

**PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING / GENERAL MEETING  
October 10, 2023**

Place: Zoom Meeting (Virtual)

TIME: 4:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Olvany, Balgach, Nedder, Barsanti, Ball (arrived at 4:08 p.m.)

STAFF ATTENDING: Doneit

Recorder: None

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Chairman Olvany opened the special meeting at 4:03 P.M. and read the first agenda item:

**GENERAL MEETING**

**Deliberations and possible decisions 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.*

Chairman Olvany noted one minor correction to the Resolution. Commission members said that they were generally in favor of the proposal.

Mr. Balgach made a motion to adopt the resolution as amended by the Commission. That motion was seconded by Ms. Barsanti, and was approved by a vote of 4-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
October 10, 2023**

Application Number: Land Filling, Excavation & Regrading Application #555  
(PL-23-114)

Street Address: 9 Richmond Drive  
Assessor's Map #13 Lot #9

Name and Address of Applicant(s) and  
Property Owner(s):

Theresa N. Iorfino Revocable Trust  
9 Richmond Drive  
Darien, CT 06820

Name and Address of:  
Applicant's Representative:

Bryan Smith, P.E.  
D'Andrea Surveying & Engineering  
6 Neil Lane  
Riverside, CT 06878

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Activity Being Applied For: 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.

Property Location: The 0.52+/- acre subject property is located on the west side of Richmond Drive, approximately 430 feet north of its intersection with Boston Post Road.

Zone: R-1/2 Zone.

Date of Public Hearing: September 26, 2023

Deliberations Held: September 26, 2023 and October 3, 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 10, 2023

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of  
Action: October 19, 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 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 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. The new residence will be connected to public water and sewer.

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**STORMWATER MANAGEMENT**

2. A Drainage Summary Report from D'Andrea Surveying & Engineering last revised September 6, 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. A related Stormwater Maintenance and Operations Plan dated July 6, 2023 was submitted for the record.
3. The application was reviewed by peer review Professional Engineer Joe Canas of Tighe & Bond, and his comments were noted in a memorandum dated August 23, 2023. Those comments are included as part of the record, and have been fully addressed by the applicant's engineer.
4. Professional engineer Bryan Smith explained the proposal at the public hearing. He said that he has responded to peer review engineer Joe Canas' comments from his memo dated August 23, 2023. He has designed the drainage system for a 2 through 50 year design.

**SPECIAL PERMIT FINDINGS**

5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
6. 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 #555 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:

**SURVEYS**

- Zoning Location Survey Depicting 9 Richmond Drive, Darien, Prepared for Theresa N. Iorfino, Trustee by D'Andrea Surveying & Engineering, P.C., dated July 6, 2023.
- Topographic Survey Depicting 9 Richmond Drive, Darien, Prepared for Theresa N. Iorfino, Trustee by D'Andrea Surveying & Engineering, P.C., dated July 6, 2023.
- Average Grade Plan, 9 Richmond Drive, Darien, Prepared for Theresa N. Iorfino, Trustee by D'Andrea Surveying & Engineering, P.C., dated July 6, 2023.

**ENGINEERING PLANS**

Plans generally entitled 'Residential Redevelopment Located at 9 Richmond Drive, Darien', Prepared for Theresa N. Iorfino, Trustee by D'Andrea Surveying & Engineering, P.C., dated July 6, 2023, last revised September 6, 2023:

- Sheet 1 of 3, Development Plan;
- Sheet 2 of 3, Sedimentation and Erosion Control Plan;
- Sheet 3 of 3, Notes & Details.

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

- 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 Richmond Drive. 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 the existing curb cut is being re-used, no Street Opening Permit from DPW is required.

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5. Zoning / Building Permits for the proposed work above the foundation for the residence is required.
- 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 Land Filling & Regrading 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 (October 10, 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 4:05 p.m. Chairman Olvany read the following agenda item:

**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.*

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

Ms. Barsanti made a motion to adopt the resolution as written. That motion was seconded by Mr. Nedder, and was approved by a vote of 4-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
October 10, 2023**

Application Number: Land Filling, Excavation & Regrading Application #556  
(PL-23-122)

Street Address: 30 Hilton Street  
Assessor's Map #22 Lot #26

Name and Address of Applicant(s) and  
Property Owner(s): Brian & Brett Edgar  
30 Hilton Street  
Darien, CT 06820

Name and Address of:  
Applicant(s) Representative: Amy Zabetakis, Esq.  
19 Old Kings Highway South  
Rucci Law Group LLC  
Darien, CT 06820

Activity Being Applied For: Proposal to raze nearly the entire 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.

Property Location: The 0.17+/- acre subject property is located on the west side of Hilton Street, approximately 160 feet north of its intersection with West Avenue.

Zone: R-1/5 Zone

Date of Public Hearing: September 26, 2023  
Deliberations Held: September 26, 2023 and October 3, 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 10, 2023 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of  
Action: October 19, 2023 Newspaper: Darien Times

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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 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 nearly the entire existing residence and detached garage and to construct an almost entirely 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. The new residence will be connected to public water and sewer.
2. An existing non-conforming portion of the residence, relative to side yard setback, on the north side of the property is to remain.
3. The Commission acknowledges that a private deed restriction, relative to the front yard building setback, is being violated by the proposal put forth by the applicant. This 30 foot building restriction line differs from the R-1/5 front yard setback within the Zoning Regulations (25 feet) and is not enforceable by the Planning & Zoning Commission.
4. No members of the general public spoke on the application during the public hearing on the matter.

#### STORMWATER MANAGEMENT

5. A Drainage Report from Fairfield County Engineering, LLC last revised February 10, 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. A related undated Stormwater Facilities Maintenance Plan is on the last page of that report.
6. The application was reviewed by peer review Professional Engineer Joe Canas of Tighe & Bond, and his comments were noted in memorandums dated April 13 and April 20, 2023. Those comments are included as part of the record, and have been fully addressed by the applicant's engineer.

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**SPECIAL PERMIT FINDINGS**

7. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
8. 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 #556 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, Prepared for Brian Walker Edgar and Brett Kenny Edgar by William W. Seymour & Associates, P.C., dated January 30, 2023, last revised September 11, 2023.

**ENGINEERING PLANS**

Plans generally entitled '30 Hilton Street, Darien', Prepared by Fairfield County Engineering, LLC, dated February 10, 2023, last revised August 31, 2023:

- Sheet 1 of 2, Drainage Plan;
- Sheet 2 of 2, Details.

**ARCHITECTURAL PLANS**

Plans generally entitled 'Addition & Renovation for: Brett & Brian Edgar, 30 Hilton Street, Darien', Prepared by Michael LoBuglio Architect:

- Sheet A1, Lower Level Plan, dated March 21, 2023;
- Sheet A2, Attic Plan, dated March 21, 2023;
- Sheet A3, Roof Plan, dated December 10, 2022;
- Sheet A4, Building Section, dated October, 2022;
- Sheet A5, Building Section, dated December 10, 2022;
- Sheet A6, North Elevation, dated September 11, 2023;
- Sheet A7, South Elevation, dated December 10, 2022;
- Sheet E1, Basement, First Floor, Second Floor, Third Floor Plans, dated December 7, 2022

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. No more than 50 percent of the basement is to be finished (relative to the first floor). The exact percentage and calculations shall be called out on the architect's final, submitted plans.

- 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**



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- 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 Hilton 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 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. Demolition Permits for the main residence AND detached garage will be required prior to the issuance of a Zoning/Building Permit for the foundation for the new portions of the residence;
  2. Zoning / Building Permits shall be submitted for the new foundation. An as-built survey of that foundation shall be received in the Planning & Zoning Department and confirmation from the Planning & Zoning 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. A Street Opening Permit from DPW is required to remove the existing driveway and construct a new driveway;
  5. Zoning / Building Permits for the proposed work above the foundation for the residence is required.
- G. Prior to the issuance of a Certificate of Occupancy (CO) for the new residence and associated improvements, the applicant shall submit the following to demonstrate compliance with the approved plans:

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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 (October 10, 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 residence.

At about 4:08 p.m. Chairman Olvany read the next agenda item, and Mr. Ball joined the meeting.

**Approval of Minutes**

*September 26, 2023*

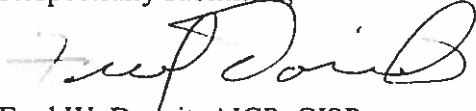
Mr. Nedder made a motion to approve the September 26, 2023 meeting minutes as amended. That motion was seconded by Ms. Barsanti, and approved by a vote of 4-0, with Mr. Ball abstaining from the vote.

It was noted that the next upcoming meetings have been scheduled for October 24 and November 14 and 28.

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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 4:14 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Fred Doneit". The signature is written in a cursive style with a large, looped initial "F".

Fred W. Doneit, AICP, GISP  
Assistant Director

*10.10.2023min*