



South Western Regional Planning Agency  
Stamford Government Center  
888 Washington Boulevard, 3rd Floor  
Stamford, Connecticut 06901  
203 316 5190 Phone  
203 316 4995 Fax  
www.swrpa.org

## **REPORT OF THE REFERRALS COMMITTEE**

April 30, 2008

Committee Chairman Jack Halpert called the meeting to order at 2:00 p.m. Also in attendance were Committee members Bob Byrnes, Leigh Grant, Nathan Snyder, Michael Stashower, Margaret Wirtenberg and Rob Young. Paul Settelmeyer, Chair, Floyd Lapp, Executive Director, and Benjamin Henson, Regional Planner of SWRPA were also present. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 3:40 p.m.:

---

### **Referral No. 08-25 – Rezoning, Greenwich**

**Referrer:** Greenwich Planning & Zoning – Land Use Department

**Applicant:** Jay M. & Carolyn Haverson

**Received:** April 2, 2008

**Hearing:** May 25, 2008

**Contact:** Marek Kozikowski

**Authority:** 8-3b

**Proposal:** The applicants are requesting to apply the Historic Overlay (HO) zone to their property at 63 Church St. in Greenwich. They are also requesting approval of a modified Final Site Plan. The Preliminary Site Plan was previously approved by the Commission.

**Description:** The property is currently zoned Local Business Retail (LBR-2). The rezoning would result in the property being zoned HOLBR-2. The original site plan was for the conversion of a residential dwelling into a two unit condominium and office use. This submittal is for a three unit residential condominium project. The project includes exterior and interior improvements including: adding windows; constructing a fire wall new room partitions; a new stairway; and new kitchens and bathrooms.

**Staff Comments & Recommendation:** The project is non-conforming in a number of ways. However, these non-conformities were already addressed by the original site plan which was approved. Considering no inter-municipal impacts are anticipated, SWRPA staff recommends **approval of Referral No. 08-25** to the Greenwich Planning & Zoning – Land Use Department.

### **Referral No. 08-26 – Subdivision, Greenwich**

**Referrer:** Greenwich Planning & Zoning – Land Use Department

**Applicant:** Bruce Cohen

**Received:** April 8, 2008

**Hearing:** To be determined

**Contact:** Marek Kozikowski

**Authority:** 8-26b

**Proposal:** The applicant is seeking to subdivide an existing 44.0129 acre tract into five lots ranging from 2.7593 acres to 20.4481 acres and two open space parcels of 2.8795 and 4.9599 acres respectively.

**Description:** The site is located east of King St. and south of Sherwood Ave. in Greenwich. Access to the proposed subdivision is from Sherwood Ave. via a 22 ft wide paved asphalt road with curbs. The site is currently zoned RA-2 (2 Acre Residence) and is used for the operation of Shemin Nurseries, Inc. This use will remain on the newly created Parcel No. 5 which is 20.4481 acres. Lots 1-4 will be developed as single family residential as permitted within the RA-2 zoning district.

The application explains that the site is currently served by on-site wells, public water and on-site septic systems. There are six wells on the site, two of which are active. The four inactive wells will be vacated according to the requirements set forth by the Greenwich Department of Public Health.

A Stage 1 Archaeological Reconnaissance Survey was conducted on the site which indicates no significant pre-historic or historic resources were found on the subject property.

The removal of one 28 in diameter tree is necessary to meet the Greenwich sightline requirements. The Greenwich Roadway Design Manual has a street separation standard of 150 ft from a local road situated on the opposite side of the street. The proposed road is 138 ft from Chieftans Rd. on the north side of Sherwood Ave. The applicant will be requesting a waiver from the Department of Public Works to permit construction of the road as proposed.

A stormwater management system which utilizes a treatment train consisting of: catch basin sumps, vegetated swales, a Vortech oil/grit separator, a recharge basin, detention, filtration, level spreaders and buffers has been designed to ensure peak flow rates will remain at or below existing rates during studied storm events. The project engineer concludes that "with proper implementation of the design drawings, construction of this proposed development will not result in adverse hydraulic or hydrologic impacts on adjacent or downstream properties or drainage facilities."

An Ecological Assessment Report (EA) was conducted for the site. According to the report, the proposed development will have minimal long and short term impacts on the surrounding wetlands and watercourses. The report details mitigation measures which include: removal of invasive species; implementation of the proposed planting plan within the water quality basin; and the elimination of a man-made ditch to restore natural drainage patterns in an on-site wetland.

The plan includes 7.8394 acres of reserved open space which exceeds the 15 % requirement for this project (6.6019 acres).

The applicants have applied for approvals to the: Inland Wetlands and Watercourse Agency; Planning and Zoning Board of Appeals; and Conservation Commission. The Town of Harrison, NY

and Village of Rye Brook, NY have both been notified of this proposal as per Section 8-3h of the Connecticut General Statutes.

**Staff Comments & Recommendation:** The proposed residential dwellings fit the character of the surrounding uses and do not pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-26** to the Greenwich Planning & Zoning – Land Use Department.

### **Referral No. 08-27 – Text Amendments, Zoning Regulations, Redding**

**Referrer:** Redding Zoning Commission

**Applicant:** Redding Zoning Commission

**Received:** April 9, 2008

**Hearing:** May 14, 2008

**Contact:** Robert Flanagan

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Sections 5.9.1 and 5.9.3 of the Redding Zoning Regulations regarding sign regulations.

**Description:** Amendments to Section 5.9.1 affect subsections b and c which regard sign area measurement and sign area, respectively. Amendments to Section 5.9.3 affect subsections a, b and c which regard exterior, free-standing and window signs, respectively. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

5.9.1.b – ~~The area of the sign shall comprise the entire surface area (all faces) on which the message is inscribed.~~ The measurement of sign area shall comprise that area enclosed by one (1) continuous straight line connecting the extreme points or edges of a “Sign”. This area does not include the main supporting sign structure but shall include multiple signs attached to a single-sign structure.

5.9.1.c – The area of the “Sign” shall comprise the entire surface area (all faces) on which the message is inscribed and the number of faces, or separate message-bearing services, is limited to two (2) per sign.

These changes have the affect of combing the current subsections b and c into one subsection c and adding new language to b to establish a methodology for measuring a sign’s area.

5.9.3.a – ~~One exterior sign per business establishment or tenant, limited to an aggregate sign area (including all faces) not exceeding one (1) square foot of sign area per each four (4) lineal feet of front building façade. Maximum sign height: twelve (12) feet. Location must conform to side yard setback requirements.~~ Exterior Signs: When painted on or applied to the principal building wall or awning, such signs shall not exceed a total area of one-half (1/2) square foot for each lineal foot of the principal building walls, or two hundred (200) square feet, whichever is less. For buildings having multiple occupancy, allowable sign area shall be divided among the occupants by the owner of the property. No single sign shall exceed forty (40) square feet in area. Location must conform to side yard setback requirements. Maximum sign height: twelve (12) feet.

This amendment adds definition to an exterior sign; reduces allowable signage area by 50%; limits signage area to 100 sq ft; and establishes guidelines for exterior (attached) signage of multiple-occupancy buildings.

5.9.3.b – Free Standing Signs: Where a site contains four or more separate business establishments, there may be one (1) additional business sign, free standing, with a maximum area of eighteen (18) square feet, announcing only the name of the complex and listing the names of the occupants therein; said allowable sign area shall be divided among the occupants by the owner of the property. Such signs shall be supported by one or more columns or uprights that are firmly embedded in the ground. Where such additional sign is used, each individual occupant shall be limited to one single-faced sign mounted on and facing outward from the building façade within the area limitation stated in this Section.

This amendment establishes guidelines for free-standing signage of multiple-occupancy buildings.

5.9.3.c – Window Signs: One (1) ~~interior~~ placard or neon advertising sign ~~displayed in window of a business establishment, not exceeding 50% of the area of the sign permitted in Section 5.9.3(a), containing replaceable~~ may be located on the inside of the window of a business establishment, provided that such sign, (1) does not cover more than thirty (30%) percent of any single window, and (ii) contains replaceable exhibits which advertise merchandise, services, or special events at the establishment in which the sign is displayed.

This amendment changes the method for determining the maximum sign area of window signs.

**Staff Comments & Recommendation:** These changes pose no inter-municipal impacts. SWRPA staff recommends **Approval of Referral No. 08-27** to the Redding Zoning Commission.

### **Referral No. 08-28 – Text Amendments, Zoning Regulations, Stamford**

**Referrer:** Stamford Zoning Board – Land Use Bureau

**Applicant:** Redniss & Mead

**Received:** April 10, 2008

**Hearing:** May 5, 2008

**Contact:** Norman Cole

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Section 9-A of the Stamford Zoning Regulations regarding R-D Designed Residential Districts.

**Description:** Amendment to Section 9-A would permit the designation of named service drives and assignment of street addresses to individual units within condominium developments. The underlined text below represents the newly added language.

The placement of all principal buildings shall provide for a safe, efficient and harmonious grouping as well as adequate privacy by providing adequate front, side and rear yards subject to the approval of the Zoning Board. Every dwelling unit shall have direct vehicular access to a highway, right-of-way, or service drive, giving access to a public highway. Named service drives may be designated on

the site plan, provided that density does not exceed one dwelling unit per acre and all units are fully detached, and the names of such service drives and associated addresses are approved by the City Engineer and are recorded on the Stamford Land Records.

This amendment allows a named service drive to be recorded in the same fashion as a street and addresses assigned to the units it serves, provided they are detached units at 1 unit/acre. Condominium developments are the most likely to be affected by this change.

**Staff Comments & Recommendation:** SWRPA staff reviewed Referral No. 08-02 in January. This amendment is identical to the one presented then. Upon speaking with Stamford's Zoning Official, it was clarified that the original application was denied due to the fact that the number of attendees at the February 25, 2008 hearing did not represent a quorum. The new application will be heard again on May 5, 2008. These changes pose no inter-municipal impacts. SWRPA staff recommends **Approval of Referral No. 08-28** to the Stamford Zoning Board – Land Use Bureau.

### **Referral No. 08-29 – Text Amendments, Zoning Regulations, Westport**

**Referrer:** Westport Planning & Zoning

**Applicant:** Westport Planning & Zoning

**Received:** April 14, 2008

**Hearing:** June 16, 2008

**Contact:** Michelle Frye

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Sections 4, 11, 31, 34, 43, 44 and 54 of the Westport Zoning Regulations.

**Description:** These amendments pertain to a range of regulations. In each description, the underlined text represents newly added language and text that is stricken through represents language being removed.

4-2 – The boundaries of these districts are established as shown on the Building Zone Map dated August 18, 1930, as revised ~~as of 8/14/75~~ and may be amended from time to time, and signed by the Planning and Zoning Commission, Town of Westport, Connecticut, which map is hereby declared to be part of these regulations.

This amendment removes the 1975 revision date.

11-2.4.8.h – The provisions listed above may be modified for applications approved pursuant to Section 32-18. (Historic Residential Structures).

This amendment adds subsection h to Section 11-2.3 which regards Special Permit Uses Subject to Special Conditions within the Residence AAA District. The new subsection allows flexibility when determining approval of Historic Residential Structures within this district.

11-2.4.10 – The use of any accessory structure for human habitation shall be prohibited except as modified by Section 32-18. (Historic Residential Structures).

This amendment also affects the Residence AAA District and provides additional flexibility when determining approval of Historic Residential Structures within this district.

11-2.4.12.b – At least one dwelling unit in the converted single family house shall be owner-occupied. The single family house may also be owned by the Town of Westport or a non-profit corporation having offices located within the Town of Westport for at least 5 years prior to the date of application. Occupancy of the dwelling units in the home owned by the non-profit must be their employees. Any such dwelling unit approved shall comply with ~~pursuant to~~ the standards of this section.

This amendment affects Section 11-2.4.12 which regards the permitted conversion of a single family dwelling to allow one additional accessory apartment. The effect of the amendment is to allow the Town of Westport and non-profit corporations to participate in such conversions and establishes additional requirements for doing so.

~~31-5 Setbacks from High Pressure Gas Lines – No building or structure shall be erected within forty (40) feet from the center line of any high pressure gas pipe line.~~

This amendment deletes Section 31-5 that prohibits buildings or structures from being constructed near high pressure gas pipelines. It has been indicated that this regulations is unnecessary due to existing easements which do the same.

34-11.7 – Off-street parking and loading areas within Non-Residence Districts shall be paved with a durable and dustless surface of bituminous concrete, unless existing drainage problems warrant use of porous material. The parking area shall be curbed where necessary to control or direct surface water runoff. The Planning & Zoning Commission may approve a porous paving system as an alternative to asphalt and concrete for traffic-bearing surface applications in Non-Residence Districts as part of a site plan application.

This amendment affects Section 34-11.7 which regards drainage. It extends approval purview to the Planning & Zoning Commission with regard to alternative paving systems within non-residential districts. The approval will be part of the site plan approval process.

42-3.2 – A list of names and addresses of all property owners located in and within 500 feet of the proposed zone change line shall be submitted along with ~~stamped business envelopes addressed to the applicant and~~ Certificates for Mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

This amendment affects Section 42-3.2 which regards notice mailing. It requires proof of notification via certificate for mailing and requires that each property owner within the 500 ft is notified.

44-1.2.2 – ~~Stamped business envelopes addressed to the applicant and~~ Certificates for Mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

This amendment affects Section 44-1.2.2 which lists items and information to be included with all proposed uses requiring a Special Permit or Site Plan. It requires proof of notification via certificate for mailing.

52-4.7.2 – ~~Stamped business envelopes addressed to the applicant and~~ Certificates for Mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

This amendment affects Section 52-4.7.2 which lists items and information to be included with all proposed uses requiring a Special Permit or Site Plan. It requires proof of notification via certificate for mailing.

**Staff Comments & Recommendation:** These amendments are administrative updates to the Town of Westport Zoning Regulations. They pose no inter-municipal impacts. SWRPA staff recommends **Approval of Referral No. 08-29** to the Westport Planning & Zoning Commission.

#### **Referral No. 08-30 – Subdivision, Norwalk & Westport**

**Referrer:** Westport Planning & Zoning  
**Applicant:** Westport Department of Public Works

**Received:** April 15, 2008  
**Hearing:** May 15, 2008  
**Contact:** Michelle Frye  
**Authority:** 8-26b

**Proposal:** Applicant is requesting to subdivide an existing 1.09 acre lot into two lots which areas of 0.96 acre and 0.049 acre to allow the construction of a town-owned and operated sanitary sewer pump station which will allow for the extension of sanitary sewer service to the Saugatuck Shores area.

**Description:** The existing 1.09 acre lot is located at the northwest corner of the intersection of Pequot Dr. and Saugatuck Ave. The lot is located on the border between the City of Norwalk and the Town of Westport with the majority of the area in Norwalk. There is an existing single family dwelling near the center of the lot. This structure and use will remain on the 0.96 acre lot. The new 0.049 lot will be entirely in Westport and will house the pump station.

The Town of Westport has begun the process of entering into a purchase agreement for the 0.049 acre lot. The pump station consists of a 160 sq ft valve house, a wet well and a 550 sq ft paved driveway. The remainder of the lot (891 sq ft) will remain in a natural state. The valve house will house an emergency generator, operating and emergency system controls, valves, piping and electrical equipment. The wet well is the discharge point for both the area's sewage collection system and for the main pump chamber. This effluence will be pumped to the nearest downstream sewer.

The applicant has requested a variance to allow the creation of a lot with an area less than one acre and not meeting the required 150 ft square shape (22,500 sq ft). Variances for setbacks, coverage, landscaping and parking are also forthcoming.

**Staff Comments & Recommendation:** This subdivision involves two neighboring communities and includes the construction of a public utility. This development does appear to pose inter-municipal impacts. SWRPA staff **recommends Approval of Referral No. 08-30** to the Westport Planning & Zoning Commission subject to appropriate notification to the City of Norwalk.

### **Referral No. 08-31 – Rezoning, Norwalk**

**Referrer:** Norwalk Zoning Commission

**Applicant:** Norwalk Zoning Commission

**Received:** April 16, 2008

**Hearing:** May 21, 2008

**Contact:** Dori Wilson

**Authority:** 8-3b

**Proposal:** Applicant is requesting to create a new zoning district classification, the Silvermine Tavern Village District, within the Norwalk Building Zone Regulations and amend the Zone Map accordingly.

**Description:** The zone change would affect four existing residential lots. The lots are located at 192-194 Perry Ave./Silvermine Ave & 1 River Rd. in Norwalk. The three northern-most lots are currently zoned A Residence and the single southern-most lot is currently zoned AA Residence; both are single family residence districts requiring minimum lot sizes of 21,780 sq ft (0.5 acre) and 12,500 sq ft (0.29 acre), respectively. The newly created zone is located in the northwestern corner of the City of Norwalk and is in close proximity to the neighboring Towns of Wilton to the north and New Canaan to the west.

The stated purpose and intent of this zone is: “to ensure that the unique character of this district is maintained for future generations in accordance with Connecticut General Statutes Section 8-2j Village Districts and to provide for the existing uses and structures to be maintained, including inns, restaurants, country stores and other compatible uses which will meet existing and future needs within the district. The provisions of this zone are intended to preserve and enhance the character of the Silvermine Tavern Village District by encouraging the preservation of existing buildings of unique historical and architectural value and assuring that any new structures and uses will be in keeping with the established character of the area. The district is also intended to preserve public access to and along the waterfront including visual access, which shall be retained or provided as part of all new development”.

The new district utilizes use restrictions and design guidelines as the mechanisms for achieving its stated purpose and intent.

**Staff Comments & Recommendation:** This rezoning involves lots entirely within Norwalk, but that are very near the neighboring Towns of Wilton and New Canaan. Considering this, the rezoning does appear to pose inter-municipal impacts. SWRPA staff **recommends Approval of**

**Referral No. 08-31** to the Norwalk Zoning Commission subject to appropriate notification to the Towns of Wilton and New Canaan.

**Referral No. 08-32 – Text Amendment, Zoning Regulations, Stamford**

**Referrer:** Stamford Zoning Board – Land Use Bureau

**Applicant:** Sandak Hennessey & Greco, LLP

**Received:** April 22, 2008

**Hearing:** June 2, 2008

**Contact:** Norman Cole

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Section 7-Q of the Stamford Zoning Regulations regarding open space requirements for residential developments creating more than ten dwelling units within the R-5 Multiple Family Residence District.

**Description:** The underlined text represents new language to be added.

There shall be provided on every lot developed in whole or in part for residential use in the case of any building in the R-5 Multiple Family Residence District providing for more than ten (10) dwelling units therein, the following required areas of usable open space for each dwelling in said Districts: Required minimum usable open space - two hundred (200) square feet per dwelling unit; no such space shall have a smaller linear dimension than twenty-five feet (25'). There shall be provided on every lot developed in whole or in part for residential use in the case of any building in the R-MF Multiple Family Residence District, Commercial or Industrial Districts providing for more than twenty (20) dwelling units therein, the following required areas of usable open space for each dwelling in said Districts: Required minimum usable open space - seventy-five (75) square feet per dwelling unit; no such space shall have a smaller linear dimension than fifteen feet (15').

Flat roof and balcony space may qualify for required usable open space, except that child play areas on roof top or balconies shall not be computed in required space for play areas for pre-school children, unless otherwise permitted in a commercial, industrial or mixed use district by Special Exception granted by the Zoning Board. Such Special Exception may be granted upon a finding by the Zoning Board that the design, site or location of the development render child play areas at grade undesirable or unsafe and the child play areas can be provided at an alternative location within the development or off-site within a reasonable distance of the development, or be satisfied by a payment in lieu of providing the child play area onsite. In the event the child play area is located off-site, the location as proposed shall be subject to Zoning Board approval. Any payment in lieu shall be subject to Zoning Board approval, but shall not be less than the cost of providing the child play area on site. Further, where a development is to be constructed in phases, the Zoning Board, by special exception, may permit the total open space requirements for the entire phased development to be met on one or more lots therein for the remaining lots, provided that: (a) each building within the phased development is located not more than fifty (50') feet from some portion of the open space being used to meet its open space requirements; (b) during all stages of the phased development, the open space requirements of this Section 7Q are met; and (c) necessary easements or covenants are recorded on the Stamford Land Records to insure perpetual access, use and maintenance of any shared open space improvements. The minimum dimensions of any balcony to

be included in and qualify for required usable open space shall be four feet (4'), six inches (6"), and any open space as provided on roofs and balconies must meet municipal safety regulations to qualify. (205-33)

This change allows the developer to locate child play area(s) off-site or submit a payment in lieu of constructing them at all. Both actions are subject to Zoning Board approval. Section 2.3.A.70 – Open Space, Usable states: "...not less than one-half (1/2) of required usable open space shall be provided for play areas suitable for pre-school children in the R-5 Multiple Family Residence Districts, and not less than one-third (1/3) of required usable open space shall be provided for play areas suitable for pre-school children in any R-MF Multiple Family Residence District, Commercial District or Industrial District wherein residential use is permitted..." Thus, upon adoption of proposed changes, the open space requirement in the R-5 District may be reduced by up to 50% via a payment in lieu.

**Staff Comments & Recommendation:** The proposed changes significantly reduce the amount of usable open space required in the R-5 Districts which could lead to increased densities within the district. Giving developers the option to submit a payment in lieu of creating child play areas reduces the likelihood that new child play areas will be created in Stamford. Limiting children's access to play areas or any type of recreational facilities has a direct negative impact on the community's general health, safety and welfare. Numerous R-5 Districts abut the Towns of Greenwich to the west and Darien to the east. Considering this, the proposed amendment does pose inter-municipal impacts. SWRPA staff **does not recommend Approval of Referral No. 08-32** to the Stamford Zoning Board – Land Use Bureau.

### **Referral No. 08-33 – Text Amendment, Zoning Regulations, Darien**

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Darien Planning & Zoning Commission

**Received:** April 24, 2008

**Hearing:** May 27, 2008

**Contact:** Jeremy Ginsburg

**Authority:** 8-3b

**Proposal:** Applicant is requesting to add new Section 580 – Inclusionary Zoning to the Darien Zoning Regulations.

**Description:** The new regulations are intended to encourage the development of below market rate dwelling units and are in line with Section 8-2i of the Connecticut General Statutes. These regulations apply to all zoning district classifications in which residential uses are permitted.

Developments of multi-family dwelling units (no minimum number of dwelling units) and single-family subdivisions resulting in five or more lots shall designate a minimum of 12% of the dwelling units as below market rate. Of the designated below market rate units, half shall be affordable to households with incomes equal to or less than 80% of the *State* Median Income. The remaining below market rate units shall be affordable to households with incomes equal to or less than 110% of the *Area* Median Income for the Metropolitan Statistical Area (MSA) surrounding Darien. Currently, the State Median Household Income is \$82,100 and the Area Median Income for Darien

is \$117,800. This means that under the new regulations, half of the required below market rate units shall be made available at \$65,680 and the remainder can be at \$129,580.

These regulations may be satisfied by: providing the units within the subject development; providing them at another location, but within Darien; paying a fee in lieu of creating them at all; or through a combination of these alternatives.

Multi-family developments subject to these regulations, may be eligible for an increase in permitted density of up to 50% greater than otherwise permitted. To be eligible, at least 25% of the resulting incentive units are designated as below market rate units. The Commission must also determine that the density bonus does not adversely affect the health, safety and welfare of the community. The density bonus may be realized via waivers approved by the commission. These waivers may include: reduction of recreational or open space requirements; reduction of minimum yard requirements; increase of maximum building coverage; reduction of parking requirements; and/or increase of maximum height to three stories.

The below market rate units shall be made available to eligible households in the following priority order:

1. Those who live and work in Darien and provide volunteer emergency/life savings services for Darien residents;
2. Those who are employed by the Darien or the Darien Public Schools system;
3. Those who live and work in Darien;
4. Those who work in Darien;
5. Those who previously lived for at least one year in Darien and wish to return;
6. All other individuals or families.

Additional regulations require that below market rate units provided on-site shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and shall be indistinguishable from market rate units with respect to the exterior finishes, including landscaping, but interiors may include standard finishes and need not be of "luxury" quality. The units shall also be developed simultaneously with the market rate units.

The below market rate units shall include deed restrictions ensuring their affordability that extend for 40 years or the life of the unit, whichever is greater.

**Staff Comments & Recommendation:** Section 580 – Inclusionary Zoning promotes the development of affordable housing units in a manner that directly benefits the Town's employees and residents; indirectly benefits the region as a whole; and meets the requirements of Section 8-2i of the Connecticut General Statutes. Affordability issues have plagued the region for many years. This proposal is a positive step to addressing the problem. SWRPA staff recommends **Approval of Referral No. 08-33** to the Darien Planning & Zoning Commission.

#### **Referral No. 08-34 – Text Amendment, Zoning Regulations, Darien**

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Gleason & Associates

**Received:** April 25, 2008

**Hearing:** May 27, 2008  
**Contact:** Jeremy Ginsburg  
**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Section 570 – Designed Community Residential Zone (DCR) of the Darien Zoning Regulations.

**Description:** The changes to Section 570 are proposed to encourage Transit Oriented Development (TOD) defined as: “development close to mass transit infrastructure and shopping and services...” The DCR is an overlay zone which allows uses permitted in the underlying R-1, R-1/2 or R-1/3 zones. Multi-family dwellings and related accessory buildings, structures and uses are permitted via Special Permit. The table below illustrates the differences in requirements for traditional and TOD developments within the DCR overlay zone.

	<b>Traditional</b>	<b>TOD</b>
Minimum Lot Area	10 acres	1.2 acres
Minimum Lot Frontage	200 ft	200 ft
Minimum Lot Width (avg)	200 ft	200 ft
Minimum Lot Depth (avg)	200 ft	200 ft
Minimum Front Yard	50 ft	25 ft
Minimum Side Yard	25 ft	15 ft
Minimum Rear Yard	25 ft	15 ft
Maximum Height	2.5 stories or 28 ft	2.5 stories or 28 ft
Maximum Building Coverage	20%	25%
Maximum Average Floor Area of Dwelling Units	3,900 sq ft	2,900 sq ft
Maximum Dwelling Units/Building	4	1
Maximum Average Building Size	16,000 sq ft	2,900 sq ft

TOD developments would be restricted to sites in the R-1/3 or R-1/5 zones; with frontage on West Avenue; and within 1,500 ft of a train station platform. Additionally, TOD sites shall satisfy below market rate (BMR) requirements similar to those proposed in Referral No. 08-33, the primary difference being that, whereas Section 570 requires 12% BMR units, the TOD BMR requirement is 20%. The maximum allowable density for TOD developments in the DCR zone is up to seven units/net acre.

**Staff Comments & Recommendation:** Locating higher density developments proximate to mass transit infrastructure directly benefits the Town’s employees and residents and indirectly benefits the region as a whole. However, these amendments affect zoning districts within a close distance to the neighboring City of Stamford. Considering this, the rezoning does appear to pose inter-municipal impacts. SWRPA staff **recommends Approval of Referral No. 08-34** to the Darien Planning & Zoning Commission subject to appropriate notification to the City of Stamford.

\* SWRPA comments are advisory in nature and are meant to augment the referring community's own analysis of the application and in no way serve as a substitute. Whereas SWRPA comments evaluate conformity with the Regional Plan of Conservation & Development and may include additional observations, final recommendations of 'recommends Approval' or 'does not recommend Approval' are based exclusively on SWRPA's determination of whether or not inter-municipal impacts are anticipated.

**Follow-Up of Previous Referrals**

None

**Other Business**

None