

PLANNING & ZONING COMMISSION MINUTES

**SPECIAL MEETING
TUESDAY, August 15, 2006**

P&Z REGULAR MEMBERS PRESENT: ABSENT:

**Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Mr. Goodwin
Mr. Hunziker
Mr. Rothballer
Mr. Scannell
Mr. Wendell**

**Ms. Johnson
Mr. Ponterotto**

ALTERNATE MEMBERS PRESENT: ABSENT:

**Mr. Turner
Mr. Ward**

Mr. Persico

Also in Attendance:

**Steve Kleppin, Town Planner/Senior Enforcement Officer
Zoning Board of Appeals Members (Chairman Yanicelli, Barfuss, Davis and Socci)
Glenn Chalder, Planimetrics**

SPECIAL MEETING

P&Z Chairman Papp called the Special Meeting to order at 06:35 p.m. The purpose was to hold a special meeting with the Planning and Zoning Commission and the Zoning Board of Appeals for discussion on possible changes to the Zoning Regulations enacted June 18, 2005 and, if time, discussion on proposed changes to the Subdivision Regulations. Members introduced themselves and Chairman Papp introduced reporters who were in the audience: Rachel Kirkpatrick, New Canaan Advertiser and Kristiana Glavin, New Canaan News Review.

1. Discussion on the proposed changes to the recently enacted Zoning Regulations.

Members received three booklets dated July 17, 2006: 1. Text Changes for Consideration, 2. Text Changes for Discussion, and 3. Text Changes not Recommended.

Chairman Papp stated that items will either be pulled for discussion or if not pulled, consider it an agreement.

Discussion **Booklet #1 - Text Changes for Consideration** (green booklet).

Article 2 – Definitions

Page 7, Specific Terms, Section 2.1B – Add.

Page 11, Breezeway, Section 2.2 – Pulled for further discussion.

Page 11, Buildable Land, Section 2.2 – Change. Mr. Chalder stated that the definition of predevelopment slopes was added 1. so that people do not manipulate the grade before measurement and 2. so that we don't get small pieces of property being excluded.

Page 11, Building, Accessory, Section 2.2 – Pulled for further discussion.

Page 11, Building, Principal, Section 2.2 - Pulled for further discussion. Mr.

Rothballer questioned the 70 degrees. Mr. Chalder offered to check to see if that is a building code provision.

Page 13, Building Coverage, Section 2.2 – Pulled for further discussion. There was discussion of the difference between a covered patio and a porte cochere/portico.
Page 18, Fence, Section 2.2 – Pulled for further discussion.
Page 22, Height, Building, Section 2.2 - Pulled for further discussion. Gambrel roofs were discussed.
Page 22, Illustration (Height, Building), Section 2.2 - Pulled for further discussion
Page 27, Illustration (Lot), Section 2.2 – Change diagram.
Page 31, Porte cochere, Section 2.2 – Deleted “horse and carriage or motor”.
Page 31, Portico, Section 2.2 – Add.
Page 31, Purlin, Section 2.2 – Add.
Page 34, Half Story, Section 2.2 - Pulled for further discussion.
Page 34, Illustration, Section 2.2 – Change caption.
Page 38, Front Yard, Section 2.2 - Pulled for further discussion. Mr. Wendell stated that we need to discuss what our intentions are with respect to yards and setbacks.
Page 39, Illustration – Change diagram.

Article 3 – Residential Zones

Page 48, Accessory Dwelling, Section 3.3.B.6.b - Pulled for further discussion. There was discussion on the minimum lot width.
Page 58, Accessory Structure Setbacks, Section 3.5.E.3 - Pulled for further discussion. There was discussion of accessory structures in the front yard.
Page 59, Illustration, Section 3.5.E – Change illustration.
Page 65, Driveway, Section 3.6.D.1.a – Change.
Page 65, Driveway, Section 3.6.D.1.c – Change.
Page 67, Yard exceptions, Section 3.7.B.4 – Change.

Article 4 – Business Zones

Page 81, Wall Length, Section 4.7.H – Change.

Article 5 – Special Zones

Page 92, Single-family dwelling, Section 5.4.B.1 – Change to read “Single-family dwelling in accordance with the requirements of the B-Residence zone.”

Article 6– Basic Standards

Page 106, Parking, Section 6.2.G.1 – Change
Page 111, Grading, Section 6.4.D.2 – Pulled for further discussion.
Page 112, Grading, Section 6.4.E.1 – Change.
Page 113, Freestanding Wall, Section 6.5.B.1 - Pulled for further discussion.
Page 113, Freestanding Wall, Section 6.5.B.2 - Pulled for further discussion.
Page 114, Fence, Section 6.5.D.2 - Pulled for further discussion.
Page 114, Fence, Section 6.5.D.3 – Change. D.5 must also be modified.
Page 115, Earth Material, Section 6.6.B.1 – Change. Mr. Wendell discussed Skip Hobbs’ letter regarding ledges and that Mr. Hobbs’ suggestions are worth considering.
Page 124, Design Review, 6.12.D.2.c – Change.
Added to booklet: Page 114, Section 6.5.D.5. Need to make an exception for a deer fence.

Article 7 – Special Standards

Page 127, Non-conforming, Section 7.1.A.2 – Change.

Article 8 – Procedures

Page 140, Abutter Mailing, Section 8.1.G.1 – Change.

Page 140, Abutter Mailing, Section 8.1.G.2.b – Change.

Page 140, Abutter Mailing, Section 8.1.G.3 – Pulled for further discussion. First Class and proof of mailing was discussed.

Page 140, Abutter Mailing, Section 8.1.G.5 – Change.

Page 140, Abutter Mailing, Section 8.1.G.1 – Change. Mr. Chalder stated that CGS 8-7d(d), as amended by Public Act 06-80, was adopted this year

Page 143, Section 8.2.A.2.c – Revise.

Mr. Wendell discussed the fact that both builders and neighbors would benefit if there was a notice required to abutting neighbors when there is “significant” construction to a property. Mr. Hunziker discussed having contractors put up a sign in front of construction that says “this is a construction permit”. Mr. Papp asked that this be included in the discussion items.

Mr. Chalder summarized the categorization of the items discussed.

Discussion **Booklet #3 - Text Changes Not Recommended** (red booklet).

Mr. Chalder discussed each page. Mr. Socci mentioned the problem with fire trucks trying to get into driveways. Page 5 of the booklet, The Fire Marshal’s Driveway Obstruction Policy, (from Mr. Jarboe’s August 7, 2006 letter) was discussed. Mr. Chalder recommended that this policy should probably be proposed as a Town ordinance rather than a zoning regulation.

Article 8. – Procedures – Page 139, General Procedures, Section 8.1.A.6 was discussed.

Miscellaneous Comments – General – Pulled and placed in Booklet #2 – Text Changes for Discussion.

Chairman Papp stated that all other items in Booklet #3 are gone.

Discussion **Booklet #2 - Text Changes for Discussion** (yellow booklet).

Overall Issue – Conditional Approvals (PZC or ZBA) – Chairman Papp asked that all members complete the chart on Page 2 indicating which issue could be handled by Staff, PZC, or ZBA (Special Exception) or ZBA Variance, and hand it in to P&Z staff within one week. Mr. Chalder will tabulate the results. Consensus was to continue the meeting until 10:00 p.m.

Article 3 – Residential Zones

Page 20 Average Grade, Section 2.2 – Mr. Chalder stated that the current approach is rigid and people are starting to build retaining walls, etc. around the house (i.e. 93 Harrison). More flexibility is needed. Mr. Chalder handed out and discussed the following sheets: 1) Building Height, 2) Building Height/Total Building Height, and 3) Building Wing/Distinct Portion Concept. Mr. Chalder relayed that one community has measured building height from existing grade, but they found that for a new house, people were excavating the house out to get it to fit under the height limit. The issue becomes “are they going to cut or fill for the house”. Mr. Wendell stated that people should accept the land they have and there should be a limit to the cutting and filling of a lot. Mrs. Yanicelli discussed the problem of drainage to other surrounding lots. Measuring volume of house and FAR was discussed. Mr. Chalder will explore flexibility and find a way to relate to existing grade.

Page 43 Two-Family Houses in a B Zone, Section 3.2.C.1 – There was discussion to allow two-family units to be detached or reviewed on a case-by-case basis. Mr. Chalder will put a draft together regarding this issue.

Page 43, Two-Family Houses in a B Zone, Section 3.2.C.1.e – There was discussion if required parking spaces should be provided behind front lot line or behind front yard setback line. Consensus was that those present prefer that it be required that the spaces be behind the front yard setback line. Mr. Kleppin was asked to take a survey and find out how many places would it be difficult to make this work in new construction.

Page 49, Accessory Dwelling – Section 3.3.C - Discussion was held on whether an accessory dwelling unit not complying with 3.3.B.6 be allowed by Special Permit (would now need a variance). Add.

Page 50, Accessory Structures, Section 3.4 – Consensus was that regulations do not need to better clarify which structures are allowed in a front yard. Process would be to apply for a variance or special permit.

Page 51, Pools, Section 3.4.B.4.d – Consensus was to change to read: “...any swimming pool deck, patio, mechanical equipment, filtration equipment, and storage tanks or containers shall be visually screened to adjacent dwellings and...”

Page 51, Pools, Section 3.4.B.4 – Consensus was to add: In the absence of a pool deck or patio, the yard setback for a swimming pool shall be measured to the water’s edge.

Page 55, Density, Section 3.5.B.1 – Mr. Wendell asked why this would not be discussed as part of the Subdivision Regulations? Mr. Chalder answered that Subdivision Regulations deal with the process of creating lots and Zoning Regulations deal with the density use.

Page 55, Density, Section 3.5.B.1 - Mr. Chalder will put a draft together regarding this issue.

Page 60, Building Height, Section 3.5.F - Mr. Chalder will put a draft together regarding this issue.

Page 60, Building Height, Section 3.5.F – There was discussion regarding shallower roof pitches. Mr. Chalder said it is mostly an issue with the larger lot zones because the houses are big enough that we ended up with lower standards than perhaps we should have. Consensus was to change the building height standards in the four acre zone. Mr. Chalder will put a draft together regarding this issue.

Page 61, Maximum Wall Height Definition, Section 3.5.F.3 – No changes.

Page 62, Side Yard Height, Section 3.5.F.4 – There was discussion regarding keeping the yard distances and the height limits but removing the “number of stories”, or lowering the height restrictions. Mr. Chalder will come back with options.

Page 65, Driveway, Section 3.5.D.3.b – No change.

Page 65, Driveway, Section 3.5.D.3.b – Mr. Chalder stated prior regulations will be reviewed.

Page 68, Width Exception, Section 3.7.C.5 – Mr. Chalder said that this is a carryover from the prior regulations. There was discussion to add “lots in existence prior to June 18, 2005.”

Page 70, Coverage Exception, Section 3.7.E – Add.

Article 4 – Business Zones

Page 82, Maximum Floor Area Ratio, Section 4.7.J – Change.

Article 5 – Special Zones

Page 90, Accessory Building Setback, Section 5.3.D.1 – Mr. Kleppin will review how existing accessory buildings in Multi-Family zones were regulated in terms of setbacks.

Page 90, Accessory Building Height, Section 5.3.D.2 – This should be lower.

Page 91, Driveway, Section 5.3.E.4.b – Change.

Page 93, Accessory Building Setback, Section 5.3.D.1 – Change.

Page 93, Accessory Building Height, Section 5.3.D.2 – Change.

Article 6 - Basic Standards

Page 106, Parking, Section 6.2.G – Change.

Page 112, Grading, Section 6.4.D – To be discussed later.

Page 111, Grading, Section 6.4.D.2 – To be discussed later.

Article 7 – Special Standards

Page 128, Non-Conforming Structures, Section 7.1.B.2 – Change.

Page 128, Non-Conforming Structures, Section 7.1.B.2 – Change.

Page 128, Non-conforming Structures, Section 7.1.B.4.c –Delete the 50%.

Page 134, Dish Antennae, Section 7.8.B – No change.

Article 8 – Procedures

Page 139, General Procedures, Section 8.1.A.1 – Discuss with Town Attorney Chris Jarboe.

Page 169, Zoning Permit, Section 8.4.A.1.c - Discuss with Town Attorney Chris Jarboe.

Page 169, Zoning Permit, Section 8.4.A.1.c.i - Discuss with Town Attorney Chris Jarboe.

Page 171, Zoning Permit, Section 8.4.A.5.a – Mr. Kleppin strongly recommends removing the pool bond requirement and stated that a Certificate of Occupancy is needed for a pool but not a tennis court. Consensus was to leave the pool bond requirement in. Mr. Chalder will change the wording on the requirement.

Miscellaneous Comments

General – Was not discussed.

Mr. Chalder will take all comments, review them and come back with specific solutions. Mr. Chalder will take a set of the regulations and edit the changes.

2. Discussion on proposed changes to the Subdivision Regulations

Mr. Chalder stated that the subdivision regulations are being drafted and that he has been coordinating with Mr. Kleppin and the Town Engineer on the specific regulatory provisions.

3. Adjournment.

The meeting adjourned at 10:00 p.m. by P&Z Chairman Papp and ZBA Chairman Yanicelli.

Jean N. Grzelecki, Secretary