

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
OCTOBER 20, 2015**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating (arrived at 9:10pm)

RECORDER: Fazekas
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

John Tibbetts, 1910 Boston Post Road, NB Zone.

Request for commercial service use, with a portion of the space on the first floor and a workroom on the second floor.

Mr. Ginsberg summarized the October 13, 2015 e-mail from property owner John Tibbetts. Mr. Ginsberg noted that the proposed seamstress tenant is a low-intensity use. Mr. Tibbetts explained that she works alone. He confirmed that parking is at a premium. In the past, the space had been used by an attorney. In response to a question, Mr. Ginsberg said that the Neighborhood Business (NB) Zone requires the Planning and Zoning Commission to review and approve tenants. Mr. DiDonna made a motion to approve the request as submitted. That motion was seconded by Mr. Olvany and unanimously approved.

Chairman Cameron then read the following agenda item:

Darien YMCA, 2420 Boston Post Road.

Request for Telemedicine Clinic concept for the YMCA.

Mr. Ginsberg noted that the request is outlined in an October 8, 2015 letter from Attorney Robert Maslan, with supplemental details provided in an October 13 e-mail from YMCA Executive Director Pat Morrissey. Mr. Maslan was present to answer any questions. Mr. Ginsberg noted that the proposal is interior only, and involves only one new employee. Services provided would only be for YMCA members. Non-members could not use the service. Mr. Sini said that he had read some of the more recent YMCA special permit approvals, and noted that this proposal is consistent with those approvals. Mr. Olvany made a motion to approve the request as submitted. That motion was seconded by Mr. DiDonna, and approved by a vote of 5-0.

Chairman Cameron then read the following agenda item:

Discussion, deliberation and possible decision regarding:

Coastal Site Plan Review #203-A, Flood Damage Prevention Application #116-A, Land Filling & Regrading Application #365/lot line adjustment, John & Cindy Lynn Sites, 209 Long Neck Point

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Road. Proposing to construct additions and alterations to the existing residence; merge Lot #10-2 and Lot #10 into a single lot; and perform related site development activities within regulated areas.

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because each member has had an opportunity to review the draft prior to the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved.

Mr. Ginsberg explained that changes were needed in the draft resolution to reflect the fact that the lots would only need to be merged if the garage addition were pursued. The other aspects of the application do not require the combining of the lots. He then read aloud some suggested changes to a few sections in the draft resolution to reflect that fact. Mr. Voigt and Mr. Olvany also had other suggested changes to the draft. Mr. Olvany confirmed that the garage is outside of the 100 foot critical CAM area.

The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 20, 2015**

Application Number: Coastal Site Plan Review #203-A
Flood Damage Prevention Application #116-A
Land Filling & Regrading Application #365/lot line adjustment

Street Address: 207 & 209 Long Neck Point Road
Assessor's Map #61 Lots #10 & #10-2

Name and Address of Property Owners: John & Cindy Lynn Sites
209 Long Neck Point Road
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates
455 Boston Post Road, Suite 201
Darien, CT 06820

Activity Being Applied For: Proposing to construct additions and alterations to the existing residence; merge Lot #10-2 and Lot #10 (207 and 209 Long Neck Point Road) into a single lot; and perform related site development activities within regulated areas.

Property Location: The subject properties are located on the east side of Long Neck Point Road approximately 1,450 feet south of its southernmost intersection with Pear Tree Point Road.

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Zone: R-1

Date of Public Hearing: September 15, 2015

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: September 4 & 11, 2015

Newspaper: Darien News

Date of Action: October 20, 2015

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
October 30, 2015

Newspaper: Darien News

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

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, 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 plans, and the statements of the applicant's representative 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. The proposal is to construct additions and alterations to the existing residence; merge Lot #10-2 and Lot #10 into a single lot; and perform related site development activities within regulated areas. The subject application includes two properties, a front lot which is number 207 Long Neck Point Road, and a rear lot which is number 209 Long Neck Point Road on which the existing house is located.
2. The proposed construction work includes a new garage and driveway courtyard, a link from the house to the garage, a new turret style entry addition on the southwest corner of the house and on the southeast corner of the house, and an addition at Elevation 17.4 or above. Support structures for that addition will be wash through piers so that it will not obstruct or be damaged by flood waters. The proposed deck addition would be 42 feet from mean high water and would be above an existing patio that is located at grade.
3. The Commission acknowledges the unique features of this property. This includes that fact that the house pre-dates the establishment of flood regulations and coastal area management regulations. The existing pool does not conform with the side yard setbacks, nor does the existing air conditioning units, generator, and above ground propane tanks. Nearly the entire

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structure is now in flood zone VE 15, and has a basement. And nearly the entire structure is within the 100 foot critical CAM area.

PROPOSED WORK WITHIN CAM AREA

4. From the existing Mean High Water Line to the wall of the building is 52 feet and from the Mean High Water Line to the deck is approximately 47 feet. The proposed construction on the water side of the house includes extending the deck and porch area. The main addition to the house will be a garage located inland or upland from the house.
5. This application was referred to the State of CT DEEP. They responded in an e-mail dated September 8, 2015 that they have reviewed the proposal, and find no inconsistencies with the CT Coastal Management Act.
6. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
7. The proposed activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.
8. The potential adverse impacts of the proposed activity on coastal resources are acceptable.

PROPOSED WORK WITHIN THE FLOOD ZONE

9. The existing residence was originally constructed over 100 years ago. It is now within the flood zone. The applicants' representative, Attorney Wilder Gleason said that the house is partially located in the VE 15 Flood Zone, a wave velocity Flood Zone with an expected Flood Elevation of 15. By FEMA regulations, the lowest horizontal support structure (the bottom of the floor joists) must be at least one foot above the crest of the wave (elevation 15) so that it will not be impacted by the velocity forces of the waves. That results in a requirement that the first floor of the house has to be at Elevation 17 or more. He said that the actual floor elevation of the first floor of the house is 15. There is an existing basement at Elevation 8.5. He said that because the basement is below the expected Flood Elevation, the house does not comply with the Flood Damage Prevention Regulations. The total value of all of the improvements to the residence cannot exceed 50% of the value of the structure. The applicant has documented that the proposed work will be less than 50% of the value of the existing building.
10. The proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.

PROPOSED LOT LINE ADJUSTMENT

11. Part of this proposal includes the request to combine the two lots (Lot #10 and #10-2). The application narrative notes that "because the new garage will encroach on the 90 foot front yard setback imposed on the rear lots, the Sites decided to merge both parcels into a single lot so no variances are required for the proposed development." During the public hearing on this matter, it was acknowledged that the merging of the lots would result in the voluntary loss of a building

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lot. The applicant's attorney, Wilder Gleason, said that the merger of the two parcels would do away with any likely additional driveway from Long Neck Point Road.

12. In order to comply with the front yard setback requirements for a rear lot, the front lot and back lot must be combined so that the garage can be placed on the property. If the garage aspect of the project is not implemented, the lots will not need to be merged.

STORMWATER MANAGEMENT

13. At the public hearing, Robert Frangione, Professional Engineer, reviewed the site plan and development aspects of the project. He said that stormwater runoff from all the impervious surfaces drains directly into Long Island Sound and there are no water quality features on the site. He said that the proposed drainage system would include water quality best management practices, but they would not be retaining any rain water for flood damage prevention purposes, only for water quality. The proposed Drainage Plan includes installation of 15 Cultec units for water cleansing. The plans also include proper installation of silt fence and tree protection and anti-tracking pads, during the construction period.

14. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #203-A, Flood Damage Prevention Application #116-A, Land Filling & Regrading Application #365/lot line adjustment are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Site Planting Plan by Westley Stout Associates, dated 08.14.2015, Sheet L-2.0.
 - Overall Site Plan, Proposed Coastal Site Plan Prepared for John Sites, by Frangione Engineering, LLC, dated August 5, 2015, Sheet No. S1.
 - Details & Notes, Proposed Coastal Site Plan Prepared for John Sites, by Frangione Engineering, LLC, dated August 5, 2015, Sheet No. S2.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition A, above, and any additional 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 the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and 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.
- C. Because of the minor nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. Since the proposed garage addition and generator and propane tank relocation encroaches on the existing ninety (90) foot front yard setback of Parcel 2, the Parcels will need to be combined

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prior to the issuance of a Zoning or Building Permit for the garage. The combining of parcels shall be in the form of a mylar map, and if necessary a deed, to be filed in the Darien Land Records. If the garage addition is not implemented as shown, alternate complying locations for the generator and above ground propane tanks shall be identified and implemented.

- E. The applicant's engineer prepared an Operations and Maintenance Plan dated August 6, 2015 for the on-site stormwater management system. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the issuance of a Zoning and Building Permit for the proposed construction work.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the construction work, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- G. Once the project is complete, and prior to October 13, 2016, the applicant shall submit a final "as built" map and/or other evidence that all work has been properly completed in accordance with the approved plans. This as-built survey shall reflect the new location of the air conditioning units, generator and above ground propane tanks, which are proposed to be relocated to comply with zoning setbacks as part of this application.
- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for Zoning Permit and Building Permits for the house addition.
- I. 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.
- J. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (October 13, 2016). This may be extended as per Sections 815 and 829f.

A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the issuance of a Zoning and Building Permit for construction work. A mylar map (and possibly a deed) needs to be filed in the Darien Land Records prior to the issuance of a Zoning and Building Permit for the garage.

Chairman Cameron then read the following agenda item:

Discussion only regarding the following two items:

Special Permit Application #15-N/Site Plan, Land Filling & Regrading Application #44-B, Wee Burn Country Club, 410 Hollow Tree Ridge Road. Proposal to: incorporate 480 and 490

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Hollow Tree Ridge Road into the site; improve and expand the driving range and practice area; expand on-site parking; and perform related site development activities.

Mr. Sini left the Commission to avoid any conflict of interest.

Mr. Olvany explained that the revised plan was well thought out, and appeared to address the neighbors' concerns. He suggested that the parking lot lights be on timers, and that a condition be included that the Club not turn on the lights in the parking lot if there is not a large event at night. Mrs. Cameron agreed that it would be a plus to have these lights on timers. Mr. Olvany said that the screening and netting proposed both appeared to be good. He said that the netting is consistent with other Clubs in Town.

Mr. DiDonna said that the proposed forty foot high poles with nets should be adjustable to fifty (50) feet. They should be installed at forty feet, allowing for possible increase in the future, should there be a safety issue with golf balls. Mr. Olvany concurred with Mr. DiDonna on this. Mrs. Cameron said that the neighbor concerns appeared to have been addressed. The Club should work with Mr. Orchulli to keep the big hedges, which are now quite dense. She also requested that the viburnum hedge be kept, as it provided sufficient screening for the 36" high bollard pathway lights proposed. Mr. Olvany and Mr. DiDonna agreed with Mrs. Cameron. Mr. Ginsberg will draft a resolution for the Commission's action at an upcoming meeting.

Mr. Sini then returned to the meeting, and Chairman Cameron then read the following agenda item:

Proposed Amendment to the Darien Zoning Map (COZM #1-2015), Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment, Sun Homes Darien, LLC, 36, 42 (formerly 0), and 48 Wakemore Street (Kensett II). Proposing to: establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.49+/- acres; and raze the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and three off-site below market-rate units at 269 Hoyt Street (two of which will be age-restricted); combine the three Wakemore Street parcels with Kensett I; and perform related site development activities. *HEARING CLOSED: SEPTEMBER 29, 2015. DECISION DEADLINE: DECEMBER 3, 2015.*

Mr. Sini said that the Commission should start by discussing the zoning map amendment. He said that he is willing to rezone the properties. Mr. Ginsberg said that there are now three properties to be rezoned at the end of Wakemore Street. Mr. Olvany agreed with Mr. Sini. Mr. Ginsberg said that the Commission will need to make a determination that the Zoning Map amendment is consistent with the Town Plan of Conservation & Development.

Commission members then discussed the Special Permit and Site Plan. Mr. Sini said that the applicant noted that they will design the units to have elevators installed into them in the future. The applicant also represented that they will implement the Universal Design Guidelines so they can easily be modified for people with mobility issues.

Mr. DiDonna said that it would be appropriate if age-restricted units could be included. It would be good if they could advertise the new Darien Senior Center as part of their marketing materials. He asked whether the Planning and Zoning Commission could require that some units be age-restricted.

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Mrs. Cameron said that the condominiums will be age-targeted, and the proposed affordable units will be in a three story building at the corner of Hoyt Street and Wakemore Street, and it may not be appropriate to put age-restricted units in the upper stories of a non-elevated building. Mr. Olvany said that the Town only gets ½ point for an age-restricted unit under the State Statutes for a moratorium. While he said that the Town should not be “chasing moratoria”, it is something to consider. Mr. Olvany and Mrs. Cameron noted that the existing building might not be “senior-friendly” (ie. To have wider doorways, etc). Mr. DiDonna then asked whether the Commission could restrict any of the proposed units for seniors. Mr. Voigt responded that this will be “empty nester” housing, not necessarily senior or age-restricted housing. All of the units should be limited to three bedroom or smaller units, and that the marketing of the units will be important. Mr. DiDonna said that there is no guarantee that any unit will have an elevator. Mrs. Cameron said that the developer will install an elevator if requested to do so by the purchaser of the unit. Mr. Olvany said that in his opinion, he did not want all of the units to have elevators. Mr. Voigt explained that the idea is to try to age-target the units a little better than has been done in the past, and questioned whether there are other provisions (bedrooms, size, design, etc.) that could better target. The Commission is not approving specific floor plans or condominium designs.

Mr. DiDonna said that he will not be voting to approve the application because more should be done for seniors. Installing elevators in all units would be acceptable to Mrs. Cameron. Mr. Sini mentioned that one other issue that the Commission needs to discuss is the proposed bus shelter near the Wakemore Street/Kensett intersection. He wondered which size and style of bus shelter would be appropriate. Mrs. Cameron mentioned that there is a bus shelter on Hope Street in Stamford that may be appropriate in terms of style. Mr. Sini said that he liked that the applicant proposed to increase the parking near the bus stop in order to address a safety issue. He did wonder whether that parking would be used, or whether parents would continue to queue on the street. Mrs. Cameron was unsure whether the new parking spaces would be used. Mr. Ginsberg noted that the Wakemore Street neighbors had sent in a letter with requested conditions of approval. It was agreed that whether a school bus comes through Kensett would be up to the Board of Education.

Mr. Olvany then said that he had one additional comment regarding **Special Permit Application #15-N/Site Plan, Land Filling & Regrading Application #44-B, Wee Burn Country Club, 410 Hollow Tree Ridge Road.**

Mr. Olvany said that the house which now is at 480 Hollow Tree Ridge Road is scheduled to be demolished, and that the existing residence at 490 Hollow Tree Ridge Road will remain. The existing pool and pool house behind 490 Hollow Tree Ridge Road has been proposed to be removed by the applicant. The large 40 foot high net will be placed on the 490 Hollow Tree Ridge Road property. Mr. Olvany said that the 480 Hollow Tree Ridge Road property will have Club improvements made on it (such as the driving range and associated parking), and thus will need to be integrated into the Club property via the filing of a mylar in the Darien Land Records. He said that since the 490 Hollow Tree Ridge Road property will be used by the Club and there is a change in use, it too should be incorporated into the Club via the filing of a mylar. Mr. DiDonna agreed with Mr. Olvany.

Chairman Cameron then moved the following agenda items to the end of the meeting to accommodate the public who was present for the public hearings.

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Approval of Minutes

September 1, 2015 General Meeting/Public Hearing
September 15, 2015 Special Meeting--Public Hearing/General Meeting
September 29, 2015 Special Meeting--General Meeting/Public Hearing

At about 8:30 p.m., Chairman Cameron then read the following two BMW of Darien agenda items, and noted that they will be continued to November 24, 2015 at 8pm in room 206 of Town Hall. It was acknowledged that the applicant has granted an extension of time to that date.

PUBLIC HEARING

Continuation of Public Hearing regarding Proposed Amendments to Darien Zoning Regulations put forth by Gleason & Associates, LLC on behalf of BMW of Darien (COZR #3-2015).

Proposal to amend Sections 210, 665, and 666 of the Darien Zoning Regulations as follows: to establish a definition of a Parking Device in Section 210; to allow Parking Devices as an Accessory Use Requiring a Special Permit in the Service Business (SB) Zone in Section 665; and to specifically exempt Parking Devices from Building Coverage and Minimum Yard Requirements in Section 666.

PUBLIC HEARING OPENED ON 9/29/2015. APPLICANT HAS REQUESTED THAT PUBLIC HEARING BE CONTINUED AGAIN TO 11/24/2015.

Continuation of Public Hearing regarding Business Site Plan #194-G/Special Permit, BMW of Darien, 136-138 Ledge Road.

Proposal to allow installation of ninety parking devices at its 140 Ledge Road site and perform related site activities. The subject property is located on the north side of Ledge Road, approximately 450 feet west of its intersection of Boston Post Road, and is shown on Assessor's Map #39 as Lots #21E and #22 in the Service Business (SB) Zone. *PUBLIC HEARING OPENED ON 9/29/2015. DEADLINE TO CLOSE PUBLIC HEARING IS: 11/3/2015, UNLESS EXTENSION IS GRANTED BY APPLICANT. APPLICANT HAS REQUESTED THAT PUBLIC HEARING BE CONTINUED AGAIN TO 11/24/2015.*

Chairman Cameron then read the following agenda item:

Continuation of Public Hearing regarding Proposed Amendments to the Darien Zoning Regulations put forth by the Darien Planning & Zoning Commission (COZR #2-2015).

Proposing to amend the Darien Zoning Regulations as follows:

1. Defining Building Coverage (Sections 210 and 223) relative to elevated patios, HVAC units, generators, fuel tanks, and pool equipment.
2. Modifying how side lot lines are defined where there is a small jog in the line (Section 210).
3. Modify Section 230 to allow Monument Signs and Modify Sections 925.1 and 926.3 to allow such signs in certain non-residential zones (the OB, DOR-1, DOR-5, SB and SB-E Zones).
4. Modify Section 334 and 385 to eliminate the need for Lot Width variances to redevelop on building lots which have at least 50% of the required Lot Width and Depth.
5. Modify Section 371—Height of Buildings or Structures (clarify Building Height relative to cupolas and mechanical equipment.)

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6. Modify Section 384—Non Conformity, Other Than Use to clarify the existing Regulation.
7. Modify Section 406 #7—Eliminate the Total of Two side yards requirement which now affects the R-1/3 and R-1/5 Zones.
8. Modify Section 406f regarding detached accessory structures, to not allow finished space in detached accessory structures which do not meet the principal setbacks.
9. Modify Section 575 Area and Bulk Requirements DCR Zone to clarify what counts towards floor area.
10. Modify Inclusionary Zoning Regulations (Sections 583, 588a through 588e) to require that all below market rate units be changed to be affordable to those with an income equal to or less than 80% of State Median Income (SMI). Include updated SMI data and calculations.
11. Modify Section 572 to refer to the DMR Zone, when it should refer to the DCR Zone.
12. Modify Section 577 to reference signs allowed in the DCR zone.
13. Modify Section 625 Item 15 to be Maximum Average Floor Area of All Dwelling Units.
14. Modify Section 873. (Eligibility for Certification) to reflect updated report name and date.

Mr. Ginsberg explained that the proposed amendments were outlined within an August 14, 2015 memo. The goal tonight would be to introduce the proposals, and get feedback from both the Planning and Zoning Commission members and the general public. He envisions a second public hearing on this matter on November 10, 2015, which will allow for additional comment and feedback. Mr. Ginsberg said that many of the concepts and proposals put forth are as a result of a memo from the Zoning Board of Appeals (ZBA) dated February 6, 2013. This 2013 memo outlined nineteen suggested changes from the ZBA. Mr. Ginsberg noted that seven of these suggestions have previously been adopted by the Commission about a year and a half ago, and the proposals put forth this evening could address six others. The proposed amendments to be discussed this evening range from minor typographical corrections to changing of long-time established setbacks in the R-1/3 and R-1/5 zoning districts. Mrs. Cameron noted that a subcommittee of ZBA and PZC members met prior to the submittal of this application, to better understand the ZBA's memo.

Mr. Ginsberg said that written comments have been received thus far from professionals in different fields. First he read aloud the comments received from WestCOG. He then noted that other written comments which have been received have been printed out and given to Commission members earlier tonight. They are from: architect Jacek Bigosinski; realtor David Hawes; surveyor Mark Lebow and others from the firm of William W. Seymour & Associates; engineer Joe Canas; and former Commission member Reese Hutchison.

Mr. Ginsberg then explained the first proposal, which is to modify the definition of Building Coverage, and its associated figure in Section 223. Mr. Ginsberg explained that this would exempt air conditioning units if the total square footage of all HVAC units, generators, and above ground propane tanks, does not exceed twenty square feet. He explained that Section 223 will be revised to reflect whatever determination the Commission makes in the definition of Building Coverage. He noted that the Commission will need to make a finding on any adopted zoning regulation amendment that it is consistent with the Town Plan of Conservation & Development. He noted that the existing Town Plan does not have anything right on point for many of these proposed amendments, except for a recommendation on page 6-3 of the Town Plan, which reads as follows:

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“Continue to evaluate and consider amending the existing building coverage and height restrictions to maintain the character of the community.”

Mr. Ginsberg said that the second proposal is a change in the definition of Lot Line, Side, in Section 210 of the Regulations. He presented three surveys which show small jogs in lot lines which change a side lot line to a rear lot line. He explained that when one is on an actual property, such a lot line appears to function as a side, but is treated as a rear lot line. The existing definition of side lot line requires that one end of it touch a front lot line. He mentioned that in some extreme cases, the definition actually punishes a property owner for having extra property, and in fact, the property owner would be better off from a setback standpoint to not own some property. Thus, from a practical standpoint, staff recommends this proposal.

The third proposal is to allow monument signs in certain non-residential zones. Mr. Ginsberg said that in recent years, the ZBA has approved a number of monument signs in Darien, including those at Maplewood, 745 Boston Post Road, Darien Green, 17 Old King’s Highway South, and Land Rover. Some of those are in the OB and SB-E zones, but not all of them. Commission members noted that these signs appear to be functional, and also look good. They agreed that not all zones should allow for monument signs.

The fourth proposal relates to Lot Width and Lot Depth. Mr. Ginsberg explained that in recent years, the ZBA has had to address redevelopment on lots which do not have sufficient width. He said that the ZBA has struggled with this issue (replacement houses on lots which do not have sufficient lot width) in recent years. After some discussion, Commission members asked Mr. Ginsberg to review recent ZBA actions on Lot Width issues, including what zoning districts they were in. Mr. Olvany asked whether changing this would result in more development, since property owners on narrow lots would not need to go to the ZBA for a Lot Width variance. Mr. Olvany asked whether the 50% number was appropriate. Mr. Ginsberg said that research can be done on which zones the lot width variances have been issued. Mr. Olvany wanted to ensure that no new non-conforming lots are being created. Mr. Voigt asked Mr. Ginsberg to look into Section 385c, and whether the ZEO would be capable of making such a determination.

Mr. Ginsberg said that the fifth proposal attempts to deal with Height of Buildings or Structures—more specifically, the issue of cupolas which extend beyond the existing thirty (30) foot height maximum. Mr. Ginsberg said that the existing policy is to not allow lit cupolas, and that has been codified in this proposal. Mr. Sini noted the existing lit cupolas at Whole Foods Market. Mr. Ginsberg said that the proposed standard was suggested by former P&Z Commission member Reese Hutchison, who may have obtained it off a manufacturers’ web site. Mrs. Cameron said she is more concerned about the height of the cupola than the width.

The sixth proposal codifies long-time Department policy.

At about 9:10 p.m., Dave Keating arrived.

The seventh proposal is to modify Section 406 by eliminating the existing “Total of Two Side Yard requirement”. This would affect the R-1/3 and R-1/5 zones. Mr. Ginsberg showed on a number of surveys how this regulation is currently interpreted, and how it punishes homeowners who have non-conforming residences that are too close to one side lot line, by creating an extra large setback

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on other side lot line. Mr. Olvany and Mrs. Cameron noted that this could result in wide houses in small lot zones, which could create the appearance of over-building on those lots. Mr. Ginsberg was asked to further research this proposal.

The eighth proposal addresses detached accessory structures. Mr. Ginsberg said that the regulation is designed to allow small one-story structures, such as tool sheds, very close to the property line. He said that in recent years, a number of proposals have been made to finish such space, which could result in potential impacts to neighboring properties. A question arose as to what is considered finished space.

Mr. Ginsberg explained that the ninth proposal, to modify Section 575, codifies a recent Commission determination regarding Kensett, and how to treat the square footage of finished floor area in the basement.

The tenth proposal was relative to the Inclusionary Zoning Regulations in Section 580. Mr. Ginsberg explained that this Section of the Regulations was originally adopted in 2009, and has been tweaked a few times through the years. The proposal is to no longer require a 110% of Area Median Income (AMI) unit, but rather, require all inclusionary/below market rate/affordable units to be for 80% of SMI incomes. Mr. Ginsberg noted that 110% of Area Median Income is \$137,610 and 80% of State Median Income is \$69,520. Commission members acknowledged that this is quite a difference. It was also noted that an 80% of SMI unit would get 1 or 1.5 points towards an 8-30-g moratorium, while a 110% of AMI unit would not qualify. It was also noted that the 110% of AMI unit would not get any consideration toward the Town's 10% count, as considered by the State of CT, and in fact, would push the Town further behind that number, even though such a unit it is deed-restricted by income. Mr. Ginsberg said that the proposed amendment also updates out-of-date numbers used in the calculations. Mr. Sini suggested that the numbers be double-checked, and possibly included in an appendix, in order to improve readability of this section of the regulations. Mrs. Cameron said that Mr. Reese Hutchison had some thoughts on this proposal, which were included in his written comments.

Mr. Ginsberg said that proposals 11, 12, and 13 were essentially typographical corrections, and proposal 14 is to properly reflect the correct, updated document in the Regulations. Commission members had no comment on proposals 11, 12, 13, and 14.

In closing, Mr. Ginsberg thanked the ZBA and Department staff for their work on these proposals. He noted that in his opinion, all of these are consistent with the Town Plan of Conservation & Development. He again recommended taking input tonight, and continuing the public hearing.

Mr. Gary Greene, member of the Zoning Board of Appeals, then spoke. He said that the first proposal to modify the definition of Building Coverage would allow for houses on smaller properties to modernize, by installing generators and central air conditioning units. He noted that changing the "total of two side yard" setbacks in the R-1/3 and R-1/5 zones, could result in a tight feel of the neighborhood. He recommended that further consideration be given to this proposal by the Commission. Mrs. Cameron welcomed further input from the ZBA prior to the next P&Z public hearing on November 10.

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Mr. Mark Lebow, a surveyor from William W. Seymour & Associates, said that he had sent in written comments on the proposals. He elaborated on some of those comments, and addressed a number of issues presented this evening. He said that most communities do not treat the Total of Two Side Yards the same way that Darien does—most communities do not require a property owner to make up the deficiency. He mentioned that the existing regulation is very complex to explain. He said that this is applied uniquely in Darien. He cautioned the Commission when making any zoning regulation amendment to not make lots non-conforming.

Mrs. Cameron said that to allow for additional staff work, and to allow for additional input from the general public, the public hearing on this matter will be continued to November 10, 2015 at 8pm in room 206 of Darien Town Hall.

GENERAL MEETING

Approval of Minutes

September 1, 2015 General Meeting/Public Hearing

Mr. Olvany had suggested changes to pages 13 and 17. Mr. Voigt had a change to page 16. Mrs. Cameron and Mr. Voigt had typographical corrections. Mr. Olvany then made a motion to approve the minutes as amended. That motion was seconded by Mr. Voigt, and approved by a vote of 4-0-1, with Mr. Sini abstaining since he was not at that meeting.

September 15, 2015 Special Meeting--Public Hearing/General Meeting

Mr. Voigt had a recommended change to page 2 of the draft minutes. He then made a motion to approve the minutes as amended. That motion was seconded by Mr. Olvany, and approved by a vote of 5-0.

September 29, 2015 Special Meeting--General Meeting/Public Hearing

Mr. Voigt made a motion to approve the minutes as draft. That motion was seconded by Mr. Olvany, and approved by a vote of 5-0.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The meeting was adjourned at 10:00 P.M

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director