

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
March 7, 2023**

Place: Room 119, Darien Town Hall

TIME: 7:30 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, Reilly, Barsanti, Balgach

STAFF ATTENDING: Ginsberg, Doneit
Recorder: None
Channel 79

Chairman Olvany opened the meeting at 7:32 P.M. Mr. Reilly made a motion to discuss other business first to accommodate the public. That motion was seconded by Mr. Balgach and approved by a vote of 4-0.

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Other Business.

Business Site Plan #295, Special Permit #294 Land Filling and Regrading Permit #401, Noroton Heights Shopping Center, 346, 310 & 264 Heights Road.

The Commission reviewed a March 3, 2023 letter from Attorney Robert Maslan, the applicant's representative, requesting a one-year extension to the deadline to commence work on the subject property.

Ms. Barsanti made a motion to grant the one-year extension. That motion was seconded by Mr. Balgach, and approved by a vote of 4-0.

At about 7:35 p.m., Chairman Olvany then read the following agenda item:

Federal Realty Updates.

Mr. Ginsberg summarized the various new commercial first-floor tenants leasing space within the project. Residential rentals continue in both of the mixed-use buildings. It was noted that Senior Vice President of Federal Realty Patrick McMahon will be invited to an upcoming Commission meeting over the next month or so to give the Commission an update on the project.

Accessory Apartment / Accessory Dwelling Unit Review and Discussion.

Mr. Olvany confirmed that in 2022, Darien opted out of the State-required Accessory Apartment standards. Mr. Ginsberg said that he hopes to have a discussion at one of the Commission meetings in April to better understand the Commission's perspective on these units, and whether they wish to prepare a draft zoning regulation amendment for a public hearing.

Mr. Olvany said that his main concern is fire access. He noted that the difference between a pool

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house and an accessory apartment, is that the accessory apartment would have a cooking facility. Mr. Olvany suggested that any accessory apartment be allowed on a property with at least an acre of land. This will ensure sufficient on-site parking. One possibility would be to allow such apartments in the R-1 and R-2 zones as-of-right, and allowing it on smaller lot-size minimum zones by Special Permit.

Mr. Balgach said that his concern relates to the presence of sanitary sewer in order to establish an accessory apartment. He suggested that a definition of an accessory apartment include a kitchen with cooking facility, bathroom, and bedroom, at a minimum. Ms. Barsanti said that any apartment would need to meet existing zoning setbacks. She agreed that having all apartments requiring a Special Permit might not be the most efficient way to proceed. Mr. Reilly said that he would consider allowing accessory apartments as-of-right in the R-1/2 zone. Ms. Barsanti said that there should not be a change to the 20% building coverage maximum in residential zones. Mr. Olvany said that there could be a separate fee to establish an accessory apartment. Ms. Barsanti said that the apartments should meet the same setbacks as a principal structure, since space will be lived in. Mr. Barsanti and Mr. Balgach agreed that sufficient on-site parking is important, as on-street parking is not allowed in Darien during winter months.

Potential Zoning Regulation amendments.

Mr. Olvany asked about potential regulation amendments required regarding outdoor dining. Mr. Ginsberg noted that staff has spoken with a number of restaurants regarding potential outdoor dining areas. He explained that Bodega and the Goose require approval from the Board of Selectmen to set up outdoor dining on Town-owned land (the Center Street municipal parking lot).

Commission members then discussed possible zoning regulation amendments.

- Zoning Permit and Land Use Board Application Fees—Mr. Ginsberg said that a fee increase proposal will be going to the RTM for a vote at their upcoming meeting on March 20, 2023.
- Designed Business (DB) Zone—Mr. Ginsberg said that staff is in the process of reviewing the uses allowed in the DB zone, which, in essence, is a combination of the prior DB-1 and DB-2 zones. It is the area on Boston Post Road east of Sedgwick Avenue towards Birch Road. Part of this area is a historic district. Traditionally, it has been a transition zone between downtown and the Service Business East (now Service Business--SB) zone. Mr. Ginsberg said that the regulations now allow by Special Permit, external storage or activity, which is not really what the Commission envisions in that area. Such uses, such as landscaping companies, are more appropriate for the SB zone. He recommended better “buttoning up” the wording in the regulations. He noted that it is important to keep retail/commercial sales and service uses in the downtown (CBD), Goodwives Shopping Center, and/or Noroton Heights District. Mr. Olvany agreed, stating that rents would likely decrease as you push out of downtown. The DB zone allows personal service uses by Special Permit. Other uses are also allowed as-of-right, and by Special Permit. Mr. Reilly noted that some lots might be split-zoned, commercial in front and residential in back. Mr. Ginsberg summarized some of the potential residential options for the zone. He said that staff is working on determining whether the existing regulations reflect the 2016 Town Plan and the Commission’s overall goals and desires. Mr. Keating has also been consulted, and will assist in the DB zone review. Mr. Olvany and Mr. Reilly agreed that many of the existing structures provide valuable character to the zone. Mr. Doneit said that scrutiny needs to be given to whether to allow commercial sales and service

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uses; and/or commercial sales and service uses with external storage or activity. Mr. Olvany said retail uses should be in the downtown (CBD zone). Mr. Reilly said that commercial sales and service with external storage or activity should be in the SB zone, not DB. Mr. Olvany agreed.

- Blade Signs—Mr. Ginsberg mentioned that the ARB is reviewing the maximum size of blade signs now allowed in the zoning regulations (7 square feet), and determining if that is appropriate. It is likely that the ARB will make a recommendation to the Commission sometime in the next few months for a possible change in that standard.

Recap of Pending Litigation.

Mr. Ginsberg mentioned three cases which were withdrawn, settled, or recently decided. He then summarized a number of appeals which are now in litigation. This includes, but is not limited to: Hardy/Brown; Michalski vs. Board of Education and the Planning & Zoning Commission; Piorkowski; and the Pemberton 16 litigation.

Discussion of Electronic Packets.

Mr. Ginsberg noted that over the past few months, the ARB and EPC have moved towards “electronic packets”, which allows electronic access to all of the application materials, and eliminates hard copies of all applications being hand-delivered to members. It has proven to be quite successful, and it is likely that staff will aim to move the Planning & Zoning Commission to electronic packets sometime between May and July. It was confirmed that hard copies of plans would still be available for review in the Planning & Zoning office.

2023 Initiatives & goals for the year.

The Commission then reviewed its initiatives and goals for 2023. Mr. Ginsberg said that one item in the current budget is a proposal to review the stormwater management requirements and regulations. If this is budget item is approved by the RTM, this project could get started as soon as July 2023.

At about 8:42 p.m., Chairman Olvany then noted the next topic:

Update on State Legislative Session.

Mr. Doneit reviewed a number of pieces of pending legislation with the Commission. This includes SB 1141, SB 985, and HB 6633. He and Mr. Olvany referred to the testimony prepared by, and submitted by Mr. Olvany on these matters. Staff continues to monitor a number of bills, including the DesegregateCT bill (work/live/ride), and the Open Communities Alliance “fair share” bill.

Walkability & sidewalks.

It was noted that the Corbin District project has nearly completed Phase 1, which consists of the three new buildings on the north/east side of Corbin Drive. This phase of the project includes a number of new and improved sidewalks along both Boston Post Road and Corbin Drive, which will

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each have “Model block” sidewalks. The project also includes direct pedestrian connections from Corbin Drive to the Center Street South municipal parking lot.

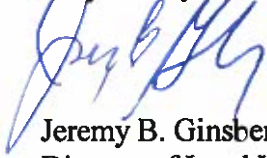
Discussion of Affordable Housing and Moratorium Points for 8-30g update.

Mr. Ginsberg confirmed that a number of projects containing deed-restricted affordable housing are in the pipeline, including the Federal Realty project, the Corbin District project, and just getting underway, the redevelopment of the Noroton Heights Shopping Center. Each of these projects contain both market-rate and deed-restricted affordable housing. Mr. Ginsberg noted that the Parklands project has not yet begun, and that project contains a total of 57 units, with some deed-restricted affordable housing in that project as well. Mr. Ginsberg said that staff continues to monitor all of these projects.

It was noted that the next upcoming Commission meetings have been scheduled for March 14 and 28.

There being no other business, Ms. Barsanti made a motion to adjourn the meeting. That motion was seconded by Mr. Balgach, and approved by a vote of 4-0. The meeting was adjourned at 9:21 p.m.

Respectfully submitted,



Jeremy B. Ginsberg, AICP
Director of Land Use