

lieu of the 30 feet required and 22± feet on the other side in lieu of the 30 feet required for property in the A Residence Zone at 27 Sunrise Avenue (Map K Block 15 Lot G3).

7. Upon application of Edward Mellick, authorized agent for Eton Centers Company, LLC, for a Special Permit of Sections 6.4.B.3, 6.4.D.3, 6.5.C.2 and 6.6.D. to allow the proposed grading, filling, and retaining wall for property in the Business A Zone at 36 Pine Street (Map L Block 139 Lot 926).
8. Discussion and consideration of Planning and Zoning Commission to amend the Subdivision and Street Regulations, June 1987, to allow a fee in lieu of open space. (Complete copy of the proposed amendment on file in the office of the Town Clerk and also the Planning and Zoning Department).

REGULAR MEETING

9. Discussion and possible decision on any public hearing item.
10. Upon application of 721 North Wilton Road LLC, for a Special Permit of Section 3.4.C.5 to allow mechanical equipment including an emergency generator and chiller in the front yard for property in the Four Acre Residence Zone at 721 North Wilton Road (Map 47 Block 120 Map 32). Closed at January meeting.
11. Upon application of 721 North Wilton Road LLC, for a Special Permit of Section 3.4.C.1.b. to allow an accessory structure (garage “carriage house”) to be located in a front yard for property in the Four Acre Residence Zone at 721 North Wilton Road (Map 47 Block 120 Map 32). Closed at January meeting.
12. Sign Task Force Report.
 - a. AC Auto Body, Anthony Ceraso, 182 Main Street – One wall sign. Comment: This sign was previously submitted 9/24/04. Denied as submitted, approved with modification, to read AC Auto Work. Continued from January meeting.
 - b. Knoyzz, 126 Main Street - Two wall signs: One on Main Street and one on Burtis Avenue. Painted metal letters, pin mounted.
13. Administrative Actions or other matters (Town Planner).
14. Approve minutes of December 13, 2005 and January 31, 2006.
15. Other matters as may properly come before the Commission.
16. Adjournment.

PROPOSED AMENDMENT TO SUBDIVISION REGULATION
ON OPEN SPACE (Draft 1-25-06)

Section 55-4.23 of the Subdivision and Street Regulations of the Town of New Canaan is hereby amended as follows:

§ 55-4.23 Reservations for public use.

- A. [No change].
- B. Open space. The Commission may require the provision of open spaces, parks and playgrounds (hereinafter collectively called “open space”) when, and in places, deemed proper by the Commission, which open space shall be shown on the subdivision plan. The total amount of area to be reserved for open space shall be ten percent (10%) of the gross area of the subdivision, unless the Commission determines that a lesser area is sufficient to satisfy the need determined by the Commission or that a reservation is not necessary or otherwise not feasible because of adequate existing parks, playgrounds, recreation areas, and open space areas available in the neighborhood, or because of the unsuitability of the area for the intended purposes. Each reservation shall be of proper size, dimensions, topography and general character to serve the purposes deemed proper by the Commission and shall have adequate access to public streets when required by the Commission. The Commission may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable future subdivisions. Nothing herein contained shall be construed as prohibiting a subdivider from reserving other land for open space purposes in addition to the requirements of this section.
- C. [No change].
- D. Responsibility for ownership of reservations. The Commission may require that any areas reserved for open space be owned and managed in one or more of the following ways:
 - (i) Deeded to the Town of New Canaan, State of Connecticut or other government unit or entity established by Federal, State or local government;
 - (ii) Deeded to a nonprofit land conservation trust as found acceptable to the Commission and where required subject to a conservation easement in favor of the Town of New Canaan;
 - (iii) Deeded to the lot owners of the subdivision such that each lot owner possesses an undivided interest in the designated open space area and is jointly and severally responsible for the payment of taxes on and maintenance of the designated open space area and subject to a conservation easement in favor of the Town of New Canaan or an acceptable nonprofit land conservation trust as required;
 - (iv) Held in ownership by individual lot owners as part of their lot and subject to a conservation easement in favor of the Town of New Canaan or an acceptable nonprofit land conservation trust as required.

- E. Fees in Lieu of Open Space. With the approval of the Commission, the subdivider may pay a fee to the Town, or pay a fee to the Town and transfer land (which may include land outside the boundaries of the subdivision) to the Town, in lieu of any requirement to provide open space. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of Connecticut General Statutes § 8-25b. Security for payment of the fees shall be provided by a lien on the Land Records, or a surety bond, the form of which has been approved by the Town Attorney. The appraisal cost shall be the responsibility of the subdivider.
- F. Exclusions. The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in Connecticut General Statutes § 8-39a, equal to twenty percent or more of the total housing to be constructed in such subdivision.