

**MINUTES
REPRESENTATIVE TOWN MEETING
MARCH 16, 2009**

**RECEIVED
MAR 23 2009
TOWN CLERK'S OFFICE
DARIEN CT.**

A Regular meeting of the Representative Town meeting was called to order at 8:25 p.m. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 11 members present, 5 absent.
From District II, there were 13 members present, 2 absent.
From District III, there were 17 members present, 0 absent.
From District IV, there were 12 members present, 5 absent.
From District V, there were 13 members present, 3 absent.
From District VI, there were 15 members present, 2 absent.

The absentees from District I were: Grimes, Piccaro, Puzyk, Smith, Wong.
The absentees from District II were: Sheehan, Weicker.
The absentees from District IV were: Eng, Morrison, Pratt, C. Schoonmaker, S. Schoonmaker.
The absentees from District V were: Balian, Camuti, Conniff.
The absentees from District VI were: Berl, Stephens.

The Moderator, Karen A. Armour, Assumed the Chair.

ACCEPTANCE OF THE AGENDA

**** THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.**

ANNOUNCEMENTS

There were no announcements.

APPROVAL OF THE MINUTES OF THE JANUARY 26, 2009 MEETING

**** THE MINUTES WERE ACCEPTED BY UNIVERSAL CONSENT.**

09-2

CONSIDERATION AND ACTION ON BOARD OF EDUCATION REQUEST FOR \$425,000 FOR BOILERS AT ROYLE SCHOOL

**** LOIS SCHNEIDER, DISTRICT I, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

WHEREAS, the existing boilers, as well as associated piping and pumps, at the Royle School are approaching the end of their useful lives and will need to be replaced; and

WHEREAS, the boilers underwent an annual inspection by the State of Connecticut at which time several code violations were determined to exist; and

WHEREAS, it is uncertain as to whether or not the boilers would be approved for operation beyond the current school year; and

WHEREAS, if the normal funding approval schedule were to be followed, it is questionable as to whether or not the new boilers could be installed and operational in time for the next heating season; and

WHEREAS, the Board of Finance at its meeting of January 20, 2009, reviewed this proposal and has unanimously approved an appropriation of Four Hundred Twenty Five Thousand and 00/100 Dollars (\$425,000.00) to replace the boilers at Royle School.

BE AND IT IS HEREBY RESOLVED, that the Representative Town Meeting of the Town of Darien approves an appropriation of Four Hundred Twenty Five Thousand and 00/100 Dollars (\$425,000.00) from the General Fund for the replacement of the boilers at Royle School.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Mrs. Schneider read the report of the Education Committee (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read the report of that Committee (attached).

John Boulton, Chairman of the Board of Education, said this is a very necessary project and the Board of Education's top Capital project priority.

Murry Stegelmann, Chairman of the Board of Finance, said that the Board of Finance approved this request.

Martin Magida, District III, said \$125,000 is allocated for asbestos abatement, which seems high. He asked if this was a fixed price or if it could be lowered. Paul Engemann said it is based on abating the entire boiler room.

**** ITEM 09-2 CARRIED ON A RISING TALLY VOTE OF 80 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

09-3

CONSIDERATION AND ACTION ON BOARD OF EDUCATION REQUEST FOR \$438,998.84 FOR A SCHOOL LIGHTING PROJECT KNOWN AS THE "ENERGY UPGRADE PLAN"

**** LOIS SCHNEIDER, DISTRICT I, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

WHEREAS, the Darien Board of Education has previously approved a school lighting project known as the Energy Upgrade Plan; and

WHEREAS, the Board of Education has been informed that the State will be providing less money than originally expected; and

WHEREAS, the total cost of the project is Five Hundred Eighty Three Thousand Eight Hundred One and 00/100 Dollars (\$583,801.00); and

WHEREAS, the amount of State reimbursement is One Hundred Thirty Five Thousand Eight Hundred Forty Three and 00/100 Dollars (\$135,843.00); and

WHEREAS, after reimbursement, the cost to the Town would be Four Hundred Forty Seven Thousand Nine Hundred Fifty Eight and 00/100 Dollars (\$447,958.00); and

WHEREAS, the Town would receive a two percent (2%) reduction if the amount is paid up front; and

WHEREAS, with this reduction the cost to the Town would be Four Hundred Thirty Eight Thousand Nine Hundred Ninety Eight and 00/100 Dollars (\$438,998.84); and

WHEREAS, the Board of Finance at its January 20, 2009 meeting unanimously approved an appropriation of Four Hundred Thirty Eight Thousand Nine Hundred Ninety Eight and 84/100 Dollars (\$438,998.84) toward the cost of the Board of Education Energy Upgrade Plan.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien approves an appropriation of Four Hundred Thirty Eight Thousand Nine Hundred Ninety Eight and 84/100 Dollars (\$438,998.84) from the General Fund toward the cost of the Board of Education Energy Upgrade Plan.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Mrs. Schneider read the report of the Education Committee (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read the report of the Finance & Budget Committee (attached).

John Boulton, Chairman of the Board of Finance, said this is a straightforward request. It is a chance to lower energy costs and help the environment. It is a win-win. Mr. Huot estimates they will meet on Friday with the contractor and save \$25,000 in the current fiscal year budget.

Murry Stegelmann, Chairman of the Board of Finance, said that the Board of Finance recommends approval of this request.

Peter Kelly, District I, asked where the money will come from and said he would like to hear that this will be good for the schools. Mr. Stegelmann said that the cash is from the accumulated General Fund. Mr. Boulton said that the State is contributing over \$100,000. Mr. Engemann said that over the Christmas vacation, they changed over a room at the high school and staff felt the lighting was brighter.

Lloyd Plehaty, District VI, asked what the new technology was in the relamping. Mr. Engemann said it is ballast (fluorescent).

Robert Young, District III, asked if they were just relamping and the work was being done so that no classes are disturbed. Mr. Engemann said they are simply changing the ballast; there is no rewiring. The work should all take place at night.

**** ITEM 09-3 CARRIED ON A RISING TALLY VOTE OF 76 IN FAVOR, 2 OPPOSED, 1 ABSTENTION.**

09-4

CONSIDERATION AND ACTION ON AMENDMENTS TO THE PUBLIC WORKS SOLID WASTE ORDINANCE

**** JOHN WHITEHEAD, DISTRICT VI, CHAIRMAN OF TGS&A, MOVED:**

WHEREAS, the Town of Darien has recently entered into a contract dealing with the disposal of solid waste; and

WHEREAS, Chapter 62 of the Code of Ordinances has become outdated in light of the new procedures and policies that have been established; and

WHEREAS, the Representative Town Meeting of the Town of Darien is desirous of clarifying and establishing a current ordinance applicable to solid waste.

BE AND IT IS HEREBY RESOLVED that Chapter 62 of the Darien Code of Ordinances is hereby amended in accordance with the proposed amendment attached hereto and made part hereof.

(TGS&A approved this 3/3/09 draft at its 3/4/09 meeting. Obsolete CRAA language is deleted and new language amending existing ordinance is highlighted in yellow.)

Chapter 62 SOLID WASTE*

***State law references:** Solid waste management, G.S. § 22a-207 et seq.; municipal powers and duties relative to solid waste generally, G.S. §§ 220a-220 et seq., 7-148(c)(4)(H).

Sec. 62-1. Definitions.

Sec. 62-2. Penalties.

Sec. 62-3. Separation and storage of waste materials for collection.

Sec. 62-4. Collection and transportation of waste materials, vehicle license.

Sec. 62-5. Disposition of waste material.

Sec. 62-6. Issuance of disposal area and garbage truck regulations authorized.

Sec. 62-7. Refuse disposal area permits, license, disposal fees and collection of fees.

Sec. 62-8. Notification to householders.

Sec. 62-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable solid waste means unwanted or discarded materials of the kind normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collections, and commercial, governmental and light industrial waste which a municipality is required by state law to make provision for the safe and sanitary disposal of, but not including in any case special handling waste, oversized bulky waste or recyclable materials.

Brush means tree trimmings and the cut or broken woody stems of trees, bushes, shrubs and vines.

Bulky waste means land clearing debris and waste, within the specified size requirements, resulting directly from demolition activities.

Clean fill means natural soil, rock, brick, ceramics, concrete and asphalt paving fragments which are virtually inert and pose no pollution or fire hazard.

Combustible waste means dry waste material which is capable of being burned, comprising chiefly of wood, rags, leather, wooden boxes, sweepings from buildings and other similar discarded materials.

Demolition material means combustible and/or noncombustible materials including sheetrock, lumber and plaster resulting from the removal, demolition or renovation of structures.

Garbage means all waste, animal, fish, fowl, fruit or vegetable matter resulting from the use and storage of food, liquids, and other materials commonly used in a household, including spoiled food and any nonrecyclable food and liquid containers.

Hazardous waste means any waste material which may pose a present or potential hazard to human health or the environment when improperly disposed of, treated, stored, transported, or otherwise managed, including hazardous waste identified in accordance with Section 3001 of the federal Resource Conservation and Recovery Act of 1976 (42 USC 6921 et seq.), hazardous waste identified by regulation by the Department of Environmental Protection, and polychlorinated biphenyls in concentrations greater than 50 parts per million, but does not mean byproduct material, source material or special nuclear material, as defined in G.S. § 22a-151, or scrap tires.

Incombustible wastes means waste material that cannot be burned such as dirt, ashes; metal products, such as bed springs, scrap metal, auto parts, and other metallic substances; building materials, such as concrete, concrete block, brick, plaster board, stone, etc. The term "incombustible wastes" does not include recyclable food and liquid containers.

Service agreement means the municipal contract for transfer station operations, transport, and disposal services.

Oversized bulky waste or *OBW* means white goods and other unwanted or discarded material which:

- (1) Are of the kinds normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection;
- (2) In the judgment of the transfer station operator, reasonably exercised, cannot be processed in the facility because of size or noncombustibility;
- (3) Would not constitute special handling waste under subsection (1), (2) or (4) of the definition of that term;
- (4) May be disposed of in a bulky waste landfill holding a permit issued by the state department of environmental protection under section 19-524-8 of its regulations or any successor provision; and

(5) Are not too large to be deposited and stored at a transfer station, or transported to a landfill, in the manner contemplated in the service agreement.

Recyclable materials means all items designated for mandatory recycling pursuant to state statutes and the department of environmental protection regulations and the ordinances of the town.

Refuse disposal area means property on Ledge Road used for the delivery, processing and transfer of solid waste, including any dropoff areas for certain designated recyclable materials.

Special handling waste means:

- (1) Hazardous waste;
- (2) Dirt, concrete and other nonburnable construction material and demolition debris;
- (3) Large items of machinery and equipment such as motor vehicles and major components thereof (transmissions, rear ends, springs, fenders), agricultural equipment, trailers and marine vessels, and any other item of waste exceeding six feet in any one of its dimensions or being whole or part of a solid mass portion which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, including, in the context of deliveries to the facility, OBW;
- (4) Explosives, ordnance materials, oil, sludges, highly inflammable substances, hazardous chemicals, tires and other materials the acceptance of which, in the judgment of the transfer station operator, reasonably exercised, is likely to cause damage to or adversely affect the operation of the system, constitute a threat to health or safety, or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.

Transfer station means the specific area within the refuse disposal area designated for the delivery of solid waste other than recyclable materials for transfer to a sanitary landfill or resource recovery facility.

(Code 1972, § 22-1; Ord. of 5-9-1988; Res. of 9-25-1990)

Sec. 62-2. Penalties.

(a) Any person who shall violate any provision of this chapter shall be punished by a fine not to exceed \$100.00 unless stated otherwise in this chapter. Each day such violation is continued, after notice to abate from the director of health or the director of public works, shall be deemed a separate offense and shall be punishable as such.

(b) Refuse collectors who dump more than one cubic foot in volume of solid waste in an area not designated for such disposal or who knowingly mix garbage with items required to be recycled shall be liable for a civil penalty of not more than \$1,000.00. The town, at the request of the commissioner of environmental protection, may bring action under G.S. § 22a-220a(f), which action shall have precedence in the order of trial as provided in G.S. § 52-191.

(Code 1972, § 22-7; Ord. of 5-9-1988; Res. of 9-25-1990)

State law references: Penalties for ordinance violations, G.S. § 7-148(c)(10)(A).

Sec. 62-3. Separation and storage of waste materials for collection.

(a) The director of public works shall develop rules and regulations needed to comply with the provisions of G.S. §§ 22a-241--22a-241g.

(b) Residents must separate the following items from their refuse for recycling: newspaper, cardboard, mixed paper, glass and metal containers, scrap metal, storage batteries, waste oil, leaves, high density polyethylene bottles or jars (HDPE), and polyethylene terephthalate containers (PET).

- (c) Commercial/institutional generators must make provision for the separation of cardboard and office paper in addition to all of the items above.
 - (d) Garbage and combustible wastes may be mixed but shall be stored at point of origin separately from all other waste material. Garbage, either separate or mixed with combustible waste, shall be drained free of water and stored in watertight, tightly covered cans or like containers properly equipped for handling.
 - (e) Incombustible wastes shall be stored at point of origin separately from all other waste materials.
 - (f) Recyclable materials shall not be mixed with garbage and shall be collected separately from all other waste material.
 - (g) Containers for use with mechanical lifting devices shall be approved by the director of health before use.
 - (h) No person other than a commercial/institutional generator, its agent, employee or tenant, or tenant's agent or employee shall deposit waste material of any type in a container provided for commercial or institutional waste collection.
- (Code 1972, § 22-2; Ord. of 5-9-1988; Res. of 9-25-1990)

Sec. 62-4. Collection and transportation of waste materials, vehicle license.

- (a) Individual town residents may transport and deliver designated acceptable solid waste materials to the refuse disposal area provided they comply in all respects with the provisions of this chapter and also display a current refuse disposal area sticker on their vehicle.
- (b) No person, firm or corporation other than the owner, lessee or occupant of a residential dwelling or commercial establishment, or any employee or company employed for the purpose of removing and transporting recyclable items, shall pick up, remove, destroy or interfere with the collection of mandatory recyclable items. Scavenging among recyclables by unauthorized persons is expressly prohibited.
- (c) Any owner of a commercial vehicle may be authorized to collect and transport waste material, provided that collection is performed in accordance with the provisions of this chapter and produces no objectionable conditions in and on the streets of the town, and provided that such commercial vehicles display a current refuse disposal area license plate. Trailers larger than five-cubic-yard capacity shall be licensed separately under the provisions of section 62-7.
- (d) Refuse collectors shall, before engaging in such business, have their vehicles inspected, approved and licensed by the director of public works. The director may revoke or suspend such license when the nature of collection, transportation, or disposal does not comply with this chapter or the regulations of the state public health code.
- (e) No garbage shall be transported by commercial vehicle through any public street or highway in the town except in covered vehicles constructed and maintained to prevent leakage or the scattering of contents or dust. No garbage or other waste material will be transported through any public street or highway in the town in such a manner as to permit leakage, droppage, or the scattering thereof.
- (f) Commercial vehicles used for the collection and transportation of garbage shall be maintained in a sanitary manner. Garbage shall not be stored in vehicles overnight. At the end of the working day, all such vehicles shall be completely emptied of garbage and shall be sanitized by a process approved by the director of health.
- (g) No waste material from another town shall be brought into the town for disposal in the refuse disposal area.
- (h) Any solid waste left for collection containing items designated for mandatory recycling shall be refused by any collector licensed by the town. Collectors must provide the department of public works with the names and addresses of any customers who fail to separate recyclables

from their trash and provide warning notices to such customers when requested to do so by the town. Collectors shall also assist the town in identifying persons responsible for depositing significant amounts of recyclables in loads delivered to the transfer station.

(i) Nonresidential generators of items required to be recycled shall submit periodic reports to the town setting forth data relating to the amount and nature of items recycled.

(Code 1972, § 22-3; Ord. of 5-9-1988; Res. of 9-25-1990)

State law references: Failure to separate recyclables, G.S. § 22a-220a(i).

Sec. 62-5. Disposition of waste material.

(a) *Designation of areas for refuse disposal.* . Each person or firm collecting acceptable solid waste generated within the boundaries of the town shall deliver all such waste to the transfer station located at Ledge Road, unless the transfer station is incapable of accepting acceptable solid waste at the time of delivery, in which event such solid waste shall be delivered to an alternate location designated by the director of public works.

(b) *Delivery of recyclable materials.* Each person or firm collecting mandatory recyclable materials as specified in Sec. 62-3(b) shall deliver them to designated areas at the town's refuse disposal area on Ledge Road

(c) *Refuse disposal area.*

(1) Garbage and other combustible waste shall be delivered to the transfer station.

(2) Mandatory recyclable items may be delivered to designated dropoff areas within the refuse disposal area.

(3) Tires shall be separated from the rims or wheels.

(4) Brush and tree branches shall be cut into four-foot lengths.

(5) Tree limbs in excess of six inches diameter will not be accepted and must be delivered directly to the designated bulky waste landfill.

(6) Lumber must be reduced in size to a maximum width of 12 inches and a length of four feet.

(7) The following materials will not be accepted:

a. Hazardous waste;

b. Chemicals;

c. Metal drums and tanks;

d. Tree stumps;

e. Dead animals;

f. Bulky waste not meeting size requirements;

g. Loads of more than five yards of bulky waste;

h. Clean fill, unless specifically authorized by the department of public works (DPW).

(Code 1972, § 22-4; Ord. of 5-9-1988; Res. of 9-25-1990)

Sec. 62-6. Issuance of disposal area and garbage truck regulations authorized.

(a) The director of public works shall have the authority to issue regulations not inconsistent with this chapter with respect to the operation of the refuse disposal area and the collection and processing of recyclable material. Such regulations shall be designed to preserve public health and safety.

(b) The director of public works shall have authority to issue regulations not inconsistent with this chapter and with respect to the operation, maintenance, and storage of garbage trucks. Such regulations shall be designed to preserve public health and safety.

(Code 1972, § 22-5; Ord. of 5-9-1988; Res. of 9-25-1990)

Sec. 62-7. Refuse disposal area permits, license, disposal fees and collection of fees.

The classification of vehicles and accompanying fees are set forth in this section.

(1) *Commercial vehicles.* An annual fee, to be determined by the board of selectmen, shall be paid to the town for each commercial vehicle licensed during the calendar year. When application for the license is made on or after July 1, the foregoing fee shall be prorated. Such vehicles will be issued a marker plate which is not transferable and must be securely attached to the vehicle. The following vehicles shall be classified as commercial:

- a. General refuse, contractors' or landscapers' trucks; trailers with larger than five-cubic-yard capacity and any other vehicle used commercially or bearing a commercial license, including garbage collection trucks.
- b. Vehicles bearing combination or camper license plates and used commercially, or any dump truck or other truck of more than 4,000 pounds lightweight bearing combination license plates. The provisions of section 62-4(a) shall not except such vehicles from obtaining a refuse disposal area license.

(2) *Noncommercial vehicles.* An annual fee, to be determined by the board of selectmen, shall be paid to the town for each noncommercial vehicle licensed during the fiscal year. When application for the license is made on or after July 1, the foregoing fee shall be prorated. Owners of vehicles bearing passenger or combination license plates may obtain a refuse disposal area sticker upon showing proof (vehicle registration) that the owner of the vehicle is a resident of the town or a taxpayer owner of real estate in the town. Holders of such permits may tow a trailer of less than five-cubic-yard capacity. The accuracy and certification of information supplied in the application for a noncommercial vehicle permit shall be subject to the provisions of section 62-2.

(3) *Additional fees; fee schedule.* Additional fees may be collected by the town from the users of the refuse disposal area. Fee schedules shall be determined, from time to time, by the board of selectmen based upon actual handling and disposal costs and only after the board of selectmen holds a public hearing to obtain public comment on such determination or redetermination.

(4) *Manner of collection of fees and issuance of permits.* The board of selectmen shall have the authority to collect and determine the manner of collection of all refuse disposal area license and disposal fees and issuance of permits.

(5) *Temporary permits.* Temporary permits may be issued no more than twice a year under the following circumstances:

- a. Town residents or property owners who desire to transport waste from their residence or residential property, may obtain a temporary permit for a borrowed vehicle (show registration), not exceeding three-quarter-ton capacity for a period not to exceed one week, provided that vehicle is not registered commercial and is not used for commercial purposes.
- b. Town residents who own vehicles with three-quarter-ton load carrying capacity or less and hold a commercial permit may obtain a temporary or combination permit for a period not to exceed one week provided the vehicle is used to transport waste from their residence or property.

Sec. 62-8. Notification to householders.

The town shall, at its expense, publish a digest of this chapter for the advice of householders. Copies of the digest will be available at the department of public works' office at the town hall. (Code 1972, § 22-8; Ord. of 5-9-1988; Res. of 9-25-1990)

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Mr. Whitehead read the report of TGS&A (attached).

Mark Adiletta, District V, Chairman of the Public Works Committee, read the report of that committee (attached).

James Cameron, District IV, said that the largest carter in town goes to the Stamford transfer station rather than the Ledge Road transfer station because it is cheaper, and they owe the town money. Garbage collected in Darien should be tipped in Darien. He asked what the provision in the ordinance requiring that the garbage go to Ledge Road would mean to the customers of A&D Carting. Town Counsel Schmidt said this language is in the current ordinance as well. The Town has more authority to enforce that provision. The Moderator said there is currently some sort of reconciliation effort underway.

**** ITEM 09-4 CARRIED ON A RISING TALLY VOTE OF 74 IN FAVOR, 2 OPPOSED, 1 ABSTENTION.**

PRESENTATION ON 35 LEROY AVENUE PROPOSAL

A presentation was made by the following: Richard DiDonna, Chairman of CHALAC; Norman Guimond, committee member of CHALAC, Jim Evans & Lou Contino, Jim Evans Associates (architects) and Larry Kluetsch, Executive Director of Mutual Housing.

Jack Davis, District V, asked if a parking area would be made into a landscaped area, and Mr. Kluetsch responded affirmatively.

Mary Guimond, District VI, asked if home incentive housing zoning, e.g., Home Connecticut, would be requested. Mr. Kluetsch said they would not apply for it but the town would do so. It gives financial incentives to increase density but does not increase density.

John van der Kieft, District V, asked the size of the units. Mr. Evans said the two-bedroom units would be 1300 to 1400 s.f. and the one-bedrooms would be slightly over 700 s.f.

Ted Hawkins, District VI, asked about the time line from awarding of the contract to the sale to owners. At what point does the town relinquish maintenance of the property to the developer? Mr. Kluetsch said once they start construction, they will be responsible for the property. A three year time period is accurate, given one year for construction. Mr. Hawkins said MHA has a good track record. The way Darien is supplying the land – is that customary? Among other comments, Mr. Kluetsch said there is will be a different payment structure in Darien.

Andrew Millar, District IV, said the RFP makes a distinction between owner-occupied and equity-interest housing. Mr. Kluetsch said he sees this as being the same. The owner has to occupy the house; he cannot rent it out. The prices are calculated based on the median income in the state. There is also a formula for resale to keep the housing affordable.

Susan Lehan, District III, asked if the sale prices would be affected if housing prices continue to decline and its effect on the ability to find financing. Mr. Kluetsch said they are so far under-market that it should not be a problem. People are not having problems finding loans for affordable housing. Construction lending for home ownership is tricky now.

Eugene Coyle, District III, said anyone can apply for these homes, not just firefighters, teachers, etc., and the elderly. Mr. Kluetsch said fair housing laws require that units be sold to anyone. They can set aside units for people who already live in existing housing and for seniors. This would have to be negotiated with HUD. He said that typically people who will apply for this housing will be those who have a connection in town.

Bruce Orr, District V, said this is not a \$1 a year land lease. Mr. Kluetsch said that was determined by what the developer's budget could afford for land costs.

Peter Kelly, District I, said he saw no criteria in the RFP as to the number of units. He asked if this property could be used for more than 21 units. Mr. Kluetsch said that the site can accommodate more if the community wants that. Karl Kilduff, Town Administrator, said that the RFP reflected the course set by the Board of Selectmen. 21 units is responsive to the issues of the neighbors and works with existing zoning regulations.

John Sini, District I, asked about the economics of the project, which Mr. Kluetsch reviewed.

Stephen Olvany, District III, asked about project costs, including the costs per square foot. Mr. Kluetsch said that the cost would be \$150 to \$160 for construction. Sales are based on the formula that they are allowed to sell for. Mr. Olvany said it appears that the developer is making a \$30 profit per foot. Mr. Kluetsch said that they are losing money. They will apply for DECD funds.

Andrew Millar, District IV, said that they would provide housing for fire and police. What percentage of these workers would fall within the income guidelines? Mr. Kilduff said it is probably a small number of town employees who would be eligible.

Mary Guimond, District VI, asked if there would be any economic difference if this was senior housing. Mr. Kluetsch said it would open up another avenue of funding. They have not included setting aside a number of units for seniors.

Dennis Maroney, District III, asked how it is determined who gets into housing, and who makes that determination. Mr. Kluetsch said they use a point system and it ends up by a two-tiered lottery. There can be parameters on future sales to keep the units affordable. Mr. Maroney asked if the RTM has to approve something. The Moderator said that the RTM has to approve a land lease. Mr. Kluetsch said that would probably take place fairly early. Mr. Kilduff said that the negotiating committee has been formed to come up with a lease, which will come back to the RTM in as short a time as late April. The Moderator said they are looking at holding a meeting in late April.

Chris Noe, District II, said taking state or federal aid might come with unacceptable conditions. He also asked about points. Mr. Kluetsch said they must comply with fair housing laws and do outreach to minority communities.

Jack Davis, District V, said Clock Hill Homes has 62 families on the waiting list who might also qualify for these units. The Moderator said that is a list maintained by the Housing Authority.

Bruce Orr, District V, asked how they would go forward in terms of changing zoning. Jeremy Ginsberg, P&Z Director, said this property is split zoned. There would likely be rezoning to a DBR-DB1 zone. This would increase density, but within the parameters of the current zoning regulations.

DISCUSSION OF SELECTMEN'S DRAFT AFFORDABLE HOUSING PLAN

First Selectwoman Evonne Klein, accompanied by Selectmen Linda Santarella, Callie Sullivan, Seth Morton and David Bayne, reviewed the executive summary.

Mary Guimond, District VI, asked about page 10 regarding the library site. Is that what they are planning to do and how will it affect density? First Selectwoman Klein said it would not increase the density. Mr. Ginsberg said that it would be up to P&Z to determine if the Connecticut Technical Housing zoning would be appropriate in this case. It will not change the density above 21.

Jack Davis, District V, said it seems likely that all of the initiatives will be built prior to the 2010 census. As of today, what is the new number of housing units in Darien and what is the additional number of units approved to be built? Mr. Ginsberg said that the number of housing units approved each year varies. The Procaccini property was approved for 62 units, which have not yet been built. The 2010 census will come out in 2011-2012. From the 2000 census, they see an average of 5-15 new units per year. Mr. Davis asked if 150 new units was a reasonable number; Mr. Ginsberg said he would have to look into that question. First Selectwoman Klein said there are other affordable units that may come on line. DAHAC will be recommending legalization of in-law and accessory apartments.

Gary Swenson, District VI, said the plan notes the character of the neighborhood as a priority, but then he sees inclusionary zoning, which is contradictory. First Selectwoman Klein said the assumption being made is that developers want to include affordable housing, which not every developer wants to do. The Board of Selectmen worked to determine areas of town in which they could build affordable housing. Mr. Swenson said ultimately, this draft was approved by the Selectmen, and he asked what the vote had been. First Selectwoman Klein said the vote was 5-0 to pass it on to P&Z for comments. Selectman Bayne said he did not disagree with this. They are not focusing on sites in general. Selectman Santarella said she voted against inclusionary zoning, but she voted to send it forward in draft form to obtain public input. Selectman Sullivan said an affordable housing trust fund is before the Board of Finance for review. It could be used to purchase small homes and use them as affordable housing. They have to continue to look outside of the box. They understand that they need to give developers a carrot for affordable housing. Selectman Morton said this is a plan that has been requested by many entities in town. It was needed for many reasons. They are now in the comment stage.

Selectman Santarella said she was not aware of any document that was an affordable housing plan in all of the years she was on the RTM. P&Z kept asking for this. The P&Z Commission has chosen not to comment on this plan. Mr. Swenson said his concern is that some segments of the town don't bear the burden of affordable housing. Selectman Bayne said they would be happy to caucus with everyone in person or to receive e-mails. Mr. Swenson said people are concerned. The Duhaime property, the corporation building on Old Kings Highway, etc., are among those that can be used for affordable housing and would be less intrusive than other areas. First Selectwoman Klein said that the Duhaime property is privately held.

Robert Young, District III, said there is discrimination on the western part of town. The fee in lieu of housing program does not work because the incentive is there for the developer to pay the fee rather than include affordable housing.

Bruce Orr, District V, said 52 other communities in the state are in the same category as Darien. Something in the document should say what this town is doing to get 8-30g modified at the state

level. It is a well-intended but impractical state law. First Selectwoman Klein asked RTM members if anyone had sent up testimony to the state hearing on February 17th. The Board of Selectmen has sent testimony for years. They support four amendments:

- 206 – An Act Concerning Moratoriums on Affordable Housing
- 208 – An Act Concerning the Determination of the Number of Affordable Housing Units in a Municipality
- 5240 – An Act Concerning the Threshold for Compliance with Affordable Housing
- 5525 – An Act Concerning Exemptions to the Affordable Housing Land Use Appeals Process

However, she was advised that none of these amendments will pass. We have been active. DAHAC has gone to Hartford and talked to legislators. Selectman Sullivan said people in Fairfield County and in Hartford have different perspectives.

Cheryl Russell, District V, said Hoyt Street does not have bus service. Page 28 should include what parts of West Avenue and Hoyt Street they are discussing. Hoyt Street is 90% residential zoned. First Selectwoman Klein said that came from the P&Z document.

Ted Hawkins, District VI, asked for an update on the Mediplex complex. First Selectwoman Klein said she was asked to work with them to get them financing for four affordable units. They met with the Housing Development Fund to identify financing options, and that is the last she has heard. Mr. Hawkins commended the Selectmen for preparing an affordable housing plan. It is confusing because it is providing information on affordable housing, which should be in an index or not in the plan at all. He said they should think about pulling out some of the sections in the plan. It would be easier for the lay people to read. Stamford's document is only 1-1/2 pages. First Selectwoman Klein said that the Stamford Affordable Housing Plan is not 1-1/2 pages. The Selectmen have read over 25 affordable housing plans and followed that organization. They can add a section on funding sources. Selectman Santarella said they put so much into the document to give the public all of the information. She is excited by the number of people who have read the plan. Selectman Bayne said that the case law section came about through a suggestion from him to P&Z and it was put together in conjunction with town counsel. Selectman Sullivan said they went on line and looked at affordable housing plans throughout the country with PZ&H. Selectman Morton said ways of funding affordable housing should be mentioned. First Selectwoman Klein said if you are building a rental or affordable housing, there are different funding sources. The Moderator noted there is also the Trust Fund.

Diana Nizolek, District V, said on page 10, it talks about proximity to public transportation, and she asked why Darien focused on transit-oriented development, which limits where the housing can be sited. It is not fair to put so much affordable housing in the Heights area. Nothing explains what action can be taken against a town that does not comply with 8-30g. She would like to hear from Mr. Conze as to why the P&Z has chosen not to comment on this document. First Selectwoman Klein said one of the consequences is a lengthy appeals process. The Moderator said Mr. Conze wrote a letter saying that the P&Z Commission has chosen not to comment on the draft plan (letter attached). First Selectwoman Klein said that P&Z was not asked to comment on 35 Leroy Avenue for this evening. She asked Town Counsel Fox if it would be a conflict for P&Z to comment on a land use document. Town Counsel Fox responded that it would be unfair for him to answer for Mr. Conze or the Commission. Mr. Conze's concern was that this

document (Draft Plan) not be used in conjunction with any application coming before the P&Z Commission.

Mary Guimond, District VI, said on page 25, it cites a study, and she asked if this study had been done. First Selectwoman Klein said they completed their survey work but did not do a study. Mrs. Guimond said there is a math error on page 31 and First Selectwoman Klein said there was a high level of interest from town employees. She agreed with Mr. Swenson and Mrs. Russell that people in Districts V and VI are going to be very concerned about town-sponsored density. They have met with community groups who say that the Post Road is a great place for affordable housing. Mrs. Guimond said they are concerned about people changing existing P&Z regulations.

Diana Nizolek, District V, said since there are 51 other municipalities in Connecticut in the same situation as Darien, they should lobby together.

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 11:15 P.M.**

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(09-2)</u>	<u>(09-3)</u>	<u>(09-4)</u>
Bishko	yes	yes	yes
Grimes	absent	absent	absent
Harrington	yes	yes	yes
Imbimbo	yes	yes	yes
Kelly	yes	yes	yes
Nelson	yes	yes	yes
Ness	yes	yes	yes
Piccaro	absent	absent	absent
Price	yes	yes	yes
Puzyk	absent	absent	absent
Schneider	yes	yes	yes
Sini	yes	yes	yes
Smith	absent	absent	absent
Tierney	yes	yes	yes
Valentino	yes	no	yes
Wong	absent	absent	absent

<u>DISTRICT IV</u>	<u>(09-2)</u>	<u>(09-3)</u>	<u>(09-4)</u>
Artinian	yes	yes	yes
Cameron	yes	yes	yes
Cleary	yes	yes	yes
Davis	yes	yes	yes
Eng	absent	absent	absent
Kemp	yes	yes	yes
Millar	yes	yes	no
Miller	yes	yes	yes
Morrison	absent	absent	absent
Peters	yes	absent	absent
Pratt	absent	absent	absent
Rayhill	yes	yes	yes
Rycenga	yes	yes	yes
Savage	yes	yes	yes
C.Schoonmaker	absent	absent	absent
S.Schoonmaker	absent	absent	absent
Weyhe	yes	yes	yes

DISTRICT II

Bacon	yes	yes	yes
Conway	yes	yes	yes
Howe	yes	yes	yes
Magida	yes	yes	yes
Maguire	yes	yes	yes
Marston	yes	yes	yes
Noe	yes	yes	yes
Ridley	yes	yes	yes
Rudnick	yes	yes	yes
Seelye	yes	yes	yes
Sheehan	absent	absent	absent
Smosky	yes	yes	yes
Thorne, B.	yes	yes	yes
Thorne, M	yes	yes	yes
Weicker	absent	absent	absent

DISTRICT V

Adiletta	yes	yes	yes
Balian	absent	absent	absent
Camuti	absent	absent	absent
Conniff	absent	absent	absent
Dailey	yes	yes	yes
Davis	yes	yes	yes
George	yes	yes	yes
Hennessy	yes	yes	yes
Nizolek	yes	yes	yes
Orr	yes	yes	abstain
Patrick	yes	yes	yes
Russell	yes	yes	yes
Sharp	yes	yes	abstain
Vanderkieft	yes	yes	abstain
Wenger	yes	yes	yes
Wolcott	yes	yes	yes

DISTRICT III

Bayne,	yes	yes	yes
Brode .	yes	yes	yes
Cardone	yes	yes	yes
Coyle	yes	yes	yes
Duffy	yes	yes	yes
D'Urso	yes	no	yes
Fead	yes	yes	yes
Helms	yes	yes	yes
LeHan	yes	yes	yes
Maroney	yes	yes	no
Martens	yes	yes	yes
Moore	yes	yes	yes
Olvany	yes	yes	yes
Pullen	yes	abstain	yes
Smith	yes	yes	yes
Voigt	yes	yes	yes
Young	yes	yes	yes

DISTRICT VI

Adelman	yes	yes	yes
Armour	did not vote		
Baldwin	yes	yes	yes
Berl	absent	absent	absent
Conologue	yes	yes	yes
Grogan	yes	yes	yes
Guimond	yes	yes	yes
Hawkins	yes	yes	yes
Jones	yes	yes	yes
McDermott	yes	yes	yes
McLean	yes	yes	yes
McNamara	yes	yes	yes
Plehaty	yes	yes	yes
Poli	yes	yes	yes
Stephens	absent	absent	absent
Swenson	yes	yes	yes
Whitehead	yes	yes	yes

RTM Education Committee – Resolution 09-2

Report and Speech to the RTM on March 16, 2009

Good evening. My name is Lois Schneider and I am Chair of the RTM Education Committee.

With no objection, I would like to waive the reading of the text of resolution numbered 09-2 . . . I would like a motion to consider this resolution.

At the Regular meeting of the RTM Education Committee on March 9, 2009 with 11 of 14 members present, the Education Committee met to discuss and vote on the request for \$425,000 for replacement boilers and associated equipment for Royle School. This topic had been previously addressed at our February meeting and at the last RTM meeting. Guests at our meeting were Board of Education members John Boulton, Clara Sartori, and Heather Shea and Don Fiftal and Dick Huot from the school administration. We voted unanimously to support this request.

This project was to be part of the 2009-2010 capital requests but was moved forward to assure that the long lead time for procuring the equipment could be supported and that the project would be functional before the next heating season. The project is necessary as:

- The current boilers are approximately 60 years old
- There were several code violations during the annual inspection last year that were fixed, but the boilers might not pass the next inspection.
- Replacing failed boilers during a heating system could be costly and we would not want to impact the school's operation.
- Replacing the boilers in 2 stages would incur incremental costs and require a dual mode operation for the systems which could bring on additional problems
- The new boilers and additional components will be current and energy efficient.
- Additional replacements will be made for piping, burners and make up tanks for total system replacement
- Old electric hot water heaters will be replaced by more efficient oil fired hot water heaters.

Approval by the Board of Finance was granted with the understanding that this is the top priority capital project from the Board of Education and this approval will be considered in weighing the potential of any other capital projects for 2009-10 budget year.

The RTM Education committee supports this critical project.

Thank you.

**Finance & Budget Committee
Report to RTM, March 16, 2009**

**(09-2) RTM RESOLUTION APPROVING BOE request for \$425,000 for
REPLACEMENT OF ROYLE SCHOOL BOILERS**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

^{A Regular}
The F&B committee met on March 10, 2009, with 10 of 15 members present comprising a quorum.

The Committee was joined by Richard Huot, District Finance Director, Paul Engemann Director of Facilities and Construction and Clara Sartori, Secretary of the Board of Ed.

Many of the Finance & Budget Committee were previously aware of this critical capital item, as the request for emergency funding had surfaced during our BOE budget discussions in January.

Mr. Engemann provided the Committee with an overview and background on the current situation and proposed boiler replacement project. As aptly described in the background materials in your RTM packets, the 60 year old boilers have gone well beyond their useful lives and, if not replaced in the coming summer and fall months, the District runs the risk of having a winter boiler failure and absorb the associated costs of renting temporary boilers. Normally, this capital request would be included in the annual budgeting process but due to the critical timeline and long lead times for the equipment, it was advanced so the District could order materials and properly plan the installation. Numerous options to either defer or stage the installation were reviewed. None of the options reviewed made economic sense.

The Board of Finance approved this emergency funding request in January

The Finance and Budget Committee voted unanimously to approve this emergency funding capital project.

We recommend that the RTM approve this Contract.

RTM Education Committee – Resolution 09-3

Report and Speech to the RTM on March 16, 2009

As Chair of the RTM Education Committee, I am reporting on resolution 09-3.

With no objection, I would like to waive the reading of the text of resolution numbered 09-3 . . . I would like a motion to consider this resolution.

At the Regular meeting of the RTM Education Committee on March 9, 2009 with 11 of 14 members present, the Committee met to discuss and vote on the request for \$438,998.84 for the Board of Education Energy Upgrade Plan. This topic has been previously introduced by Mr. Boulton at the last RTM meeting. Guests at our meeting were Board of Education members John Boulton, Clara Sartori, and Heather Shea and Don Fiftal and Dick Huot from the school administration. We voted unanimously to support this request.

This project is part of the District's objectives for the year. It includes the relamping in all our schools to reduce energy consumption by 10%. It was planned initially last spring to take advantage of a state funding opportunity. The state fund has opened up these projects again and with the approval of this project we can participate.

The relamping will take place at all schools and begin once the resolution has completed the approval process. The activities will happen on 2nd shift so the cost savings can start as soon as possible. The work has been carefully considered, specified and a reliable vendor has been assigned. While Tokeneke school is new, the technology has improved since that building was designed, and it, too, will benefit from this process. The payback is less than 5 years based on current energy consumption and energy rates. The anticipated energy savings have already been built into the 2009-2010 Board of Education budget. There are additional potential savings if the utility costs increase and if, as expected, the bulbs have a longer life than the current bulbs.

The Board of Finance voted to fund this project directly from the general fund and not use the tax-exempt lease purchase that was discussed in the write-up sent to us.

The RTM Education committee supports this project. Thank you.

**Finance & Budget Committee
Report to RTM, March 16, 2009**

**(09-3) RTM RESOLUTION APPROVING BOE REQUEST FOR \$438,998 for
an "ENERGY CONSERVATION PLAN"**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

no interest
The F&B committee met on March 10, 2009, ^{at the regular meeting.} with 10 of 15 members present comprising a quorum.

The Committee was joined by Richard Huot, District Finance Director, Paul Engemann Director of Facilities and Construction and Clara Sartori, Secretary of the Board of Ed.

Mr. Huot provided the background on this project, which began almost one year ago. The project is a partnership between the school district, CL&P and Power Point energy. Originally the project was proposed to be financed, with the energy savings of approximately 10% per year being used to pay the principal and interest. In other words, the project was positioned as self funded. For a host of reasons, including the challenging credit markets and a 2% project discount, the Board of Finance approved the project as a one time capital expense. The payback period on the capital expenditure is forecast to be 5 years.

Mr Engemann, Mr. Huot and Ms. Sartori fielded a number of questions from the Committee regarding the technology, the timing and monitoring of the savings. Regarding the monitoring of the savings, there is already a web based monitoring of electric usage by the District and this tool will be used to track and ensure that the overall savings goals are being met.

The Finance and Budget Committee voted unanimously to approve this Capital project based not only on the estimated project returns but also on the likely positive environmental impact.

We recommend that the RTM approve this Contract.

Good Evening : Town Officials, Representative Town Meeting Members, Darien Residents and Guest.

My name is Jack Whitehead and I am Chairman of Town Government, Structure and Administration, (TGS&A)

At this time I would like to move Item 09-04 Public Works Solid Waste Ordinance and ask for a second.

Without objection I move to waive the reading of the Resolution.

On behalf of the Town Government, Structure and Administration Committee I present to the Representative Town Meeting for their consideration and ratification Item 09-04.

At our meeting of March 4, 2009, with 9 of 12 members present. TGS&A voted unanimously to recommend this item to the RTM.

The Rules Committee of the Representative Town Meeting requested that TGS&A undertake the review of the Code of Ordinances of the Town of Darien with Town Counsels Fox and Schmidt. Input would also be requested from the Department heads and staff who must administer these ordinances.

The TGS&A committee found that the Solid Waste Ordinance was last up dated 20 years ago. As of January 1, of this year the Town of Darien entered into a contract with City Carting Refuse Corporation. This meant that Section 62 of the Code of Ordinances needed updating.

Director Of Darien Public Works Robert Steeger rewrote the Ordinance, reflecting the necessary up dates and submitted them to TGS&A.

I met with the Public Works committee of the RTM and with the Director of Public Works Robert Steeger present, and then reported back to TGS&A.

And the Committee wishes to thank Mr. Steeger for his assistance especially during Budget Season.

The Committee would also like to thank Counsel's Fox and Schmidt for their assistance during this process.

The Town Government Structure and Administration Committee asks that you vote, " Yes" and ratify Item 09-04 the Solid Waste Ordinance.

COMMENTS TO REPRESENTATIVE TOWN MEETING

TOWN OF DARIEN, CONNECTICUT

MARK ADILETTA – CHAIR - PUBLIC WORKS COMMITTEE ; District 5

Regular Meeting, Monday March 16th, 2009

- PWC met 2/23/09 with 7 of 13 members present.
 - Reviewed a draft of the proposed changes to Code of Ordinances, Chapter 62 “Solid Waste” presented by Mr. Whitehead, Chair of TGS&A
 - We understood the proposed changes to the ordinance had been prepared in coordination with town counsel and Mr. Steeger, the Director of Public Works
 - The PWC committee generally expressed support for the concept of changes to text which eliminate references to specific entities or contracts and other tangent details to make the ordinance more accepting of standard changes in operations over time. Vote was 7 in favor, 0 opposed.
 - The committee also requested that I seek further information and guidance on some of the specific changes.

- On 3/3/09 I attended the TGS&A meeting to get clarification on the items requested by the PWC. Present at this meeting was Town Counsel, the RTM Moderator and Mr. Davis of the Rules Committee.

- On 3/16/09 the PWC met with ⁹/~~8~~ of ¹⁴/~~14~~ members present. We found the changes to the Code of Ordinances, Chapter 62 “Solid Waste” included in this item 09-04 consistent with:
 - the stated mission of TGS&A to remove tangent details from Code of Ordinances
 - with the Code of Ordinances of other municipalities which have ^{Streamlined} modern ordinances structured this way
 - the charge to the TGS&A sub-committee, by the Rules Committee, to bring the Darien Town Charter and accompanying Code of Ordinances up to date
 - Consistent with the functioning of the PWC as it relates to various items covered by the ordinance.

- The PWC voted 7 in favor, ~~0~~ opposed with 2 abstentions to recommend 09-04 to the Full RTM

- I encourage you all to approve this housekeeping item as a first step to the much large task, to make our Charter and Code of Ordinance more up to date.

EXECUTIVE SUMMARY

Mindful of the housing needs in Darien, the Board of Selectmen commissioned this Affordable Housing Plan which highlights the following:

- Provide affordable housing in Darien;
- Evaluate the risks if Darien does not have a plan;
- Understand the policies behind affordable housing as reflected in the Connecticut General Statutes and the avenues available under the law by which municipalities may take control of the development of affordable housing within their town ;
- Review existing laws and court cases;
- Identify and develop strategies for the Town to ensure that the diverse housing needs of residents are met;
- Reflect the 2006 Town Plan of Conservation and Development and other State and Regional plans regarding housing; and
- Identify potential construction options to reach moratoria permitted by 8-30g.

In 1989, the State of Connecticut legislature adopted Section 8-30g of the Connecticut General Statutes. Although land is costly and scarce in Fairfield County and in Darien in particular, the Town of Darien, within this Plan, seeks to encourage more affordable housing.

This Affordable Housing Plan serves as a working document that will evolve with the changing needs and priorities of the Town. It may also need to be modified to reflect any future legislative amendments.

The Town of Darien will encourage the development of new affordable housing in a variety of ways. Through a 20-point strategy, the Plan will include planning and zoning regulations and strategies such as the recent adoption of inclusionary zoning, provide workforce housing through various local and State incentives such as HOMEConnecticut; implement housing production and preservation strategies; target local capacity strategies that will provide ongoing education campaigns, pursue applicable grants, and work with neighboring towns and cities.

THIS AFFORDABLE HOUSING PLAN IS ADVISORY AND SHOULD NOT BE CONSTRUED TO REFLECT THE POSITION OF THE BOARD OF SELECTMEN ON ANY SPECIFIC PAST, PRESENT OR FUTURE AFFORDABLE HOUSING APPLICATION (S). INDIVIDUAL AFFORDABLE HOUSING APPLICATIONS ARE SUBJECT TO THE JURISDICTION OF THE DARIEN PLANNING AND ZONING COMMISSION AND IN SOME CASES THE DARIEN ENVIRONMENTAL PROTECTION COMMISSION.

MISSION STATEMENT

The Darien Affordable Housing Plan is intended to develop a course of action that calls for a logical, methodical strategy to encourage the creation of affordable housing units in Darien. The Plan's goal is twofold: 1) to encourage the development affordable housing and 2) to provide

Frederick B. Conze
24 Royle Road
Darien, CT 06820

March 16, 2009

Karen Armour
Moderator
Representative Town Meeting

Madame Moderator:

Please be advised that the Planning and Zoning Commission has a standing policy of refraining from comment on any matter that may come before it. Accordingly, the Commission has no comment on the 35 Leroy project.

Also please be advised that the Planning and Zoning Commission has discussed the Selectmen's Affordable Housing Plan with counsel, and we believe it to be inappropriate to comment on the plan. The Commission is, however, committed to maintaining the residential character of Darien consistent with its regulations and the Town Plan of Development.

Respectfully yours,

Frederick B. Conze
Chairman
Planning & Zoning Commission