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REPORT OF THE REFERRALS COMMITTEE

January 26, 2009

Committee Chairman Jack Halpert called the meeting to order at 2:00 p.m. Also in attendance were Committee members Mr. Robert Byrnes, Dr. Margaret Wirtenberg and Mr. 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 3:10 p.m.:

Referral No. 09-01 – Text Amendment, Zoning Regulations, Darien

Referrer: Darien Planning & Zoning Commission
Applicant: 333 West Avenue Associates, LLC.

Received: December 26, 2008
Hearing: January 27, 2009
Contact: Jeremy Ginsberg
Authority: 8-3b

Proposal: Amendments to add a new Section 1052 and amend existing Section 404 to the Darien Zoning Regulations.

Description: The text to be added to Article IV – Residential Zone Regulations, Section 400. Residential Zones, subsection 404. Principal Uses Requiring Special Permits is underlined; no text is removed:

j. Single-Family Open Space Development in accordance with the provisions of Subsection 1052.

This amendment adds the use Single-Family Open Space Development to subsection 404. Principal Uses Requiring Special Permits.

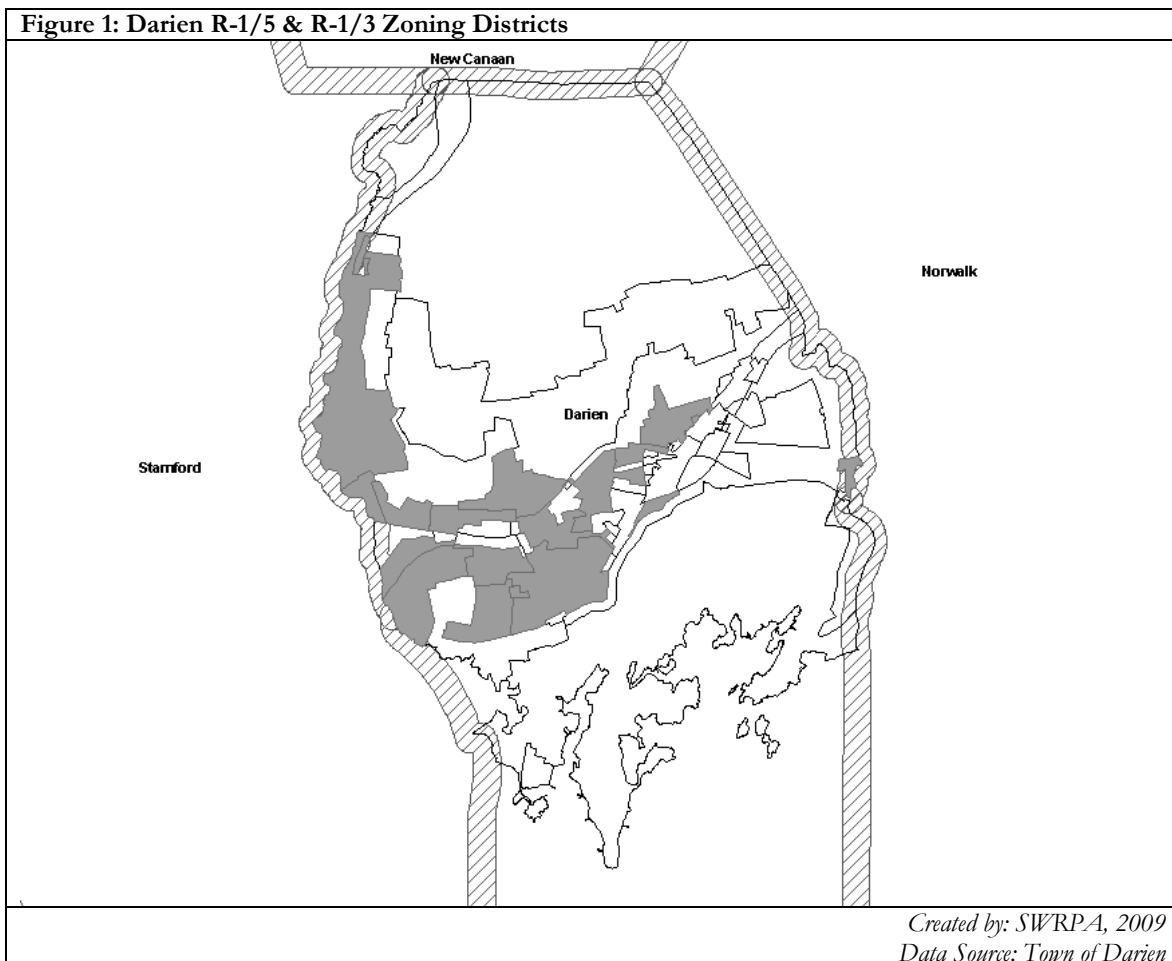
The language of the proposed new Subsection 1052 is attached. The new subsection contains requirements pertaining to Single-Family Open Space Development uses with regard to:

- Background and Purposes
- Area and Bulk Requirements
- Open Space
- Lot to be Served by Public Water and Public Sewerage Facilities

- Off-street Parking, Loading and Vehicular Access
- Landscaping, Screening, and Buffer Areas
- Architectural Design and Review

The proposed new Subsection 1052 only applies to the R-1/5 and R-1/3 Residential Zones in accordance with the Area and Bulk Requirements of Subsection 406 (attached). The purpose of the new Subsection is to permit development of more than one single-family residence on a single lot in order to enable “cluster development” that preserves open space while allowing theoretical densities of existing zones to apply. The densities of the underlying R-1/5 (3 du/ac) and R-1/3 (5 du/ac) zones is not increased by this amendment.

Staff Comments & Recommendation: The proposed amendments affect property within the R-1/5 and R-1/3 zoning districts in the Town of Darien. The map below shows the zoning districts with the R-1/5 and R-1/3 zones in dark gray. The hatched buffer represents the statutory 500 ft. demarcation.



There is land zoned R-1/5 and/or R-1/3 that is within 500 ft. of Stamford and Norwalk. While the proposed amendments don't increase theoretical densities, by giving developers the ability to eschew the subdivision process and develop multiple dwelling units on single parcels, the changes sought by the amendments remove existing barriers to development with regard to frontage and access

requirements. As such, these changes very realistically create the ability develop more units than currently feasible. As the above *Figure 1* illustrates, the R-1/5 and R-1/3 zoning districts cover a significant percentage of land in Darien and especially along the Town's border with Stamford. The Committee expressed its concern that permitting an increase in the intensity of land use may not comply with the Regional or Town Plans of Conservation and Development. Considering these points, the changes sought by the proposed amendment do appear to pose inter-municipal impacts. SWRPA recommends Darien notify Stamford and Norwalk of the proposed amendments and withhold action until these neighboring communities express approval.

Referral No. 09-02 – Text Amendments, Zoning Regulations, Darien

Referrer: Darien Planning & Zoning Commission

Applicant: Darien Planning & Zoning Commission

Received: December 26, 2008

Hearing: January 27, 2009

Contact: Jeremy Ginsberg

Authority: 8-3b

Proposal: Amendments to add a new Section 880 and amend existing Article IV, Section I to the Darien Zoning Regulations.

Description: The text to be added to Article IV – Residential Zone Regulations, Section I is underlined; no text is removed:

8. All subdivisions shall comply with the requirements for Stormwater management as outlined within Section 880 et. seq. of the Darien Zoning Regulations.

This amendment requires that all subdivisions comply with the requirements of the proposed Section 880 – Stormwater Management.

The language of the proposed new Section 808 – Stormwater Management is attached. The new section defines stormwater management as: the practice of controlling the discharge of stormwater from a site such that the quantity of flow does not exacerbate downstream flooding conditions, erosion conditions, or result in a cumulative adverse impact on properties proximate to, or downstream from the site, while managing and discharging the stormwater runoff in a manner than mitigates impacts to water quality. The proposed language also establishes conditions in which developments are required to submit stormwater management plans with site plan applications; which include:

- Construction or reconstruction of 1,000 square feet or more of impervious surface; or
- Submission of any application is subject to review and action by one or more of the local land use boards (Planning & Zoning Commission, Zoning Board of Appeals, Environmental Protection Commission); or
- Submission of an application for the demolition and reconstruction or replacement of an existing residential dwelling.

The regulations outline the components of said required stormwater management plans and what documents must be submitted with the applicable development applications.

Staff Comments & Recommendation: The proposed amendments potentially affect all property in the Town of Darien. However, the changes sought affect the application process and not land use. They are meant to increase the level of stormwater management and mitigate surface water runoff. Considering this, the changes sought by the proposed amendment do not appear to pose inter-municipal impacts.

Referral No. 09-03 – Text Amendments, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board – Land Use Bureau

Applicant: Rick Redniss

Received: December 29, 2008

Hearing: January 26, 2009

Contact: Norman Cole

Authority: 8-3b

Proposal: Revised amendments to Article III, Section 7-R of the Stamford Zoning Regulations.

Description: This referral represents the third iteration of proposed amendments to Section 7-R. The proposed changes are attached. The amendments are explained as intended to enable the successful development of affordable housing as part of the Vidal Court development. The cover letter accompanying the application explains that the text has been revised again to address the following issues raised at the most recent public hearing:

- Specification that the density may reach the maximum allowed by the underlying Master Plan category;
- Noting that depending upon circumstances of design, funding, and other site-specific factors, the reduction or waiving of any on-site open space requirement may be linked to capital and/or operating contribution(s) to Lione Park;
- Adding language to permit increases in building height up to 3, 4 and 5 stories in the RM-1, R-5 and R-MF zones respectively;
- Revised the ability to achieve a five foot front yard setback to accommodate ground floor retail at the discretion of the Zoning Board; and
- Clarification that any internal property line must be required and strengthening of controls to ensure this.

Staff Comments & Recommendation: Whereas the previous proposed amendments affected property in the R-5 and R-MF zoning districts in Stamford, the new revisions now include the RM-1, R-5 and R-MF districts. The map below shows the zoning districts with the RM-1, R-5 and RM-F zones in dark gray. The hatched buffer represents the statutory 500 ft. demarcation.

Figure 1: Stamford RM-1, R-5 and RM-F Zoning Districts



The previous proposed amendments created flexibility with regard to density, open space, building height and building front yard setback requirements and allow subdivision of a conforming lot into separate non-conforming lots. The Agency expressed its concern that reductions in open space stand to increase densities. A park in those towns could be counted as open space under this regulation. The Committee feels that these amendments create an obstacle to creating new additional open space henceforth in Stamford and don't fairly consider the contributions of past developers that have contributed to the creation of open space under previous or existing regulations. The committee also feels that allowing open space meant to serve as recreation area for children to be developed off site, increasing children's interactions with automobile traffic, is an unsafe practice and should not be promoted under any circumstances. Additionally, the changes sought apply to three zoning districts and considerable parcels of land. Increasing allowable densities for such a great amount of land increases concern over surface water runoff issues. Considering these points, the changes sought by the proposed amendment do appear to pose inter-municipal impacts. SWRPA recommends Stamford notify Greenwich and Darien of the proposed amendments and withhold action until these neighboring communities express approval.

Referral No. 09-04 – Text Amendments, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning Commission

Applicant: Westport Housing Authority c/o Rick Redniss

Received: January 13, 2009
Hearing: February 5, 2009
Contact: Michelle Frye
Authority: 8-3b

Proposal: Revised amendments to Section 20 of the Westport Zoning Regulations.

Description: The proposed changes are attached. The combined effects of the new changes are to:

- Require that the units be rented to persons whose incomes do not exceed 60% of the area median income (AMI);
- Clarify the lot area for density purposes;
- Increase the density from 6 to 8 dwelling units per acre;
- Increase the allowable bedrooms from 12 to 15 per acre;
- Increase the maximum floor area to 6,000 sq. ft.; and
- Allow new at grade patios within the setback.

The changes are sought to facilitate the redevelopment of the Hales Court affordable mixed-income residential development. The changes only affect the Municipal Housing Zone (MHZ).

Staff Comments & Recommendation: The revised amendments facilitate a greater mixture of affordability amongst proposed units, while maintaining the development's conceivable eligibility for Stated-issued moratoria points. They also increase the maximum allowable dwelling unit and bedroom densities within the Municipal Housing Zone (MHZ). However, 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.

Referral No. 09-05 – Text Amendments, Zoning Regulations, Weston

Referrer: Weston Planning & Zoning Commission
Applicant: Weston Planning & Zoning Commission

Received: December 22, 2008
Hearing: January 26, 2009
Contact: Tracy Kulikowski
Authority: 8-3b

Proposal: Amendment to add a new Section 321.8 to the Weston Zoning Regulations.

Description: The proposed addition is shown below. All text to be added is underline; no text is to be removed:

321.8 Zero Increase in Rates of Runoff and Erosion

- a. a. The construction or modification of a Building where the footprint increases more than 250 square feet shall be planned so that there will be no increase in the volume of runoff, no increase in the speed of stormwater discharge, no material change in the direction of run-off and no

increase in natural or pre-existing rate of soil erosion on the site under conditions of the fifty year design storm.

- b. Storm runoff calculations made by a Professional Engineer licensed by the State of Connecticut shall be based on full development of the entire site and must conform to standard criteria adopted by the Commission and available at the office of the Town Engineer.
- c. Zero incremental runoff shall be accomplished by appropriate water retention or infiltration systems designed to achieve a gradual, controlled and dispersed storm water release by such means as leaving open space in its natural state, vegetated swales, retention/detention basins, dry wells, diversion reservoirs, or permeable driveways or other systems designed in accordance with good engineering practices and sound environmental and conservation objectives.
- d. The criteria of 321.8.a. will be considered satisfied where all water running off the roof of the building is delivered into leaders that drain directly into infiltration rechargers and where said rechargers have the capability to process all delivered water without causing runoff.

Definition

Zero Incremental Runoff: The principle of detaining stormwater runoff on a site, through natural or artificial means, to achieve a speed, volume and direction of stormwater discharge from the site which will be no greater or different after site development than the maximum speed, volume and direction of stormwater discharge prior to development.

Staff Comments & Recommendation: The proposed amendments potentially affect all property in the Town of Weston, but are meant solely to increase the level of stormwater management and mitigate surface water runoff. Considering this, the changes sought by the proposed amendment do not appear to pose inter-municipal impacts.

Follow-Up of Previous Referrals

Referral No. 08-69 – Text Amendment, Zoning Regulations, Norwalk

Proposal: Amendment to multiple sections of the Norwalk Zoning Regulations to establish a two story minimum building height in certain commercial zoning districts. There is land zoned B-1 and B-2 that is within 500 ft. of Darien, Wilton and Westport. Considering this, the change sought by the proposed amendment (required two story minimum building height) may pose inter-municipal impacts. SWRPA recommends notification to these Towns.

In a letter to Norwalk regarding this proposed amendment, the Town of Westport states: “The amendment, if adopted, will pose no inter-municipal concerns; therefore the Town of Westport has no comments.”

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.