

**PLANNING AND ZONING DEPARTMENT**  
**QUARTERLY REPORT: JULY 1, 2009 – SEPTEMBER 30, 2009**

In a highly unusual scenario, none of the four local land use boards met in August. The Planning & Zoning Commission (P&Z) met six times this quarter and acted upon 16 applications.

Actions by type this quarter:

Site Plans/Business Site Plans: 5 approved, 1 withdrawn, 1 amendment approved  
Amendments to the Zoning Regulations: 1 withdrawn  
Coastal Site Plan Review: 2 granted  
Flood Damage Prevention: 3 granted  
Land Filling/Excavation: 6 approved, 1 withdrawn  
Mandatory Referral: 1 report issued  
Special Permit: 5 granted, 2 amendments approved  
Subdivision: 1 approved

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Total Number of Projects\*: 16 applications, 3 amendments approved, and one report issued.

\*Total number of projects does not equal number of actions, because some applications include multiple permits.

This quarter, the Commission approved the elevation of two residences on Cherry Street, addition to the Nature Center, a new gymnasium for Pear Tree Point School, and issued a referral report for the amendment of the lease at 126 Ledge Road. The Commission also approved an addition to Nissan; a new tenant, Jos. A Bank to go into the space which will be vacated by Ann Taylor Loft; a new Tasti-D-Lite ice cream type shop in Noroton Heights; a new fence at Ox Ridge Hunt Club; and a Chipotle Mexican restaurant for the building now under construction at the intersection of Boston Post Road and West Norwalk Road.

In the next quarter, the Commission will decide pending applications for temporary portable lights at the DHS Stadium field for DHS and DJFL, and lights at Holahan field for DJFL use over 25 weekdays in the fall of 2009. Vickie Riccardo was appointed to replace of Robert Finke, who resigned effective July 27, 2009.

The Environmental Protection Commission (EPC) met two times this period—on July 1st and on September 2nd. Overall, nine applications and one amendment were processed. At the July meeting, they acted upon four applications, granting all of them. At that meeting they also granted one permit amendment. At the September meeting, they acted upon five applications, with four of those granted, and one granted in part/withdrawn in part.

During this quarter, staff worked on completed State required DEP reporting forms. By late-October, staff will be fully “caught up” having submitted all reports through September 30<sup>th</sup>. Also this period, staff started work on an Inland Wetlands and Watercourses Map update. A public hearing on the map update will be held in the next quarter or two.

On July 20, three EPC members were re-appointed—Peter Hillman, Pete Kenyon, and Rick Rohr, for terms beginning on 7/1/2009 and expiring on 6/30/2012. In September, Wynne Shapiro was appointed by the Board of Selectmen to replace Ellen Kirby.

The Zoning Board of Appeals (ZBA) met once in July (on July 15) and twice in September (on September 16 & 23). In July, they acted upon five applications, granting four and denying one. In

September, they acted upon seven applications—two were granted, two were granted in part/denied in part; and three were denied. Overall this quarter, twelve applications were acted upon—six granted, two granted in part/denied in part, and four denied. The twelve applications acted upon in the July to September quarter are the lowest in that quarter since 1980. The number of applications processed in 2009 will probably be the lowest number since 1993.

One of the applications approved this quarter was for the establishment of Planet Pizza in the space formerly occupied by Curves, on the Boston Post Road in downtown. That will go before Planning & Zoning next quarter. In July, a new ZBA alternate member Anthony Simari was appointed by the Board of Selectmen to replace Polly Davis.

The Architectural Review Board met two times--on July 21 and September 15<sup>th</sup>. At the July meeting, they approved the design of the modified building for Person-to-Person on the St. Luke's Church property, and modifications to a previous permit. In September, they approved four applications—a new hanging sign for Espresso Neat, a new wall sign for Artifacts Laniers, a new pole sign for a relocated Allstate office, and the conversion of a Getty gas station to BP.

Staff acted upon 108 Zoning Permits this quarter. Of those, 34 were acted upon in July, 28 in August, and 46 in September. The number acted upon is the lowest total in the past 14 years for the third quarter (July – September). A breakdown of permits by type is at the end of this report. The 46 permits in September were the most acted upon in a specific month since July 2008. Of the permits acted upon this quarter, five were for new pools and four for new houses.

Staff spent time in July and August preparing the return of record for *Rogers v. Planning & Zoning* (the Allen O'Neill appeal), and in September, the *Darien YMCA vs. Planning & Zoning* return of record. Both projects took substantial amounts of time. Settlement efforts continue in a number of outstanding legal matters, in an attempt to resolve them.

The revised final draft of the Board of Selectmen's Affordable Housing Plan was prepared in August, after incorporating comments received since the last draft completed in January.

The Manager--Community Development Services sent a notice to property owners and tenants regarding the newly established regulations which allow blade signs within certain zoning districts. She has been working with interested commercial tenants, and we expect a number of applicants within the next two quarters. She also: filed an update of the deed-restricted affordable housing unit report to the Department of Economic and Community Development (DECD); prepared the return of records for the Allen O'Neill and YMCA appeals; continued to serve as Darien's liaison on the Route 1 Corridor Study which is now in contract negotiations with the preferred consultant; prepared a list of new housing units from 1990-2010; and assisted on preparing two updated parking lot maps.

Summer intern Colleen Clark was extremely helpful in a number of projects. She assisted in preparing the return of record for *Ross v. EPC* and *Rogers v. Planning & Zoning* (the Allen O'Neill appeal), two pending court appeals. She was a valuable asset to the office, and provided much-needed assistance for filing, typing, copying, mailings, packet preparation, and other various short-range projects. As always, the summer internship provided cost-efficient services to the Department.

