

Planning, Zoning and Housing Committee
of the Darien, Connecticut RTM

Regular Meeting Minutes

Date: January 13, 2010
Place: Darien Town Hall, Employee Lounge
Present: Adelman, Bacon, Bayne, Bishko, Cleary, Conologue, Fead, Guimond, Hennessy, Magida, Miller, Marsten, Ness, Sini, van der Kieft, Young
Absent: Olvany
Guests: Peter Rogers, Kathi Rogers, Joe Warren, Sandy Stolar, Jayme Stevenson, Jan Pierret, Sam Schoonmaker

This was a Regular Meeting of the Planning, Zoning and Housing Committee chaired by John van der Kieft and called to order at 7:35 PM.

The minutes of the Regular Meeting of December 2 were approved as amended.

Corrections to the minutes of the Special Meeting of December 15 were requested and the minutes will be resubmitted for approval at a later meeting.

Proposed Tax Abatement Ordinance

The next item on the Agenda was a discussion of the Proposed Tax Abatement Ordinance for Low and Moderate Income Housing. A new draft of the proposed ordinance was received by van der Kieft at 4:42 PM this afternoon and was distributed. Two proposed modifications changed the 30% requirement to a 50% requirement of the units to be qualified as low or moderate income units and clarified that abatement applies only to the low and moderate units.

van der Kieft made introductory comments on the proposal. He requested that we discuss the general ordinance and not any specific projects to which it might apply. He noted that the objective is to encourage affordable housing and that this would demonstrate to the state our commitment to this objective. He also noted that there are controls in that P & Z would need to issue a special permit and approval by the RTM and the First Selectman is also required.

The ensuing discussion raised a number of questions including:

- What are the “necessary related facilities or services in such housing” referenced to in section (b) (4).
- What exactly are we subsidizing , it was pointed out that only the affordable units are being subsidized. It was noted that care should be taken in the selection process on who is eligible for this.
- Clarification was requested regarding Section (d) and its wording regarding financial assistance from the state, primarily on the wording that it “may” be applied for (but it is

not mandated by “shall” be applied for). It was commented that at this time the state does not have assistance available, it may have at some date, and that this keeps our options flexible.

- Is there a risk of litigation from a developer who is not approved when precedence has been set by approval of a prior application from a developer.
- How can this help us in Hartford regarding 830-g
- Is this a common tool used by other towns

It was discussed that generality in the proposal preserves flexibility and that what we are considering now is the policy, not the financial implications of its specific application. It was noted that this is “enabling” legislation and the town does not have to approve any specific abatement under this Ordinance.

When requested Stevenson clarified that the First Selectman is named as approving as he is the legal person who must execute as the agent of the town per the town charter. She also noted that the previous Board had approved this and that the current Board will not discuss it until an application comes forward.

Comment from the Guests included:

- A request that we look at the total cost of subsidation and don’t do something as just a piece, but look at how much a total program would cost (Schoonmaker)
- Concern over the precedence, the cost of related services to the town and the real impact of 830-g or lack thereof (P Rogers)
- Concern this is driven by AON (Pierret)
- Comment that DHA did not write this, town counsel did (Warren)

van der Kieft concluded by stating that we are not voting on this now. It was agreed that PZ&H will meet with Wayne Fox and TGS&A (as available) to look at the issues in a united manner. The goal is to limit the issues, and clarify items where there is agreement and where there is not agreement. This will take place prior to the RTM meeting of January 25th, with a target date of next Tuesday or Wednesday. Hennessy’s Committee will look into what other towns have done in this respect. Committee members are requested to send van der Kieft their questions in advance of that meeting. He will also inform F&B of the meeting.

Update – Allen O’Neil Study Group

There has been some feedback from the neighbors and there is consistent concern regarding the density and format of the development. This will move forward and we don’t have a say in the matter at this point. More comments will arise as it moves forward.

Update – Open Land Study Group

There has been some work on the legal definition and grand list issues by members of the group, The public meeting may now be pushed back from January to February. A request was made for a 1995 town plan for the Group to use, Rob Young has one and will provide the relevant sections to the Group.

35 Leroy Study Group

A Selectmen's Task Force has been set up and it includes Giuimond, as a neighbor and not as a PZ&H representative.

After discussion it was decided to set up a PZ&H Study Group in order to be able to move forward and do background work. The Selectman's' Task Force is charged with concluding its work in a four week timeframe. Marty Magida made a motion to set up the study group, it was seconded by Cleary, and approved unanimously. Members will be Adelman, Young, Sini, Ness, Fead, and Cleary. They will select their Captain and move ahead on background work.

Announcements

van der Kieft announced that on Thursday January 28 at 7:30 the Board of Selectmen will have a meeting where the various Departments will present their proposed 2010-2011 budgets and we are invited to attend.

The meeting was adjourned at approximately 9:50 PM.

Respectfully submitted by Mary K. Ness, Clerk