

PLANNING AND ZONING DEPARTMENT
QUARTERLY REPORT: JULY 1, 2007 – SEPTEMBER 30, 2007

On July 10, the Planning and Zoning Commission (P&Z) adopted zoning regulation amendments. The adopted amendments include reductions in the parking requirements for retail and restaurant uses. They also amended the 2006 Town Plan of Conservation & Development. Also on July 10th, a P&Z Commission subcommittee gave a report on affordable housing. That has been put on the Town web site. At its meeting on July 17, P&Z met with DAHAC to discuss affordable housing issues, and adopted additional zoning regulation amendments.

A total of six P&Z meetings were held this quarter, three in July and three in September. One of those September meetings was a full night on September 11th devoted to a public hearing on a re-application by Whole Foods Market. That hearing has been continued to October 2 in the Auditorium.

On July 17th, the Commission met informally with a developer regarding two downtown parcels. It is expected that a formal application will be submitted sometime in the next two quarters. An informal discussion was held on September 18th regarding the Mediplex building at 599 Boston Post Road. The Commission made it clear during this informal, non-binding discussion that their desire would be to have affordable housing at this location.

Permits by type this quarter:

Business Site Plan: 2 approved; 2 amendments approved
Coastal Site Plan Review: 3 granted; 2 amendments granted
Flood Damage Prevention: 3 granted; 3 amendments granted
Land Filling/Excavation: 3 approved; 1 withdrawn
Special Permit: 1 withdrawn; 2 amendments granted
Amendments to the Zoning Regulations: 1 granted
Amendment to the Town Plan: 1 granted

Total Number of Projects*: 10 applications (including referrals) and 7 amendments.

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

Also this quarter:

- The P&Z Director was part of a press conference on July 17. He also was part of a group that met regarding flooding issues on July 25th at 7pm at the Darien Library.
- Work on the annual report was started.
- Staff starting drafting aquifer regulations and a proposed zoning map amendment showing the aquifer protection area. A public hearing will be held on these October 23rd. Drafts of both the regulation and map amendments have been put on the Town web site.
- In October, the Planning and Zoning Director will be speaking at New England American Planning Association (APA) conference regarding the downtown parking study completed earlier this year. He will also be attending a CityView training/conference for two days next month.
- The P&Z Director and the First Selectwoman attended the SWRPA half-day conference, entitled, "Promoting Transit Oriented Development (TOD) in South Western Connecticut".

- The P&Z Director met with the Town webmaster in August to modify, update, and revise various pages on the Town web site. This included posting the updates to Darien Zoning Regulations and Affordable Housing report from P&Z subcommittee.

The Environmental Protection Commission (EPC) met two times in July, once in August, and two meetings were held in September—on the 5th and 26th. A total of 22 applications were acted upon this quarter—20 were granted and two were withdrawn. Wetland reporting forms completed by our intern are now being reviewed by Rich Jacobson, with the expectation that we will send them to DEP within the next month or two. A public hearing on proposed Flood and Erosion Control regulations will be held on November 7. A public hearing on a wetlands map update has been tentatively set for December.

The Zoning Board of Appeals (ZBA) met two times in July. One meeting did not have a quorum, and the agenda items were immediately continued--this resulted in an August 1st meeting. They met two times in September. Overall this quarter, 24 applications were acted upon. Of those, 14 were granted, five were granted in part/denied in part, and five were denied. Four applications were acted upon in July; seven in August; and thirteen in September.

The Architectural Review Board (ARB) met three times this period and approved 13 applications. In July, two applications were approved, in August, six were approved, and in September, five were approved. Among the applications approved are: new signage for Subway on Heights Road and a medical office building at 85 Old King's Highway North; a proposed vestibule and the color of the bricks and mortar for the new Darien Library; the design of the proposed Whole Foods Market; and a new tennis building for the Middlesex Club.

Overall, there were 146 Zoning Permits acted upon this quarter. In all, 50 permits were acted upon in July, 64 in August, and 32 in September. Of the Zoning Permits approved, 16 were for new single-family residences, and four were for swimming pools. Of the 16 new residences, two were on vacant lots—West Avenue and Pear Tree Point Road.

CityView work and data input continues. A number of reports have been refined for day-to-day use by the Department.

Litigation

Our intern Alison Ko was instrumental in preparing the required Returns of Record for Counsel and Court on three separate matters this quarter—Commerce Bank; the appeal of 2006 Town Plan amendment; and the appeal of Zoning Regulation amendments. Staff is now working on the preparing the return of record for *Whole Foods Market v. Planning and Zoning Commission*. The record is due on November 30.

Also this quarter, the Planning and Zoning Commission's decision was upheld by Judge Karazin in the matter of *Rosztoczy v. Darien Planning and Zoning Commission*, approving a three lot subdivision off of Noroton Avenue. Judge Robinson granted Motions to Withdraw four separate administrative appeals on September 19th including the case of *McCullough v. Darien ZBA*. The Stefanoni matters (3 separate court cases—*Stefanoni v. EPC*, *Darien Land Trust v. EPC*, and *Baker v. EPC*) were also withdrawn due to the Darien Land Trust purchase of their property at 77 Nearwater Lane.

Personnel

Alison Ko, our summer intern, worked until August 13. Alison was able to assist us with many projects including: taking photos for the annual report; completing State of Connecticut DEP reporting forms; preparing mailings to applicants; and miscellaneous copying and filing;

Advertising for the Manager Community Development Services position was done in September, with an application deadline of October 1st. Jeremy Ginsberg is working with Nancy Markey on reviewing the applications received thus far.

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