



South Western Regional Planning Agency
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REPORT OF THE REFERRALS COMMITTEE

September 9, 2009

Committee Chairman Jack Halpert called the Tuesday, September 8, 2009 Referrals Committee 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 4:10 p.m.:

Referral No. 09-36 – PoCD Update, Wilton

Referrer: Wilton Planning & Zoning Department – Planning and Land Use Management
Applicant: Wilton Planning & Zoning Department – Planning and Land Use Management

Received: July 29, 2009
Hearing: October 5, 2009
Contact: Bob Nerney
Authority: 8-23

Proposal: Comprehensive update of the 1996 Wilton Plan of Conservation and Development, updated 1999.

Description: The *Wilton 2009 Plan of Conservation and Development* (the Plan) is a comprehensive update of the Town's current Plan. It is organized as such:

- **Introduction** which explains the methodology and planning process involved with the update;
- Evaluation of existing **Conditions and Trends**;
- **Community Issues** identified by community used to develop **Vision and Goals**;
- **Conservation Strategies** to protect natural resources, preserve open space and greenways and preserve Wilton's character;
- **Development Strategies** to manage residential, village and business development;
- **Infrastructure Strategies** to address community facilities and transportation needs and improve the viability of walking and biking;
- **Future Land Use Plan**
- **Implementation** which calls for an Implementation Committee, identifies implementation tools and presents an implementation schedule; and

- **Conclusion**

It is clear that the primary concerns of Wilton residents are preserving the Town and its resources. Protecting open space and preserving the Town's character topped the list of community priorities, with addressing transportation and housing issues also being of concern. The Plan's overall vision is:

- Provide an attractive environment for all ages in which to live, work, play, learn, enjoy, and raise a family.
- Preserve and enhance Wilton's semi-rural and residential character.
- Blend the heritage of the past with the potential for the future.
- Contribute to the economic, social, natural, and cultural environment that makes up the Town.

To achieve the vision, the Plan's goals are:

Conservation:

- Protect natural resources to promote environmental sustainability and to ensure public health and safety.
- Protect, preserve and acquire open space and greenways.
- Preserve features that contribute to Wilton's character.

Development:

- Retain the low density pattern of housing while encouraging housing choice to address current and future needs.
- Enhance existing villages and encourage development in village-type patterns in appropriate areas.
- Allow for business development along Route 7, while managing the character and impacts of development.

Infrastructure:

- Ensure that community facilities are located in areas that meet the needs of residents and the Town and that facilities and utilities meet desired levels of service.
- Provide transportation options to meet Wilton's needs, while minimizing impacts to the environment and town character.
- Improve the viability of walking and biking.

The Plan presents strategies to achieve each desired goal and identifies action items to realize these strategies.

In terms of development, the number one goal is to encourage the creation of and retention of smaller housing units. In recent years, Wilton has experienced numerous teardowns resulting in much larger homes replacing existing smaller structures. This has many in the community concerned about their ability to continue to afford to reside in Wilton. The Plan also identifies Wilton Center, Cannondale and Georgetown as village nodes which present opportunities to provide a mixture of amenities, businesses and housing while reinforcing development patterns which facilitate pedestrian and bicycle mobility. The primary business development strategy focuses on allowing business growth along Route 7, but managing future growth in a manner which retains the progression from more intense land use to the south to less intense use to the north. Aesthetics, landscaping and providing pedestrian amenities are also called for.

The Plan's sole transportation goal is to provide transportation options to meet Wilton's needs, while minimizing impacts to the environment and Town character. Strategies include addressing traffic issues, maintaining roads and promoting better transit service and use. Route 7 is being widened from two to four lanes (two lanes, directional). The Plan does not call for any additional expansion of the Town's road network. The Plan states: "The Town should continue to oppose the construction of the Super 7 expressway through Wilton. The current widening of Route 7 is intended to address congestion. The construction of the Super 7 expressway would impact natural resources and affect neighborhoods. For Wilton, the worst outcome would be the construction of this roadway in addition to the widening that is underway (Plan, 97)." The Plan does call for additional access management including limiting curb cuts and assessing congestion once the Route 7 expansion is complete. Wilton is the only municipality in the South Western Region (the Region) without a pavement management system; the Plan calls for the adoption of a PMS.

The Plan includes the following actions to promote better transit service and use:

- Work with major employers and residents to identify schedule gaps and then work with transit providers to address the gaps.
- Continue to support the Danbury Branch improvements.
- Support the reestablishment of a train station on Kent Road and expanded service in Georgetown.
- Address needs at train station parking lots and take a proactive approach to future improvements.
- Work with the Region, the State and transit providers to improve intermodal connections, particularly connections between train stations, commuter parking lots and major employers.

Staff Comments & Recommendation: SWRPA's *Regional Plan of Conservation and Development, 2006-2015* established the following goals for the Region:

- Encourage municipal land-use planning that recognizes the need to direct development to those areas with the infrastructure, including transportation, to best accommodate it.
- Preserve the Region's dwindling supply of permanent open space and, whenever possible, add to it through either outright acquisition of open space or through conservation easements.
- Improve and expand the Region's public transportation system, including the New Haven Line Railroad, bus transit services and facilities that support transit use.
- Provide for the Region's growing energy needs while protecting human health, natural resources and property values.
- Encourage the development of a broad range of housing alternatives, and whenever possible, direct new housing to locations that are served by transit.
- Encourage the preservation and adaptive reuse of historic structures.
- Foster continued cooperation among the Region's first responders to develop coordinated plans to address emergencies that cannot be contained within a single municipality's boundaries.
- Plan for an aging and increasingly diverse population.
- Protect the quality of life in all of the Region's neighborhoods by ensuring that low-income areas or other communities of concern are not targeted for the location of undesirable land uses.
- Maintain the Region's strong business climate by building on those assets that stimulated the Region's business growth in the first place: viable transportation facilities, attractive communities, good schools and a well-educated and trained workforce.

The *Regional Plan* states: “The *Regional Plan of Conservation and Development, 2006-2015*, defers to the South Western Region Metropolitan Planning Organization’s (SWRMPO) *Long Range Transportation Plan, 2004-2030* – and its subsequent updates – for the establishment of the Region’s transportation priorities. The SWRMPO has been designated by the state and federal governments as the transportation policy board for the South Western Region.” The *South Western Region Long Range Transportation Plan, 2007-2035* includes, as a recommended strategy: “Extend Route 7 Expressway from Gristmill Road, Norwalk to Danbury following the multimodal corridor study recommended as a near term strategy. The construction of the Route 7 Expressway is a future unfunded need.” The *Long Range Transportation Plan, 2007-2035* also calls for a comprehensive multi-modal needs assessment and an investment study for the Route 7 corridor. Considering this, the *Wilton Plan of Conservation and Development* is not inconsistent with the *Regional Plan of Conservation and Development*, except for its position on the Super 7 expressway.

Referral No. 09-37 – Subdivision, Redding

Referrer: Redding Planning Commission
Applicant: Richard S. Gibbons Attorney at Law

Received: July 29, 2009
Hearing: August 25, 2009
Contact: Diane Taylor
Authority: 8-26b

Referral No. 09-37 rescinded by Redding Planning Commission

Referral No. 09-38 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board – Land Use Bureau
Applicant: Sandak, Hennessey & Greco, LLP (C/o Stamford Health System, Inc.)

Received: August 6, 2009
Hearing: October 5, 2009
Contact: Norman Cole
Authority: 8-3b

Proposal: Amendments to Article II – Definitions, Article II, Sec. 9 – Designed Districts and Land Use Schedule Appendix A, Table 1:26 of the Stamford Zoning Regulations.

Description: The amendments are proposed to define a new use: Hospital Complex and to establish the Hospital Complex Design District as a new zoning district classification. The proposed amendments are attached for review.

The proposed definition of Hospital Complex:
Sec. 3.A.47

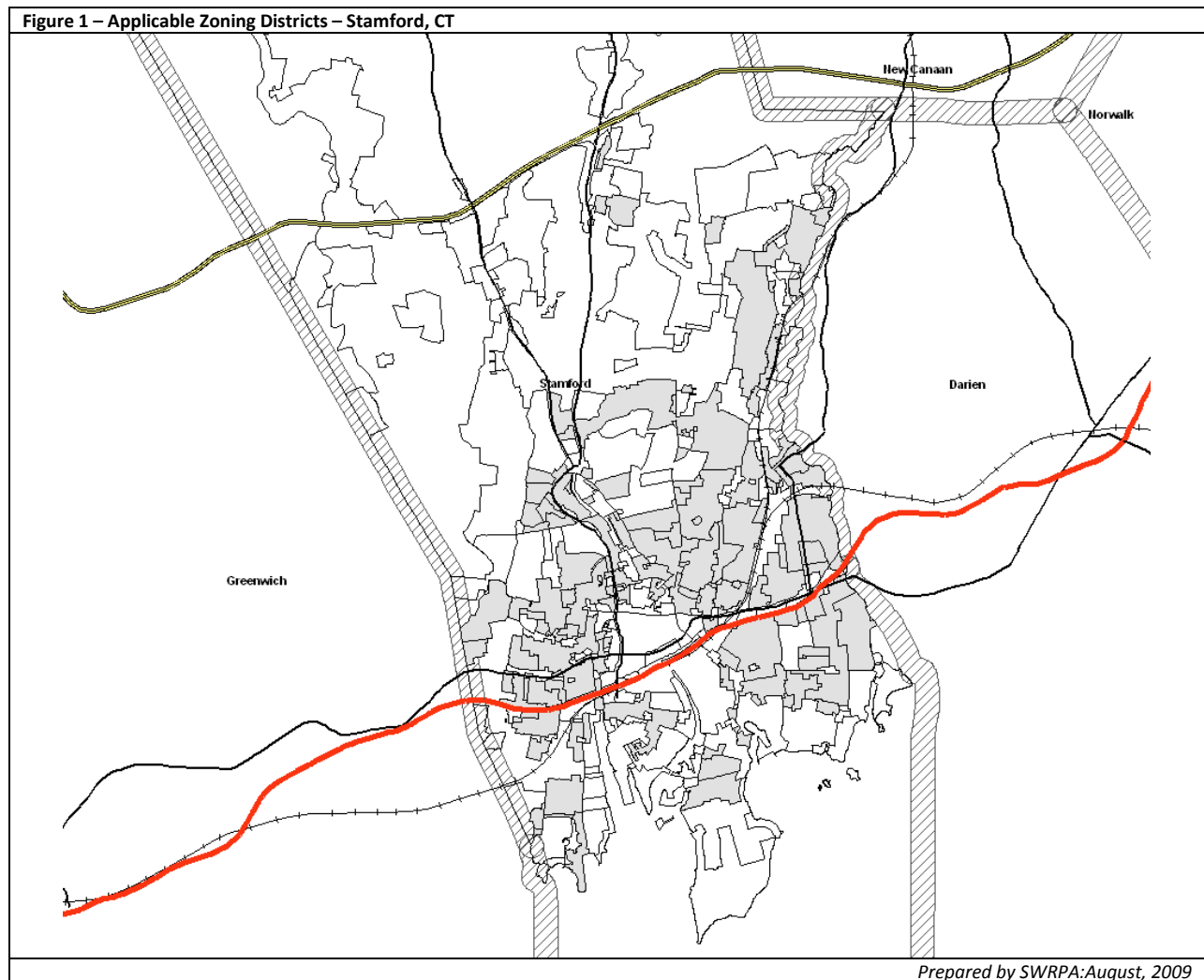
Hospital Complex: A facility licensed by the State of Connecticut Departments of Health as a hospital and having the facilities and medical staff to provide for the prevention, diagnosis, care, research and treatment of a wide-range of acute conditions, chronic diseases or injuries.

Stated purpose of the Hospital Complex Design District:

Hospital Complex Design District (“HCDD”) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the coordinated and phased development of large scale Hospital Complexes and related and accessory uses and facilities. The HCDD is intended to permit flexibility in design and recognized that the primary use of the facility for medical purposes, by necessity, must remain flexible and subject to modification and phased development over time.

In order to qualify for HCDD designation, the proposed designated area must:

- Be located in one of the following zones: R-5, R-6, R-7.5, R-MF, R-H and/or RM-1 (shown in *Figure 1*);
- Be located on a site of at least 8 acres, not separated by public streets or public rights of way; and
- Site shall be served by streets, public services and public utilities.



Permitted Uses:

- Principal Uses:
 - o Hospital Complex

- Accessory Uses:
 - o Churches and religious institutions
 - o Medical professional offices
 - o Professional pharmacy
 - o Nursing home
 - o Residential uses
 - o Child daycare center
 - o Physical culture establishment
 - o Helicopter landing facility
 - o Others (not to exceed 2,500 sq. ft. Gross Floor Area):
 - Bank and financial institutions
 - Barber, Beauty shops
 - Book store
 - Confectionary store
 - Copy and communication center
 - Drug store
 - Dry goods, notions store
 - Florist shop
 - Food shops, retail
 - Gift shop
 - Laundry and dry cleaning establishment, retail
 - Newsstand, variety store
 - Optician, repairs
 - Restaurant, excludes entertainment, but includes liquors
 - o Accessory buildings (not to exceed 15 ft. Height) such as garages, equipment storage buildings, supply storage buildings and other buildings.

Proposed Design Standards:

Minimum Principal Lot Size: 8 acres

Maximum FAR: 1.25 (with exemptions for residential and parking)

Maximum Building Coverage: 30%

Maximum Lot Coverage: 75%

Maximum Building Height: 75 ft. (on any Hospital Complex site which is larger than 16 acres, one building shall be allowed up to 225 ft. for each additional eight acres)

Parking: As per Sec. 12

Minimum Setbacks: 25 ft. from public street (0 from internal property lines)

Signage: As per C-N Zoning District regulations

The proposed HCDD regulations also contain requirements as they pertain to:

- Environmentally sustainable design
- Landscape standards
- Architectural design principals
- Review procedures
- Application procedures

Staff Comments & Recommendation: The proposed amendments affect several zoning districts, shown in *Figure 1*. The affected districts contain land abutting Greenwich and Darien. The Referrals Committee feels that the minimum setback requirement of 25 ft is insufficient to mitigate impact on surrounding

residential uses. Considering the potentially large scale of any Hospital Complex development, inter-municipal concerns such as traffic and visual impacts, among others, are anticipated as a result of the adoption of the proposed changes. SWRPA recommends notification of these proposed changes to Greenwich and Darien.

Referral No. 09-39 – Text Amendment, Zoning Regulations, Weston

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

Received: August 10, 2009
Hearing: September 8, 2009
Contact: Tracy Kulikowski
Authority: 8-3b

Proposal: Amendments to alter Section 336 and create Section 337 of the Weston Zoning Regulations.

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

336. Expiration of Special Permit

~~A special permit shall be deemed to authorize only the particular use or uses specified in the permit. It shall expire if said use or uses shall cease for more than one year for any reason, or if all required improvements are not completed within one year from date of issue, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.~~ A special permit shall expire if (i) said use or uses is intentionally abandoned or is changed to another use, or (ii) all required improvements are not completed as of the date which is five years following the date of issuance of the special permit, or such shorter or longer period as determined by the Commission and set forth in the conditions of approval. The Commission may extend any expiration date upon application by the permittee.

337. Extension of Certain Special Permits

Notwithstanding the terms of Section 336 or any condition of approval to the contrary, special permits granted between December 1, 2007 and September , 2009 shall not expire for failure to complete required improvements, unless a required improvement remains substantially incomplete as of the date which is five years following the date of issuance of the special permit.

Staff Comments & Recommendation: The proposed amendments affect the requirements relating to the expiration and extension of special permits in Weston. The changes are clerical and administrative in nature and do not have any direct impact on land use or development. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-40 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board – Land Use Bureau
Applicant: Federal Health Sign Co.

Received: August 12, 2009

Hearing: September 14, 2009
Contact: Norman Cole
Authority: 8-3b

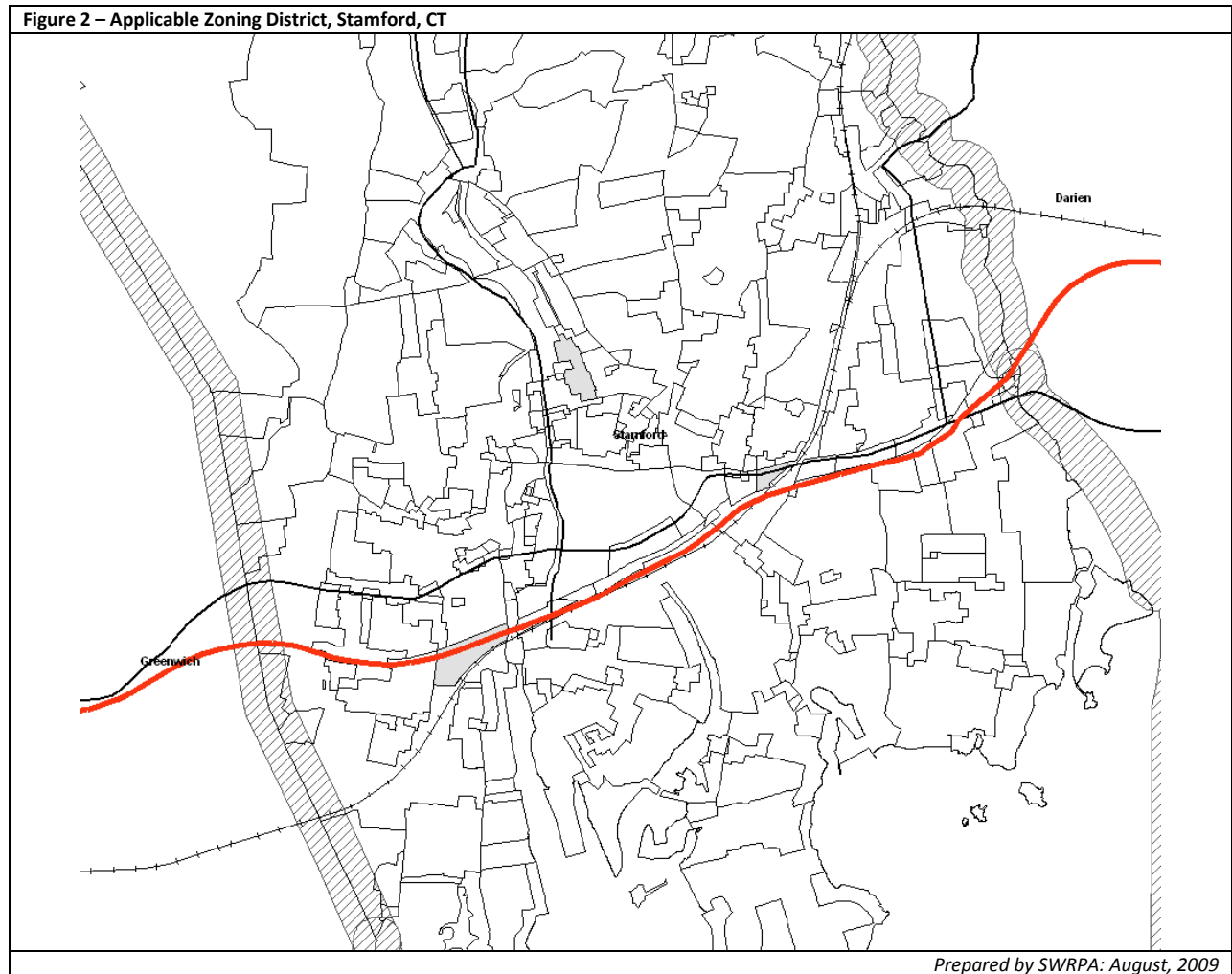
Proposal: Amendments to Article IV, Section 13-G of the Stamford Zoning Regulations to add new subsection 8.

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

13-G.8

Where a property is located in the C-I District (Intermediate Commercial District) and abuts I-95, the rear yard shall be considered as front yard for purposes of signage.

Staff Comments & Recommendation: The proposed amendments affect the C-I zoning district, shown in *Figure 2*.



The effect of the changes would be to permit two signs on the face of the building known as First Stamford Place, visible from I-95. The subject parcel is the only one in Stamford to be affected by the changes. Although such signs will be visible to drivers on I-95, the changes do not have a significant impact on development. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-41 – Text Amendment, Zoning Regulations, Darien

Referrer: Darien Planning & Zoning Commission
Applicant: Garden Homes Management Corporation

Received: August 12, 2009
Hearing: September 22, 2009
Contact: Jeremy Ginsberg
Authority: 8-3b

Proposal: Amendments to Section 624, 625 and 626 of the Darien Zoning Regulations.

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

624.i

Multi-family residential use through conversion of an existing building, provided that the parcel on which the existing building is located has no less than 200 feet of frontage on the Boston Post Road; conversion will be achieved without alteration to the building's footprint or height; no more than 5 percent of the residential units within the converted building will have more than one bedroom; and the conversion will not increase any existing dimensional nonconformity.

625.d

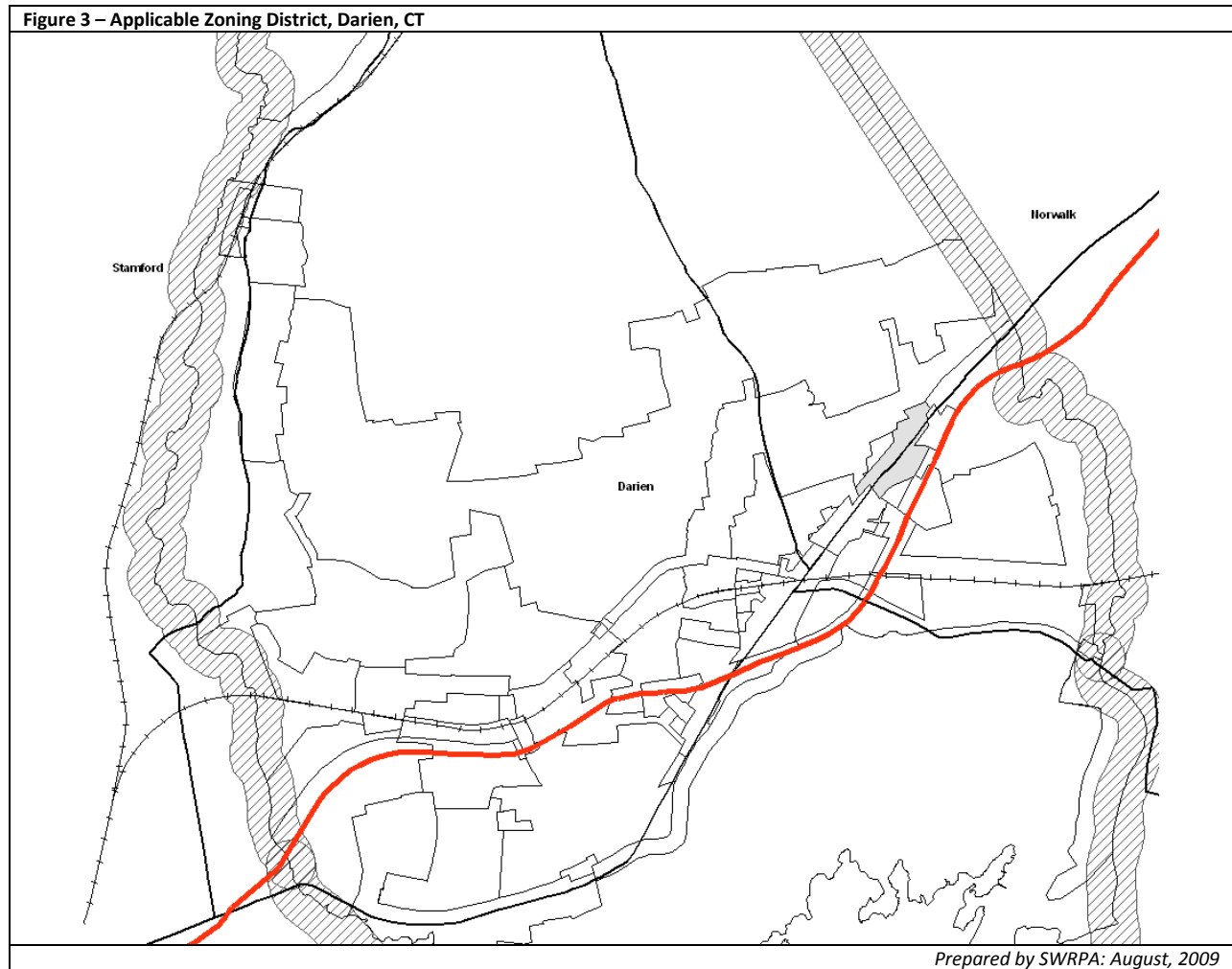
If more than 2 dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required, with the exception of existing buildings converted under Section 624.i, which shall require a total of 1.25 parking spaces per bedroom, with a studio unit considered to contain one bedroom. The total number of dwelling units shall not exceed 6 dwelling units on any site, with the exception of existing buildings converted under Section 624.i. The maximum floor area in Section 625.15 shall not apply to a building converted in compliance with Section 624.i

626.e

A building converted in compliance with Section 624.i shall be subject to the following additional provisions:

- (1) Residential density shall not exceed one dwelling unit per 500 square feet of gross floor area, the calculation of which shall include the area of dwelling units, lobbies, hallways, elevators, and stairwells.
- (2) Parking spaces may include spaces that serve the existing building, and existing spaces that are currently non-conforming. Enclosed garage spaces shall not be required.
- (3) The development shall qualify as a "set-aside development" under Section 8-30g of the Connecticut General Statutes, and shall conform to Sections 524.2 and 524.3 of these Regulations.

Staff Comments & Recommendation: The proposed amendments affect Section 620. Designed Business Two Zone (DB-2), shown in *Figure 3*.



The applicant has also submitted a Special Permit Application to Darien which proposes the conversion of an existing office building at 397 Boston Post Road to a 35 unit multi-family residential development to be converted in compliance with Section 620 and the proposed text amendments. As *Figure 3* illustrates, the DB-2 zoning district does not contain land abutting any adjacent municipality. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-42 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board – Land Use Bureau
Applicant: Sandak, Hennessey & Greco, LLP (c/o 200-240 Shippan Avenue, LLC)

Received: August 19, 2009
Hearing: October 5, 2009
Contact: Norman Cole
Authority: 8-3b

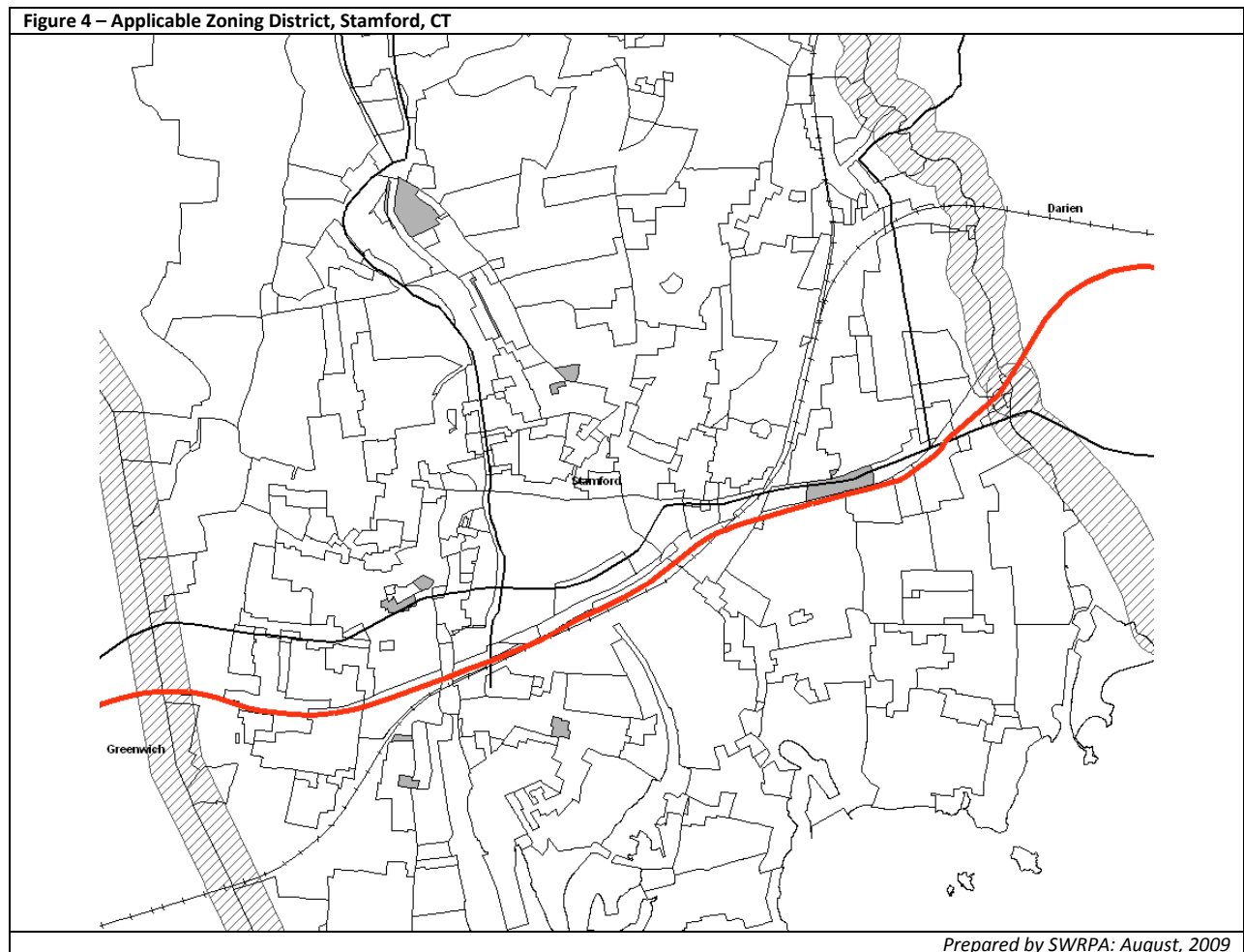
Proposal: Amendments to Footnotes to Appendix B, Footnote 3.5 of the Stamford Zoning Regulations.

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

Footnotes to Appendix B, footnote 3.5

Residential use in the C-B district shall conform to the same square feet per family standards as the R-MF District on the equivalent sized lot provided; however, if a district is located south of I-95 and more than 50% of the site is bounded by a zone permitting a residential density less than that allowed in the R-MF zone, then the residential density permitted in the subject C-B district shall be limited to 17 dwelling units per acre.

Staff Comments & Recommendation: The proposed amendments affect parcels located south of I-95, zoned C-B, shown in *Figure 4*.



Appendix B: Schedule of Requirements for Area, Height and Bulk of Buildings contains the following requirements for the RM-F zoning district:

Minimum size of plot			Residential Density		Building Height		Building Area	Minimum Yard Dimensions				
Area (sf)	Frontage (ft)	Circle Diam. (ft)	S.F. per Fam.	Max. Families per Plot	Stories	Feet	% Lot	Front		Side		Rear
								Street Line	Street Center	One Side	Both Sides	
5000	50	n/a	2000	n/a	4	40	30	15	40	8	18	30
20000	100	n/a	1500	n/a	4	40	35	15	40	(note 3.3)		30

The proposed amendment limits the maximum residential density to 17 du/acre. As *Figure 4* illustrates, the C-B zoning district does not contain land abutting any adjacent municipality. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-43 – Text Amendment, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning Department

Applicant: Westport Planning & Zoning Commission

Received: August 24, 2009

Hearing: October 1, 2009

Contact: Michelle Perillie

Authority: 8-3b

Proposal: Amendments to Footnotes to Section 44-2.2 of the Westport Zoning Regulations.

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

44-2.2 State of Federal Agency Reports

The applicant shall either obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any State of Federal Department, Bureau or Agency such as Connecticut Department of Transportation, Connecticut Department of Environmental Protection, State Traffic Commission, U.S. Army Corps. Of Engineers, etc., having jurisdiction over the application or any aspect thereof; or otherwise provide sufficient written evidence that such State or Federal agency approvals appears to have a reasonable probability of success. In the event that any State or Federal agency has a policy that precludes the provision of such decision until after the Planning & Zoning Commission has rendered its decision, the Planning & Zoning Commission may waive this requirement. If the Commission determines that a State or Federal agency’s approval has a material impact on the approved application, further review by the Commission shall be required.

Staff Comments & Recommendation: The proposed amendments are clerical and administrative in nature and do not affect land use or development. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes. SWRPA is in receipt of a letter dated August 27, 2009 from GBRPA regarding the proposed amendments which states: “The proposed modifications to the text are reasonable and would prevent possible situation where both the state or federal agency and the Commission are waiting for the other to act first in rendering a decision. The Board concluded that the amendment is not of regional significance and therefore supports inserting the new text.”

Referral No. 09-44 – Text Amendment, Zoning Regulations, New Canaan

Referrer: New Canaan Planning & Zoning
Applicant: New Canaan Planning & Zoning Commission

Received: August 26, 2009
Hearing: September 29, 2009
Contact: Steve Kleppin
Authority: 8-3b

Proposal: Amendments to Footnotes to Section 8.2.B Special Permit Application of the New Canaan Zoning Regulations.

Description: The proposed amendments to Section 8.2.B, subsections 1 through 3 include a number of minor clerical changes and are included only in the attachment. The proposed amendments to Subsections 4 and 5 include contain the following changes with text to be added underlined and text to be removed stricken-through:

8.2.B.4.b Appropriate Improvements

i. ~~The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.~~ The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the character and desirable development of the area or neighborhood in which the use is proposed to be located.

8.2.B.4.g Plan of Conservation and Development

~~The proposed use or activity does not conflict with the purposes of the Regulations and facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.~~ The proposed use or activity does not conflict with the purposes of the Regulations set forth in Section 1.2, and promotes the goals, objectives, policies, or recommendations of the Plan of Conservation and Development, as amended.

8.2.B.5.a

Whenever it grants or denies a Special Permit, the Commission shall state upon its record the reason(s) for its decision. The Commission shall state the merits of the proposal and why approving the application will positively affect the Town of New Canaan or the area or neighborhood impacted.

Staff Comments & Recommendation: The proposed amendments are clerical and administrative in nature and do not affect land use or development. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-45 – Site Plan Amendment, Zoning Regulations, Redding

Referrer: Redding Zoning Commission
Applicant: Richard S. Gibbons Attorney at Law

Received: July 29, 2009
Hearing: August 25, 2009
Contact: Gerald Casiello

Authority: 8-26b

Proposal: Amendment to previously approved Master Plan Site Plan to re-subdivide a portion of the Georgetown Land Development Corporation (GLDC) Main Site. The proposal includes “carving out” four parcels from Lot E-4.

Description: The proposed amendments to the GLDC Main Site aren’t clear from the submitted application. The application states that four parcels will be “carved out” from Lot E-4 and the Open Space Parcel will be re-numbered, but no additional information in the application pertains to these changes. The application mentions affordable housing; a National Park Service Building; Parcel E5 – The Rod Storage Building; and Realignment of Bennett Street and Miller Street, but these do not appear to be tied to the re-subdivision of Lot E-4.

Staff Comments & Recommendation: SWRPA has not received adequate information regarding the re-subdivision to be able to determine if inter-municipal impacts are anticipated as a result of the adoption of the proposed changes. Staff has requested additional information to enable a sufficient review. Considering the development’s proximity to Wilton and shared border with Weston, SWRPA recommends notification to these municipalities regarding any associated development activity.

Referral No. 09-46 – Text Amendments, Zoning Regulations, Fairfield

Referrer: Fairfield Planning & Zoning Commission

Applicant: Fairfield Affordable Housing Committee

Received: August 26, 2009

Hearing: To be determined

Contact: James Wendt

Authority: 8-3b

Proposal: Amendments to Section 6 – Accessory Apartments, of the Fairfield Zoning Regulations.

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

6.2 Definitions

6.2.3

For purposes of this regulation, the term “principal owner” shall be defined as the direct or indirect owner of not less than a fifty (50) percent interest in the residence.

6.3 Conditions and Requirements

A one-family residence located within lawful setbacks and situated in ~~AAA, AA, A, R-3 and R-2~~ any residential zones may be converted into a one-family dwelling with a single accessory apartment, subject to the following conditions and requirements:

6.3.2

The accessory apartment shall contain not ~~less than 600 square feet and~~ more than(a) the lesser of (i) 900 square feet or (ii) forty percent (40%) of the floor area of the originally existing residence and (b) two bedrooms.

6.3.3

~~The originally existing residence shall have been in existence for a minimum of five (5) years and shall not have undergone any exterior alterations for a minimum of five (5) years except such alterations as may have been made on the existing foundation, unless the owner of the 28 premises has entered into a contract with the Town of Fairfield or its designated agent to establish the apartment or primary dwelling as an “affordable housing” unit as defined in Sect. 31.0.~~

6.3.4

~~Any exterior alterations to the originally existing residence shall be made on the existing foundation, with the exception that alterations made solely for the purpose of providing access and egress need not be made on the existing foundation. No separate access to the accessory apartment from the outside shall be in the front facade of the residence. The fire escape or outside stairway, if any, shall be enclosed.~~

6.3.5

The number of off-street parking spaces for the accessory apartment shall be not less than one.

6.3.6

~~The occupancy of the accessory apartment shall be limited to not more than two persons unless such apartment is contracted with the Town of Fairfield or its designated agent to be an “affordable housing” unit as defined in Sect. 31.0, then such occupancy shall be limited to three persons.~~

6.3.7

~~If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory apartment shall be subject to approval by the Department of Health. The accessory apartment shall comply with all applicable housing, building, fire and health code requirements.~~

Staff Comments & Recommendation: The proposed changes have the affect of permitting accessory apartments in all residential zones. The accessory apartments must not be larger than 900 sq. ft. (up from 600 sq. ft.) or 40% the floor area of the primary residence and may not have more than 2 bedrooms. The current regulations require the primary residence to have been constructed at least 5 years ago; the proposed amendments eliminate this requirement. The proposed changes also eliminate the requirement that alterations to the primary residence be made only on the existing foundation, meaning that the primary residence could not be expanded. The requirement that no more than two persons can reside in an accessory apartment is eliminated. Also eliminated is the requirement that all private water and septic systems for the accessory apartment be subject to approval by the Department of Health. While SWRPA strongly supports efforts to promote affordable housing opportunities, the proposed changes stand to significantly affect land use and housing development and apply to all residential zoning districts in Fairfield, which shares its border with Westport and Weston. Considering this, the proposed changes do pose inter-municipal impacts. SWRPA recommends notification to these municipalities regarding the proposed changes.

Referral No. 09-47 – Text Amendments, Zoning Regulations, Fairfield

Referrer: Fairfield Planning & Zoning Commission

Applicant: Fairfield Affordable Housing Committee

Received: August 31, 2009
Hearing: To be determined
Contact: James Wendt
Authority: 8-3b

Proposal: Amendments to Section 12.5 – Neighborhood Designed Business District, of the Fairfield Zoning Regulations.

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

12.5.8

Barber shops and beauty parlors, including tanning salons and nail salons, having a maximum interior floor area of 4,000 square feet.

Staff Comments & Recommendation: The proposed changes have the affect of adding tanning salons and nail salons to the list of permitted uses in the Neighborhood Designed Business District (NDD). The following uses are currently permitted:

- Retail uses limited to: antiques, art supplies, books, clothing, drugs, dry goods, flowers, furniture, interior decorating, garden and farm supplies, gifts, groceries, fruits, vegetables, meats, sandwiches, hardware, shoe repair, stationery, periodicals and toilet articles, pets and related supplies; provided no individual retail establishment shall have an interior floor area exceeding 4,000 square feet.
- Business and professional offices
- Banks and Financial institutions
- Self-service laundry
- Residential uses
- Bakeries and confectionery stores
- Barber shops and beauty parlors
- Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine
- Churches and other places of worship, parish halls, museums and charitable institutions
- Boat houses, landings, docks and marinas
- Off-street parking
- Buildings, uses and facilities of the Town
- Railroad rights-of-way and passenger stations, including customary accessory services therein, but not including switching, freight yards, terminals or storage sidings
- Restaurants and other food service establishments
- Veterinary hospitals

Tanning salon and nail salon uses appear to be consistent with the types of uses currently permitted in the Neighborhood Designed Business District. The NDD district does not contain any land abutting the municipalities of Weston or Westport. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-48 – Text Amendments, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning
Applicant: Halloran & Sage, LLP

Received: August 31, 2009
Hearing: October 8, 2009
Contact: Michelle Perillie
Authority: 8-3b

Proposal: Amendments to Section 30 – Historic Design District (HDD), of the Westport Zoning Regulations.

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

30-1 Purpose

The purpose of the Historic Design District is to:

- (a) Prevent the potential loss of significant exterior historic factors and public buildings;
- (b) Preserve the visual character and appearance of historic buildings that are on the national Register of Historic Places;
- (c) Reduce traffic impacts on local streets and intersections;
- (d) Provide additional parking
- (e) Discourage traffic generation and parking demand during peak periods on the local streets; and
- ~~(f) Encourage residential land uses; and~~
- (g) Encourage visual and physical access to and along the waterfront.

Such special purpose districts should be limited to areas where buildings are on the National Register, where areas are served by public utilities, where areas are served by mass transit, where areas have frontage on two State Highways, and where areas have frontage on the Saugatuck River and areas where buildings are recommended to be preserved by the HDC.

30-2 Permitted Uses

In a Historic Design District (HDD), no land, building or structure shall be used and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

30-2.1 Principal Uses

Any use permitted in the Residence AAA District subject to the same approval and conditions specified in §11-2, herein.

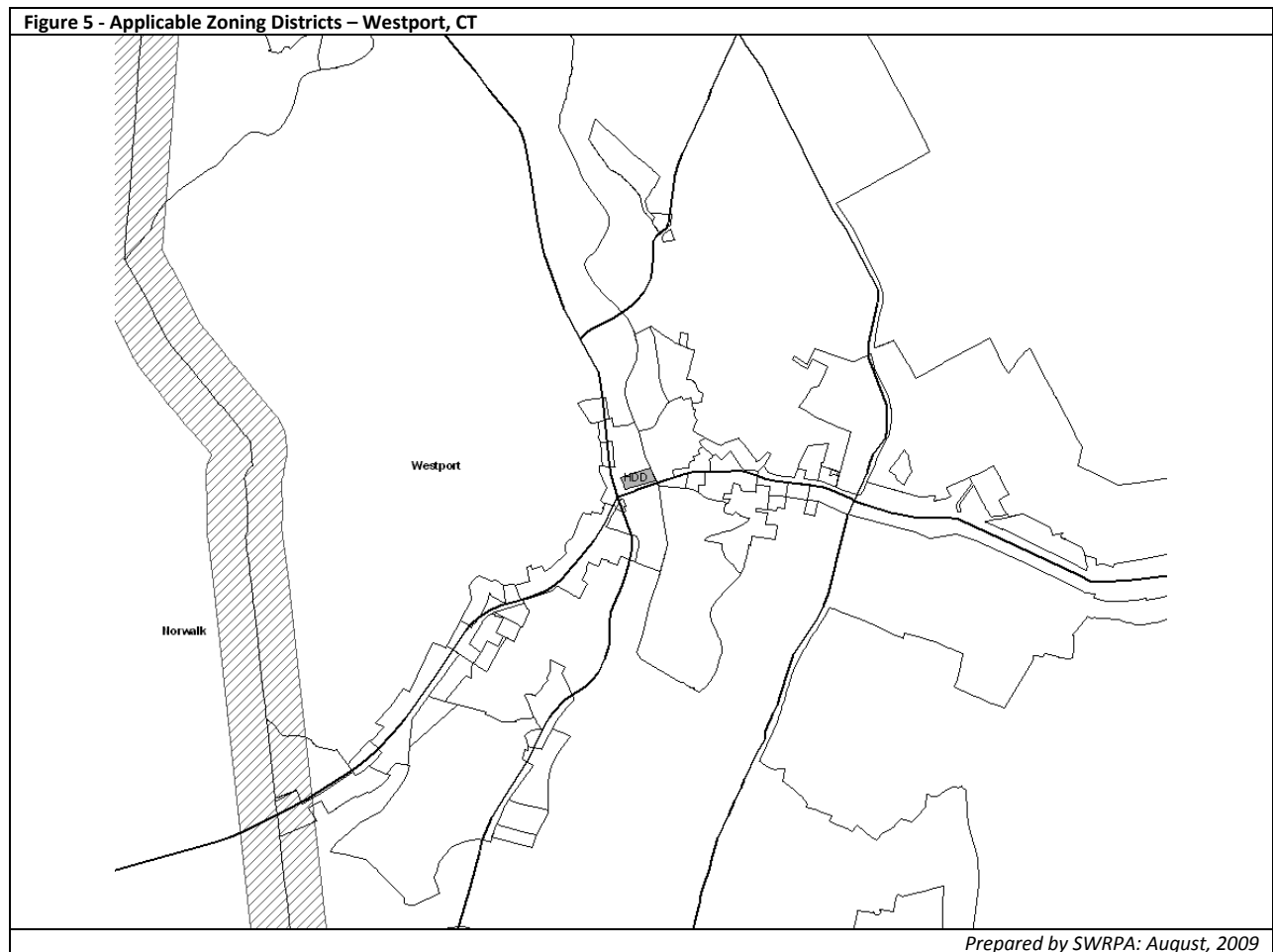
30-2.2 Special Permit Uses

The following additional uses are permitted subject to Special Permit and Site Plan Review in accordance with §43 & 44, herein.

- (a) Residential Units (apartments, condos and/or co-ops) not to exceed 3 bedrooms and averaging 2,000 square feet in size; maximum unit size shall not exceed 3,500 SF;
- (b) Hotels, with a conference and/or seminar facility not to exceed 400 square feet area;
- (c) Restaurants, cafes and taverns not to exceed the gross interior square footage of the ground floor area of a building existing on the effective date of the HDD;
- (d) In-door commercial recreation and entertainment uses;

- (e) Retail stores and retail service establishments on the ground floor; and on the upper floors not to exceed 10% of the sum of the gross floor area of all buildings existing on the effective date of the HDD.
- (f) Grocery stores and delicatessens on the ground floor only;
- (g) Surface parking lots;
- (h) Business, professional, ~~insurance, real estate~~ and other offices, excluding healthcare professional ~~and~~ medical, insurance and real estate brokerage offices open to the general public, on the upper floors only (not ground floor) and not to exceed 10% provided that not less than 10% of the sum of gross floor area of all buildings existing on the effective date of the HDD shall be reserved for retail or restaurant use.
- (i) Banks with a sidewalk walk-up window only, but no bank drive-in.
- (j) Commercial Wireless telecommunication service facilities, in conformance with §32-16.

Staff Comments & Recommendation: The proposed changes have the affect of permitting insurance and real estate offices in the HDD district as-of-right rather than via special permit. These uses would also be permitted on the ground floor, and not limited to the second story. The emphasis on encouraging residential land uses is also removed from the existing regulations. The changes affect only the HDD district, shown in *Figure 5*.

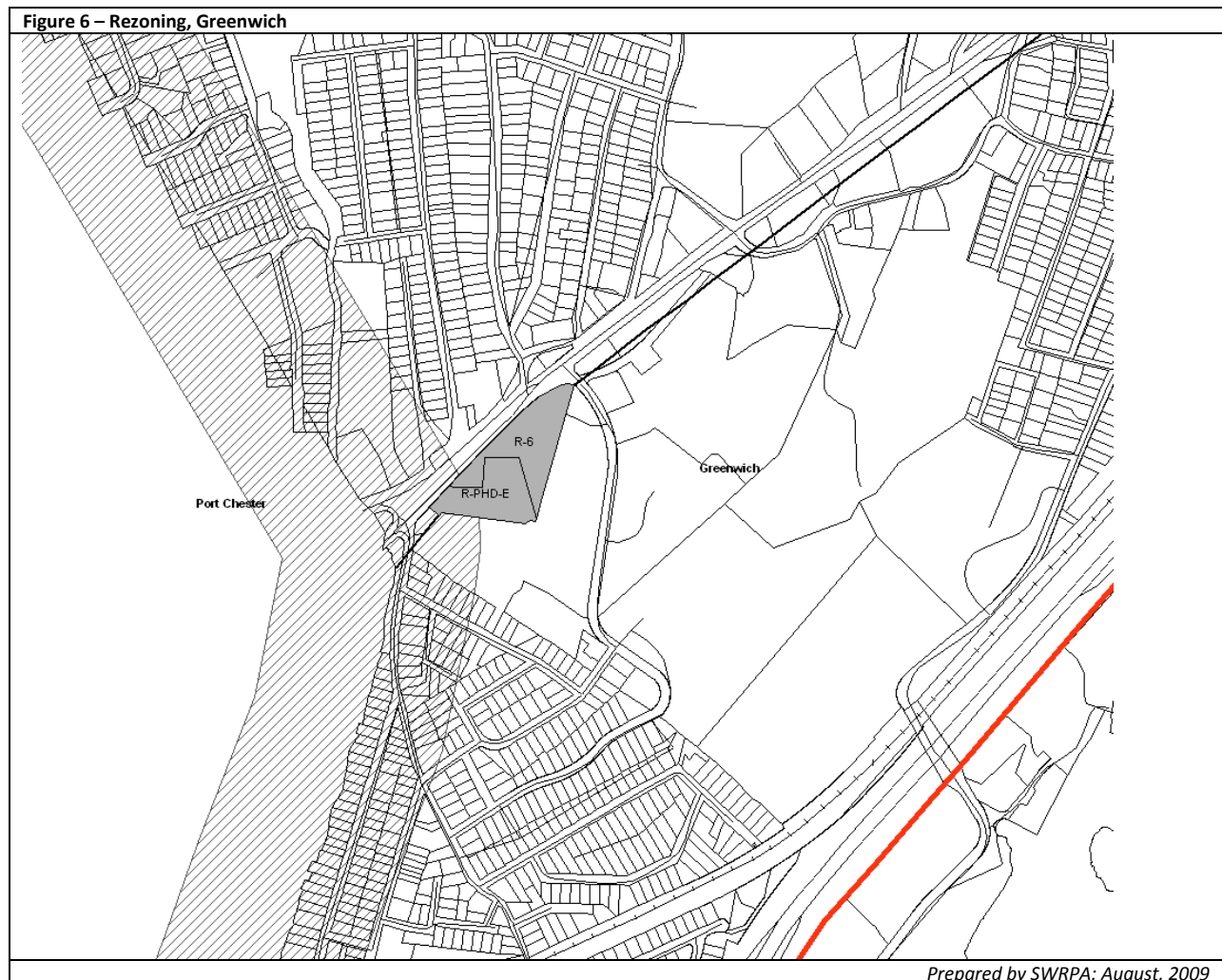


The HDD district is limited to the center of Westport and does not contain any land abutting Weston, Wilton or Norwalk. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-49 – Rezoning, Greenwich

Referrer: Greenwich Planning & Zoning – Land Use Department
Applicant: Fogarty, Cohen, Selby & Nemiroff (c/o The Housing Authority of the Town of Greenwich)
Received: September 3, 2009
Hearing: October 6, 2009
Contact: Marek Kozikowski
Authority: 8-3b

Proposal: The applicants are proposing to rezone a 1.90 acre (82,576 sq ft) portion of the 6.00 acre (261,386 sq ft) property at 71 Vinci Dr. in Greenwich currently zoned Single and Two-family Residence 7,500 square feet; Multi-family (R-6), to Residential, Planned Housing Design, Elderly (R-PHD-E). This will result in a contiguous R-PHD-E zone of 3.97 acres (173,074 sq ft). The site is shown below in *Figure 6*.



Description: The applicants are seeking the rezoning in order to apply for Municipal Improvement Approval and Special Permit approval to allow them to construct 54 units of affordable elderly housing units at the existing development known as McKinney Terrace II. The applicants are proposing to construct a three-story addition to the north end of the existing Byram School (aka McKinney Terrace II) and another detached three-story building, resulting in the addition of 19 and 35 affordable elderly housing units, respectively. Upon completion, McKinney Terrace II will contain 18 studio and 87 one bedroom units (105 total). There are currently 91 parking spaces serving McKinney Terrace II; this is sufficient for the proposed additions.

Weston & Sampson conducted modeling to estimate pre- and post-development stormwater estimates, which indicated that the proposed conditions would increase peak stormwater flow rates from the site. To reduce peak stormwater flow to pre-development conditions, a detention system will provide attenuation of the peak flow. Proposed conditions will not increase stormwater runoff from the site onto neighboring properties.

James Sexton, Ph. D., Architectural Historian states: “the applicants’ have chosen an expansion strategy which will respect the historic nature of the building.”

The Traffic Impact & Access Analysis prepared by Frederick P. Clark Associates, Inc. states: “Results of the analysis indicate a development, with the higher traffic levels, will have an insignificant, if any, impact on the overall operation of the three intersections included in the designated Study Area. Findings of the analysis indicate no mitigation is necessary at these intersections. As part of the development and access from Vinci Drive, it is recommended that intersection sight distance (ISD) be improved to the north of Vinci Drive and looking to the West Putnam Avenue intersection. With the clearing of vegetation, removal of some rocks and regrading along the side of the road, ISD can be improved.”

Staff Comments & Recommendation: The rezoning is an extension of the existing R-PHD-E zone and thus not out of character with the surrounding neighborhood. The property is within 500 ft of the Town of Port Chester, NY. SWRPA acknowledges that this development will increase housing affordability for elderly residents in Greenwich; a need clearly identified in the *Regional Housing Needs and Supply Assessment, 2007*. While SWRPA does not anticipate any inter-municipal impacts as a result of the proposed actions, it does recommend notification of the development to Port Chester.

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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.