

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING / GENERAL MEETING  
September 12, 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 7:31 P.M. and read the first agenda item:

**PUBLIC HEARING**

**Coastal Site Plan Review #227-C, Flood Damage Prevention Application #254-D, Land Filling & Regrading Application #459-A, Site Plan Application #253-B, Town of Darien, Weed Beach Park, 155 Nearwater Lane.** Proposal to strategically improve the property at 155 Nearwater Lane to create a passive recreational area, intended to integrate with the remainder of Weed Beach Park to the west; and to perform related site development activities within regulated areas. The improvements are to consist of open lawn areas, a paved loop pathway, and an expansion of the beach area. A new crushed stone parking area to be located off the southeast side of the existing access drive to Weed Beach Park will be integrated with the remainder of parking at the Park. An existing boat storage area on the southeast portion of the site will remain. The subject property is located on the west side of Nearwater Lane, approximately 400 feet south of Shipway Road, and is shown on Assessor's Map #56 as Lots #3 through #10 and is located in the R-1 Residential Zone. TO BE OPENED AND IMMEDIATELY CONTINUED.

Mr. Ginsberg said that at the applicant's request, the application would be immediately continued to October 3, 2023, in Room 206 of Town Hall.

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

**Special Permit Application #290-A, Alex Poon, Colonial Land Limited Partnership, 115 Old King's Highway North.** Proposal to establish a new day spa in the space formerly occupied by uBreakiFix. The 0.08+/- acre subject property is located on the south side of Old King's Highway North 170 feet east of its intersection with Boston Post Road, and is shown on Assessor's Map #35 as Lot #19 in the Designed Business Zone (DB).

Mr. Doneit provided the Commission with an overview of the application.

Mr. Alex Poon, the applicant, summarized the proposal. He reviewed the submitted floorplan, noting that two service rooms for massages and facials would be provided. There would be four nail stations at the front of the space. He said that he has been working with the Health Department on necessary approvals from that Department. Mr. Ginsberg said that a total of six parking spaces

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are required for the use and that ten spaces now exist, including two handicapped spaces. Mr. Poon said that the basement area would be used for dry storage, a washer and dryer, and an employee break room. He said that there would be four to five employees on-site at any one time and typically not more than three to seven customers within the space at any one time. He said that employees would carpool to work in one vehicle and that one parking space would be reserved for that employee vehicle. It was noted by Commission members that overflow parking exists during daytime hours across the street in the former Fuji Restaurant parking lot. Mr. Nedder noted some concerns regarding the potential for vehicles backing out of parking spaces onto Old King's Highway North.

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

At about 7:47 p.m. Chairman Olvany read the following agenda item:

**GENERAL MEETING**

**Amendment of Special Permit #236-A/Site Plan #234-B, Roots Ocean Prime, Grove Street.**  
Request to construct a new front vestibule facing Grove Street.

Mr. Doneit provided the Commission with an overview of the proposed amendment to the Commission's original June 27, 2023 approval of Roots Ocean Prime.

Mr. Peter Dorne, of Peter Dorne Architects, the applicant's architect, summarized the proposal. He said that the proposed improvements are to construct a small addition to the 14 Grove Street building, located roughly in the middle of the building's frontage along Grove Street to serve as and provide for a new main entrance for patrons of the restaurant with ADA accessibility. The proposed addition would not change the interior seating count or capacity of the restaurant versus what was originally approved by the Commission.

Mr. Bill Van Reisen, also of Peter Dorne Architects, said that the addition would provide for a more pronounced presence on Grove Street. The new vestibule would be elevated six inches above the sidewalk with ADA ramps on both sides leading up to the entrance with sloping handrails. There are no steps.

Mr. Dorne said the building is set back 10 feet from the front property line and that the new addition would come out five feet from the face of the building, leaving a five-foot sidewalk at the front. The side doors on the plaza would be used by staff for service.

Mr. Ginsberg noted that the applicant is going before the Architectural Review Board (ARB) next week for review.

Commission members noted that they were in favor of the amended proposal. Mr. Nedder made a motion to approve the amendment to the project. That motion was seconded by Ms. Barsanti, and

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approved by a vote of 5-0.

At about 7:57 p.m. Chairman Olvany read the following agenda item:

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

Amendments to previously approved plans.

Mr. Doneit and Mr. Ginsberg provided the Commission with an overview of the proposed amendment to the Commission's original December 7, 2021 approval. It was noted that the elevations on the previously approved plans were off in the range of 9 to 10 feet as a result of a surveying error. The modified plans, with the correct elevations, do not alter drainage patterns on the site.

Professional Engineer, Harry Rocheville, of McChord Engineering Associates, the applicant's engineer and representative, summarized the proposed changes to the plans. He said that none of the work on the hardscape area or proposed retaining walls had begun. He highlighted the specific modifications as follows:

Hardscape. The amount of hardscape area has been increased by approximately 425 square feet. This includes an additional patio in the rear yard, a small driveway expansion, and associated walkways. All new patios are more than eight feet from the property lines.

Stormwater Management. The proposed stormwater management structures have been relocated to effectively capture runoff from the revised hardscape. The proposed underground detention system remains the same as it is sufficiently sized to treat the Water Quality Volume associated with the increase in impervious area.

Retaining Walls. The proposed retaining wall on the southwest property line has been expanded to the east and will step down. The wall will still function to create a level yard.

Planting Plan. A new planting plan has been provided. The new plan maintains the conditions of the previously approved plans prepared by Environmental Land Solutions, dated November 29, 2021, specifically on the hillside between the developed portion of the property and Gorhams Pond.

He said that a new underground propane tank was proposed on the north side of the property.

Commission members noted that they were in favor of the amended proposal. Ms. Barsanti made a motion to approve the amendment to the project. That motion was seconded by Mr. Reilly, and approved by a vote of 5-0.

At about 8:08 p.m. Chairman Olvany read the following agenda item:

**Deliberations Only regarding:**

**Proposed Amendments to Darien Zoning Regulations (COZR #3-2023) (PL-23-108) put forth by**

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**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.*

Mr. Doneit provided the Commission with an update on the Commission's previous deliberations on the matter, including concerns relative to the potential sizes and setbacks of mausoleums on cemetery grounds throughout the Town. He said that the applicant's counsel had argued that the bulk and dimensional standards for columbariums, a use already permitted within the Regulations, are no different than for the underlying zoning district in which they are located. He also noted that the potential size and scale of these buildings, which could end up being larger than surrounding single-family residential development, would likely remain consistent with other non-residential permitted uses in residential zones, such as churches or schools.

Mr. Nedder suggested that the existing zoning regulations for columbariums in addition to those proposed for mausoleums, should impose restrictions on size and bulk, different from and likely more conservative than those for the underlying zones in which they may be located.

Ms. Barsanti noted concerns with the potential unintended consequences of the proposed amendment relative to structures being built within smaller cemeteries throughout the town. Mr. Doneit said that the regulation as written would only allow these facilities on the grounds of a cemetery operated by a cemetery association as defined in Section 19a-296 of the Connecticut General Statutes. Many of these existing smaller, historic cemeteries are not operated by a cemetery association.

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.

Mr. Balgach said that he was leaning in the direction of supporting the Commission drafting their own regulations. He confirmed that if the Commission was to go this direction the change(s) would need to be noticed and a separate public hearing held prior to any potential adoption. Mr. Reilly questioned what direction they were going to give staff on developing restrictions on height and bulk.

Commission members directed staff to draft a denial of the proposed zoning amendment for consideration at an upcoming meeting.

**Approval of Minutes**

*September 5, 2023*

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

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It was noted that the next upcoming meetings have been scheduled for September 26 and October 3.

There being no other business, Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Mr. Reilly, and approved by a vote of 5-0. The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Fred Doneit".

Fred W. Doneit, AICP, GISP  
Assistant Director

9.12.2023min