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## **REPORT OF THE REFERRALS COMMITTEE**

May 4, 2009

Committee Chairman Jack Halpert called the meeting to order at 2:00 p.m. Also in attendance were Committee members Mr. Robert Byrnes, Ms. Amy Harris, Mr. John Marr, Mr. Paul Settlemeyer, Mr. Nathan Snyder, Mr. Michael Stashower and Dr. Margaret Wirtenberg. 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 3:25 p.m.:

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### **Referral No. 09-17 – Text Amendment, Zoning Regulations, Greenwich**

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

**Applicant:** Heagney, Lennon & Slane, LLP

**Received:** April 9, 2009

**Hearing:** May 12, 2009

**Contact:** Marek Kozikowski

**Authority:** 8-3b

**Proposal:** Amendments to Section 6-194 Location of Alcoholic Establishments of the Greenwich Building Zone Regulations.

**Description:** The intent of the proposal is to exempt establishments with wine and beer permits from the current requirements pertaining to distance between establishments serving alcoholic beverages. Currently, such requirements are 1,000 ft (town-wide) and 400 ft (within the CGBR zone) for buildings where alcoholic beverages are consumed on the premises. Text to be added is underline; text to be removed is stricken-through.

#### Sec. 6-194. LOCATION OF ALCOHOLIC ESTABLISHMENTS (11/17/97)

- (a) Every part of the location of such use in a building in which alcoholic beverages are sold under a package store permit as defined by the Liquor Control Act shall be at least one thousand (1,000) feet distant from any other location of such use.
- (b) Every part of the location of such use in a building in which alcoholic beverages are consumed on the premises shall be (1,000) feet from any other location o such use in a building where alcoholic beverages are consumed on the premises under any class of permit

as defined by the liquor control Act, except for wine and beer or package store or grocery/beer permits.

- (c) In the CGBR zone, the distance shall be at least four hundred (400) feet distant from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit except for wine and beer or package store or grocery/beer permits. Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building. (See Sec. 6-103.1(B)).
- (d) For definitions of tavern, restaurant, café see Liquor Control Act.
- (e) No Café Permits are permitted anywhere. No Club Liquor Licenses are permitted other than for Non-Profit Clubs.

**Staff Comments & Recommendation:** Volume 9, Title 30, Chapter 545 – Intoxicating Liquors (aka “The Liquor Control Act”) of the Connecticut General Statutes does not list a “wine and beer” permit as one that the Department of Consumer Protection issues. The applicant may be referring to one of the following permits issued by the Department:

- Restaurant permit. Wine ordered with restaurant meals.
- Café permit.
- Tavern permit.

The amendment to Subsection 6-194(b) affects all zoning districts which permit the on-premises consumption of alcoholic beverages. The General Business (GB) zoning district is within 500 feet of the Greenwich/Stamford border. SWRPA recommends notification to Stamford of the proposed changes, but no inter-municipal impacts are anticipated.

**Referral No. 09-18 – Text Amendment, Zoning Regulations, Westport**

**Referrer:** Westport Planning & Zoning  
**Applicant:** Westport Planning & Zoning

**Received:** April 1, 2009  
**Hearing:** May 7, 2009  
**Contact:** Michelle Frye  
**Authority:** 8-3b

**Proposal:** Amendments to Sections 11 (AAA Residence District), 12 (Residence AA District), 13 (Residence A District), 32 (Supplementary Use Regulations) and 43 (Special Permit and/or Site Plan Review Procedures) of the Westport Zoning Regulations.

**Description:** The intent of the proposal is to permit the installation and use of lighting on town-owned athletic fields. The sites must be at least 20 acres in size and be served by at least 200 parking spaces. To achieve this, the following amendments are proposed:

- Lighted Athletic Fields on Town Owned Property added as a permitted use in the AAA Residence District (11-2.3.14)
- Permitted height for lighting poles: 80 ft. (11-2.4.8)
- Adding 80 ft. height requirement to Sections 11-5, 12-5 & 13-5

- Subjected to Special Permit and Site Plan approval in accordance with Secs. 43 & 44 (32-19.0)
- Conditions of approval (32-19.4):
  - A) Town owned property, minimum 20 acres, minimum 200 parking spaces
  - B) Minimum 50 ft. setback for lighting structures
  - C) Maximum 80 ft. height for lighting structures
  - D) Designed to avoid light spillage to residential properties
  - E) Lighting must be turned off 30 min. after event and never utilized after 11:00 PM
  - F) Number of annual events may be limited by Commission
- Temporary Zoning Permit required (43-14.3.2)

**Staff Comments & Recommendation:** The applicant has provided a listing of all properties in Westport that would be affected by these changes. They are:

- 260 Compo Rd. South (Longshore Club Park)
- 70 North Ave. (Staples/Bedford)
- 60 Compo Beach Rd. (Compo Beach)
- 65 Easton Rd. (CMS/CES)
- 170 Riverside Ave. (SES/KHES)

None of these locations are near Westport’s borders with Norwalk, Wilton or Weston. No inter-municipal impacts are anticipated due to the adoption of these amendments. The Greater Bridgeport Regional Planning Agency (GBRPA) has also reviewed the proposal and states in a letter to the Westport Planning & Zoning Commission: “It was the consensus of the Board to that the proposed regulations would not result in any significant regional impact and voted to support these changes to the regulation. The decision of the Board was to rely on the judgment of the Westport Planning and Zoning Commission to address any potential impacts of the amended regulations.”

**Referral No. 09-19 – Text Amendment, Zoning Regulations, Westport**

**Referrer:** Westport Planning & Zoning

**Applicant:** Westport Planning & Zoning

**Received:** April 13, 2009

**Hearing:** TBD

**Contact:** Michelle Frye

**Authority:** 8-3b

**Proposal:** Amendment to Section 40 – Dedicated Open Space and Recreation District (DOSRD) of the Westport Zoning Regulations.

**Description:** The proposed changes add the DOSRD #3 classification to the existing DOSRD #1 and DOSRD #2 classifications. Citing the Westport Zoning Regulations:

“The purpose of a Dedicated Open Space and Recreation District #1 is to allow certain open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 is to allow certain parks to be used for active recreation such as playing fields, golf courses, tennis courts, beaches and other active organized sports in developed recreation areas.”

The application states:

“The purpose of a Dedicated Open Space and Recreation District #3 is to allow certain open space park areas to be maintained for passive or non-organized recreation in a completely natural and undeveloped setting. Accordingly, no buildings or structures shall be erected.”

The proposed amendments do not affect the DOSRD #1 or #2 requirements. Strict requirements are proposed for the DOSRD #3, including:

- Only permitted uses: walks, paths, ponds, benches and nature preserves
- No special events would be permitted
- No buildings or structures permitted
- Maximum 0.25 parking spaces per acre

**Staff Comments & Recommendation:** The explicit intent of this proposal is to preserve a 37 acre tract of undeveloped land conveyed to the Town of Westport. The land could only be minimally improved with walks, paths, ponds, benches and/or a nature preserve. No inter-municipal impacts are anticipated due to the adoption of these amendments.

**Referral No. 09-20 – Text Amendment, Zoning Regulations, Weston**

**Referrer:** Weston Office of Land Use Director

**Applicant:** Gerald Lieberman

**Received:** April 14, 2009

**Hearing:** May 4, 2009

**Contact:** Tracy Kulikowski

**Authority:** 8-3b

**Proposal:** Amendments to Sections 321 and 341 of the Weston Zoning Regulations.

**Description:** Two new subsections are proposed; 321.2.q and 341.8 - Office of a Physician and Support Staff. The proposed changes have the affect of adding Office of Physician as a Special Permitted Use in the Two Acre Residential and Farming District zoning district. A copy of the proposed amendments is attached.

The proposed changes include the following requirements:

- Maximum 2 Physicians and 4 Support Staff per use
- Maximum 2,000 sq. ft. floor area for care and treatment of patients
- Building should have outward appearance of a single-family residential dwelling
- Minimum lot area of 3 acres
- Must have frontage or direct access to Major Road, as determined by Planning & Zoning Commission

- Maximum building coverage of 10%
- Maximum lot coverage (building(s) plus parking area(s) of 30%
- Minimum front setback: 100 ft.
- Minimum parking setback: 100 ft. from frontline and 50 ft. from side/back lines
- Minimum number of parking spaces: 2 for each physician, 1 for each support staff
- Buffer zone required: 50 ft. in depth containing vegetation and/or fence/wall
- Maximum building height: 35 ft.

**Staff Comments & Recommendation:** As per the proposed requirements for this permitted use, the impact to land use/development pattern appears to be successfully mitigated. No inter-municipal impacts are anticipated as a result of the adoption of the proposed amendments. However, all land along Weston's borders with Wilton and Westport is zoned Two Acre Residential and Farming District. As such, SWRPA recommends notification to these municipalities of the proposed changes.

**Referral No. 09-21 – Site Plan/Special Permit, Darien**

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Hoy Street Partners, LLC

**Received:** April 22, 2009

**Hearing:** May 26, 2009

**Contact:** Jeremy Ginsberg

**Authority:** n/a

**Proposal:** The referred application includes a Site Plan application, Special Permit application, Land Filling & Regrading application and Lot Line Adjustment for site development of 277, 285, 289 & 293 Hoyt St. and 6, 12 & 48 Wakemore St. in Darien.

**Description:** The project proposes the following site development activities:

- Relocation of an existing clubhouse/recreation center
- Filling and regrading
- Realignment of Wakemore St.
- Construction of a driveway off of Wakemore St.
- Other related site development activities

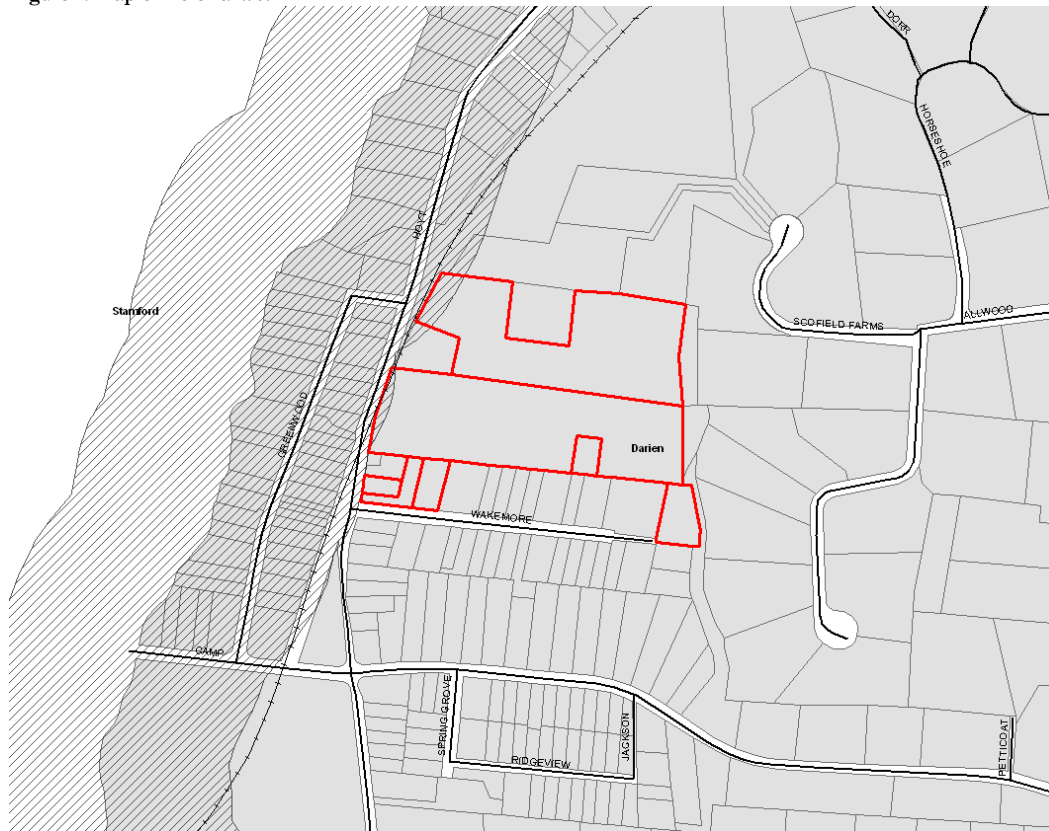
The Darien Planning & Zoning Commission approved amendments to the Darien Zoning Regulations and Zone Map along with an associated Site Plan in October 2007 to permit the development of a condominium project known as Cedar Lane. During the development process, the State Department of Transportation (ConnDOT) notified the developers that the project would require the improvements listed above in order to properly access Hoyt Rd. This is due to concerns regarding Cedar Lane's impact on traffic in the neighborhood which is in very close proximity to an intersection of Hoyt St. and MetroNorth rail lines.

With the amended improvements, primary access to the condo development will be via a newly constructed private driveway on Wakemore St. rather than directly accessing Hoyt St. at the rail

intersection. In order to facilitate this, the residential use at 6 Wakemore St. is being eliminated and a property exchange will occur.

A traffic study performed by Earth Tech/AECOM states: “None of the improvements to Hoyt Street are expected to impact the existing grade rail crossing.”

Figure 1: Map of Referral #09-21



**Staff Comments & Recommendation:** The previously-approved development is taking place along the border between Darien and Stamford. This particular application deals with access which has been determined by ConnDOT to impact traffic in the surrounding neighborhood. While this application is intended to mitigate these impacts, SWRPA recommends notification to Stamford of the proposed development activities.

**Referral No. 09-22 – Text Amendment, Zoning Regulations, Stamford**

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

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

**Received:** April 23, 2009

**Hearing:** June 1, 2009

**Contact:** Norman Cole

**Authority:** 8-3b

**Proposal:** Amendment to Article III, Section 4-AA, Subsection 11.2 – Authorized Uses in Village Commercial District.

**Description:** The amendment adds Community Center to the list of permitted uses in the Village Commercial District (VC) zoning district. Currently, the list of permitted uses includes:

- Any use permitted within the C-N Neighborhood Commercial District, including Special Exception uses, but excluding:
  - o Dwelling – Single Family
  - o Dwelling – Two Family
  - o Boarding House
  - o Rooming House
  - o Auto Service Station
  - o Laundry
  - o Cleaning & Dyeing Agency
  - o Restaurant
  - o Drive-In
- Theatre
- Ice Skating Rink, Indoor
- Café, excluding entertainment (Special Exception)

Community Center is not defined in the Stamford Zoning Regulations. Stamford Zoning explains that the use is included as a permitted use elsewhere in the Regulations, although it is not defined, and that this amendment is intended to include the existing Glenbrook Community Center as a permitted use within the VC district. The VC district is a newly created district within the Glenbrook neighborhood in Stamford. A map of the properties to be included in the VC zone is attached.

**Staff Comments & Recommendation:** SWRPA strongly recommends defining the Community Center use within its Zoning Regulations. Permitting a use with no definition enables ambiguity and potential abuse of the regulations. The properties to be included in the VC zoning district are not within 500 ft. of Darien, New Canaan or Greenwich. The proposed permitted use, Community Center, already exists in the zone (Glenbrook Community Center). No inter-municipal impacts are anticipated upon the adoption of this amendment.

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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.