

**PLANNING AND ZONING DEPARTMENT**  
**QUARTERLY REPORT: APRIL 1, 2010 – JUNE 30, 2010**

This quarter, the Planning & Zoning Commission met eight times—twice each in April and May, and four times in June. At their May 11 meeting, they met in Executive Session for about an hour to discuss pending litigation. The June 29<sup>th</sup> meeting was exclusively a public hearing regarding the Town’s Intent to Apply for a State Certificate of Affordable Housing Completion. Due to existing workload, the Commission has added an extra meeting in July, and now plans on meeting on all four Tuesdays that month—the 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, and 27<sup>th</sup>.

On April 6<sup>th</sup>, the Commission adopted new flood regulations with effective date of May 30. The newly updated FEMA flood maps took effect on June 18. Staff spent considerable time meeting with the public regarding these new maps. FEMA held meetings on April 7, in both the afternoon and evening. The Planning and Zoning Director, as well as FEMA and DEP representatives were able to assist property owners in their review of the new maps. Darien GIS maps proved to be a valuable tool for this purpose. About a dozen residents came to the office in the subsequent weeks and months seeking further information on the new flood maps.

On June 15<sup>th</sup>, the Commission issued its report under CGS 8-24 regarding the abandonment of Allen O’Neill Drive.

Actions by type this quarter:

- Site Plans/Business Site Plans: 2 amendments approved
- Coastal Site Plan Review: 5 granted.
- Flood Damage Prevention: 5 granted.
- Land Filling/Excavation: 6 approved, 1 amendment approved
- Special Permit: 2 amendments approved
- Amendment of Zoning Regulations: 1 granted
- Mandatory Referral report: 1 issued.

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Total Number of Projects\*: 11 applications, 5 amendments approved.

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

A June 1 public hearing was held on the YMCA proposed additions and alterations (about 1 ½ hours of presentations were heard that night). That public hearing was continued to June 15 (where 1 ½ additional hours of testimony was heard) and to July 6 (where 3 additional hours of testimony were taken). The Commission will deliberate on the YMCA matter on July 20<sup>th</sup>, and likely decide it on September 7<sup>th</sup>. On June 15<sup>th</sup>, the public hearing commenced on the rezoning of Noroton Heights (both a proposed zoning regulation and zoning map amendment). That hearing was continued to July 13. A decision will occur sometime in September. On July 20<sup>th</sup>, the Commission will be holding public hearings on a new restaurant in the space formerly occupied by Roxy Video within Noroton Heights, and temporary portable lighting for DJFL at both Holohan Field and at the Darien High School Stadium Field.

The Zoning Board of Appeals (ZBA) met six times this quarter--two times each month. A total of 25 applications were acted upon. Of those, twenty one were granted; three were denied; and one was withdrawn. At their April meetings they acted upon eight applications; at the May meetings nine applications; and at the June meetings, eight applications. These 25 applications are an “average” amount as compared to the previous April-June quarter in the past twenty years, but are

the most in any quarter since 25 in April-June 2007. Of note were approvals of sign variances for Chipotle, Harper's Restaurant, the Darien Sport Shop, and both Stop and Shops. It is expected that the ZBA will hold only one meeting in July to address existing pending applications.

The Environmental Protection Commission (EPC) met four times—April 7, May 5, May 19, and June 2. Overall, they acted upon sixteen applications and granted two amendments. At the April 7 meeting, they granted two applications and two amendments. At their May 5 meeting, they granted seven applications. No decisions were made at the May 19<sup>th</sup> meeting. At the June 2 meeting, the EPC approved seven applications, including one wetland map amendment, and one for pond dredging. The Department-proposed wetland map amendment was also adopted. The new EPC application checklist has been put into effect. On July 2, staff had a press release for mile-a-minute invasive weed published in the local newspapers. In June, Edwin Sweeney was appointed by the Board of Selectmen to serve on the EPC to fill Sue Cameron's remaining term. Rich Jacobson attended and staffed a booth/table at Earth Day event at the High School on April 22. As always, site inspections continue nearly daily, and staff followed-up on tree cutting within a wetlands, with both a site visit and a formal letter.

The Architectural Review Board (ARB) met once each month during the April to June period. Overall, 15 applications were acted upon—14 approved and one withdrawn. In April they approved six requests for signs, awnings, and outdoor seating. In May, they approved three applications, and in June, they approved five applications, and one was withdrawn. Amongst the approvals are new signage and/or awnings for the following businesses: the Darien Sport Shop, Harper's Restaurant, Wild Birds Unlimited, Beadz Boutique, and Chunky Pam's. The ARB also approved a request by the Chamber of Commerce for a shop/dine Darien sign, which will temporary be placed on Dunkin Donuts property along the Boston Post Road near the Train Station. At its July meeting, the ARB will be reviewing proposed solar panels for the roof of the Darien High School and Ox Ridge School.

This quarter, 155 Zoning Permits were reviewed and acted upon. Of those, 48 were acted upon in April; 54 in May; and 53 in June. The chart on the last page of this report details the number of Zoning Permit applications acted upon by type of application. Four new houses were approved—all of them "teardowns". Possibly as a result of the power outages earlier this year, staff reviewed and approved locations for 34 generator permits this quarter.

The Zoning Officer issued Certificates of Occupancy for Whole Foods Market, Planet Pizza, Harper's and The Goose this quarter. Department staff continued to follow up on drainage concerns/complaints on: Royle Road, Intervale/Hillcrest, Lighthouse Way, and Shipway Road.

Pending Litigation. Staff continues to work closely with Town Counsel on resolving a number of matters in pending litigation. Numerous settlement meetings have occurred. It is expected that two or three cases will be resolved next quarter.

This quarter, the Manager--Community Development Services spent much of her time working on the Town's Intent to Apply for Affordable Housing Completion Certificate. This included preparing the application and associated legal notices, reviewing comments submitted in response to that application, and drafting the Town's formal response to those comments. She also worked on the Route 1 Corridor Study, including review of the consultant's draft technical memo, and preparation for two public information sessions held on April 8 and June 10. Other work consisted

of working with FEMA's public relations staff on press release of "best practices" in Darien – two articles to be published by FEMA nationwide. She was able to complete a response to one extensive FOI request, and prepared one Return of Record in a ZBA matter.

For 28 hours from March 10-21, our intern Colleen Clark, who worked for us last summer, was able to return. In those ten days, she was able to assist in preparing required DEP wetland reporting forms and copying an entire file (\$80 worth of copying) for an FOI request. Her assistance was invaluable.

