

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
October 3, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

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

STAFF ATTENDING: Ginsberg, Doneit
Recorder: Karen Manz
Channel 79

Chairman Olvany opened the meeting at 7:31 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 (PL-23-116), 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. *PUBLIC HEARING OPENED ON: SEPTEMBER 12, 2023. DEADLINE TO CLOSE PUBLIC HEARING IS: OCTOBER 17, 2023, UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

Mr. Ginsberg summarized the application. He noted that the application is for an as-of-right use, a public park, in an R-1 zone. He said that the Town purchased this property about 10 years ago, and the work is in the Short Lane area. He said that they are requesting Coastal Site Plan Review, a Flood Damage Prevention Application, and a Land Filing & Regrading Application. Staff did refer the application to WestCOG. WestCOG did send a memo, which Mr. Ginsberg then read aloud. Mr. Ginsberg said that the application was referred to the State of CT DEEP, and that their submitted memo was in the record and forwarded to the Commission. He said that the application was also sent to peer review engineer Joe Canas of Tighe & Bond, who sent two memos, with the most recent being dated October 2, 2023. Mr. Ginsberg added that one member of the public submitted comments, Mr. Rolf Obin. Mr. Ginsberg brought the revised plans (dated September 21, 2023) to the Commission's attention, which better delineates the trees to be removed, and adds a swale. These revised plans have not yet been reviewed by Mr. Canas. Mr. Ginsberg said that Mr. Canas' comments were responded to in a memo from Dan Biggs. Mr. Ginsberg said that Planning & Zoning Department staff member Rick Talamelli also submitted comments on the application.

Mr. Dan Biggs of Weston & Samson was present on behalf of the applicant. He showed an air photo of the 4.95+/- acre portion of the property. It is a former residential property, with an existing

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asphalt driveway and is adjacent to the Town's wastewater pumping station. The goal is to create a usable space for the Town to use, as part of Weed Beach Park, by removing the asphalt, debris, and invasive species. There are four wetlands areas on the parcel. They will create a pathway network and lawn area for the public to enjoy and relax. They will enhance and formalize the existing parking area—it is now crushed stone. The proposal also includes expansion of the dune area, and to expand the beach area. The Town acquired the property in 2014, and the Darien EPC approved this project in January 2020. It was noted that the Sewer Commission reconfirmed its 2019 approval earlier in the day. The parking area will be formalized with wheel stops. He showed the area of new lawn. The proposal will add to the width of the beach to be consistent with the rest of the beach. The dunes will be expanded and enhanced. The Darien Junior Sailing team will have boat storage there.

Mr. Biggs said that the parking lot will have about 57 parking spaces. There will be 52 trees removed and 17 preserved. About 35 trees will be added. Dune and wetlands plantings will be added. The existing overhead wires and pole will be removed. There will be no additional lighting installed. The proposed parking lot will be crushed stone, and catch basins will be installed.

About 30 boats will be stored on-site. There will be grasses installed on the sand dunes. Ms. Barsanti asked about possible wave action.

Mr. Olvany inquired whether there would be any impact to the adjacent Noroton Bay beach property to the southeast. It was noted that a rock wall will be removed. Ms. Barsanti asked about the potential for delineation of that shared property line. Ms. Pam Gery, Director of Parks and Recreation, noted that there is now a chain link fence which serves as a delineation.

Mr. Balgach said that he was concerned about water and wetland impacts from the new sand being brought in. In response to another question from Mr. Balgach, Mr. Biggs responded that the path will be ten feet wide, which is wider than the path at Highland Farm. It was noted that there will be an overall reduction in impervious surface. Clean fill will be brought in. Invasive species will be removed. Mr. Biggs said that the old driveway off of Short Lane still exists today, but they expect to remove it as part of this project. The old house foundation was removed.

Mr. Olvany asked Mr. Biggs to review the comments in peer review engineer Joe Canas' memos, with the most recent memo being dated October 2, 2023. Mr. Biggs acknowledged that removal of the existing overhead utilities will need to be coordinated with Eversource. He added that the asphalt parking area alternative has been removed from the plans, and the proposed parking area will be crushed gravel. The gravel will be finer than the parking lot at Highland Farm. Mr. Biggs said that a Drainage Maintenance Plan has been submitted for the record. The handicapped parking signs and other signage is noted on the submitted plans. Mr. Ginsberg said that some work is being proposed for the sewer pump station property to the north (also owned by the Town of Darien).

The Commission agreed to continue the public hearing to Tuesday, October 10, 2023 in order to give the applicant an opportunity to respond to questions and concerns.

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At about 8:25 p.m. Chairman Olvany read the following agenda item:

GENERAL MEETING

Discussion of Designed Business (DB) Zone.

Mr. Dave Keating summarized current issues with the DB Zone and gave the Commission a history of the DB-1 and DB-2 zones. He explained where the DB Zone is now located, and noted that there are a number of historic buildings in the zone. He also reviewed the submitted memo. He noted that traditionally, Commercial Sales and Service Uses were not allowed in the zone, as the Commission has aimed to have all such retail uses in downtown. The only Commercial Sales and Service Uses allowed in DB-1 and DB-2 were bulky goods such as furniture stores or those that require external storage or activity. Historically, there has been a special provision within the zoning regulations allowing grandfathered retail use to remain in the zone. The DB-1 and DB-2 zones were combined in 2019 as part of a comprehensive review and amendment of all commercial zones in Town and in an effort to reduce the number of different zoning districts in Darien.

Mr. Nedder said that in his opinion, there is no need to change the existing uses allowed in the DB Zone.

At about 8:45 p.m. Chairman Olvany read the following agenda item:

Discussion of regulations regarding home child care and Public Act 23-142.

Mr. Ginsberg summarized his September 28, 2023 memo. Commission members agreed that this is a fairly minor issue, which can easily be addressed in the zoning regulations. They asked staff to prepare a formal proposal for a public hearing sometime in the next few months.

At about 8:55 p.m. Chairman Olvany read the following agenda item:

Discussion of Accessory Dwelling Units (ADUs)

Dave Keating said that his last review of this issue with the Commission was in May. He then reviewed some of the concepts previously discussed. Mr. Olvany mentioned consideration of non-conforming structures being converted to a legal ADU. Ms. Barsanti said that there should be a difference in accessory structure versus a principal structure, and that having an ADU within five feet of a property line is too close.

Mr. Keating said that the Commission's main concern has been sufficient on-site parking, which is critical in ensuring that such units do not create problems within a neighborhood. The long-time regulation in Darien has been that required parking cannot be located within a front or side yard setback. Mr. Keating said that the Commission has also informally discussed a maximum size of an ADU. Ms. Barsanti said that one concern may be a 2nd floor exterior access for an ADU. Mr. Nedder said that he does not like the idea of attached ADUs. Mr. Nedder suggested the possibility

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of allowing an attached ADU by Special Permit. He also agreed with Ms. Barsanti that outdoor stairs for ADUs could be of concern. Mr. Reilly believed that such stairs should be within the structure, and not external. Mr. Balgach said that as part of any regulation it should be important to stipulate that there can only be one ADU per property. All Commission members agreed.

Mr. Keating said that he can add a provision regarding exterior stairs, such that they not be visible from a street, or enclosed area. He also said that stairs should not be within a required setback. It was agreed that there should be a meeting to further discuss the matter in January 2024.

At about 9:21 p.m. Chairman Olvany read the following agenda item:

Deliberations and possible decisions regarding:

Proposed Amendment to the Darien Zoning Map (COZM #1-2023) (PL-23-121) put forth by the Noroton Fire Department, 1921 Boston Post Road, Special Permit Application #332 / Site Plan.

Proposal to amend the Darien Zoning Map to apply the Municipal Use Overlay Zone (MU) to 1921 Boston Post Road; Proposal to convert the existing building on the site to a three-bedroom single-family residence for the housing of volunteer firemen, and to perform related site development activities. A total of 4 surface-level parking spaces will remain behind the building.

Mr. Reilly recused himself, since he was not at the public hearing on the matter. The Commission reviewed the draft resolution regarding the change of the zoning map. There were no comments or changes to the draft. Mr. Nedder made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Balgach, and was approved by a vote of 4-0, with Mr. Reilly abstaining. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 3, 2023**

Application Number: Amendment to the Darien Zoning Map (COZM #1-2023)
Put forth by Noroton Fire Department

Street Address: 1921 Boston Post Road
Assessor's Map #42 Lot #4

Names and Address of
Applicant(s): Town of Darien
Noroton Fire Department
1873 Boston Post Road
Darien, CT 06820

Names and Address of
Applicant's Representatives: Robert J. Buch, Sr., Vice-President
Michael Burkhart, President
Noroton Fire Department
1873 Boston Post Road

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Darien, CT 06820

Name and Address of
Current Property Owner: 1921 Boston Post Road, LLC (Robert Alberga)
c/o 215 Marvin Ridge Road
New Canaan, CT 06840

Activities Being Applied For: Proposal to amend the Darien Zoning Map to apply the Municipal Use Overlay Zone (MU) to 1921 Boston Post Road.

Area Proposed to be Rezoned: The 0.12+/- acre property to be rezoned is located on the north side of Boston Post Road approximately 165 feet east of its intersection with Garden City Road, and is shown on Assessor's Map #42 as Lot #4.

Zones: Neighborhood Business (NB) and Residential R-1/3

Date of Public Hearing: September 26, 2023
Deliberations Held: September 26, 2023

Time and Place: 7:30 P.M. Room 213 Town Hall

Publication of Hearing Notices
Dates: September 14 & 21, 2023 Newspaper: Darien Times

Date of Action: October 3, 2023 Action: **ADOPTED WITH AN EFFECTIVE DATE OF SUNDAY, OCTOBER 22, 2023 AT 12:01 P.M.**

Scheduled Date of Publication of Action: October 12, 2023 Newspaper: Darien Times

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

- the proposed zoning map amendment must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt it.

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

1. The proposal is to amend the Darien Zoning Map to apply the Municipal Use Overlay Zone (MU) to 1921 Boston Post Road. A written description of the boundaries, as well as a map showing the area of proposed change, were submitted by the applicant. The property is served by public water and sewer.
2. On February 21, 2006, the Planning & Zoning Commission established the Municipal Use Overlay Zone (MU), with the decision taking effect on March 12, 2006. That decision added a new Section 420 *et. seq.* to the Darien Zoning Regulations. The Overlay Zone allows for uses

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as set forth below, subject to issuance of a Special Permit by the Commission and where necessary Site Plan approval:

- a. Municipal buildings, structures and uses (including facilities of the Darien Board of Education).
 - b. Buildings, structures and uses that serve a public purpose, not including uses carried on primarily for profit, that would normally be constructed by and or operated by the municipality, but which are under the auspices of a quasi-municipal entity such as the Darien Library Inc., or Post 53 EMS service, or one of the three privately operated volunteer fire departments.
3. The zoning map amendment documents for the subject application are on file and available for review in the Town Clerk's Office, the Planning & Zoning Office, and online at: dariencr.viewpointcloud.com.
 4. A related application was submitted by the applicant for Special Permit/Site Plan approval to convert the existing building on the site to a three-bedroom single-family residence for the housing of volunteer firemen. That is the subject of a separate decision by the Commission.
 5. The placement of the Overlay Zone allows for use of the existing building as a municipal use, including for housing on the first and second levels of the building by Special Permit approval by the Planning & Zoning Commission. The Commission acknowledges that housing on the first level (ground floor) would not be otherwise permitted in the Neighborhood Business (NB) Zone.
 6. The Commission finds that the proposed use of the property would be beneficial to the Town of Darien and to the Noroton Fire Department's mission of providing high-quality fire and rescue services to the residents of the Town.

CONSISTENCY WITH 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT

7. The Commission hereby confirms that the proposal described herein, to modify the Darien Zoning Map, is consistent with the 2016 Town Plan of Conservation and Development (POCD).

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Map (COZM #1-2023), is hereby adopted as follows:

- A. The Commission hereby applies the Municipal Use Overlay Zone to the entirety of 1921 Boston Post Road. The underlying Neighborhood Business Zone (NB) and Residential R-1/3 Zone will remain the underlying zones for the property, and are not changed as part of this decision.
- B. The new Municipal Use Overlay (MU) Zone boundary line is to be coincident with the property boundary lines shown on the map entitled: Proposed Business Site Plan, 1921 Boston Post Road, Darien, Prepared by John O'Connell by Barbee and Seymour Land Surveyors, dated November 25, 1981, last revised June 13, 1986. Scale 1" = 20'.

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The effective date and time of this zoning map amendment is noted on page 1 of this Resolution. This specific date and time will allow for sufficient time for a legal notice to be published in a local newspaper, and a new zoning map created reflecting this decision.

Having adopted the zoning map amendment, Commission members then reviewed the draft resolution for the Special Permit. It was noted that the Special Permit cannot take effect until the zoning map amendment takes effect. There were no comments or changes to the draft resolution. Ms. Barsanti made a motion to adopt the resolution as written. That motion was seconded by Mr. Nedder and approved by a vote of 4-0, with Mr. Reilly abstaining, since he was not at the public hearing. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 3, 2023**

Application Number: Special Permit Application #332/Site Plan

Street Address: 1921 Boston Post Road
Assessor's Map #42 Lot #4

Names and Address of Applicant(s): Town of Darien
Noroton Fire Department
1873 Boston Post Road
Darien, CT 06820

Names and Address of Applicant's Representatives: Robert J. Buch, Sr., Vice President
Michael Burkhart, President
Noroton Fire Department
1873 Boston Post Road
Darien, CT 06820

Name and Address of Current Property Owner: 1921 Boston Post Road, LLC (Robert Alberga)
c/o 215 Marvin Ridge Road
New Canaan, CT 06840

Activity Being Applied For: Proposal to convert the existing building on the site to a three-bedroom single-family residence for the housing of volunteer firemen, and to perform related site development activities. A total of 4 surface-level parking spaces will remain behind the building.

Property Location: The 0.12+/- acre subject property is located on the north side of Boston Post Road approximately 165 feet east of its intersection with Garden City Road.

Zone: Neighborhood Business Zone (NB) and R-1/3 (Residential) Zone

Date of Public Hearing: September 26, 2023

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Deliberations Held: September 26, 2023

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

Publication of Hearing Notices

Dates: September 14 & 21, 2023

Newspaper: Darien Times

Date of Action: October 3, 2023

Action: GRANTED WITH STIPULATIONS
EFFECTIVE SUNDAY, OCTOBER 29, 2023
AT NOON (AFTER THE MU ZONE
CHANGE FOR THIS PROPERTY GOES
INTO EFFECT)

Scheduled Date of Publication of
Action: October 12, 2023

Newspaper: Darien Times

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

- the proposed use is permitted under Sections 420, 1000, and 1020 of the Darien Zoning Regulations.
- the Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted sketch floor 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 that:

1. The proposal is to convert the existing building on the site to a three-bedroom single-family residence for the housing of firefighters who volunteer at one of the three Town of Darien fire departments. A total of 4 surface-level parking spaces will remain behind the building. The subject property is served by public water and sewer. A related application was submitted to rezone the subject property to the Municipal Use (MU) overlay zone. A separate written decision has been made by the Planning & Zoning Commission on that aspect of the application.
2. The details of the subject application are outlined within a one-page August 3, 2023 memorandum from the Noroton Fire Department to the Planning & Zoning Commission. It is

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noted that this property is desirable to house firefighters, since it is so close to the existing Noroton Fire Department firehouse three properties to the east at 1873 Boston Post Road. It was stated that by providing housing that could be rented for less than market-rate, it may become easier to attract and/or retain volunteer firefighters for the Department.

3. The Commission finds that the proposed use qualifies under Section 422b of the Regulations as a Principal Use requiring a Special Permit. That Section of the Regulations (highlighted below) reads as follows:

422. Principal Uses Requiring Special Permit

The following uses may be permitted subject to approval of a Special Permit in accordance with Section 1000, and then a Zoning Permit in accordance with Subsection 1102 and the standards set forth below:

- a. Municipal buildings, structures and uses (including facilities of the Darien Board of Education).
- b. Buildings, structures and uses that serve a public purpose, not including uses carried on primarily for profit, that would normally be constructed by and or operated by the municipality, but which are under the auspices of a quasi-municipal entity such as the Darien Library Inc., or Post 53 EMS service, or one of the three privately operated volunteer fire departments.

4. At the public hearing, a nearby property owner asked a number of questions regarding the proposed use.

SPECIAL PERMIT FINDINGS

5. The location and size of the use, as modified and conditioned herein, the nature and intensity of the 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, shall be such that it shall be in harmony with the appropriate and orderly development of the district in which it is located.
6. The location, nature, size, and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and signage, as modified and conditioned herein, shall be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The design, location and specific details of the proposed uses, as modified and conditioned herein, shall not adversely affect safety in the streets nor increase traffic congestion in the area, nor interfere with the pattern of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
8. Streets and other rights-of-way are of such size, condition and capacity to adequately accommodate the traffic to be generated by the particular proposed use.
9. The proposal conforms to the standards for approval as specified in Section 1005(a) through (g) of the Darien Zoning Regulations.

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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 Subsection 1024. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #332/Site Plan, are hereby granted subject to the following stipulations and understandings:

- A. Interior work shall be in accordance with the following exhibit, with the conditions and stipulations noted below:
- 1921 Post Road, Darien, CT, drawn by Craig Sinclair, 8/3/23, 8-1/2”x11” (not to scale). Note that these floor plans may be modified in response to the needs of the Fire Department and/or comments from the Chief Building Official.
- B. Due to the nature of the use of the property, the Commission hereby waives the requirement for an off-street loading area.
- C. At the public hearing, it was noted that since this property will function as a single-family residence, there is no need for an on-site Dumpster. However, a Dumpster may be brought on-site during the initial permit during a Zoning/Building Permit to convert the property to a single-family residence. If a Dumpster is needed or desired in the future, an amendment of this approval is required.

STORMWATER MANAGEMENT

D. Since there is no change to the amount of impervious surface on-site, the Commission hereby waives the requirement for stormwater management.

PARKING & CIRCULATION

E. It is noted that the property now contains more than the minimum number of parking spaces for a single-family residence. No change in the existing on-site parking is proposed or required.

PROPERTY USAGE / ACTIVITIES

- F. As proposed by the applicant, the property shall be used as a single-family residence with three bedrooms and one kitchen. It shall only be rented out to volunteer firefighters, with the Noroton Fire Department firefighters getting priority. Second priority will be given to volunteer firefighters in the Darien Fire Department and the Noroton Heights Fire Department. All residents/tenants within the building shall be a volunteer for one of the Town’s three fire departments.
- G. It was noted by Noroton Fire Department Vice President Robert Buch, Sr. at the public hearing that no fire apparatus will be parked on the subject property. The only vehicles allowed to be parked on-premises are personal vehicles and/or “Chiefs vehicles”.

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H. Any desired modifications by the applicant to these permitted uses, and associated conditions placed on the uses, by the Commission shall require prior review and action by the Planning & Zoning Commission.

PERMITS/FILINGS REQUIRED

- I. 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. Interior structural changes, including, but not limited to the construction of a new kitchen, will require a Zoning / Building Permit.
- J. The Commission hereby requires that once the first three tenants are identified and move into the property, that details (their names, and which Department they volunteer for) be submitted to the Planning & Zoning Department for the record. Similarly, any future tenant changes shall be documented accordingly. The Commission does not require any documentation on the volunteer firefighters hours worked, only a certification from the Chief or other Department officer that they do serve as a volunteer firefighter at one of the three firehouses in Darien.
- K. 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.
- L. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, the issuance of a Zoning / Building Permit for the interior changes within one year of the effective date of this approval (October 29, 2024). This effective date has been established such that the associated zoning map change can be implemented first, and be in effect, prior to this Special Permit going into effect. This time limit may be extended pursuant to Section 1009 of the Regulations.

All provisions and details of the plan 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 shall be filed in the Darien Land Records prior to the implementation of the plan noted herein.

At about 9:25 p.m. Chairman Olvany read the following agenda items:

Deliberations only regarding:

Land Filling & Regrading Application #555 (PL-23-114), Theresa N. Iorfino Revocable Trust, 9 Richmond Drive. Proposal to raze the existing residence and to construct a new single-family dwelling in generally the same location, construction of porch and deck areas, reconfiguration of the existing driveway; and to perform related site development activities, including regrading of the property and installation of stormwater management. *HEARING CLOSED; 9/26/2023.*

Mr. Ginsberg said that the Commission deliberated on this matter at a prior meeting. He said that they are re-using the driveway, and keeping the knoll in the front yard.

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Land Filling & Regrading Application #556 (PL-23-122), Brian & Brett Edgar, 30 Hilton Street.
Proposal to raze the existing residence and detached garage and to construct a new single-family dwelling, construction of a new driveway, retaining walls, and patio area; and to perform related site development activities, including excavation and regrading of the property and installation of stormwater management. *HEARING CLOSED; 9/26/2023.*

Mr. Olvany said that the existing detached garage in the back of the property will be removed as part of the application. Mr. Nedder noted that the entire house is not being demolished at 30 Hilton Street, as a small portion of the north part of the house will remain. The new construction will adhere to all zoning setbacks. Mr. Nedder acknowledged the private restriction to the property, which the Commission does not enforce. It was mentioned by the applicant's attorney at the public hearing that all neighbors on Hilton Street had been notified of the application. Mr. Reilly said that he was recused on this application.

Staff noted that they will draft resolutions on both items for an upcoming meeting.

Chairman's Report

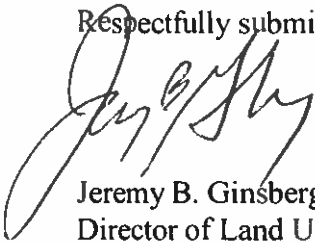
Mr. Olvany said that Pizzeria Molto and Gregory's Coffee, both within the Darien Commons project, are scheduled to open within the next week. Mr. Ginsberg said that Sur La Table also just opened, which includes both a retail store as well as an area for the public to take cooking classes. He said that Salt + Sweat also opened. Mr. Olvany said that nearly all of the 122 apartment units (both market rate and affordable) have been rented.

Mr. Olvany said that construction work for the Wegmans on the west side of Norwalk near the Darien line is underway, with the removal of some existing buildings.

It was noted that the next upcoming meetings have been scheduled for October 10 and 24.

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 9:35 p.m.

Respectfully submitted,



Jeremy B. Ginsberg, AICP
Director of Land Use