

PLANNING AND ZONING DEPARTMENT
QUARTERLY REPORT: JANUARY 1, 2010 – MARCH 31, 2010

The Planning & Zoning Commission met six times this period—three times in January (January 5, 12, and 26), once in February (February 2), and twice in March (March 9 & 23). At these meetings, the Commission acted upon the following applications:

Actions by type this quarter:

Site Plans/Business Site Plans: 3 approved, 4 amendments approved
Coastal Site Plan Review: 10 granted, 1 amendment approved
Flood Damage Prevention: 8 granted, 1 amendment approved
Land Filling/Excavation: 7 approved, 1 amendment approved
Special Permit: 1 granted, 1 denied, 3 amendments approved
Subdivision: 1 amendment approved
Amendment of Zoning Regulations: 1 denied
8-30g application: 1 granted.

Total Number of Projects*: 19 applications, 9 amendments approved.

*Total number of projects does not equal number of actions, because some applications include multiple permits.

In January, the Commission approved an 8-30g affordable housing application for Garden Homes Management for the renovation and reuse of the existing building at 397 Boston Post Road. A Zoning and Building Permit have since been approved, and work is now underway on the interior changes to the building. Also this quarter, the Planning and Zoning Commission approved two new restaurants. The first, Burgers Shakes and Fries, was approved for the former Bruegger's location at 800 Boston Post Road. It is estimate that they will open in 3-5 months. Outdoor dining will likely be a subsequent request. The other restaurant is for a new drive-through only restaurant at 205 Boston Post Road.

A proposed confectioners shop previously approved for 95-97 Noroton Avenue decided not to proceed, and a physical fitness business has since been approved by the Commission and opened in that location. They also approved a new "headhunter" office above David Harvey Jewelers; the relocation of Paws and Reflect to 1082 Boston Post Road; and a new hair salon to go into that former space at 21 Tokeneke Road. Three private residential docks were approved this quarter—at 35 Pear Tree Point Road, 2 Baywater Drive, and at 8 North Road.

Gwynne Grimes resigned from the Commission effective February 2, 2010. A replacement, Susan Cameron, was appointed by the Commission on March 23. At that time, Vicki Riccardo was elected by the Commission to be Secretary of the Commission. Since Susan was a member of the EPC, that land use board is now in need of a new member.

Over the next month or two, the Commission will be making a decision on proposed amendments to the Flood Damage Prevention Regulations. A public hearing was held on these amendments on March 23. Related to that, new FEMA flood zone maps take effect on June 18th. Staff worked on a press release regarding these new FEMA maps, and noted that on April 7th, FEMA will be having meetings in the Auditorium of Town Hall for those interested in learning more about the maps. Representatives of FEMA and the State of Connecticut DEP will be present to answer questions. Fifty personalized letters went out to property owners in Darien from the Planning and Zoning Office where we believe that the new maps show all or part of their property within the new flood

zone. A number of those owners called and/or met with staff to get further clarification and information.

The Environmental Protection Commission (EPC) cancelled their January meeting. They met on February 3 and March 3. At the February 3 meeting, no items were acted upon, and at the March 3 meeting, three applications were approved. These three applications acted upon were the lowest total in any quarter in recent memory (dating back 19 years to December 1990/February 1991). At the upcoming April 7 meeting, a public hearing will be held on a “teardown” on Mansfield Place adjacent to the Goodwives River.

This quarter, EPC staff got “caught up” with filing of approvals in Land Records as well as with State of CT DEP reporting forms. Staff is in the process of reviewing EPC members’ comments and finalizing a new EPC checklist, which is designed to assist applicants in preparing their applications. That new checklist will start to be put into use in mid-April, and the final version will be put on the web site at the same time. Staff has started work in-house on Inland Wetlands and Watercourses Regulation amendments. Work on this project will take 2-3 months and then a public hearing will be held. Work on the Inland Wetlands & Watercourses Map update has commenced, and a draft map is in the process of being produced. A public hearing on that draft map will likely be on June 2. This map reflects recent information received in this office regarding the location of wetlands throughout Town.

The Zoning Board of Appeals (ZBA) met on Jan 20, February 24, and March 11 & 17. In January, three applications were processed. In February, numerous applications were heard and discussed, yet only one application was acted upon—it was withdrawn. In March, two meetings were held, and ten applications were acted upon. Overall, this quarter, fourteen applications were acted upon—nine were granted; one granted in part/denied in part; three denied; and one was withdrawn; one amendment was denied. This is the lowest number of first-quarter actions in 16 years.

Of significance in March were sign variance requests for CVS, Whole Foods Market, Chipotle, and Playhouse Mews (the area to the left of the Darien Playhouse, which will have outdoor dining for the upcoming Cava Wine Bar). The sign variances for Whole Foods Market, which included proposed internal illumination of two wall signs, were denied. The variance requests for CVS and Chipotle will likely be decided in April. Due to the volume of applications received—there are fifteen pending applications, there will be two ZBA meetings in April. At those meetings, further sign requests will be considered for Stop and Shop (within Goodwives Shopping Center) and Harper’s Restaurant (replacing Centro’s). This will be one of the busiest Aprils in many years.

The Architectural Review Board (ARB) met once each month this period. At those meetings, they reviewed and acted upon twelve applications for awnings, signs, and façade changes. Of those, nine were approved, and three were granted in part/denied in part. Their March meeting was one of the busiest in recent memory. One pending application is for outdoor dining for the Melting Pot, in the public plaza between their business and Espresso Neat.

The number of Zoning Permits issued this quarter increased by 35% over this period last year—still 20% less than the first quarter of 2008. In January, 35 permits were issued; in February, 19 permits were issued; and in March, 35 were issued—a total of 89 this quarter. Although the number of Permits is higher than last year, it is still well below the average of the last 15 years.

New tenant fit-up Zoning Permits were also approved for: Stop and Shop within Goodwives Shopping Center to replace Shaw's; a candy store in former Fairbanks photo; Jos. A. Bank; Cava Wine Bar; and for Harper's Restaurant to replace Centro's at 319 Boston Post Road (with an expected opening in late April). The Zoning Permit for the redevelopment of 397 Boston Post Road (an 8-30g project) was also approved.

In April and May, the Zoning Enforcement Officer will be expected to issue Certificates of Occupancy for the following: Tasti-D-Lite, Whole Foods Market, Planet Pizza, the Goose, Harper's, and Cava Wine Bar.

Staff spent more than ten hours this quarter with various interested parties regarding 42 Beach Drive and 38 Old Farm Road, two properties which are for sale. Each of those properties is in the Coastal Area Management Zone, within the Flood Hazard Zone, and are adjacent to inland wetlands, thereby providing potential buyers with a variety of permitting questions and issues.

Relative to the storm the weekend of March 13 & 14. Staff met with about a dozen property owners who had questions relative to fence ownership; possible removal of trees; and other tree-related issues and concerns. There has not yet been an increase in Zoning Permits for repairs. Staff was able to provide the Police Department large GIS-generated street maps for their use during the storm.

Litigation

The case of *Richard Sanford vs. Darien Zoning Board of Appeals* was withdrawn on February 4. The case of *Peter Rogers v. Darien Planning & Zoning Commission* (the Allen O'Neill appeal) was formally withdrawn on March 17. The department is now working to resolve a number of other pending cases.

The long-awaited Route 1 Corridor Study is fully underway. To promote this Study, the Director was interviewed for an "Inside Town Hall" episode on Channel 79. A formal Open House regarding the study was held the evening of March 4. A follow-up will be held on Thursday, April 8th in the Darien Library from 2:15-4:15 p.m. In an effort to receive additional input, forty letters were sent out to interested parties and notices sent to both the newspapers and Darien Patch. This Study will continue into 2011.

The Manager of Community Development Services, in addition to her involvement on some of the above mentioned projects, worked with FEMA and consultants on the demolition of 33 Cherry Street. Demolition is anticipated for the first week of April and grant management for both FEMA projects is expected to end sometime next quarter. She continues to serve on the American Planning Association Green Infrastructure Sub-taskforce. She attended the Annual Housing Forum and the 1000 Friends Annual Smart Growth Conference in Hartford, Main Street Heritage/Tourism Conference in New Haven, and a Fairfield County Bike/Ped meeting at SWRPA.

