

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

Regular Meeting Minutes

Date: September 22, 2009  
Place: Darien Town Hall, Employee's Lounge  
Present: Adelman, Bacon, Bayne, Bishko, Cleary, Conologue, Fead, Hennessy, Jones,  
Marston, Miller, Olvany, Sini, van der Kieft, Young  
Absent: Magida  
Attending: David Bayne, Callie Sullivan, Seth Morton, Dick DiDonna, Norm Guimond,  
John Marr, Carolyn Byrne

---

This was a Regular Meeting of the Planning, Zoning and Housing Committee.

The meeting was called to order at approximately 7:30 PM. The meeting agenda was reviewed by John van der Kieft, PZ&H Committee Chairman. It was accepted with no objections.

The Committee addressed the proposed gift of up to \$45,000 from The Garden Club of Darien for trees and other landscape improvements for the Weed Beach Building Project.

The Chair disclosed he had a discussion with Cyndy Stamm, President of the Garden Club of Darien, regarding the gift. The gift is intended to support the planting of native flora, including bushes, trees, plants, and flowers which should enhance the beauty of the park in conjunction with other enhancements at the site. Since the Weed Beach Building project is on a temporary hold, it was unclear when this gift would be executed. Other details of the intent of the gift were unavailable. Mr. Bayne, a member of the Weed Beach Building Committee, said the plan for the plantings is a bit amorphous at this time but disclosed that the Building Committee will work closely with The Garden Club as the entire project gets back on track.

Ms. Bacon inquired about the maintenance of the plantings. Mr. Bayne said his Committee and The Garden Club will seek low maintenance plantings. Ms. Fead asked about the objective of the landscaping. Mr. Bayne said its intent is to enhance wildlife and the ecosystem, add shielding and improve the general aesthetics at the site. Mr. Marston inquired if there were any time constraints or other limitations associated with the gift. The Chair and Mr. Bayne both indicated they were not aware of any constraints or conditions. Mr. Young noted that the new landscaping should be tolerant to salt spray and coastal salt water flooding.

Ms. Hennessey made a motion to approve the gift of up to \$45,000 from The Garden Club of Darien for trees and other landscape improvements for the Weed Beach Building Project. It was seconded by Ms. Bayne. The Committee voted to unanimously approve the gift.

Liz Bacon suggested that the RTM formally thank the Garden Club for their generosity and commented that in the rush of business, the town sometimes does not express appropriate gratitude to donors who make gifts for the benefit of the town. John van der Kieft offered to reach out to the heads of the other RTM committees with jurisdiction over this matter – specifically, Parks & Recreation and Finance & Budget – and ensure that an appropriate expression of thanks is made at the following RTM meeting.

The Chair introduced the members of Community Homes at Leroy Avenue Committee (CHALAC) attending the meeting and reviewed developments relating to the 35 Leroy property and CHALAC's deliberations in June and July 2009 during its second review of the project as requested by the Board of Selectmen after Section 514 of the Darien Zoning Regulations was discovered by a PZ&H Committee member in May 2009.

Ms. Cleary gave a brief presentation of the additional review process CHALAC went through in June and July 2009 as requested by the Board of Selectmen. At CHALAC's request, MHA's architect developed a draft site plan that would accommodate 27 units of housing on the site. On July 27, 2009, after considering the 27-unit plan, CHALAC elected to again recommend the original 21-unit plan to the Board of Selectmen. This plan was subsequently re-approved by the Board of Selectman that same night.

Ms. Cleary identified the factors listed below as unfavorable attributes of the 27-unit development considered the comparison to the recommended 21-unit plan:

- The 27 unit development had less green space and would be unable to reclaim any currently-paved area;
- It was less desirable aesthetically, particularly as the new building facing Leroy was moved back closer to the street;
- There was less buffer space between the new building and the adjacent Middlesex Commons development;
- There was some increased concern about fire safety due to the smaller buffer on the Middlesex Commons side of the property;
- The change in mix of units was seen as less desirable from a marketability standpoint and did not meet the intent to create affordable housing for local workers (1-BR units increased from 9 to 19 units; 2-BR units decreased from 12 to 8);
- The change in mix of units was perceived to increase the propensity of owners to turn over more rapidly;
- The additional units would require MHA to request a state grant of approx. \$1.3M, an increase of \$300k over the prior proposal (~\$1.0M);
- The increase in density was viewed unfavorably, and was perceived to set a precedent for future development;
- The neighbors were understood to oppose increasing the unit count above 21, having previously negotiated that figure.
- The incremental return to the town in the form of tax dollars was negligible

Ms. Hennessy noted that she thought CHALAC did a thorough job and would be concerned if density was increased at the site. Mr. Sini inquired if CHALAC had consulted with the Planning and Zoning Commission, the Environmental Protection Commission and/or the Fire Marshall during CHALAC's re-review process. Ms. Cleary indicated that the Committee developed its conclusions from conversations with these entities during the original review process, but there were no additional conversations with the aforementioned entities during the second review process.

Ms. Cleary noted that Mr. Conze, Planning and Zoning Commission Chair, stated at a previous Board of Selectmen's meeting that the Commission would consider the development in the context of the neighborhood and would be sympathetic to the neighbors concerns.

Mr. Sini asked if CHALAC had asked MHA to consider a number of units between 21 and 27. Ms. Cleary indicated that CHALAC did not ask MHA to explore other alternatives. Mr. Bishko inquired about the number of points needed to reach the moratorium. Mr. Bayne indicated that the required number was about 25. Mr. Bishko requested a time line for the 35 Leroy project. Ms. Cleary stated that she could not give one at this time.

The Chair expressed his view that CHALAC did a great job in bringing a favorable project to the Board of Selectmen. He thinks the current proposal fits well within the neighborhood and noted the success and curb appeal of Clock Hill Homes nearby. Mr. Sini noted that Clock Hill was constructed with the use of a special permit allowable under Section 514.

Dick DiDonna, the Chair of CHALAC, commented that MHA had indicated to him that MHA was aware of the opportunity to seek a special permit under Section 514 but had originally elected not to pursue this permit. MariLu Cleary confirmed that a special permit from P&Z will be required for the recommended 21-unit development, but that this special permit will not be requested under Section 514.

Ms. Bacon inquired if current option to lease contract was binding and whether this project could undergo another re-review. She noted this project will take time to go through the approvals and completion. Mr. Bayne indicated that the developer could be two to three years away from obtaining all the necessary land use approvals and financing for the project, including a RTM vote on the long-term lease. Mr. Morton said that the Board of Selectmen was comfortable with 21-units and that seemed like a level that everyone was comfortable with.

The Chair thanked CHALAC for all its efforts.

Mr. Sini departed the meeting at approximately 8:10 PM.

The Chair indicated that he would like to add an item to the agenda, relating to a proposed development at 397 Boston Post Road before the P&Z Commission this same evening (September 22). Rob Young moved that the agenda be amended, Steve Olvany seconded the motion, and it passed unanimously.

The Chair briefly described the proposal at 397 Boston Post Road. The proposal is to convert an existing office building into residential rental units without making major changes to the building's envelope or footprint. It will have 35 units on just over 1 acre of property. 11 of these units will be deeded as Affordable Housing, and 24 of the units will be rented at market rates.

The Chair distributed a draft statement in favor of the proposal that he intended to read into the record at the P&Z meeting. He asked the PZ&H Committee to endorse and approve his statement to give it greater weight with the P&Z Commission.

Ms. Hennessy expressed concern that the addition of the non-affordable units continues to increase the overall target of affordable units needed to reach the state's 10% goal. She suggested that a greater portion – even 100% – of the units be deeded affordable to minimize or avoid increasing the overall affordable housing target.

The Chair indicated his support for the proposal and noted that the addition of affordable housing units gets the town closer to achieving a moratorium under 8-30(g). Rob Young described the conversion of unused or underutilized space into housing as “the perfect application of 8-30(g)”.

Frank Adelman noted that the property lies in District 6, which also is the District of the 35 Leroy property and other potential sites for affordable housing, and expressed concern about the equitable distribution of this responsibility among Districts. Ms. Bayne noted the very high density of the development and expressed concern about the impact of so many units on this property.

Jeffrey Marston expressed support for this and other potential developments including affordable housing components, in part to demonstrate the town's interest, desire and intent to comply with statute 8-30(g). The Chair noted that a mixed-income development as proposed here allows for local residents who do not qualify for affordable housing to nevertheless downsize into apartments serving middle-income residents. There is perceived to be a significant lack of options of this sort in town.

Ms. Bayne reiterated her concerns with the density at the site and further identified issues of concern that were unknown at the meeting, such as the configuration and size of units. Ms. Miller commented that “we have to support this location for affordable housing.” Mr. Young reiterated his opinion that this conversion represented a good alternative use for unoccupied office space.

The PZ&H Committee reviewed and considered the draft statement distributed by the Chair. The Committee was generally comfortable with indicating support for affordable housing at this site. However, given the complete absence of any information in advance of the meeting, the Committee was unable to specifically endorse the current proposal (or any proposal) until it has an opportunity to review the details. As a result, the proposed draft was cut back severely to remove mention of any specific factors relating to the proposal currently before the P&Z Commission. The statement that PZ&H approved for the Chair to read for the P&Z Commission was as follows:

“In January the PZ&H Committee was invited to comment on the Draft Affordable Housing Plan prepared by the Board of Selectmen. One of the suggestions the Committee made in its report on June 15th was to study the possibility of converting unoccupied commercial buildings to affordable housing. We support studying the possibility of converting underutilized commercial space to affordable housing.”

The motion to vote on the statement was moved by Frank Adelman and seconded by Liz Bacon. 11 voted in favor: Adelman, Bacon, Bayne, Bishko, Cleary, Conologue, Fead, Hennessy, Marston, Miller, van der Kieft. 2 voted against: Olvany & Young.

Having no further business, the PZ&H Committee adjourned at approximately 8:35 pm.

---

Respectfully submitted by John Sini, Jr., Clerk (Recorded with assistance from Frank Adelman)