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## **REPORT OF THE REFERRALS COMMITTEE**

February 24, 2009

Committee Chairman Jack Halpert called the meeting to order at 3:00 p.m. Also in attendance were Committee members Mr. Robert Byrnes, Mrs. Amy Harris, Mr. Nathan Snyder, Mr. Michael Stashower, 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 4:12 p.m.:

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### **Referral No. 09-06 – Text Amendment, Zoning Regulations, Weston**

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

**Received:** January 30, 2009  
**Hearing:** March 16, 2009  
**Contact:** Tracy Kulikowski  
**Authority:** 8-3b

**Proposal:** Amendments to add new Sections 415, 416, 417 and amend existing Section 422 of the Weston Zoning Regulations.

**Description:** The text to be added to Article IV – Administration and Enforcement, Sections 415, 416 and 417 is underlined; no text is removed:

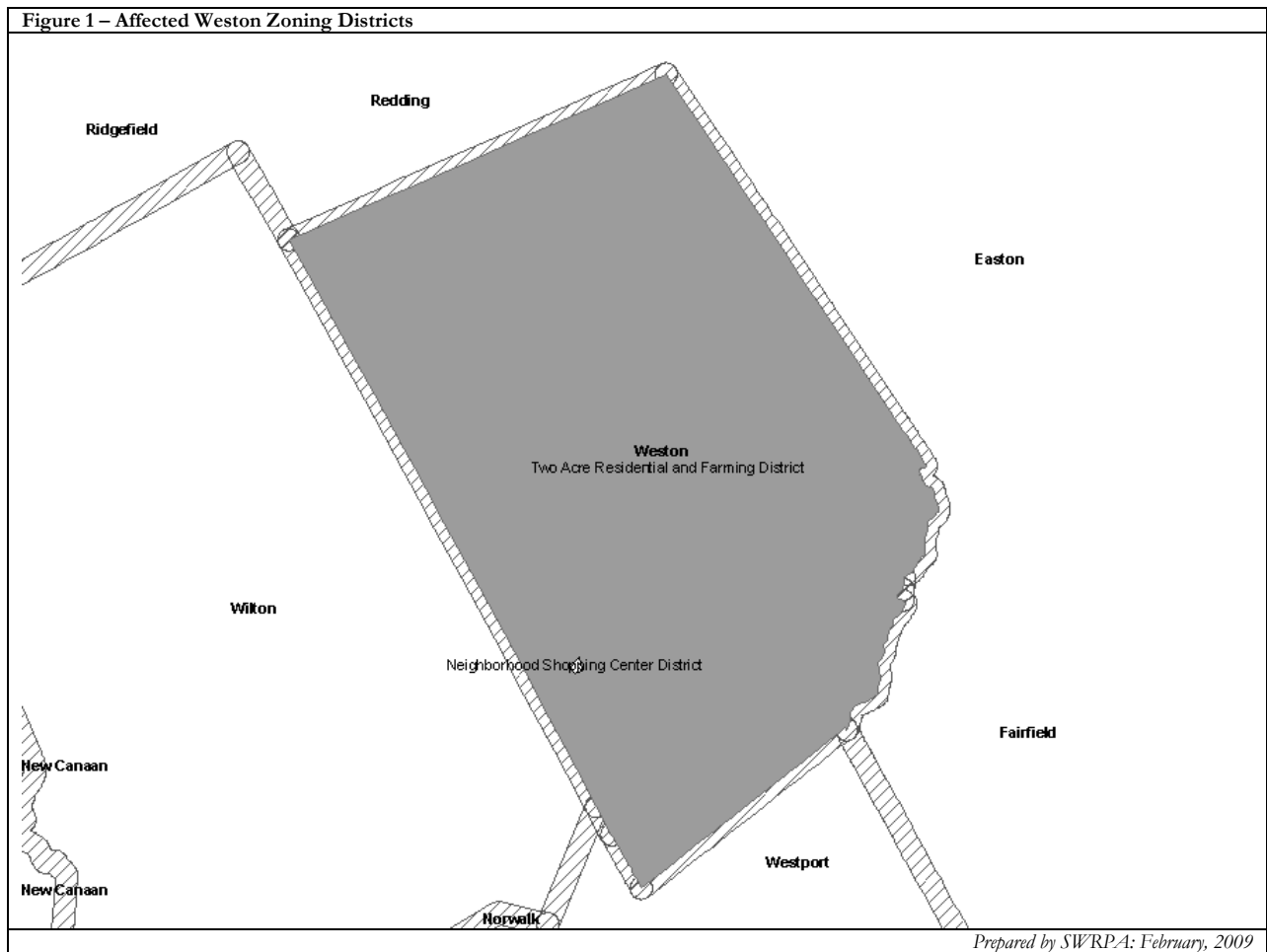
415. The requirements of Sections 410.2 and 411 shall be waived for alteration of an existing structure which alteration does not include installation of any additional foundation, footing, slab, or pier and does not increase coverage of the lot.
416. The requirements of Sections 410.2 and 411 may be waived, in the discretion of the Commission (exercised by the Zoning Enforcement Officer when applicable), for installation of a terrace, uncovered deck, children’s play set, generator, or HVAC compressor, where such improvement is clearly and demonstrably outside of any applicable setback and where lot coverage following the installation will be clearly and demonstrably below the maximum. A detailed memorandum setting forth the basis for any waiver shall be included in the file.

417. In the event an alteration of installation is completed without a survey as permitted pursuant to Sections 415 and 416 above, a limited certificate of zoning compliance (confirming compliance of the alteration or installation only, rather than compliance of the entire lot) shall be issued in lieu of a certificate of zoning compliance.

The text to be added to Article IV – Administration and Enforcement, Section 422 is underlined; text to be removed is stricken-through:

422. Application for a certificate of Zoning Compliance shall be made on forms provided by the Town. Each such application shall be accompanied by a fee in an amount to be determined by the Planning & Zoning Commission. Within (10) days of receipt of such application, the Planning & Zoning Commission shall either issue the requested certificate or deny the application, stating the reasons therefore in its records.

**Staff Comments & Recommendation:** The proposed amendments affect all residential uses permitted in the Two Acre Residential and Farming District. This area is shown in grey in *Figure 1* below.



By enabling the requirements of Section 410.2 and 411 to be waived, the proposed additional sections 415, 416, 417 have the effect of allowing an alteration of installation to be individually

completed without submitting a plot plan or survey. When this occurs a limited certificate of zoning compliance may be issued in lieu of the standard certificate of zoning compliance. In order to receive such a waiver, the applicant must be able to demonstrate that the alteration has very limited impact and does not increase lot coverage. The amendment to Section 422 removes the ten day deadline for the Planning & Zoning Commissions to issue or deny an application for a certificate of zoning compliance. While the proposed additional Sections affect all residential land in the Town, including land adjacent to Wilton and Westport, the impact on land use is minimal, thus no inter-municipal impacts are anticipated. The amendment to Section 422 is entirely administrative and does not affect land use. No inter-municipal impacts are anticipated.

**Referral No. 09-07 – Text Amendment, Zoning Regulations, Norwalk**

**Referrer:** Norwalk Zoning Commission

**Applicant:** Norwalk Zoning Commission

**Received:** February 11, 2009

**Hearing:** March 18, 2009

**Contact:** Dori Wilson

**Authority:** 8-3b

**Proposal:** Amendments to Articles 10, 30, 50 and 140 of the Norwalk Building Zone Regulations.

**Description:** The amendments add new definitions to the Building Zone Regulations. The text to be added is underlined; text to be removed is stricken through:

Article 10, Section 118-100 Definitions

MEDICAL OFFICE - An establishment used as an office by a licensed physician, dentist, optometrist or other licensed health care provider which does not include any hospital or ambulatory surgical care facilities as defined by the Connecticut Department of Public Health.

PORTABLE STORAGE CONTAINER – Any container designed for the storage of personal property that is owned or leased by the owners or occupants of the property for storage and is typically delivered and removed by truck trailer.

RESTAURANT, FULL SERVICE – A business establishment which has a full kitchen and whose principal function is the preparation and serving of food to the public for consumption on the premises, where hot meals are regularly served and where the customer consumes such meals while seated at tables or similar sit-down accommodation. Such restaurant may include one (1) bar for serving alcoholic beverages, provided that such bar shall not exceed fifteen (15) feet in length, that the active floor area of the bar shall comprise no more than twenty percent (20%) of the active floor area of the restaurant and that a restaurant permit for such service shall be obtained from the State of Connecticut Department of Liquor Control Board. Café permits shall not be accepted in lieu of restaurant permits.

Article 30 (to the subsection regarding “Accessory uses and structures”

Portable storage container, other than those used during construction for which a valid building permit has been issued, shall be permitted for a maximum period of one (1) month in any calendar year and limited to one (1) such container placed on an individual property at any one time and such container shall not exceed eight (8) feet in height or 160 square feet in size.

The above language is to be added to the appropriate subsections in the following zoning districts:

- 118-310 AAA Residence Zone
- 118-320 AA Residence Zone
- 118-330 A Residence Zone
- 118-340 B Residence Zone
- 118-350 C Residence Zone
- 118-360 D Residence Zone

Article 50, Sections 118-500 East Avenue Village District and 118-501 Washington Street Design District are to be amended to update the use of the definition of “restaurant” to “full service restaurant”.

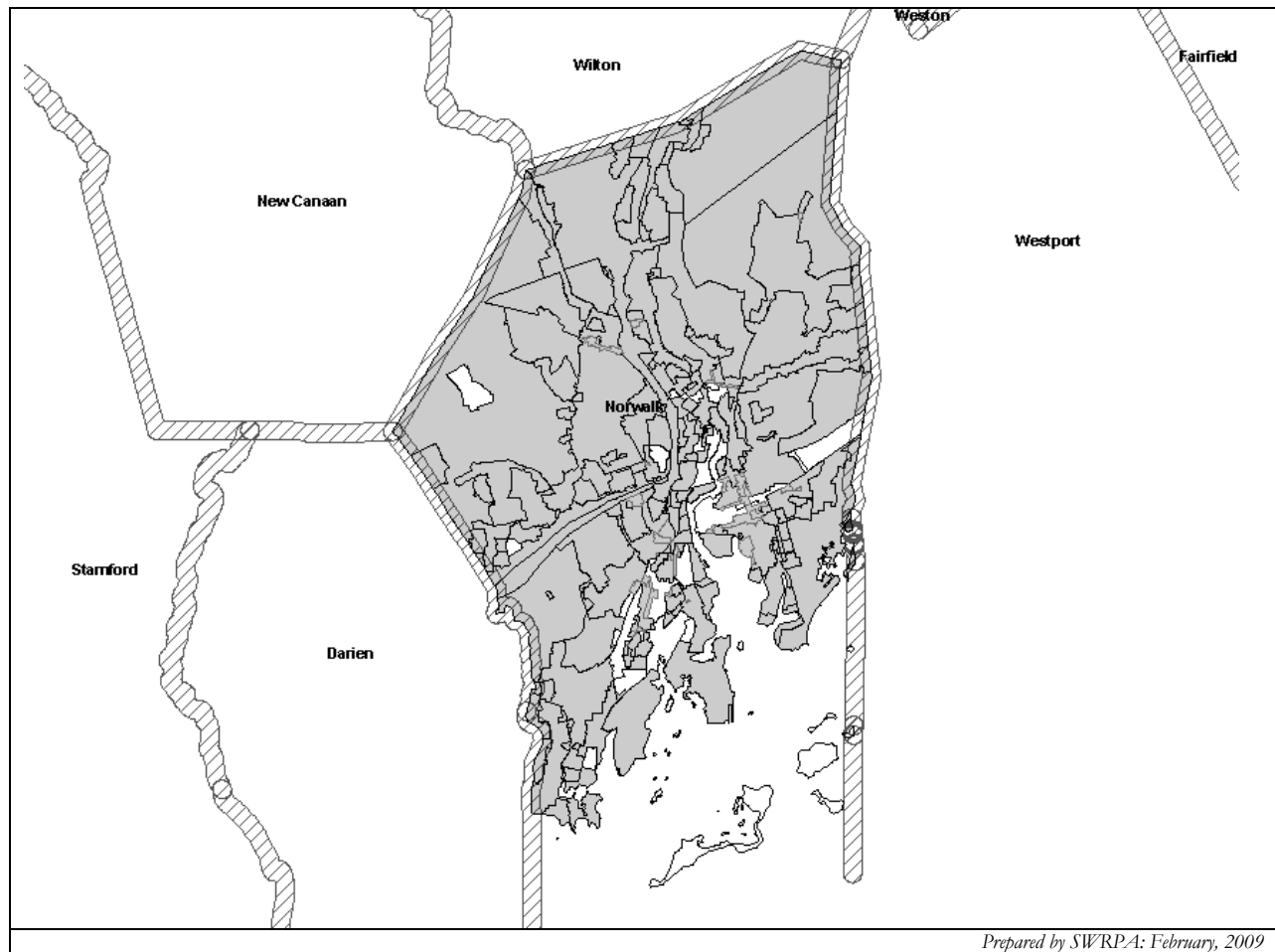
Amend appropriate sections in Article 50 to amend reference to “office” uses to “office, including medical offices” uses.

Article 140, Section 118-1410 Board of Appeals

- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement or decision made by the Zoning Inspector. An appeal from any order, requirement or decision of the Zoning Inspector must be filed at the Office of the Zoning Inspector, in writing, on forms prescribed by the Board, within fifteen (15) days of such order, requirement or decision.

**Staff Comments & Recommendation:** The proposed amendments affect six residential zones and twelve business zones in Norwalk. These are shown in grey in *Figure 2* below.

**Figure 2 – Affected Norwalk Zoning Districts**



The affected zoning districts contain land that lies adjacent to the Towns of Darien, New Canaan, Wilton and Westport. The proposed changes minimally affect land use and encourage slightly more restrictive requirements. The amendments allowing medical offices, in addition to offices, in districts where office uses are already permitted do not appear to create a drastic change in land use. SWRPA recommends notification to the neighboring Towns, but considering these observations, no inter-municipal impacts are anticipated.

**Referral No. 09-08 – Text Amendment, Zoning Regulations, Darien**

**Referrer:** Darien Planning & Zoning Commission  
**Applicant:** Darien Planning & Zoning Commission

**Received:** February 17, 2008  
**Hearing:** March 24, 2009  
**Contact:** Jeremy Ginsberg  
**Authority:** 8-3b

**Proposal:** Amendments to the Darien Zoning Regulations which add a new Section 923.3, re-number subsections in 923, amend Sections 923.4 and 928.11 and amend existing illustration in Subsection 230.

**Description:** The text to be added is underlined; text to be removed is stricken through:

923.3. Blade Signs (See Subsection 230 for illustration.)

Blade signs shall conform to the following standards:

- a. No blade sign shall project more than forty (40) inches from the wall or surface to which it is affixed. In cases of covered porch or walkway, a blade sign may be hung from an overhang.
- b. The maximum total size sign area shall not exceed seven square feet (7 square feet), shall provide a minimum of at least seven (7) feet above the adjacent ground. The top of the blade sign shall be a maximum of twelve feet (12 feet) above the adjacent ground.
- c. In cases where the property does not have any marquee or existing signs that project from the wall of the building, nor a hanging sign, blade signs are permitted. The blade sign(s) shall be in lieu of (not in addition to) the hanging sign or marquee for the property. There may be one blade sign per each ground floor tenant.
- d. The sign may overhang a public sidewalk/street right of way by a maximum of three feet provided the applicant submits written permission from the owner of the affected property (the Town of Darien Board of Selectmen or State of Connecticut Department of Transportation, depending on the owner of the sidewalk/street right of way).
- e. No blade sign shall be internally illuminated.

~~923.3~~ 923.4. Number of Signs

A commercial use may have one wall sign, except as provided by either Subsection 923.1(c) or 923.6. Each commercial use may also have one blade sign in lieu of a hanging sign. If the commercial use shall have the required minimum setback, it may also have one hanging sign, or it may have one blade sign per ground floor tenant. A double-faced hanging sign shall count as one sign.

~~923.4~~ 923.5. Prohibited Signs

~~923.5~~ 923.6. Signs Facing a Public Parking Lot

~~928.11~~ Projecting Signs and Unattached Signs

~~No projecting signs shall be permitted. This shall include signs on marquees and signs mounted on brackets, rods, etc, at right angles to a building. Sandwich signs and other signs not affixed either to a building or the ground in a permanent manner shall be prohibited.~~

**Staff Comments & Recommendation:** The proposed amendments establish design standards for blade signs. They are meant to increase the level of control over these types of projecting signs and do not appear to pose inter-municipal impacts.

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

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Darien Planning & Zoning Commission

**Received:** February 17, 2008

**Hearing:** March 24, 2009

**Contact:** Jeremy Ginsberg

**Authority:** 8-3b

**Proposal:** Revised 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 880 – 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 that 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 revisions to the proposed amendments replace portions of the originally proposed language with citations to the existing Darien Drainage Manual. The proposed revised 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. 09-10 – Text Amendment, Zoning Regulations, Norwalk**

**Referrer:** Norwalk Zoning Commission

**Applicant:** Norwalk Zoning Commission

**Received:** February 18, 2009

**Hearing:** March 18, 2009

**Contact:** Dori Wilson

**Authority:** 8-3b

**Proposal:** Amendments to Articles 111 and 140 of the Norwalk Building Zone Regulations.

**Description:** The amendments add requirements for a new fee to be charged for modification to approved plan (over 6 units; commercial and industrial) revised without prior commission approval. The text to be added is underlined; text to be removed is stricken through:

Article 111, Section 118-1100 Coastal Zone, Subsection B(2) Coastal Site Plans Required, paragraph C.

C. A fee shall accompany the application according to the following schedule:

Proposed Use	Fee
Residential	
1 to 6 dwelling units	\$100.00
Over 6 dwelling units	\$200.00
Commercial	\$400.00
Industrial	\$400.00
<u>Modifications to approved plan (over 6 units; commercial and industrial) revised without prior commission approval</u>	<u>\$1,000.00</u>

Article 140, Section 118-1450 Special Permits, Subsection B.

B. General Procedure.

- (1) An application for a Special Permit shall be filed with the staff of the Zoning Commission and shall be accompanied by a filing fee of three hundred and fifty dollars (\$350). An application for modifications to an approved plan revised without prior commission approval shall be accompanied by a filing fee of one thousand dollars (\$1,000). Legal notice fees shall be the responsibility of the applicant, who shall be billed for the payment of legal notice fees directly by the publisher of such notice. It shall conform to the requirements of these regulations, including those relating to supporting documents, if applicable, and with such requirements as the Commission may prescribe from time to time. The application shall be signed by the applicant and, if the applicant is not the owner, the owner of the property. IF the applicant is unable to obtain the signature of the owner, the applicant may submit a letter of authorization signed by the property owner.

Article 140, Section 118-1451 Site Plan Review, Subsection B General Procedure, Paragraph (2)

- (2) An application for site plan review shall be submitted to the staff of the Commission and shall be accompanied by a filing fee of three hundred and fifty dollars (\$350). An application for modifications to an approved plan revised without prior commission approval shall be accompanied by a filing fee of one thousand dollars (\$1,000). Legal notice fees shall be the responsibility of the applicant, who shall be billed for the payment of legal notice fees directly by the publisher of such notice. The staff shall review the site plan for compliance with the applicable provisions of these regulations.

**Staff Comments & Recommendation:** The proposed amendments establish a new fee and are entirely administrative and do not affect land use. No inter-municipal impacts are anticipated.

**Referral No. 09-11 – Subdivision, Darien**

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Gleason & Associates, LLC

**Received:** February 19, 2009

**Hearing:** March 24, 2009

**Contact:** Jeremy Ginsberg

**Authority:** 8-26b

**Proposal:** Applicants are seeking to raze an existing single-family dwelling for the purpose of subdividing their property and constructing two separate single-family dwellings, one of which will include a recreational swimming pool.

**Description:** The subject property is a 1.08 acre parcel located at 147 Five Mile River Rd. approximately 1,500 ft. south of Davis Ln. and is currently zoned R-1/2 One Family Residential Zone – ½ acre. The applicants are seeking to subdivide this newly created parcel into two parcels and construct on one parcel a single family dwelling and on the other a garage with second story accessory apartments and a swimming pool. These uses are permitted within the R-1/2 zoning district as proposed.

The lots are currently served by on-site septic systems. The new structures will tap into municipal water and sewer. The site doesn't currently utilize stormwater runoff mitigation. Two rain gardens and underground detention galleries are proposed to increase treatment of stormwater runoff. The Environmental Assessment and Coastal Area Management Report, prepared by Environmental Land Solutions, LLC states: "No adverse impacts to the coastal resources or the adjacent watercourse, Butler Island Creek, are anticipated with the proposed site development." The Engineering Summary Report, prepared by Rocco V. D'Andrea, Inc. states: "The proposed design incorporates storm water treatment features to control pollution and all methods represent "Best Management Practices" (BMPs) for controlling pollution from non-point sources as outlined in the Coastal Water Quality Protection Manual developed by the Connecticut Department of Environmental Protection. The use of these techniques and the overall design strategy will result in a project that controls runoff throughout the development so that there will be no adverse impacts to local drainage patterns, adjoining properties, or existing storm drainage systems."

The applicants are proposing the following improvements to the existing private roadway:

- installing a grasscrete hammerhead turnaround at the terminus of the street just before subject parcel
- installing a fire hydrant on the subject property
- widening the road along the subject property and in front of 143 Five Mile River Road

**Staff Comments & Recommendation:** The proposed subdivision appears to incorporate a number of mitigation efforts to limit and reduce the development's impact on the land and its surroundings. No inter-municipal impacts are anticipated as a result of this development.

### **Referral No. 09-12 – Subdivision, Greenwich**

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

**Applicant:** Shemin Nurseries, Inc.

**Received:** February 19, 2009

**Hearing:** March 24, 2009

**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. The applicants made an original application in April, 2008, but withdrew it because the development had not yet received the required Wetlands Permit from the Inland Wetlands and Watercourses Agency. The applicants have since received the Permit. The Conservation Commission also reviewed the application and conducted a site visit.

**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).

**Staff Comments & Recommendation:** The proposed residential dwellings fit the character of the surrounding uses and do not appear to pose inter-municipal impacts.

## Follow-Up of Previous Referrals

### **Referral No. 09-04 Text Amendment, Zoning Regulations, Westport**

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

In a letter to Westport and SWRPA regarding this proposed amendment, the Greater Bridgeport Regional Planning Agency (GBRPA) states: “It was the consensus of the Board that the proposed regulations would not result in any significant regional impacts and would provide the Westport Housing Authority a positive and beneficial opportunity to provide diverse and affordable housing options in the town. The Board voiced its support of the town, its housing authority and nearby residents to determine the appropriateness of the proposed revisions and to rely on the judgment of the Westport Planning and Zoning Commission to address any potential impacts of these revised regulations.”

## Other Business

Raised Bill No. 6466 – An Act Concerning Projects of Regional Significance (attached)

A “smart growth” bill introduced by the State Planning and Development Committee based on the work of Rep. Brendan Sharkey’s Smart Growth Working Group. Rep. Sharkey is the new House Co-chair of Planning and Development, joining longtime Senate Co-chair Sen. Eric Coleman.

The stated purpose of the Act is: “to authorize regional planning agencies to establish a voluntary pre-application review process for projects of regional significance.”

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<sup>1</sup> 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.