

**PLANNING AND ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
September 5, 2023**

Place: Room 119, 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:

GENERAL MEETING

Amendments to Coastal Site Plan #364, Flood Damage Prevention Application #417, Oliverio, 49 Goodwives River Road.

Amendments to previously approved plans.

Mr. Doneit said that the request would be heard by the Commission on September 12 at the request of the applicant's representative.

At about 7:34 p.m. Chairman Olvany read the following agenda item:

Site Plan Application #309, Special Permit Application #42-I, Land Filling & Regrading Application #516, Parklands Darien, LLC, 3 Parklands Drive.

Request for an extension of time to implement approved plans.

The Commission reviewed an August 10, 2023 letter from Jay Klein of Carmody Torrance Sandak Hennessey, the applicant's attorney and representative, requesting a one-year extension of time to implement the project at 3 Parklands Drive.

Mr. Ginsberg provided the Commission with a history of the application and the resulting appeal and settlement of the litigation in November 2022 by the applicant and neighboring property owners.

Attorney Klein referenced Section 858 of the Regulations, which states that any permit granted hereunder shall expire and be null and void one year from the date of its approval, unless an extension is granted. Chairman Olvany said that the Commission's previous approval provides for two years to implement the project and thus overrides the one-year limitation imposed by Section 858.

Two residents of The Residence at Selleck's Woods objected to the granting of the extension.

The Commission agreed that the February 22, 2022 Adopted Resolution required that the approved

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 2

plan be implemented by February 15, 2024. Since that approval was appealed by neighbors, the time to implement the project was tolled. The Stipulation for Judgment that resolved that appeal was approved by the Superior Court on November 14, 2022. By a vote of 4-0 with one abstention, the Commission confirmed that the current approval requires implementation by November 14, 2024—two years from the date of approval from the court. The Commission agreed that the granting of an extension of time was not necessary. No action was taken.

At about 7:51 p.m. Chairman Olvany read the following agenda item:

Flood Damage Prevention Application #438, Land Filling & Regrading Application #546, Joshua & Shari Soloway, 9 Crane Road.

Request for an extension of time to implement approved plans.

The Commission reviewed an August 30, 2023 email request from the applicant/property owner requesting a one-year extension of time to implement the project.

By a vote of 5-0, the Commission agreed to grant a one-year extension to July 25, 2025 to apply for and receive a Demolition Permit, have the demolition complete, apply for and receive the necessary Zoning/Building Permit for the new house foundation, and start work on the foundation.

At about 7:52 p.m. Chairman Olvany read the following agenda item:

Deliberations and possible decisions 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. *HEARING CLOSED: 7/11/2023.*

Ms. Barsanti recused herself from the matter.

The Commission noted that they were generally in favor of the proposal. Chairman Olvany suggested adding the requirement for an Elevation Certificate to Condition ‘G’ of the Resolution. Mr. Balgach pointed out that the Flood Damage Prevention Application number should be changed from #208-B to #208-C.

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 Mr. Nedder and approved by a vote of 4-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 5, 2023**

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 3

Application Number: Special Permit Application #60-S / Site Plan
Flood Damage Prevention Application #208-C
(PL-23-97)

Street Address: 300 Mansfield Avenue
Assessor's Map #5 Lot #40

Name and Address of Applicant & Property Owner: Country Club of Darien
300 Mansfield Avenue
Darien, CT 06820

Name and Address of Applicant's Representative: Patrick Shurr, P.E.
Redniss & Mead, Inc.
22 First Street
Stamford, CT 06905

Activity Being Applied For: 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.

Property Location: The subject property is located on the east side of Mansfield Avenue approximately 1,250 feet south of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: June 27, 2023 immediately continued to July 11, 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: September 5, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 14, 2023

Newspaper: Darien Times

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

- the proposed use and activities must comply with all provisions of Sections 406, 820, 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 plans, and the statements of the applicant's representative

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 4

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 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.
2. Country Club of Darien 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 or reset 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.
3. The existing 12-inch intake pipe serving the pump house is being replaced with a new 30" pipe. The new pipe is fed via gravity rather than suction, improving the efficiency of the pump system. The existing intake structure at the edge of the pond is being removed and the bank stabilized to match the surrounding bank.
4. 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. Five watercourse crossings are proposed for the irrigation distribution piping.
5. The Environmental Protection Commission (EPC) approved this project as part of EPC #12-2023 on June 7, 2023. That approval is hereby incorporated by reference.
6. Braden Lynn of the State of Connecticut DEEP submitted comments on the application in an email dated June 21, 2023. Those comments are included as part of the record on the matter.
7. No members of the general public submitted testimony for the record or spoke at the public hearing.

STORMWATER MANAGEMENT

8. Professional Engineer Joseph Canas of Tighe & Bond submitted comments for the record dated December 22, 2023. Those comments are included as part of the record.
9. The proposed improvements result in an increase in impervious coverage of less than 200 square feet. Given that the new pump house is located in the center of the 139+/- acre property, directly upstream of the 3+/- acre irrigation pond, a stormwater management plan addressing peak flows is not required per Section 888.a(1) through Section 888.a(3) of the regulations. The

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 5

roof leaders from the pump house will be directed to splash pads, allowing runoff to flow across the grassed area.

10. The Commission finds that if implemented property, the proposed site development activities will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN THE FLOOD ZONE

11. The proposed improvements lie within FEMA Flood Zone A, with no elevation designation, as depicted on the Federal Emergency Management Agency – Flood Insurance Map Community 090005 Panel 526 Suffix F, effective date June 18, 2023.
12. A Flood Study Summary Report prepared by Redniss & Mead, Inc. dated May 17, 2023 was submitted for the record as part of the original application to determine the flood elevations at the Club. The study also depicts the change in the floodplain as a result of the proposed project.
13. 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'.
14. 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.
15. The Commission believes that the proposed activities as shown on the site plan, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

LANDSCAPING

16. The proposed landscaping will remain similar to existing conditions. The Wetland/Watercourse Buffer Restoration Plan prepared by Aleksandra Moch details new screening plantings around the pump house. Wetland plantings are also proposed along the southwest bank of Club Pond and northeast bank of Mansfield Pond to restore the areas affected by the proposed work.

SPECIAL PERMIT FINDINGS

17. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
18. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
19. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
20. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a) through (g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #60-S / Site Plan and Flood Damage Prevention Application #208-C are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

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

ENGINEERING PLANS

Plans generally entitled 'Irrigation Improvements' Prepared for Country Club of Darien by Redniss & Mead, dated March 22, 2023, last revised May 2, 2023, unless otherwise noted.

- Sheet SE-1, Site Development Plan, last revised May 17, 2023;
- Sheet SE-2, Sedimentation & Erosion Control Plan;
- Sheet SE-3, Notes & Details.

LANDSCAPE PLAN

- Wetland/Watercourse Buffer Restoration Plan, Country Club of Darien, Prepared by Aleksandra Moch, Wetland Scientist and Landscape Designer, dated April 29, 2023.

ARCHITECTURAL PLANS

Plans generally entitled 'Irrigation Pump House, 300 Mansfield Avenue, Darien' Prepared for Country Club of Darien by Marsh + Woods Architects, LLC, dated March 28, 2023.

- Sheet A-0.01, Cover Sheet;
- Sheet A-2.01, Construction Plan;
- Sheet A-2.02, Door Schedule and Construction Notation;
- Sheet A-3.01, Exterior Elevations and Notation;
- Sheet A-3.02, Building Sections and Details.

The Commission acknowledges that specific architectural plans are not being approved herein other than relative to the footprint of the pump house and flood elevations.

IRRIGATION PLANS

Plans generally entitled 'The Country Club of Darien', 300 Mansfield Avenue, Darien, Prepared by Irrigation Consulting, Inc., dated September 27, 2022.

- Sheet IR-1.0, Sprinkler and Piping Plan – Valve-In-Head;
- Sheet IR-1.1, Sprinkler and Piping Plan – Blocked Zones;
- Sheet IR-2.0, Wiring and Control Plan – Rain Bird;
- Sheet IR-3.0, Wiring and Control Plan – Toro;
- Sheet IR-4.0, Irrigation Details;
- Sheet IR-4.1, Irrigation Details.

B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Erosion Control Plan and Erosion Control Details in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and immediately after the sedimentation and erosion

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 7

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.

- C. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. Due to the nature of the proposal and the overall size of the subject property, the Commission hereby waives the requirement for a formal stormwater management plan or the installation of any stormwater management pursuant to Section 880 of the Regulations.

REQUIRED VERIFICATIONS, PERMITS, AND AS-BUILTS

- E. Prior to commencing construction, a certification shall be submitted from a licensed engineer that verifies that the final design complies with the applicable flood damage prevention regulations. Once the improvements are completed, an as-built verification by the design professional is required.
- F. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. Zoning and Building Permits will be required for the pump house and associated improvements. A Dismantling Permit will be needed from the Building Department.
- G. Prior to the issuance of a Certificate of Approval/Completion of the project, the following shall be submitted:
 - 1) An as-built survey and/or other evidence, prepared by a licensed land surveyor, showing that all work has been properly completed in accordance with the approved plans and is in conformance with the applicable flood damage prevention regulations.
 - 2) An Elevation Certificate shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property, in order to verify final elevations of the pump house and associated equipment relative to compliance with the flood regulations.
 - 3) A certification from the landscape architect to confirm that the Landscape Plan has been fully implemented per the Environmental Protection Commission (EPC) approval.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Sections 829, 1009, and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 5, 2024). This may be extended as per Sections 829, 1009, and 1028.

All provisions and details of the plans 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

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 8

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 start of work, or this approval shall become null and void.

At about 7:57 p.m. Chairman Olvany 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.*

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

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
September 5, 2023**

Application Number: Coastal Site Plan Review #374
Flood Damage Prevention Application #179-A
Land Filling & Regrading Application #549
(PL-23-50)

Street Addresses: 114 Five Mile River Road
Assessor's Map #67 Lot #23

Name and Address of
Property Owners and Applicants: Mark & Stasha Cohen
114 Five Mile River Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Patrick Shurr, P.E.
Redniss & Mead, Inc.
22 First Street
Stamford, CT 06905

Activities Being Applied For: 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

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 9

and cabana; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management.

Property Location: The 0.94+/- acre property is located on the west side of Five Mile River Road, about 115 feet south of its intersection with Davis Lane.

Zone: R-1 and R-1/2 (Residential)

Date of Public Hearing: June 27, 2023

Deliberations Held: July 11, 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: September 5, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 14, 2023

Newspaper: Darien Times

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

- the proposed use and activities must comply with all provisions of Sections 406, 810, 820, 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 representatives 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 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. The existing detached garage will remain, and the existing drive will be removed and replaced to accommodate the new building. The site is served by public water and sewer.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 10

2. The site is currently improved with a single-family residence, detached barn, and wood deck. Runoff from the site drains west towards the on-site pond and east into the stormwater infrastructure in Five Mile River Road before discharging directly to the Five Mile River.
3. Planning & Zoning Department staff Rick Talamelli submitted comments on the application dated April 24, 2022. Those comments were addressed in a May 24, 2023 response letter from the Professional Engineer Patrick Shurr of Redniss & Mead and are included as part of the record.
4. WestCOG submitted comments on the application on March 30, 2023, noting that: “The opinion of WestCOG staff is that the proposal is of local interest and with minimal intermunicipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment.”
5. The State of Connecticut DEEP submitted comments dated April 22 and April 25, 2023. Those comments are included as part of the record.

OTHER LOCAL APPROVAL

6. The Zoning Board of Appeals (ZBA) approved this project as part of ZBA Calendar #12-2023 on June 21, 2023. The plans approved by the ZBA allow the construction of the replacement house within portions of the lot with less than the minimum lot width. That approval is hereby incorporated by reference. The ZBA made a determination that a variance for proposed improvements to the existing detached barn on the northern portion of the property is not required.

STORMWATER MANAGEMENT

7. A Drainage Statement by Redniss & Mead, dated March 16, 2023 was submitted for the record as part of the application.
8. A waiver of Section 880 of the Regulations has been requested by the applicant since the property is in the lower 1/3 of the watershed and directly adjacent to the Five Mile River.
9. The proposed improvements result in an increase in impervious coverage of 4,318 square feet from 6,288 square feet under existing conditions to 10,606 square feet under proposed. The stormwater management measures implemented across the site mitigate potential water quality impacts from the increase in the proposed hardscape. A stormwater management plan addressing peak flows is not required because of the site’s location directly adjacent to coastal waters. The proposed design addresses water quality impacts and mitigation per Section 880(b) of the Regulations.
10. Site drainage was designed to maintain similar drainage patterns under proposed conditions. The entirety of the dwelling and driveway is captured and conveyed to the infiltration system in the front yard to ensure no additional stormwater is directed to the on-site pond. Overflow will discharge directly into the catch basin in Five Mile River Road. A second system in the rear yard provides treatment to runoff originating from the rear terrace. The system is designed to

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 11

infiltrate the tributary Water Quality Volume before bubbling out of the adjacent area drain and flowing across the lawn area into the pond.

11. Peer review Professional Engineer Joseph Canas of Tighe & Bond submitted comments on April 13, 2023. Those comments were addressed in a May 24, 2023 response letter from the Professional Engineer Craig Flaherty of Redniss & Mead and are included as part of the record. Mr. Canas submitted a second letter dated June 20, 2023 indicating that all comments had been addressed and that no additional information is requested.

PROPOSED WORK WITHIN THE FLOOD ZONE

12. The majority of the project site is located within the AE-13 Zone and a small portion at the eastern end of the site within the VE-15 Zone as depicted on the Federal Emergency Management Agency – Flood Insurance Map Community No. 090005 Panel 529 Suffix G, effective date July 8, 2013. The proposed improvements are located within the AE Zone and will comply with Section 820, Flood Damage Prevention Regulations, with all floor elevations and supporting mechanical equipment located at least one foot above the Base Flood Elevation.
13. The existing detached barn will remain at an elevation of 10’ as no improvements are proposed to the structure other than repairs of rotted timbers. These proposed improvements are compliant with Section 820 of the Town of Darien Zoning Regulations.
14. A May 25, 2023 letter/report, last revised June 22, 2023 was submitted for the record by RACE Coastal Engineers, on the proposal’s impact on flood conditions and structural stability. RACE certifies that the proposed site improvements will not cause an increase in the FEMA designated Base Flood Elevation at the site or cause adverse impacts with respect to flooding.
15. The proposed work will not result in an increase in flood heights and the proposal meets or exceeds Section 825 of the Darien Zoning Regulations.
16. The Commission believes that the proposed activities as shown on the site plan, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

PROPOSED WORK WITHIN CAM AREA

17. A Coastal Area Management Assessment by Redniss & Mead, dated March 16, 2023, last revised May 24, 2023 was submitted for the record as part of the application.
18. The proposed project is consistent with the existing and past residential use of the property and surrounding properties. No coastal resources will be disturbed or otherwise disrupted by the proposed activities.
19. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program and will not result in any significant, long-term negative impacts on coastal resources.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 12

20. The Commission finds that the proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
21. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

LAND FILLING & REGRADING SPECIAL PERMIT FINDINGS

22. The proposed work requires approximately 1,400 cubic yards of fill imported.
23. During construction, there is the potential for adverse impacts related to erosion and sedimentation. To mitigate this, sediment & erosion controls are proposed on the site throughout the construction period. These controls include installation of silt fencing down gradient of all construction activities, inlet protection for all existing and proposed area drains, and a stone construction entrance.
24. The Commission noted the importance of implementing temporary soil stabilization measures during the redevelopment of the site to minimize erosion of exposed soils and avoid impacts to the neighbors, Five Mile River Road, and the Five Mile River.
25. With proper implementation of the site development plan and temporary and permanent sediment and erosion control measures, it is anticipated that the proposed development will not have adverse impacts on neighboring properties, coastal resources, or downstream drainage systems.
26. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
27. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

LANDSCAPING

28. The applicant has proposed a Landscape Plan, prepared by Eckerson Design Associates. Ten new arborvitae are proposed to supplement nine existing arborvitae along the shared southerly property boundary to create a buffer/screen between the new residence and the house to the south. Additional trees, shrubs, perennials, grasses, and groundcovers are proposed to be planted as noted on the submitted Landscape Plan. No modifications to the existing landscaping are proposed within the 50' upland review area or around the existing pond in the western half of the site.

NEIGHBOR CONCERNS

29. Robert and Rita Gadsden of 116 Five Mile River Road submitted a letter/email for the record dated June 26, 2023 with concerns about the proposal.
30. During the public hearing, Attorney Robert F. Maslan, Jr., of Maslan Associates was present on behalf of the property owners/neighbors to the south. Attorney Maslan discussed concerns including the amount of proposed grading of the property; potential stormwater impacts; the

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 13

height of the new residence and its close proximity to the shared southern property boundary. He noted that there would be significant visual impacts to the neighbors.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #374, Flood Damage Prevention Application #179-A, and Land Filling & Regrading Application #549 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

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

SURVEY

- Zoning Location Survey, Depicting Proposed Improvements, 114 Five Mile River Road, Darien, Prepared for Mark B. & Stasha B. Cohen by Redniss & Mead, Inc., dated May 24, 2023, last revised June 26, 2023.

ENGINEERING PLANS

Plans generally entitled '114 Five Mile River Road, Darien' Prepared for Mark & Stasha Cohen by Redniss & Mead, Inc., dated March 16, 2023, last revised May 24, 2023.

- Sheet SE-1, Site Development Plan;
- Sheet SE-2, Site Utility & Grading Plan;
- Sheet SE-3, Sedimentation & Erosion Control Plan;
- Sheet SE-4, Notes, Soil Data & Details;
- Sheet SE-5, Details.
- Sheet SE-6, Cross Section (last revised 6/26/2023).

LANDSCAPE PLAN

- Sheet L-1.0, Landscape Plan, Cohen Residence, 114 Five Mile River Road, Darien, Prepared by Eckerson Design Associates, dated March 16, 2023, last revised May 24, 2023.

The Planning & Zoning Commission is requiring that all of the plantings shown on the plan along the shared southerly property boundary be installed prior to the issuance of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for the residence.

ARCHITECTURAL PLANS

Plans generally entitled '114 Five Mile River Road, Darien' Prepared for Mark & Stasha Cohen by Mark A. Comeau Architect, dated May 23, 2023, unless otherwise noted.

- Sheet A1.1, Floor Plan, Main 1st Level;
- Sheet A1.2, Floor Plan, 2nd Level;
- Sheet A1.3, Flood Vent Plan;
- Sheet A1.4, Foundation Section Detail, Cross-Section & Roof Plan;
- Sheet A2.1, East Elevation and North Elevation Views, last revised June 24, 2023;
- Sheet A.2.2, West Elevation and South Elevation Views, last revised June 24, 2023;
- Sheet PZ.1, East Elevation, dated June 24, 2023;
- Sheet PZ.2, Height Diagrams Dwelling, Cabana, Shed, dated June 24, 2023.

The Commission acknowledges that specific architectural plans are not being approved herein, other than relative to the footprint of the house and the first floor elevation. All construction

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 14

shall comply with both the flood damage prevention regulations, and with the building height maximum.

- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. The proposed activity is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted plans in Condition 'A' above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and 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. Prior to the completion and/or occupancy of the house, all approved site work must be completed and the disturbed areas are to be stabilized with appropriate vegetation.
- E. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication of rock or gravel or construction debris or other similar activities shall be engaged in or be operated on the site.

STORMWATER MANAGEMENT

- F. The applicant must make sure that at all times during the redevelopment of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and the street. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the restabilization of all disturbed areas.
- G. Because of the property's location across the street from the Five Mile River, the Commission hereby waives the requirement for treatment of stormwater quantity under Section 880 of the Zoning Regulations. The Commission does hereby require that stormwater quality be addressed through the proposed stormwater infiltration units.
- H. A one-page Operations and Maintenance Plan, dated May 24, 2023, was for the record in this matter. This Operations and Maintenance Program requires the property owner and all subsequent property owners of 114 Five Mile River road to maintain the on-site drainage facilities and will alert future property owners of the existing on-site drainage facilities and the requirement to maintain said facilities to minimize any potential downstream impacts.

LANDSCAPING & SCREENING

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 15

- I. All landscaping shown on the landscape plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- J. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to:
 1. A Demolition Permit for the existing residence.
 2. Separate Zoning and Building Permits will be required for the house foundation; the work above the foundation for the residence; and the pool. A Zoning and Building Permit for work above the house foundation can only be issued once an as-built survey of the house foundation has been submitted to and reviewed by the Planning & Zoning Department relative to zoning setbacks (noting applicable variances issued by the ZBA), building coverage, and flood elevation requirements.
 3. HVAC / Electrical Permits for all generator and air conditioning units as well as the proposed propane tank. All generators, HVAC equipment, pool equipment, and propane tank(s) must be designed to meet the flood regulations.
- K. Prior to the issuance of a Certificate of Occupancy (CO) for the new residence, the applicant shall submit the following to demonstrate compliance with the approved plans and the flood damage prevention regulations:
 1. Verification in writing and/or photographs from the professional designer of the drainage system that certifies that all aspects of the stormwater management system have been completed in compliance with the approved plans referred to in Condition 'A'.
 2. An Elevation Certificate shall be submitted to the Planning & Zoning Department following the completion of all of the improvements to the property, in order to verify that the final elevation of the new residence and the associated HVAC equipment and mechanical equipment comply with the flood regulations.
 3. Verification of the installed plantings by the landscape designer. This shall include both a written certification and photographs.
 4. A final "as-built" survey shall be prepared by a licensed land surveyor demonstrating that all work has been properly completed in accordance with the approved plans, and complies with zoning setback (noting applicable variances issued by the ZBA), building height, building coverage requirements, and flood regulations. The as-built survey shall show all utilities or buried infrastructure installed as part of this application including, but not limited to the location and elevation of all HVAC units, generators, pool equipment, and propane tank(s). The as-built survey shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- L. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- M. This permit shall be subject to the provisions of Sections 815, 829f, and 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 16

one (1) year of this action (September 5, 2024). This may be extended as per Sections 815, 829f, and 858.

All provisions and details of the plan, as modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A “Special Permit form” and “Notice of Drainage Maintenance Plan form” shall be filed in the Darien Land Records within 60 days of this approval AND prior to the issuance of a Zoning and Building Permit for the new house foundation.

At about 8:00 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. *HEARING CLOSED: 7/11/2023.*

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

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

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 5, 2023**

Application Number: Land Filling, Excavation & Regrading Application #553
(PL23-96)

Street Address: 23 Greenleaf Avenue
Assessor’s Map #28 Lot #7

Name and Address of Applicant and
Property Owner: Dan & Andrea Pezley
1 Top O’ Hill Road
Darien, CT 06820

Name and Address of Applicant:
And Applicant’s Representative: Christian Calemno
Christian Rae Studio
63 Unquowa Road
Fairfield, CT 06824

Activity Being Applied For: 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

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 17

the property and installation of stormwater management. The project will establish a new connection to sanitary sewer.

Property Location: 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.

Zone: R-1

Date of Public Hearing: July 11, 2023

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

Publication of Hearing Notices

Dates: June 29 & July 6, 2023

Newspaper: Darien Times

Date of Action: September 5, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: September 14, 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 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 application materials, and the statements of the property owners' representative and engineer 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. This application is 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.
2. The Environmental Protection Commission (EPC) approved this project on June 7, 2023 as part of EPC 11-2023. That approval is hereby incorporated by reference.

3. At the public hearing on July 11, 2023, professional engineer Bryan Muller of Muller Engineering explained the proposal. He said that the house is now on septic. In response to a question, he noted that the proposed residence, including the connected poolhouse, would be 13,184+/- square feet, and generally in the same location as the existing residence.

STORMWATER MANAGEMENT

4. A Drainage Report from Muller Engineering LLC dated March 15, 2023 was submitted for the record. In that report, it is noted that that the proposed construction will maintain existing drainage patterns and that the improvements will not adversely impact adjacent or downstream properties.
5. The application was reviewed by peer review Professional Engineer Joe Canas of Tighe & Bond, and his comments were noted in a three-page memorandum dated May 16, 2023. Those comments are included as part of the record.

SPECIAL PERMIT FINDINGS

6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
7. 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 Land Filling, Excavation & Regrading Application #553 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

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

SURVEY

Zoning Location Survey prepared for Dan Pezley, 23 Greenleaf Avenue, by Point of Beginning Land Surveyors LLC, dated March 15, 2023, Drawing 1-ZLS-1.

ENGINEERING PLAN

- Site Development Plan, prepared for Dan Pezley, 23 Greenleaf Avenue, by Muller Engineering, LLC, dated March 15, 2023, last revised 4/26/2023, Sheet No. 1 of 2.
- Construction Details, prepared for Dan Pezley, 23 Greenleaf Avenue, by Muller Engineering, LLC, dated March 15, 2023, last revised 4/26/2023, Sheet No. 2 of 2.

ARCHITECTURAL & LANDSCAPE PLANS

- 23 Greenleaf Avenue, by Christian Rae Studio, LLC, Sheets C100; A100 through A700. The Commission acknowledges that specific architectural plans are not being approved herein, other than relative to the footprint of the house and the first floor elevation. All construction shall comply with the building height maximum.

- B. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for 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. The applicant must make sure that at all times during the redevelopment of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and Greenleaf Avenue or Hollow Tree Ridge Road. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the speedy restabilization of all disturbed areas.
- F. 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. A Demolition Permit will be required prior to the issuance of a Zoning/Building Permit for the new house foundation.
 2. Zoning / Building Permits shall be submitted for the new house foundation. 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. Once an as-built survey of the foundation has been received, Planning & Zoning Department staff may act upon a subsequent Zoning/Building Permit for work above the foundation.
 3. A permit from Darien Sewer Services is required for the new connection to the sanitary sewer line;
 4. Health Department approval for proper septic system abandonment as a condition of approval.
 5. Because Greenleaf Avenue is a private road, no Street Opening Permit from DPW is required.
 6. Zoning / Building Permits for the proposed work above the foundation for the residence, and a separate Zoning / Building Permit for the pool.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 20

- G. Prior to the issuance of a Certificate of Occupancy (CO) for the new replacement residence and associated improvements, the applicant shall submit the following to demonstrate compliance with the approved plans:
1. Verification that all work has been completed in compliance with the approved plans referred to in Condition 'A', above;
 2. A letter/certification 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. Any changes or deviations from the approved plans shall be noted, including how the change complies with the conditions of approval, and how the intent of the proposed plan has been achieved.
 3. A final "as-built" survey prepared by a licensed land surveyor and other evidence that all filling and regrading work has been properly completed in accordance with the approved plans. 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.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. The granting of this Special Permit 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.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 5, 2024). This may be extended as per Sections 858 and 1009.

All provisions and details of the plans 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 and Notice of Drainage Maintenance Plan 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 foundation for the new residence.

At about 8:09 p.m. Chairman Olvany read the following agenda item:

Coastal Site Plan Review #378 (PL-23-109), Thomas & Kathleen Arrix, 138 Goodwives River Road. Proposal to construct additions to the northern portion of the existing residence, construct a replacement in-ground pool, retaining walls, terrace areas, and a golf cabana, and to perform related site development activities within a regulated area, including modifications to the existing stormwater management system. *PUBLIC HEARING CLOSED: 7/25/2023.*

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

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 21

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

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 5, 2023**

Application Number: Coastal Site Plan Review #378
(PL-23-109)

Street Address: 138 Goodwives River Road
Assessor's Map #62 Lot #84A

Name and Address of
Property Owners and Applicants: Thomas & Kathleen Arrix
138 Goodwives River Road
Darien, CT 06820

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

Activities Being Applied For: Proposal to construct additions to the northern portion of the existing residence, construct a replacement in-ground pool, retaining walls, terrace areas, and a golf cabana, and to perform related site development activities within a regulated area, including modifications to the existing stormwater management system.

Property Location: The 2.03+/- acre subject property is located on the east side of Goodwives River Road at the southeastern corner formed by its intersection with Salem Straits.

Zone: R-1

Date of Public Hearing: July 25, 2023

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

Publication of Hearing Notices

Dates: July 13 & 20, 2023

Newspaper: Darien Times

Date of Action: September 5, 2023

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
September 14, 2023

Newspaper: Darien Times

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 22

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

- the proposed use and activities must comply with all provisions of Sections 406 and 810 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/engineer whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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

1. The proposal is to construct additions and alterations to the northern portion of the existing residence, construct a replacement in-ground pool, retaining walls, terrace areas, and a golf cabana, and to perform related site development activities within a regulated area, including modifications to the existing stormwater management system. There is now a single-family residence and pool on the property as well as drainage systems.
2. The proposal consists of two parts—the replacement pool and pool area additions and modifications; and the golf cabana accessory building. The accessory building is two stories. The submitted first floor plan shows a golf simulator space, beverage refrigerator, and sitting area on the first floor. The second floor plan shows a bedroom and balcony, bath, and walk-in closet. There are no kitchen or cooking facilities shown in the structure.
3. Braden Lynn of the State of Connecticut DEEP submitted comments on the application dated July 14, 2023. In those comments he notes that the project is consistent with the Connecticut Coastal Management Act (CCMA). Those comments are included as part of the record on the matter.

PHASING OF PROJECT

4. At the public hearing, Professional engineer Harry Rocheville of McChord Engineering said that Phase 1 of the plan is to demolish the existing pool and structural wall, and construct a new permeable patio, wall, and infinity edge pool. Phase 2 of the plan is to construct the accessory structure and expand its associated underground detention system.
5. The plans for the golf cabana reflect finished space on both floors. The submitted Site Development Plan shows the construction of an associated putting green and sand trap. The plan notes that existing grade will be used, and thus, the minimal amount of change in grade does not rise to the level of requiring a Land Filling & Regrading Application.
6. They did perform soil testing on-site. There will be two temporary construction entrances for the project. He showed the location of the sediment and erosion controls on the plan.

STORMWATER MANAGEMENT

7. A Drainage Report prepared by McChord Engineering Associates, dated May 26, 2023 was submitted for the record as part of the original application. That report shows a decrease in stormwater runoff in the post-development condition for the 2- through 100-year storm events when compared to existing conditions. Drainage patterns will not be altered in the post development condition.
8. Comments were received from the State of CT DEEP dated July 14, 2023. Those comments are included as part of the record.
9. Professional Engineer Joseph Canas of Tighe & Bond submitted comments for the record dated July 6, 2023. Those comments are included as part of the record. The applicant responded to those comments in an email dated July 20, 2023.
10. Given the proposed 550+/- square foot reduction in 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, the Commission finds that there is no requirement or need to detain water and manage stormwater quantity as part of this project.
11. The Commission finds that if implemented properly, the proposed site development activities will have no adverse impacts to adjoining property owners or any downstream drainage systems.

PROPOSED WORK WITHIN CAM AREA

12. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program and will not result in any significant, long-term negative impacts on coastal resources.
13. The Commission finds that the proposed activity as shown on the site development plan is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
14. The Commission finds that the potential adverse impacts of the proposed activity on coastal resources are acceptable.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #378 is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

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

DEVELOPMENT PLANS

- Site Development Plan, Plan Prepared for Thomas & Kathleen Arrix, 138 Goodwives River Road, dated June 15, 2023, Drawing No. SE-1.
- Construction Notes and Details, Plan Prepared for Thomas & Kathleen Arrix, 138 Goodwives River Road, dated June 15, 2023, Drawing No. DT1.

ARCHITECTURAL PLANS

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 24

- Golf Cabana For: The Arrix Residence, 138 Goodwives River Road, by Vicente Burin Architects, dated 05-08-2023, Sheet No. A-101.
- Additions & Alterations to: The Arrix Residence, 138 Goodwives River Road, by Vicente Burin Architects, dated 5-25-2023, Sheet No. A-101.
Note that the golf cabana accessory structure architectural plans do not show any cooking facilities, and none are hereby allowed.

LANDSCAPING PLANS

- Landscape Plan, Arrix Residence, 138 Goodwives River Road, by Werner Hendrickson Landscape Architecture, LLC, last revised June 13, 2023, Sheet No. L-100.
 - Master Planting Plan & Schedule, Arrix Residence, 138 Goodwives River Road, by Werner Hendrickson Landscape Architecture, LLC, last revised June 6, 2023, Sheet No. L-7.00.
- B. Due to the nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Site Development Plan in Condition ‘A’, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized.

STORMWATER MANAGEMENT

- D. The applicant must make sure that at all times during the redevelopment of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and Goodwives River Road and Salem Straits. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the restabilization of all disturbed areas.
- E. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to separate Zoning and Building Permit for the pool and associated retaining walls; and golf cabana accessory structure.
- F. Prior to the issuance of a Certificate of Occupancy (CO) for the golf cabana accessory structure, the applicant shall submit a final “as-built” survey prepared by a licensed land surveyor and other evidence that all work has been properly completed in accordance with the approved plans, and complies with zoning setback, building height, and building coverage requirements. The as-built survey shall show all utilities or buried infrastructure installed as part of this application. The as-built survey shall include measurements from known, permanent, and visible surface features so that buried infrastructure can be located in the field in the future.
- 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 this permit as it deems appropriate.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 25

H. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, the implementation of the approved plan within two (2) years of this action (September 5, 2025). This may be extended as per Section 815. This two year approval will allow the project to be completed in phases.

All provisions and details of the plans, as approved herein, shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the filing of a “Notice of Drainage Maintenance Form” in the Darien Land Records, and signing of the final documents by the Chairman.

At about 8:11 p.m. Chairman Olvany read the following agenda item:

Land Filling & Regrading Application #554 (PL-23-107), Bruce & Diana Phelps, 35 Swifts Lane. Proposal to raze the existing residence and to construct a new single-family dwelling, construction of a new driveway, retaining walls, and terrace/patio areas; and to perform related site development activities, including regrading of the property and installation of stormwater management. *PUBLIC HEARING CLOSED: 7/25/2023.*

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

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. Reilly and approved by a vote of 5-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 5, 2023**

Application Number: Land Filling, Excavation & Regrading Application #554
(PL23-107)

Street Address: 35 Swift’s Lane
Assessor’s Map #50 Lot #10

Name and Address of Applicants and
Property Owners:

Bruce & Diana Phelps
35 Swift’s Lane
Darien, CT 06820

Name and Address of:
Applicant’s Representative:

Doug DiVesta, PE
DiVesta Civil Engineering, LLC
51 Painter Ridge Road
Roxbury, CT 06783

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 26

Activity Being Applied For: Proposal to raze the existing residence and to construct a new single-family dwelling, construction of a new driveway, retaining walls, and terrace/patio areas; and to perform related site development activities, including regrading of the property and installation of stormwater management.

Property Location: The 0.67+/- acre subject property is located at the southern terminus of Swifts Lane, approximately 945 feet southeast of its intersection with Ring's End Road.

Zone: R-1

Date of Public Hearing: July 25, 2023

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

Publication of Hearing Notices

Dates: July 13 & 20, 2023

Newspaper: Darien Times

Date of Action: September 5, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: September 14, 2023

Newspaper: Darien Times

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

- the proposed use and activities must comply with all provisions of Sections 406, 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 application materials, and the statements of the property owners' representative / engineer 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. This application is to raze the existing residence and to construct a new single-family dwelling, construction of a new driveway, retaining walls, and terrace/patio areas; and to perform related site development activities, including regrading of the property and installation of stormwater management. The existing shed on the north part of the property will remain. The new residence will be connected to public water and sewer.
2. The proposed residence would be 6,500+/- square feet, and have a basement. It will have six bedrooms. The building height on the submitted zoning text box on the survey is 29.92 feet.

STORMWATER MANAGEMENT

3. A Site Engineering Report from DiVesta Civil Engineering, LLC dated June 2023 was submitted for the record. In that report, it is noted that the proposed construction will maintain existing drainage patterns and that the improvements will not adversely impact adjacent or downstream properties. Appendix A in that report is the Stormwater Management Operation and Maintenance Plan.
4. Professional engineer Doug DiVesta explained the proposal at the public hearing. He said that he has responded to peer review engineer Joe Canas' comments. He has designed the drainage system for a 2 through 50 year design.
5. The application was reviewed by peer review Professional Engineer Joe Canas of Tighe & Bond, and his comments were noted in a three-page memorandum dated June 27, 2023 and a July 18, 2023 follow-up memo. Those comments are included as part of the record, and have been fully addressed by the applicant's engineer.

SPECIAL PERMIT FINDINGS

6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
7. 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 Land Filling, Excavation & Regrading Application #554 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

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

SURVEY

- Improvement Location Survey-Proposed, 35 Swift's Lane, prepared for Diana Phelps, scale 1"=20', by Seymour Surveying, dated July 24, 2023.

ENGINEERING PLAN

- Proposed Site Development Plan, Phelps Residence 35 Swift's Lane, by DiVesta Civil Engineering, LLC, dated June 15, 2023, Sheet No. 1 of 2.
- Details, Phelps Residence 35 Swift's Lane, by DiVesta Civil Engineering, LLC, dated June 15, 2023, Sheet No. 2 of 2.

The Commission acknowledges that specific architectural plans are not being approved herein, other than relative to the footprint of the house. All construction shall comply with the building height maximums—both number of stories, and height in feet.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 28

- B. Because of the nature of the site work involved in this project, the Commission hereby waives the requirement for 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. The applicant must make sure that at all times during the redevelopment of the site, the stormwater runoff is properly managed to avoid impacts to the neighbors and to Swift's Lane. This shall include, but not be limited to sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and result in the speedy restabilization of all disturbed areas.
- F. 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 following requirements:
1. A Demolition Permit will be required prior to the issuance of a Zoning/Building Permit for the new house foundation.
 2. Zoning / Building Permits shall be submitted for the new house foundation. An as-built survey of that foundation shall 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. Once an as-built survey of the foundation has been received, Planning & Zoning Department staff shall confirm that the foundation complies with all setback and building coverage requirements in the Zoning Regulations. Once confirmed, staff may act upon a subsequent Zoning/Building Permit for work above the foundation.
 3. A permit from Darien Sewer Services is required for the new connection to the sanitary sewer line;
 4. Because Swift's Lane is a private road/drive, no Street Opening Permit from DPW is required.
 5. Zoning / Building Permits for the proposed work above the foundation for the residence is required.

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 29

- G. Prior to the issuance of a Certificate of Occupancy (CO) for the new replacement residence and associated improvements, the applicant shall submit the following to demonstrate compliance with the approved plans:
1. A letter/certification 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. Any changes or deviations from the approved plans shall be noted, including how the change complies with the conditions of approval, and how the intent of the proposed plan has been achieved.
 2. A final “as-built” survey prepared by a licensed land surveyor and other evidence that all filling and regrading work has been properly completed in accordance with the approved plans. 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.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. The granting of this Special Permit 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.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 5, 2024). This may be extended as per Sections 858 and 1009.

All provisions and details of the plans, as approved herein, 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 and Notice of Drainage Maintenance Plan 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 foundation for the new residence.

At about 8:14 p.m. Chairman Olvany read the following agenda item:

Deliberations ONLY regarding the following:
Proposed Amendments to Darien Zoning Regulations (COZR #3-2023) (PL-23-108) put forth by St. John’s Roman Catholic Church. Proposal to amend Section 405.g. of the Darien Zoning Regulations to add “mausoleum” as an Accessory Use requiring a Special Permit in addition to the already permitted “columbarium” use located on church grounds or on the grounds of a cemetery operated by a cemetery association as defined in Section 19a-296 of the Connecticut General Statutes. 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* as PL-23-108. **PUBLIC HEARING CLOSED: 7/25/2023.**

PLANNING & ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING
SEPTEMBER 5, 2023
PAGE 30

Mr. Ginsberg provided the Commission with an overview of the proposal. He said that cemeteries are not a permitted use in the Regulations.

Commission members had concerns regarding the potential height and size of mausoleum structures.

Mr. Ginsberg said that any new proposed mausoleum would, at a minimum, require Site Plan and Special Permit approval by the Commission and that the structure would need to comply with the applicable bulk and dimensional standards set forth within the zone the cemetery is located within. He said that the Special Permit requirement would give the Commission some level of discretion with respect to potential impacts to adjoining property and conditions of approval. Public hearings would be required.

Mr. Ginsberg noted that the applicant had previously gone before the Zoning Board of Appeals to seek variances for building height and encroachments within the setback for an earlier proposal. He said that application had been withdrawn.

Mr. Nedder questioned whether the Commission could modify the proposed regulation amendment to add restrictions on size and height. Mr. Doneit said that any substantive change to the regulation would require re-noticing and a separate public hearing. If changes are desired, the Commission's options would be to either deny the application or to encourage the applicant to withdraw the application and resubmit with a different set of standards.

Mr. Reilly reiterated that the Special Permit requirement would give the Commission discretion with respect to potential impacts to adjoining property and conditions of approval. He was in favor of approving the proposed amendment.

The Commission tabled the deliberations with the intent of continued discussions at an upcoming meeting.

At about 8:36 p.m. Chairman Olvany read the following agenda item:

Discussion of Blade Signs

The Commission discussed sizes of blade signs throughout the Town. Mr. Ginsberg noted that the town's sign regulations were amended a few years ago by the Commission – the maximum square footage for a blade sign was established at 7 square feet in a pedestrian-oriented zone and 12 square feet in an automobile-oriented zone. Chairman Olvany said that considerable effort was put in by the Commission and their consultant in establishing these standards. Mr. Ginsberg said that the Architectural Review Board (ARB) asked the Commission to consider lowering the standard to 5 or 6 square feet in pedestrian-oriented zones. The Commission reviewed pictures of blade signs throughout the downtown and Noroton Heights.

The Commission tabled the discussions with the intent of continuing at an upcoming meeting after having more of an opportunity to review existing signage first-hand.

Approval of Minutes

May 30, 2023

Mr. Reilly made a motion to approve the May 30, 2023 meeting minutes as written. That motion was seconded by Mr. Balgach, and approved by a vote of 5-0.

June 27, 2023

Ms. Barsanti made a motion to approve the June 27, 2023 meeting minutes as written. That motion was seconded by Mr. Balgach, and approved by a vote of 5-0.

July 11, 2023

Ms. Barsanti made a motion to approve the July 11, 2023 meeting minutes as written. That motion was seconded by Mr. Nedder, and approved by a vote of 5-0.

July 25, 2023

Mr. Nedder made a motion to approve the July 25, 2023 meeting minutes as written. That motion was seconded by Mr. Reilly, and approved by a vote of 5-0.

Chairman's Report

Chairman Olvany provided some general updates on development activity in Norwalk in close proximity to Darien, including Doubletree Hotel/Costco, Walmart/Target, and MBI/Wegmans. He noted that there has been some Norwalk resident pushback to proposed multi-family zoning regulation amendments in the City.

He said that the 7 Sedgwick Avenue multi-family application was not appealed by the applicant, and that the Great Island Special Permit application for use of the stable was appealed by a neighbor.

Ms. Barsanti noted some concerns regarding safety around electric bicycle and scooter usage in and around Darien.

Director's Report

It was noted that the next upcoming meetings have been scheduled for September 12 and 26.

Mr. Doneit provided a brief update on the upcoming public hearing for the proposed Weed Beach Meadows project.

There being no other business, Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Ms. Barsanti, and approved by a vote of 5-0. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Assistant Director