## The PLANNING & ZONING COMMISSION will hold a REGULAR MEETING on Tuesday, April 25, 2006 at 77 Main Street in the Board Room of the Town Hall at 7:00 P.M.

Commission Members, if you will not be able to attend, please notify the Town Planner's Office at 594-3042.

### Jean N. Grzelecki, Secretary

Revised Final Agenda
Planning and Zoning Commission Meeting
for April 25, 2006

#### PUBLIC HEARING 7: 00 p.m.

- 1. Continuation of the meeting regarding a proposed parking lot on the south side of the YMCA building at 564 South Avenue; for property located in the One Acre Residence Zone, (Map 36 Block 232 Lot K62). Continued from March meeting. Note: There will be no public comment at the meeting.
- 2. 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). Continued from February and March meetings.
- 3. Upon application of Peter and Pamela B. Ogilvie for a Special Permit of Section 3.4.C.1.b to allow razing and reconstruction of a detached garage to be located in a front yard for property in the Two Acre Residence Zone at 175 Laurel Road (Map 39 Block 105 lot 2).
- 4. Upon application of Barry and Peggy Lueders, for a Special Permit of Sections 7.1.B.2.B and 3.5.F.4 to construct first and second floor additions to a legally non-conforming single-family dwelling. The applicant is proposing to construct a second floor addition 24.7 feet from the front property line in lieu of the 30 feet required and 20.4 feet from the side property line in lieu of the 25 feet required. The applicant is also proposing to enlarge an existing garage 10.1 feet from the side property line in lieu of the 15 feet required. The property is located in the A Residence Zone at 24 Sunrise Avenue (Map K Block 10 Lot G11).
- 5. Upon application of Jayne Gaynor, for a Special Permit of Section 7.1.B.2.b to allow an extension of the southern side of the home encroaching on the 45 foot front setback, for property in the Two Acre Residence Zone at 181 Parish Road (Map 25 Block 11 Lot 47).
- 6. Upon application of Frank Chapman, Authorized Agent, for owner Christopher and Deidre Anspach, for a Special Permit of Section 7.1.B.2.b to allow expansion of a non-conforming detached garage, for property in the Two Acre Residence Zone at 948 Valley Road (Map 40 Block 105 Lot 87).

#### **REGULAR MEETING**

- 7. Discussion and possible decision on any public hearing item.
- 8. The Request for CGS 8-24 referral from First Selectman to consider request for approval for the installation of artificial turf at the "Water Tower" field at Waveny Park, 677 South Avenue.
- 9. Sign Task Force Report.
  - a. None.
- 10. Administrative Actions or other matters (Town Planner).
  - a. New Canaan CARES Kitchen Tour, Thursday, May 11, 2006, annual application.
- 10. Approve minutes of February 28, 2006, March 14, 2006 and March 28, 2006.
- 11. Executive Session.
- 12. Other matters as may properly come before the Commission.
- 13. 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.