proposed activity will not encroach into the 100-foot Critical Coastal Area Management area.
13. The Commission finds that the proposed improvements, if properly implemented, are not contrary to the goals, objectives, and policies of the Coastal Area Management Program.
14. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22(a)-92 of the Connecticut General Statutes.
15. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

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**LAND FILLING & REGRADING**

16. Prior to any construction activity, sediment & erosion controls are proposed to be installed including an anti-tracking pad and silt fence on the entire down-gradient portion of the property. These sediment & erosion controls are to be maintained throughout the duration of the project to mitigate impacts to the Long Island Sound and Long Neck Point Road. These are shown on Sheet 5 of the plans.
17. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000 of the Regulations.
18. 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 #375 and Land Filling & Regrading Application #550 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

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

**SURVEY**

- Existing Conditions, Proposed Site Development Plan on Property of WZIII 2002 Trust FBO M J Ziegler, 95 Long Neck Point Road, by S. E. Minor & Co., Inc., dated March 9, 2023, Sheet 3.

**SITE PLANS**

- Proposed Site Plan, Proposed Site Development Plan on Property of WZIII 2002 Trust FBO M J Ziegler, 95 Long Neck Point Road, by S. E. Minor & Co., Inc., dated March 9, 2023 and last revised to 6/2/2023, Sheet 4.
- Erosion Control Plan, Proposed Site Plan, Proposed Site Development Plan on Property of WZIII 2002 Trust FBO M J Ziegler, 95 Long Neck Point Road, by S. E. Minor & Co., Inc., dated March 9, 2023, and last revised to 6/2/2023, Sheet 5.
- Details and Notes, Proposed Site Plan, Proposed Site Development Plan on Property of WZIII 2002 Trust FBO M J Ziegler, 95 Long Neck Point Road, by S. E. Minor & Co., Inc., dated March 9, 2023, and last revised to 6/2/2023, Sheet 6.
- Driveway Profile Plan, Proposed Site Plan, Proposed Site Development Plan on Property of WZIII 2002 Trust FBO M J Ziegler, 95 Long Neck Point Road, by S. E. Minor & Co., Inc., dated March 9, 2023, and last revised to 6/2/2023, Sheet 8.

**ARCHITECTURAL PLANS**

- Ziegler Residence 95 Long Neck Point Road, by Matthew Dougherty Architect, LLC, scale as noted, dated 03-01-2023, Sheet A-100 through A-203.

- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition 'A', above, including, but not limited to silt fencing, and an anti-tracking pad for construction access from Long Neck Point Road, 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 of the improvements and until the area has been revegetated and restabilized. The Planning and Zoning Department shall

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be notified prior to the commencement of work and immediately after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans.

**PERMITS REQUIRED**

- C. The granting of this Permit does not relieve the applicant of the responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirements for:
- 1) Zoning / Building Permits for the new house foundation. It is noted that the garage is shown as exactly 40 feet from the front property line. Since the front yard setback is 40 feet, it is essential that the as-built survey be received in the Planning & Zoning Department and confirmation from the Department be completed prior to the issuance of a Zoning / Building Permit for work above the foundation.
  - 2) Zoning / Building Permits for the proposed work above the foundation for the residence; and separate Zoning / Building Permits for the proposed pool;
  - 3) A permit from Darien Sewer Services for the new connection to the sanitary sewer line;
  - 4) A Street Opening Permit from Darien DPW for the new driveway on Long Neck Point Road.

**PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY (CO)**

- D. Prior to the request for the Certificate of Occupancy (CO) for the proposed residence, the applicant shall submit the following:
1. A final "as built" map/survey showing that all improvements—including, but not limited to the installation of the stormwater management system--have been properly completed in accordance with the approved plans, and comply with zoning setback requirements in the Darien Zoning Regulations, not necessarily those shown on DLR Map #4145-A. The new driveway shall comply with the Limit of Access shown on DLR Map #4145-A;
  2. A letter from a professional engineer that the installation of the proposed stormwater management system has been completed in accordance with the approved plans referred to in Condition 'A', above; and
  3. The Commission hereby requires that the as-built survey/drawing prepared by a licensed land surveyor shall show all utilities or buried infrastructure installed as part of this land use proposal. The as-built survey/drawing shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- E. 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.
- F. This permit shall be subject to the provisions of Sections 815 and 1005 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (July 11, 2024). This time limit may be extended as per Sections 815 and 1005 of the Regulations.

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All provisions and details of the plans, as approved, 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 prior to the issuance of a Zoning and Building Permit for the new house foundation.

Chairman Olvany then read the following agenda item:

**Special Permit Application #330 / Site Plan, Northeast Hardwood, 170 Noroton Avenue.** Proposal to establish a new custom wood products and hardwood furniture company, with a workshop area in the first and second floor space formerly occupied by William Seymour & Associates. *HEARING CLOSED: 6/27/2023.*

The Commission discussed several amendments relative to parking and deliveries to the business. Mr. Reilly noted that he watched the video of the public hearing.

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

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 11, 2023**

Application Number: Special Permit Application #330/Site Plan

Street Address: 170 Noroton Avenue  
Assessor's Map #40 Lot #29

Name and Address of Applicant: Peter Andre Argimbau  
Northeast Hardwood LLC  
267 Spring Street  
Newport, RI 02840

Name and Address of:  
Property Owner: Noroton Properties LLC  
c/o Robert Priest  
10 Sams Point Way  
Beaufort, SC 29902

Activity Being Applied For: Proposal to establish a new custom wood products and hardwood furniture company, with a workshop area in the first and second floor space formerly occupied by William Seymour & Associates.

Property Location: The 0.14+/- acre subject property is located on the east side of Noroton Avenue approximately 160 feet south of its intersection with West Avenue.

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Zone: Service Business (SB)

Date of Public Hearing: June 27, 2023

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

Publication of Hearing Notices

Dates: June 15 & 22, 2023

Newspaper: Darien Times

Date of Action: July 11, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
July 20, 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 750, 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 custom wood products and hardwood furniture company, with a workshop area in the first and second floor space formerly occupied by William Seymour & Associates land surveyors. The use is a Principal Use requiring a Special Permit in the Service Business (SB) zone under Section 753(f). The property is served by public water and sewer.
2. At the public hearing, the applicant, Mr. Peter Andre Argimbau explained the nature of the business. It will involve a furniture assembly and finishing shop with a showroom. Some limited outdoor use within the existing parking lot is proposed.
3. Hours of operation were noted in the submitted application materials to be 10am to 5pm Monday through Saturday, with deliveries Monday through Friday 8am to 5pm. During the public hearing, there were concerns voiced regarding truck deliveries possibly conflicting with customers of the veterinary clinic arriving and leaving.



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4. At the public hearing, the adjacent owner/operator of the veterinary clinic voiced his concerns with the application regarding trucks loading and unloading materials. Also, a nearby residential neighbor had submitted an e-mail for the record with concerns about the outdoor uses.
5. At the public hearing, Commission members asked the applicant if a Dumpster will be needed. The applicant noted that due to the nature of the business, no Dumpster will be required, only traditional sized garbage cans, which will be stored in or adjacent to the building.

#### PARKING

6. The submitted October 2008 survey shows the existing building on the property, as well as existing parking and the veterinary clinic at 168 Noroton Avenue. The Commission finds that the proposed capacity of the on-site parking meets the intent of the Regulations in Section 905.

#### 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.
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 Special Permit #330/Site Plan is hereby granted subject to the foregoing and following conditions, modifications and understandings:

- A. The Commission hereby grants the proposed use as described in the application materials and at the public hearing on the matter. Sketch draft floor plans were submitted in the application materials. Final details of these floor plans may be modified subject to final approval by the Fire Marshal, Planning & Zoning Director, and/or Building Official. Any final floor plans and use of the space must be consistent with representations made within the submitted application

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materials and at the public hearing by the applicant, and this resolution. Zoning/Building Permits shall be required for any interior renovation work.

- B. Limited external usage and storage is proposed. *Only* the three northwest parking spaces shall be used for staging large slabs and for truck deliveries. No trucks shall park in these spaces. When these parking spaces are not being used for staging and deliveries, they shall remain open for general parking. No other display or outdoor work is hereby allowed, other than any signage reviewed and given a positive review by the ARB. No power tools shall be used outdoors. The use of power tools is limited to indoors of the building.
- C. As the applicant noted at the public hearing, no dumpster or dumpster area is being requested, and none is being approved herein. All garbage cans shall be placed adjacent to the building.

LIMITS ON HOURS AND TRUCK DELIVERIES

- D. Because of the size of the business, and the nature of the use adjacent to a residential zone, the Commission restricts the maximum hours of operation for visits by the public to 10am to 5pm Monday through Saturday. Those were the hours put forth by the applicant. Any proposed expansion of those hours requires further review and action by the Planning & Zoning Commission.
- E. As part of the original application proposal, it was noted that deliveries to and from the three parking spaces would be done between 8am and 5pm. As put forth by the applicant at the public hearing, in order to minimize possible disturbance to the adjacent veterinary clinic and the adjacent residential neighborhood, all truck deliveries of wood slabs shall be loaded and/or unloaded during specific hours only. The Commission requires that those hours are: weekdays from 7am-8am or 5pm-8pm; and weekends between 8am and 8pm.
- F. 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.
- 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 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. Any desired façade changes and/or signage shall require review and a report by the Architectural Review Board (ARB) prior to that work being completed or installed.
- I. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved interior plan within one (1) year of this action (July 11, 2024). This may be extended as per Section 1009.

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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 following agenda item:

**Coastal Site Plan Review #357-A, Flood Damage Prevention Application #408-A, Western Island, LLC, 29 Tokeneke Trail.** Proposal to construct a 19' x 20' terrace and pergola along the western edge of the existing tennis court on the property, and to perform related site development activities within regulated areas. *HEARING CLOSED: 6/27/2023.*

The Commission noted that they were generally in favor of the draft resolution as written.

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

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 11, 2023**

Application Number: Coastal Site Plan Review #357-A  
Flood Damage Prevention Application #408-A

Street Address: 29 Tokeneke Trail  
Assessor's Map #69 Lot #40-A

Name and Address of Property Owners and Applicant: Western Island, LLC  
c/o Kelly Tropin Whitridge  
29 Tokeneke Trail  
Darien, CT 06820

Name and Address of Applicant's Representative: Alyssa Fournier  
Michael Trapp, Inc.  
7 River Road  
West Cornwall, CT 06796

Activity Being Applied For: Proposal to construct a 19' x 20' terrace and pergola along the western edge of the existing tennis court on the property, and to perform related site development activities within regulated areas.

Property Location: The 1.15+/- acre subject property is located on the west side of Tokeneke Trail, approximately 1,000 feet south of its intersection with Canoe Trail.

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Zone: R-1

Date of Public Hearings: June 27, 2023

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

Publication of Hearing Notices

Dates: June 15 & 22, 2023

Newspaper: Darien Times

Date of Action: July 11, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:  
July 20, 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 applicable provisions of Sections 406, 810, and 820 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 a 19' x 20' terrace and a 20' x 9' pergola along the western edge of the existing tennis court on the property, and to perform related site development activities within regulated areas. It is estimated that it will take 2-4 weeks to complete the project.

#### STORMWATER MANAGEMENT

2. Professional Engineer Joseph Canas of Tighe & Bond submitted comments for the record dated June 15, 2023. Those comments are included as part of the record.
3. Given that the site location is immediately adjacent to Long Island Sound and there is no potential for the rate or volume of stormwater discharge to adversely impact properties proximate to or downstream of the subject property, the Commission finds that a waiver of Section 880 of the Regulations is appropriate. The increase in impervious surface is 360 square feet. The same drainage patterns are maintained under proposed conditions. A stormwater management plan

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addressing peak flows is not required due to the site's location immediately adjacent to coastal waters.

**PROPOSED WORK WITHIN THE FLOOD ZONE**

4. The property lies in its entirety within coastal flood hazard areas Zone AE, Elevation 13' and VE, Elevation 14'. The VE Zone lies proximate to the seawall and shoreline along the western portion of the property. The AE Zone occupies the remainder of the site.
5. Because the pergola and patio will be flood zone AE elevation 13.0', the pergola will require basic design and engineering certifications to ensure that the structure is designed in accordance with Section 820 of the Darien Zoning Regulations and is capable of withstanding the flood depths, pressures, velocities impact and uplift forces and other factors associated with the base flood.
6. The Commission finds that 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.
7. The Commission finds that the proposed activities as shown on the submitted plans, to be implemented with the conditions to the landscaping listed herein, 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**

8. The Commission finds that the proposed improvements, if properly implemented, are not contrary to the goals, objectives, and policies of the Coastal Area Management Program.
9. The proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22(a)-92 of the Connecticut General Statutes.
10. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

**LANDSCAPING**

11. Julia Kendzierski of the State of Connecticut Department of Energy and Environmental Protection (DEEP) submitted comments dated June 21, 2023. That comment checklist notes that the application is "consistent with all applicable coastal policies". Their comment strongly encourages the applicant to use a different species of wisteria to cover the pergola. At the public hearing, the applicant's representative noted that they would comply with the State of CT DEEP recommendation that a different species of wisteria be used on the pergola.

**NOW THEREFORE BE IT RESOLVED** that Coastal Site Plan Review #357-A and Flood Damage Prevention Application #408-A are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the following plans submitted to and reviewed by the Commission:
  - Sheets S-1 and S-2, Whitridge Pergola, Prepared by J. Marchetti MC, 8 -1/2" x 11", dated April 4, 2023 (S-1) and May 2, 2023 (S-2).

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- Plans generally entitled '29 Tokeneke Trail, Darien', Prepared by Michael Trapp, Inc. for Kelly & George Whitridge, 8-1/2" x 11", dated April 5, 2023 and March 28, 2023.
- Sheet 030, Tropin-Whitridge 29 Tokeneke Trail, Darien, Prepared by Brooks & Falotico Associates, dated October 23, 2020.

The Commission is approving the plans with the modification that the species of wisteria to be used on the pergola be changed to *Wisteria frutescens* (commonly known as American wisteria). This is as recommended by the State of CT DEEP.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.

#### SEDIMENT & EROSION CONTROLS

- C. During construction, the applicant shall install the proposed erosion controls as shown on the plans noted in Condition 'A', above, and also utilize any sediment and erosion control measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- D. No rock crushing or similar processing of earth materials has been requested and no such activity is authorized, approved, or permitted. If such activity is desired, prior review and action by the Planning & Zoning Commission shall be required.

#### STORMWATER MANAGEMENT

- E. Because the proposed improvements are located directly adjacent to Long Island Sound, and the amount of new impervious surface is 360 square feet, the Commission hereby waives the requirements of Section 880 of the Regulations.
- F. During all site work the applicant shall properly manage stormwater runoff to avoid negative impacts to neighbors and/or the street.

#### PERMITS REQUIRED

- G. The granting of this Permit does not relieve the applicant of the responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for a Zoning / Building Permit for the pergola. The pergola construction shall comply with the flood damage prevention regulations.

#### PRIOR TO ISSUANCE OF A CERTIFICATE OF COMPLETION

- H. Prior to the request for the Certificate of Zoning Compliance/Completion for the pergola and patio, the applicant shall submit the following:
1. A final "as-built" survey prepared by a licensed land surveyor and other evidence that all work, including but not limited to the pergola and patio, have been properly completed in accordance with the approved plans, and complies with zoning setback and flood

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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.

2. Certifications will be required relative to the installation of the pergola in the flood zone.
  3. Certification that the American wisteria has been installed.
- 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 829(f) of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (July 11, 2024). This time limit may be extended as per Sections 815 and 829(f) of the Regulations.

All provisions and details of the plans, as required to be revised herein to address the landscaping change agreed to by the applicants' representative, 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. A Special Permit 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 for the pergola.

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

**Deliberations ONLY regarding:**

**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. *HEARING CLOSED: 6/20/2023.*

Ms. Barsanti recused herself from the matter and left the room.

Mr. Balgach said that he was in favor of the proposal. Mr. Nedder said that he was in favor of the proposal. He said that the Commission heard testimony that the operation of the stables was an existing non-conforming use and that he is in support of the use continuing under this understanding.

Mr. Reilly was not in favor of the proposal. He was of the belief that the Commission does not have the authority to grant such a Special Permit because the use is not consistent with the Regulations – a

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commercial use within a residential zone. He said he does not agree that the use is a legally non-conforming use and does not agree that the use falls under 404(e) or 404(d) of the Regulations. He had further concerns regarding safety and access to the property and the absence of substantive information submitted with the original application, including information related to stormwater, traffic, and impacts on coastal resources.

Chairman Olvany said he was in favor of granting the Special Permit. He said that Lot 1AA, the accessway should not be included in the Resolution. He said that all of the improvements to the property are on the other two parcels included as part of the application – the primary use of one of the two parcels is for the stable and horses and the primary use of the second parcel is for residences – two separate uses. He said that a letter from the previous operator of the stables was submitted for the record and that the use was the same as what exists there today – that lease was negotiated with the previous owners of the property. He said that the continued operation and lease would be for a period of two years. Hours of dropping off horses should be scheduled and restricted. One residential apartment for employee/trainer only. No food service or events of any kind. Scheduling of trash removal was discussed. Areas of the property for riding of horses was discussed.

Staff noted that they would draft a resolution for the Commission's consideration at an upcoming meeting.

Chairman Olvany then read the following agenda item, and Ms. Barsanti returned to the meeting.

**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. *HEARING CLOSED: 6/27/2023.*

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

Chairman Olvany then read the following agenda item:

**Coastal Site Plan Review #374, Flood Damage Prevention Application #179-A, Land Filling & Regrading Application #549, Mark & Stasha Cohen, 114 Five Mile River Road.** Proposal to raze the existing residence on the site and to construct a new 5-bedroom single-family dwelling, construction of retaining walls, terrace areas, and a pool and cabana; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management. *HEARING CLOSED: 6/27/2023.*

Mr. Reilly said that he was recused on the matter.

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



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**Approval of Minutes**

*May 23, 2023*

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

*June 13, 2023*

Mr. Nedder made a motion to approve the May 9, 2023 meeting minutes as written. That motion was seconded by Ms. Barsanti, and approved by a vote of 5-0.

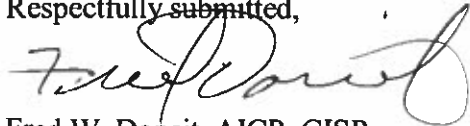
*June 20, 2023*

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

It was noted that the next upcoming meeting has been scheduled for July 25.

There being no other business, Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Mr. Balgach, and approved by a vote of 5-0. The meeting was thus adjourned at 9:56 p.m.

Respectfully submitted,



Fred W. Doneit, AICP, GISP  
Assistant Director

