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## **REPORT OF THE REFERRALS COMMITTEE**

June 30, 2009

Committee Chairman Jack Halpert called the Monday, June 29, 2009 Referrals Committee meeting to order at 2:10 p.m. Also in attendance were Committee members Mr. John Marr, Mr. Paul Settelmeyer, Mr. Nathan Snyder, and Dr. Margaret Wirtenberg. Floyd Lapp, Executive Director, and Benjamin Henson, Regional Planner of SWRPA were also present. Ms. Elizabeth Suchy and Mr. Kim Morque, representatives for the redevelopment of 8 Norden Place presented. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 3:30 p.m.:

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### **Referral No. 09-27 – Text Amendment, Zoning Regulations, Norwalk**

**Referrer:** Norwalk Zoning Commission  
**Applicant:** Sandak, Hennessey & Greco

**Received:** May 27, 2009  
**Hearing:** August 19, 2009  
**Contact:** Dori Wilson  
**Authority:** 8-3b

**Proposal:** Amendments to Sections 118-100 - Definitions and 118-711 - Restricted Industrial Zone, of the Norwalk Building Zone Regulations:

**Description:** The amendments are proposed to enable the development of the 38.368 acre tract of land located at 8 Norden Place in Norwalk. The site is currently zoned Restricted Industrial (RI), Research and Development (RD) and AA Residence Zone (AA). Most of the land is zoned RI. The applicant is proposing the development of a residential community and has submitted a special permit application which describes the development. The development consists of a single four-story multi-family residential building containing 240 units and four single-family detached units. 325 parking spaces are proposed. The proposed multi-family building includes 30 studio, 108 one-bedroom, 90 two-bedroom and 12 three-bedroom units. In total, 244 units are proposed. Of these, 25 units (10%) will be designated as workforce housing units, as defined by the Norwalk Building Zone Regulations. Additional improvement of the site includes access roads, utilities, wetlands mitigation, lighting and landscaping. An 11+ acre area of land in the center of the development is proposed to be dedicated as conservation easement.

The proposed amendments include the following changes with text to be added underlined and text to be removed stricken-through:

#### 118-100 – Definitions

INDUSTRIAL DEVELOPMENT PARK: A parcel or parcels of land, a minimum of fifty acres in area, zoned for industrial, manufacturing, office, college or university, research and development, single- and multi-family residential with recreational facilities on a parcel containing 25 acres or more, and accessory uses, having or proposing more than one (1) building (whether or not buildings are connected by atrium or other type of common area), which is designed in a unified manner and which has common facilities, such as private interior motor vehicle ways and open space for use by occupants and invitees of the park.

#### 118-711.A – Purpose and intent

It is the purpose of this zone to provide areas exclusively for light industrial manufacturing uses and other compatible uses, including single- and multi-family residential uses with recreational facilities, on a parcel containing 25 acres or more, as well as limited areas of artist workspace, non-accessory office, college or university use, which will contribute to the economic base of the city and which will constitute a harmonious and appropriate part of the physical development of the city. This zone is designed to apply in areas suitable for industrial development and where sufficient space, adequate transportation and compatible utilities are available. The provisions of these regulations are intended to encourage the efficient operation, continuation and expansion of industrial, research and development and office uses without encroachment from uses which are inappropriate and which could equally well be located elsewhere.

#### 118-711.B.2 – Uses and structures, Special permit uses and structures

The following uses shall be permitted by Special Permit in accordance with the provisions of Article 140, § 118-1450, Special Permits, and shall comply with the Schedule Limiting Height and Bulk of Buildings -- Commercial and Industrial EN59 and any additional standards set forth herein:

- (a) Warehouses and wholesale distribution facilities.
- (b) Oil or petroleum storage facilities.
- (c) Helicopter landing sites, as an accessory use to a principal permitted use, subject to special permit review and to the following restrictions: the landing site shall be a minimum of 300 feet from a residence zone and flight operations shall be restricted to the hours of 7:00 am to 7:00 pm only. [Added effective 9-28-2001]
- (d) Commercial recreation establishments.
- (e) Single- and multi-family dwelling in accordance with the Schedule Limiting Height and Bulk of Buildings, Restricted Industrial, (Residential), at a density of 6,250 sq. ft. per dwelling unit, provided ten percent (10%) of the units are affordable in accordance with the Workforce Housing Regulations (Article 101), Sec. 118-1050 et seq and the Connecticut General Statutes Affordable Housing Land Use Appeals Act regulations Section 8-30g. A parcel of land zoned Research and Development, when combined with a parcel of land zoned Restricted Industrial, shall have its land mass added to the Restricted Industrial parcel for multi-family density purposes, and no units shall be constructed in the land zone RD.

Schedule limiting height and bulk of buildings (commercial, industrial and residential) and Size of Lot, Residential Part 2.

Add Restricted Industrial uses to the schedule and utilize a recreation area requirement of 250 sq. ft. per dwelling unit.

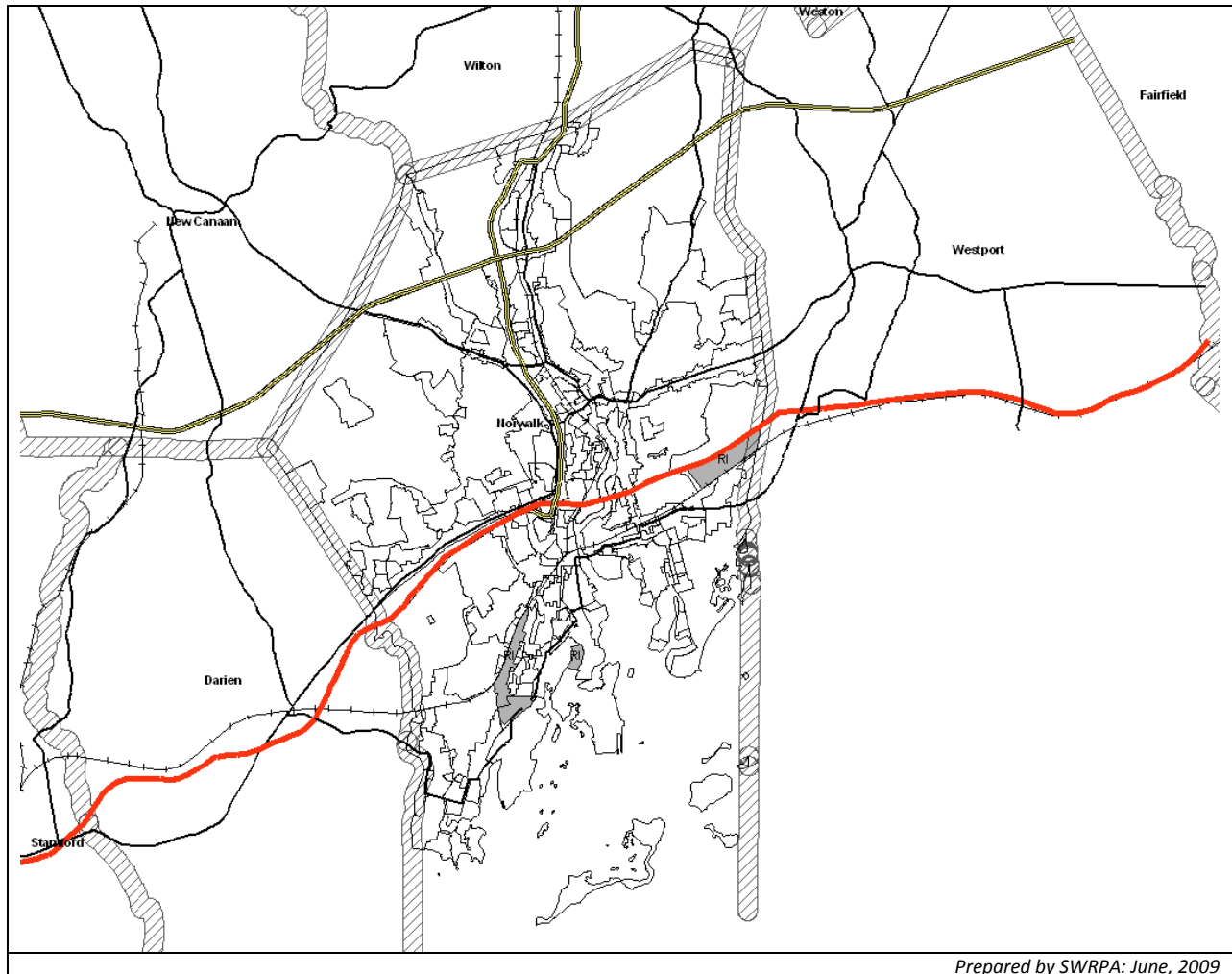
118-1050.C.1 – Workforce Housing, Applicability

The workforce housing regulation shall apply to all multifamily and mixed-use developments of twenty (20) or more units in the following zones, in accordance with these workforce housing regulations:

- D Residence Zones
- Hospital Zone
- Executive Office Zone
- Business No. 1 Zone
- Business No. 2 Zone
- Rowayton Avenue Village District
- SoNo Station Design District
- Neighborhood Business
- South Norwalk Business District
- Central Business Design District
- Marine Commercial Zone
- Washington Street Design District
- Reed-Putnam Design District
- Commercial Planned Residential Development
- Light Industrial Zone No. 2
- Restricted Industrial Zone

**Staff Comments & Recommendation:** The proposed amendments affect land zoned Restricted Industrial (RI) in the City of Norwalk. *Figure 1* shows these parcels (in gray).

Figure 1 – Restricted Industrial Zones, Norwalk, CT



The 8 Norden Place tract is located south of I-95 and north of the MetroNorth New Haven line rail tracks and extends eastward to the Norwalk/Westport border. Based on presentation and discussion, the Committee determined tentatively that no inter-municipal impacts are anticipated as a result of the proposed changes, but reserves final determination until receipt and review of a traffic study and site plan<sup>1</sup>.

**Referral No. 09-28 – Text Amendment, Zoning Regulations, Westport**

**Referrer:** Westport Planning and Zoning  
**Applicant:** Westport Human Services Commission

**Received:** June 11, 2009  
**Hearing:** July 16, 2009  
**Contact:** Michelle Perillie  
**Authority:** 8-3b

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<sup>1</sup> SWRPA received a transmittal from Spinnaker Real Estate Partners, LLC containing a site plan rendering and Traffic Access & Impact Study for this development on Monday, July 6, shortly prior to the SWRPA Agency meeting. These documents will be reviewed during the July 27 Referrals Committee meeting.

**Proposal:** Amendments to Section 32-12 – Two-Family and Multi-Family Dwellings, of the Westport Zoning Regulations:

**Description:** The amendments are proposed to require 20% of all two-family and multi-family residential developments to be owned or rented as affordable units, in accordance with C.G.S. §8-30g.

The proposed amendments include the following changes with text to be added underlined and text to be removed stricken-through:

### 32-12 Two-family and Multi-family Dwellings

Two-family and multi-family dwelling units may be permitted in any RPOD, RORD, BPD, RBD, BCD and DDD #2 Commercial Zones subject to a Special Permit and Site Plan Approval in accordance with §43, herein, all applicable provision of the underlying zoning district, and the following additional standards and safeguards. At least 20% of the units developed under this section shall be affordable to those earning 80% of the state or median income, whichever is lower, in accordance with Connecticut General Statute §8-30g.

#### 32-12.10 Affordability Requirement and Plan

In conjunction with residential units proposed as part of this regulation, twenty-percent (20%) of all proposed units shall be required to be affordable in accordance with CT General Statutes §8-30g and an affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD).

Affordable housing units shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units should be comparable. No affordable unit shall be smaller than 75% of a market rate unit containing the same number of bedrooms.

**Staff Comments & Recommendation:** The proposed amendments establish affordability requirements for two- and multi-family residential developments, and do not affect land use or development requirements such as height, coverage, frontage, setback, FAR or other requirements. The proposed amendments do not appear to pose any inter-municipal impacts.

#### **Referral No. 09-29 – Text Amendment, Zoning Regulations, Stamford**

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

**Applicant:** Sandak, Hennessey & Greco

**Received:** June 15, 2009

**Hearing:** July 20, 2009

**Contact:** Norman Cole

**Authority:** 8-3b

**Proposal:** Amendments to Article III (Districts and Regulations), Section 9 (Designed Districts), AAA (MX-D Mixed Use Development District – Part A) 3 (Standards), i, of the Stamford Zoning Regulations:

**Description:** The amendments are proposed to permit, via Special Exception approval by the Zoning Board, reducing the minimum residential off-street parking requirement in the MX-D zoning district.

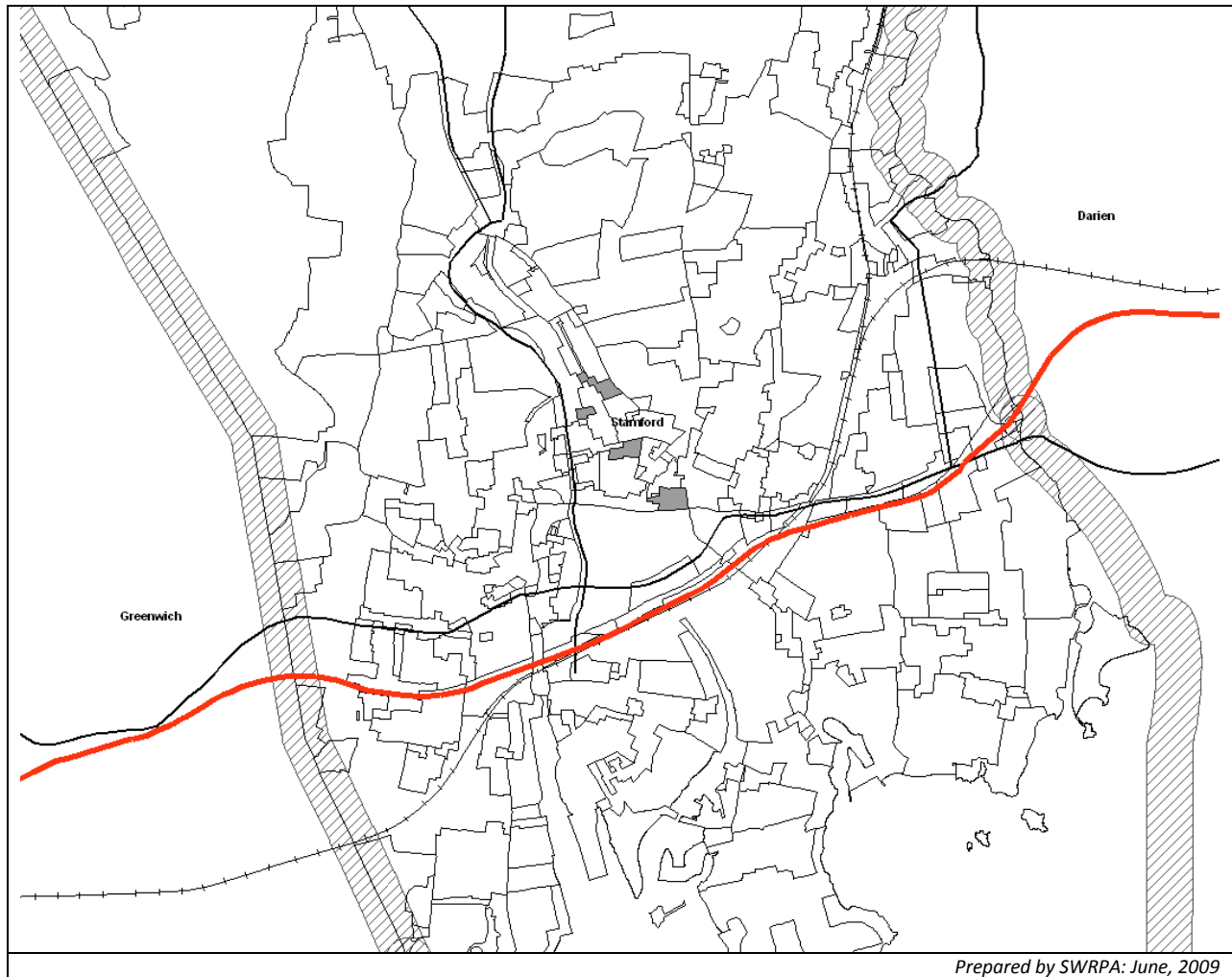
The proposed amendments include the following changes with text to be added underlined and text to be removed stricken-through:

i.

There shall be a minimum residential off-street parking requirement of one and one-quarter stalls for each unit of one bedroom or less and one and one-half spaces for each unit of 2 bedrooms or larger, provided that upon Special Exception approval by the Zoning Board, parking may be provided at one and one-quarter stalls per unit. Parking for office use shall not be more than three (3) stalls per one thousand (1,000) gross square feet of development but may be not less than 2.5 stalls per one thousand (1,000) gross square feet of development, subject to approval by the Zoning Board in accordance with the procedures and criteria of Section 12 K of these regulations excluding the fee-in-lieu payment provision of Section 12 K. The potential for shared use of parking stalls shall constitute an additional standard for consideration of parking reduction. Parking for retail use shall not be required, except that parking standards under section 12-D of these regulations shall apply for retail uses which exceed ten percent (10%) of the total floor area of the development. Parking for other uses, where the hours of the use of stalls would not be in conflict, may be shared subject to review and approval by the Zoning Board. A minimum of 2/3 (two-thirds) of all required parking shall be situated below grade or integrated into the building and entirely hidden from view.

**Staff Comments & Recommendation:** The proposed amendments permit, via Special Exception approval by the Zoning Board, reducing the minimum residential off-street parking requirement of 1.25 per one-bedroom and 2 per two-bedroom unit to 1.25 parking spaces per unit, regardless of unit size. *Figure 2* shows land zoned MX-D in Stamford (in gray).

Figure 2 – Mixed Use Development District (MX-D) Zones, Stamford, CT



The proposed change in parking requirement, permitted only via Zoning Board approval, appears nominal. Additionally, the four affected MX-D parcels are located exclusively in downtown Stamford and are not within 500 ft. of a neighboring municipality. The proposed amendments do not appear to pose any inter-municipal impacts.

**Referral No. 09-30 – Text Amendment, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning and Zoning  
**Applicant:** Ridgefield Planning and Zoning

**Received:** June 25, 2009  
**Hearing:** July 14, 2009  
**Contact:** Betty Brosius  
**Authority:** 8-3b

**Proposal:** Amendments to Section 8.6 – Uses Subject to Moratorium, of the Ridgefield Zoning Regulations:

**Description:** The amendments are proposed to extend the Town’s moratorium on the acceptance of applications and the installation of outdoor woodburning furnaces.

The proposed amendments include the following changes with text to be added underlined and text to be removed stricken-through:

#### 8.6 – Uses Subject to Moratorium, D – Effective Date and Expiration

1. The effective date of the moratorium on the installation of Outdoor Woodburning Furnaces is the date of adoption of this regulation by the Planning and Zoning Commission together with the filing of the amendment with the Town Clerk (beginning on ~~7/17/08~~ 7/17/09), expiring in one calendar year (ending on ~~7/17/09~~ 7/17/2010).

**Staff Comments & Recommendation:** The proposed amendments extend an existing moratorium on applications for and installation of outdoor woodburning furnaces in any zone within the Town of Ridgefield, which borders Wilton. It stands to reason that this restriction prevents potential inter-municipal impacts and to date no inter-municipal impacts caused by the standing regulation have been brought to the attention of SWRPA. The proposed amendments do not appear to pose any inter-municipal impacts.

#### **Referral No. 09-31 – Text Amendment, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning and Zoning

**Applicant:** Ridgefield Planning and Zoning

**Received:** June 25, 2009

**Hearing:** July 14, 2009

**Contact:** Betty Brosius

**Authority:** 8-3b

**Proposal:** Amendments to Section 8.6 – Uses Subject to Moratorium and creation of a new Section 7.12 Outdoor Woodburning Funaces - OWFs, to the Ridgefield Zoning Regulations:

**Description:** The amendments are proposed to eliminate the Town’s temporary moratorium on the acceptance of applications and the installation of outdoor woodburning furnaces and to explicitly prohibit the installation of outdoor woodburning furnaces in any zone within the Town.

The proposed amendments include the following changes with text to be added underlined and text to be removed stricken-through:

#### 7.12 Outdoor Woodburning Furnaces – OWFs

##### A. INTENT AND PURPOSE

This section regulates the installation of Outdoor Woodburning Furnaces, as defined in Section 2.2 (Definitions) of these regulations.

##### B. Standards

1. The installation of Outdoor Woodburning Furnaces in any zone within the Town of Ridgefield is prohibited.

## 8.6 Uses Subject to Moratorium

### B. IDENTIFIED USES SUBJECT TO MORATORIUM

~~Outdoor Woodburning Furnaces (OWFs), as defined in Subsection 2.2 of these regulations. [There are currently no uses subject to moratorium.]~~

### C. APPLICATION

- ~~1. No application for Outdoor Woodburning Furnace and no installation of an Outdoor Woodburning Furnace shall be permitted in any zone within the Town of Ridgefield during the period specified below, except under the specified exclusions of this regulation.~~

### EFFECTIVE DATE and EXPIRATION

- ~~1. The effective date of the moratorium on the installation of Outdoor Woodburning Furnaces is the date of adoption of this regulation by the Planning and Zoning Commission together with the filing of the amendment with the Town Clerk (beginning on 7/17/08), expiring in one calendar year (ending on 7/17/09).~~

### EXCLUSIONS

~~The moratorium on the installation of Outdoor Woodburning Furnaces shall not apply to any Outdoor Woodburning Furnace for which an application has been submitted and accepted by the Building or Zoning Departments as of the date of the enactment of this amendment.~~

**Staff Comments & Recommendation:** The proposed amendments eliminate the existing temporary moratorium on applications for and installation of outdoor woodburning furnaces in any zone within the Town of Ridgefield, which borders Wilton, and are intended to prohibit the use indefinitely. It stands to reason that this restriction prevents potential inter-municipal impacts and to date no inter-municipal impacts caused by the standing regulation have been brought to the attention of SWRPA. The proposed amendments do not appear to pose any inter-municipal impacts.

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<sup>2</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.