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REPORT OF THE REFERRALS COMMITTEE

October 28, 2008

Committee Chairman Jack Halpert called the meeting to order at 2:10 p.m. Also in attendance were Committee members Bob Byrnes, Paul Settelmeyer, Nathan Snyder, Michael Stashower, Margaret Wirtenberg and Robert Young. 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 2:55 p.m.:

Referral No. 08-56 – Rezoning, Greenwich

Referrer: Greenwich Planning and Zoning – Land Use Department

Applicant: Dougherty, Dougherty & Vecchiolla, LLC

Received: October 20, 2008

Hearing: November 25, 2008

Contact: Marek Kozikowski

Authority: 8-3b

Proposal: Rezone 23 lots within the Angelus Drive Subdivision from 1 Acre Residence (RA-1) to Single Family Residence 12,000 square feet (RA-12).

Description: The properties included in the rezoning application are located along Angelus Drive which accesses Glenville Street west of Riversville Road. The application is brought forth by a petition of owners. The owners are seeking to rezone their properties from RA-1 to RA-12 because under the RA-1 zoning district most of their lots are nonconforming which makes it difficult to make improvements without seeking variances from items such as floor area ratio (FAR), lot coverage, setback, height and other requirements. Ten of the lots included in the rezoning have areas less than 12,000 square feet.

Staff Comments & Recommendation: The proposed rezoning affects lots which are not within 500 feet of a neighboring municipality. All but one of the lots are already developed. The changes sought by the proposed rezoning do not pose adverse inter-municipal impacts.

Referral No. 08-57 – Text Amendment, Zoning Regulations, Greenwich

Referrer: Greenwich Planning & Zoning – Land Use Department

Applicant: Greenwich Planning & Zoning – Land Use Department

Received: October 20, 2008
Hearing: November 25, 2008
Contact: Marek Kozikowski
Authority: 8-3b

Proposal: Multiple text amendments to the Greenwich Building Zone Regulations. The amendments affect the following Sections and subsections:

- 6-157 Commercial Loading Areas
- 6-100 Use Group for Business Zones
- 6-5(a) Definitions
- 6-144 Accessory Buildings in Residential Zones

Description: The first proposed amendment adds *Subsection C* to *Section 6-157 Commercial Loading Areas* to restrict vehicle off- and on-loading to the properties of automotive dealerships (not in streets, rights-of-way or neighboring properties).

The second clarifies the undefined term “eating establishment” within Use Group 1 by equating it with the defined terms “restaurant” and “retail food store”. It also adds “eating establishment” to Use Group 7b which defines “sidewalk outdoor dining facilities”. These changes would permit outdoor dining in the Waterfront Business (WB) zone.

The third adds definitions for the terms “bank” and “bank drive-in”. The new definitions read as follows:

Bank shall mean any business that primarily provides person to person retail banking services including cash deposits and withdrawals using tellers and secondarily other banking services including personal business and mortgage loans and other financial services and is licensed as a bank by the Connecticut Department of Banking.

Bank Drive-in shall mean any physical structure, manned or non-manned (automated teller machine), where retail banking services and related financial business is transacted from within one’s vehicle. A Bank Drive-in is permitted as an accessory use only to a principle Bank use and structures on the same site. The terms drive-in, drive-up and drive thru, and similar variations shall be synonymous.

The fourth adds a definition for the term “carport”. The new definition reads as follows:

Carport shall mean an enclosed structure or portion of a structure for use as a covered parking area. If the carport is part of a principal structure it may have one (1) or two (2) walls in common with that structure. If the carport is an accessory structure it may not have any walls. Garage doors are not permitted in any case. Aesthetic enclosure or required structural columns may not exceed eighteen (18) in width. Lattice screening must have a minimum of fifty percent (50%) of its surface area open.

The fifth amends the definition of Floor Area Ratio (FAR). The new definition reads as follows with added text underlined:

Floor Area Ratio shall mean the ratio of the aggregate Gross Floor Area of all buildings on a lot (including accessory structures having walls and a roof, such as pool houses, sheds, and garages) to the total area of the lot excluding underwater coastal lands as described in Sec. 6-138 and excluding that land over which a right-of-way for a private road exists.

The sixth establishes a minimum distance between primary and accessory use structures and applies the restriction to commercial and residential zones. The changes are shown below with added text underlined:

Section 6-144 Accessory Buildings in Residential and Commercial Zones.

6-144 (a) Accessory buildings in Commercial and Residential zones shall not exceed a height of twenty-five (25) feet and must be at least five (5) feet from another structure.

Staff Comments & Recommendation: The changes sought by these amendments are primarily administrative and in the case of the first and last, further restrict uses to reduce impact and do not pose adverse inter-municipal impacts.

Referral No. 08-58 – Text Amendment, Subdivision Regulations, Norwalk

Referrer: Norwalk Planning Commission

Applicant: Norwalk Planning Commission

Received: October 21, 2008

Hearing: November 12, 2008

Contact: Frank Strauch

Authority: 8-3b

Proposal: Revisions to the Norwalk Subdivision and Resubdivision Regulations.

Description: The revisions include:

- Format and design updates (font, logo, image, etc.) and text changes.
- The names of Planning Commission, Ex-Officio and Planning Commission Staff members are updated.
- A new definition of the *Connecticut Guidelines for Soil and Erosion and Sediment Control* is added. Throughout, the position of Planning Engineer is replaced with Site Planner.
- Changes to Section 3.38 Shade and Flowering Trees include specifying that shade trees be planted 30 feet apart and flowering trees shall be planted 25 feet apart. Also, the following text is added to the section: Whenever possible, native species shall be used. When near or in proximity to wetlands, native species must be used. Species of shade and flowering trees shall tolerate urban conditions.
- Addition to Section 4.04 (3), which deals with submission of aerial photographs with subdivision/resubdivision applications: Aerial photograph shall have minimal contrast and must be legible. Any aerials deemed illegible will be rejected. No aerials will be accepted from internet sites or search engines such as Google, Yahoo, or Microsoft Live Search Maps.
- Addition to Section 4.06 Application: In addition, a short and concise narrative shall be attached to describe the intent of the applicant to subdivide and gives specific reasons why

the proposed subdivision or resubdivision meets or exceeds both the subdivision/resubdivision and the zoning regulations.

- Change to Appendix C Application for Approval of Subdivision or Resubdivision Map to include lines on the form for applicants' cell phone number and email address and for the total area of proposed subdivision or resubdivision in acres and square feet.
- New Appendix H Surety for Planning Commission Approvals that establishes 100% bond or cash surety and other requirements.

Staff Comments & Recommendation: Considering the proposed changes are administrative in nature and do not affect land use, these amendments do not appear to pose any inter-municipal impacts; however, Norwalk borders Darien, New Canaan, Wilton and Westport. SWRPA recommends notification to the municipalities of the proposed changes.

Referral No. 08-59 – Text Amendment, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning Commission

Applicant: Redniss & Mead, Inc.

Received: October 21, 2008

Hearing: December 4, 2008

Contact: Michelle Frye

Authority: 8-3b

Proposal: Amendments to Section 20 Municipal Housing Zone (MHZ) of the Westport Zoning Regulations.

Description: The sought after changes affect subsection 20-3 Lot Size, Location and Frontage, 20-7 Building Setbacks, 20-11 Parking and Circulation and 20-14 Utilities and are explained to be necessary to facilitate the mixed-income Hale's Court development. The changes are indicated below with text to be removed shown as stricken-through and text to be added shown as underlined:

20-7 Lot Size, Location and Frontage

The lot within the MHZ zone shall consist of a minimum of four (4) acres of land including all land area and public and private rights-of-way that serve land in the MHZ. The lot shall have a minimum of 100 feet on an arterial street or railroad right-of-way.

20-11 Parking and Circulation

The number, location, size and orientation of parking spaces, rights-of-way, service drives, aisle widths, roadway alignments and grades, signage and other design characteristics shall be subject to review and approval by the Planning and Zoning Commission. The Commission shall be guided in its review by the multi-family dwelling unit standards in §34-5 that include a 0.5 space per unit reduction in residential parking except in the case of Senior or Supportive housing. Where applicable, the continued use of existing condition, including ~~existing~~ tandem parking spaces, existing or proposed, shall be allowed...

20-14 Utilities

Storm-drainage facilities shall be provided and shall be designed to achieve a zero impact run-off based on a 25 yr. storm flow and mitigate only the net increase in runoff, subject to the approval of

the Town Engineer. Street culverts and bridges shall be designed for a 100-yr. storm flow, if required by the Town Engineer.

Staff Comments & Recommendation: There is only one instance of the MHZ zoning district in Westport. This is the Hale's Court development south of I-95, roughly at the midway point between exits Nos. 17 and 18. The district is not in proximity to any of the neighboring municipalities. As such, the changes sought by these amendments to not appear to pose any inter-municipal impacts.

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¹ 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.