

**PLANNING & ZONING COMMISSION MINUTES**

**TUESDAY, NOVEMBER 27, 2018**

**REGULAR MEMBERS PRESENT:**

**REGULAR MEMBERS ABSENT:**

**Mr. Goodwin, Chairman**  
**Mrs. Grzelecki, Secretary**  
**Mr. Flinn**  
**Mr. Kriz**  
**Mr. Papp**  
**Mr. Redman**  
**Mr. Ward**

**Mr. Radman**  
**Mr. Turner**

**ALTERNATE MEMBERS PRESENT:**

**ALTERNATE MEMBERS ABSENT:**

**Ms. Neilson**  
**Ms. Tiscornia**  
**Vacant**

Also in Attendance:

Lynn Brooks Avni, AICP, Town Planner/Senior Enforcement Officer

**REGULAR MEETING**

Chairman Goodwin opened the Regular Meeting at 7:02 p.m. Ms. Neilson was seated for Mr. Radman and Ms. Tiscornia was seated for Mr. Turner.

- 1. CGS 8-24 referral from Kevin J. Moynihan to review and issue a positive report for the acquisition by the Town of a portion of a four-acre property at 1124 Valley Road.

First Selectman Kevin Moynihan said there is a 200 plus year old house on the property, which is one of the oldest houses in New Canaan. The First Taxing District bought the property in 2006 for the purpose of using a small section to replace their dam, and intended to immediately dispose of the balance of the property, but were unable to sell it. The New Canaan Land Trust and private donors eventually made an offer to purchase the house and four acres for \$1.2M, which offer was rejected. In March he met with the General Manager of the Water Company and made a counter proposal to purchase .83 acres for \$900,000, but that offer was also rejected by the Water District, who said they planned to retain the house and have a caretaker live there and use it as a field office when they do the dam rehabilitation project. The Town’s concern is that the First Taxing District does not respect this house and does not plan to preserve it and will basically let it deteriorate by neglect, so they started the process with the P&Z Commission.

Mr. Ward said 200 years old is obviously historic by definition, but is it on any historic register? Chris Schipper of the Land Trust said the State Historical Preservation Office, SHPO, agreed that it is historical and wrote a letter of support for its preservation. The concept is that the house would be on .833 acres with a thin peninsula, sort of a green link, to the 10.3 acres of the Land Trust, and the house would then become conforming in this four acre zone. If the property is acquired, they will need about twice the amount of money spent on acquiring it to ensure they have an endowment large enough to preserve it in perpetuity. There would be some arrangement between the Town and the Land Trust where the Land Trust would hold the property and maintain it.

Mr. Papp said he was a neighbor of the property for 55 years and can testify that it is worth being protected. The owners were never good neighbors, and their attitude towards the preservation of the house is totally unacceptable.

Attorney Frank Murphy, representing the First Taxing District, said there are no present plans or intent to demolish the building. They do not agree to sell this property, as it has uses for it with regard to the reservoir and water treatment plant. If the town wishes to proceed with eminent domain, they will oppose it in court and are prepared to litigate it. There is no reason why the town should approve an acquisition of an existing public use for a different public use, and under the circumstances they think the Commission should deny permission under Section 8-24. As a result of the First Selectman’s office and

others bringing to his client's attention the historic nature of the house, some improvements have been made and they plan to have an employee of the First Taxing District live in the house as a caretaker, so it is not a piece of property or a house that they have abandoned.

First Selectman Moynihan said the statute under which we would operate expressly authorizes the town to use eminent domain for open space purposes. The only defense the water company has is that they need the property for the water company's purposes, but the fact that they previously tried to market it for seven years indicates that they don't need it. We don't take this action lightly, but we haven't been able to negotiate the purchase, and we strongly believe they will not protect this house.

Chairman Goodwin said the commissions role is limited. Their decision is whether this potential acquisition is consistent or inconsistent with the town's Plan of Conservation and Development. He believes it would be a positive to the town plan as it effectively preserves additional open space as well as preserving a historic house.

Upon motion of Mr. Kriz and second of Mr. Flinn, the Commission voted unanimously to approve the referral is consistent with the POCD.

### **LEGAL ADVERTISEMENT**

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 15, 2018

#### **TOWN OF NEW CANAAN PLANNING & ZONING COMMISSION**

Notice is hereby given that the Planning and Zoning Commission will hold a Public Hearing on Tuesday, November 27, 2018 at 7:00 p.m. in the Meeting Room, 77 Main Street to hear and decide the application(s) as follows:

1. Discussion and consideration of the request of David J. Rucci, Lampert, Toohey & Rucci, LLC, Authorized Agent for Cross Realty-Connecticut, LLC, owner, to amend the Zoning Regulations dated June 16, 2007, amended September 20, 2018 to amend Section 4.4 Business A Zone (Village District).
2. 194 South Avenue – Upon application of Jacqueline O. Kaufman, Carmody, Torrance, Sandak & Hennessey, LLP, Authorized Agent for CT Coastal Properties, LLC, owner, for a Sign Site Plan and Sign Permit approval of Section 6.3.C.3 to allow a freestanding wooden post sign for a medical office, for property in the B Residence Zone (Map N, Block 62, Lot 925).
3. 70 Main Street – Upon application of Scott Ackerman, Club Pilates, Authorized Agent for 70 Main NC Partners, LP, owner, for a Site Plan approval of Section 4.2.C.7 to allow a Personal Service Establishment, for property in the Retail A Zone (Map T, Block 67, Lot 74).
4. 90 Main Street – Upon application of Adam Kanzer, Authorized Agent for Trio on Main, owner, for a Site Plan approval of Section 4.2.C.7.c to allow a Personal Service Establishment (Stretch Lab) for property in the Retail A Zone (Map T, Block 67, Lot 76).
5. 85 Clearview Lane – Upon application of Reed M. Salvatore, owner, for a Special Permit approval of Section 3.4.C.6 to allow construction of an accessory structure within the 150' setback, for property in the Two Acre Zone at 85 Clearview Lane (Map 27, Block 25, Lot 151).
6. 16 Cross Street – Upon application of 4M Capital Trust LLC, Owner for an amended Special Permit approval of Section(s) 4.5.D.8 for medical offices located on the first floor of a newly constructed building located in the Business B Zone at 16 Cross Street (Map T, Block 71, Lot 720). Original Special Permit approval granted on September 25, 2018. Complete copies of the applications are on file and available to review at the office of the Planning and Zoning Department in Town Hall as well as on-line at:  
<http://www.newcanaan.info/content/9488/9220/785/803/22886/default.aspx>

Dated: November 15, 2018  
New Canaan, Connecticut  
Jean N. Grzelecki, Secretary  
11-15 11-21

2. **1031 and 1077 Oenoke Ridge Road** – Upon application of Amy Zabetakis, Rucci Law Group, LLC, Authorized Agent for Kindridge LLC and Oakridge LLC, owner(s), for a Special Permit approval of Section(s) 6.4.G and 3.4.C.3 for an accessory dwelling unit and the excavation and fill, for property in the Four Acre Zone at 1031 and 1077 Oenoke Ridge Road (Map 34, Block 34, Lots 95 & 104).

Attorney Zabetakis said her client has withdrawn the application for the accessory residential structure, so the only issue left open was the communications with SNEW, and Mr. D'Andrea received an email from Mr. Cordes at SNEW saying that everything looks good and they are all in agreement. Mr. D'Andrea is there and can speak about some of the changes that have been made, but the question that was left open at the last hearing has been satisfied. The Inland Wetlands Department has issued a wetlands permit which will be incorporated into the work going forward, and the Health Department has also signed off with certain conditions, which were all laid out in conditions that were put forward by the Planner of which they are in agreement.

The public hearing on this matter was closed.

3. **70 Main Street** – Upon application of Scott Ackerman, Club Pilates, Authorized Agent for 70 Main NC Partners, LP, owner, for a Site Plan approval of Section 4.2.C.7 to allow a Personal Service Establishment, for property in the Retail A Zone (Map T, Block 67, Lot 74).

Scott Ackerman, owner of Club Pilates, said this will be a reformer based pilates studio with twelve reformers and a private training room towards the back, and 23% of retail space up front and a front desk. To get on the reformers you need grip socks, which they will sell, as well as shirts and exercise pants and typical retail for a physical place. From the street it will appear to be a retail situation, and you won't really see the people exercising. They will also have a floating wall that separates the studio from the exercise and the retail so you can't see into the back of the studio. It is a franchise, and there are 300 of them open throughout the country. He was the first one in CT with a studio in Darien, so they have figured out what people want. 90% of his client base will be women, and he thinks it will draw people to the downtown and will be great for the community to have something like this.

The public hearing on this matter was closed.

4. **90 Main Street** – Upon application of Adam Kanzer, Authorized Agent for Trio on Main, owner, for a Site Plan approval of Section 4.2.C.7.c to allow a Personal Service Establishment (Stretch Lab) for property in the Retail A Zone (Map T, Block 67, Lot 76).

Adam Kanzer said they provide one on one assisted stretching and also group stretches of up to six people. Their space will be 1800 sf with 20% of the front dedicated to retail on both sides, and behind that they will have ten stretching tables where their flexologist will be performing the stretches for members. Stretch Lab is a relatively new concept. They started franchising in April and have sold 150. He will be doing six of them in Fairfield County. This one will be slightly larger than the average Stretch Lab, but they liked the space and will try to make the most of it.

Ms. Grzelecki asked if they could put some sort of a floating wall between the retail area and the exercise area? Mr. Kanzer said it is a franchise and they have to look the same nationwide. The retail will be the first quarter of the entire studio, but they are willing to push the retail section to be as large as they possibly can. There will obviously be a gap from the retail to the tables so it should be even further back from the front 20%. There will be a four way retail section and the front desk and reception area. These boutique fitness concepts are all open spaces to create a nice energy and vibe as opposed to being sectioned off which creates a more clinical feel.

Brock Saxe said one of the requirements of this new regulation was having a retail component, which allows new types of uses and is exactly what we need. With Organica on the corner, perhaps Club Pilates further down and now Stretch Lab, this whole block will have a shot of energy that has not been seen in some time.

Tucker Murphy said there is a lot of excitement about this business coming to town. The block definitely needs this and she is very enthused and excited about it.

The public hearing on this matter was closed.

5. **85 Clearview Lane** – Upon application of Reed M. Salvatore, owner, for a Special Permit approval of Section 3.4.C.6 to allow construction of an accessory structure within the 150' setback, for property in the Two Acre Zone at 85 Clearview Lane (Map 27, Block 25, Lot 151).

Brian Salvatore, architect, said their proposal is for construction of a one-story accessory building that is intended to house a golf simulator and a seating area around a fireplace that looks out over the existing putting green. They received the staff reports and are completely open to the suggestions for additional screening, as well as other conditions suggested. They also received letters from neighbors concerned about drainage implications, and they would be more than happy to look into it and mitigate any adverse impacts.

Chairman Goodwin said the Commission is not wild about accessory structures in front yards but have made exceptions and asked if their argument is that the property is encumbered by a large amount of wetlands. Mr. Salvatore said that is a key part, but also the septic system located in the back dictates that they can't do anything in that region, and there is also a 150' setback requirement, so this is the only location to construct it.

Mr. Ward asked if they would be willing to undertake a full drainage survey before approval? Mr. Salvatore said they would be happy to and will retain a consultant to do an analysis and submit a mitigation proposal to Public Works for review.

The public hearing on this matter was continued to the meeting on December 18, 2018.

6. **16 Cross Street** – Upon application of 4M Capital Trust LLC, Owner for an amended Special Permit approval of Section(s) 4.5.D.8 for medical offices located on the first floor of a newly constructed building located in the Business B Zone at 16 Cross Street (Map T, Block 71, Lot 720). Original Special Permit approval granted on September 25, 2018.

Arnold Karp, one of the principals of 4M Capital Trust, said they were there on September 25<sup>th</sup> with a request to turn two-thirds of the unleased space into a physical therapist space, but that tenant did not materialize, and they have found a new tenant, Performance Health Care Management LLC, who will take all the space currently at Cross Street, so they are asking for an adjustment from the 1500 sf that was approved in September to 2200 sf. Todd Wilkowski, owner of Performance, said they are orthopedic and sports physical therapy and a wellness company. 25% of their business is wellness services, where they offer things like nutrition, massage, personal training and ancillaries.

The public hearing on this matter was closed.

7. Discussion and consideration of the request of David J. Rucci, Lampert, Toohey & Rucci, LLC, Authorized Agent for Cross Realty-Connecticut, LLC, owner, to amend the Zoning Regulations dated June 16, 2007, amended September 20, 2018 to amend Section 4.4 Business A Zone (Village District).

Attorney Rucci said they are basically asking for reinstatement of the zoning regulations to allow first floor office use. In 1973 the town had a study done that indicated the business zone was restricting the retail zone and they started looking at ways to expand the retail outside the retail zone. Then in 1984 the owner of the lumberyard was considering developing an office park, which no one wanted, and the Commission ended up doing a zone change. He has gone through the zone and found that most of the buildings are still being used as first floor office, and only one of them is actually over 10,000sf. Buildings like the old post office and Mrs. Green's are huge spaces which are hard to rent, and if we can reinstate the first floor offices into the Business A zone, we are going to be filling large vacant pieces of property, which will bring more people and more foot traffic into town, which will support their retail.

Tucker Murphy of the Chamber and other business A zone owners support this, as well as some of the retail and commercial landlords. The way he has amended the regulation is as long as you are under 10,000 sf, any office can be on the first floor. 40 out of 67 properties, or 60% of these buildings, already have first floor office and are legally nonconforming, so another positive effect is you will be making a whole bunch of these buildings conforming. We need to do everything we can to get these big buildings filled, and this is a positive step for the town in these trying retail times.

Ms. Grzelecki said it seems like a no brainer. We have too much retail space right now to not to try and fill up those business spaces, so it makes a lot of sense.

Attorney Michael Franco said he heartily supports this proposal because it brings use to buildings that aren't being used right now, and will strengthen the retail and bring more people into town who will shop, buy lunch and run errands, and that is what we need to help the downtown survive.

Attorney Steve Finn said he represents the owners of 58 Pine Street, 70 Pine Street and 22 Pine Street, and they are all supportive of this text change. Historically banks and offices were all allowed in this zone by site plan approval, so returning back to the way it was makes sense.

The public hearing on this matter was closed.

## **REGULAR MEETING**

### **8. Deliberation and any possible action on a closed public hearing item.**

#### ***Discussion on Item #2, 1031 and 1077 Oenoke Ridge Road, Special Permit.***

Mr. Flinn said it is consistent with the POCD, and they have taken out the little ancillary building that was a concern. Mr. Ward said he would recommend that we include the Planner's conditions as part of the approval.

Upon motion of Mr. Flinn and second of Mr. Ward, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications or restrictions are as follows:

- 1) The two (2) lots shall be merged into one (1) lot and recorded on the Town Land Records. The State Health Department has granted an approval for the central septic system on the condition that the two (2) lots are merged.
- 2) Approval shall be obtained from Inland Wetlands, prior to the issuance of any Building Permit.
- 3) Horse barn septic fields can remain as is but they must be fenced off throughout construction to prevent traffic over them. The broken sewer pipes for the horse barn septic which were noted in Palladino's inspection report must be replaced with SCH 40 PVC piping, a cleanout installed where necessary, the drain for the horse barn washing must be connected to the existing septic system (it currently is not connected), a riser to grade installed with concrete cover, and either an additional 500g septic tank installed in series or replace the existing 500g tank with one 1000g tank to meet the minimum public health septic code requirements. A septic permit must be pulled with the health department for this work prior to submission of the building permit. (Note: no septic permit was ever pulled for the existing horse barn septic)
- 4) No horses are permitted onto the property until a manure management plan (MMP) is submitted to the New Canaan Health department and approved by the New Canaan Health department
- 5) Both the proposed main house septic and reserve B100a septic for the horse barn shall be fenced off and protected during construction until the main house septic is ready to be installed with health department approval
- 6) The fill which will be removed for the construction of the proposed pool is not to be spread in the area of the proposed house central septic system or over the approved B100a septic area for the horse barn

- 7) Engineered septic & drainage as-built is required prior to CO for the health department to grant a permit to discharge for the main house central septic system
- 8) The Applicant shall address the Fire Marshall's comments
  - a. Appropriate labelling of the two (2) driveways so that emergency responders can make a more direct portion to the property (may be gated).
  - b. Provide an emergency water source (cistern) for firefighting purposes near Oenoke Ridge.
  - c. Provide the Town with specifications for any driveways obstructions (i.e. pillars/gates) which shall be reviewed by the Fire Marshall prior to the issuance of a Building Permit.
- 9) The Town Engineer shall review and approve the grading and drainage plan prior to the issuance of a building permit; certification of drainage may be required before the issuance of a Certificate of Occupancy when the project is completed.
- 10) Any permits required by any state agency shall be obtained prior to the issuance of a building permit.

***Discussion on Item #3, 70 Main Street, Site Plan***

Mr. Redman said the layout is exactly what we have been talking about doing. It is revitalizing buildings that have been sitting idle and putting space to use in a way that makes so much sense.

Upon motion of Mr. Redman and second of Mr. Ward, the Commission voted unanimously to approve the application.

***Discussion on Item #4, 90 Main Street, Site Plan***

Mr. Redman said it is a great use of the space and will rejuvenate the area. He loves the idea of the franchises as you get a tried and proven business model. Mr. Ward said it is going to contribute to the downtown shopping.

Upon motion of Mr. Redman and second of Mr. Ward, the Commission voted unanimously to approve the application.

***Discussion on Item #6, 16 Cross Street, Special Permit***

Mr. Papp said it is consistent with the previous approval and the change makes no difference at all. Mr. Redman said he is glad that even though the first one didn't work out, the second one was in the wings and was able to be brought to fruition.

Upon motion of Mr. Papp and second of Mr. Redman, the Commission voted unanimously to approve the application.

Conditions, modifications or restrictions are as follows:

All conditions of the Special Permit approval dated September 25, 2018 shall be incorporated herewith, into this Amended Special Permit as noted below.

1. Prior to the issuance of a building permit the Applicant shall submit a set of revised "Proposed Floor Plan" dated 10.25.18, signed and sealed by a licensed Architect, clearly indicating hallway and door dimensions.
2. The Applicant shall file the appropriate plans and paperwork with the Health Department for a license prior to the issuance of any building permit.
3. The applicant shall place signage on the parking spaces, as indicated on the submitted survey, to be dedicated for this medical office use.
4. The Fire Marshall shall review and approve the plans for Fire/Life safety prior to the issuance of a building permit.
5. All signage shall be submitted for a sign permit.

***Discussion on Item #7, Zoning Regulation Amendment***

Mr. Papp said Mr. Rucci's very convincing argument makes sense. Going the special permit route would be just one more problem for the Commission and more controversy.

Chairman Goodwin said Mr. Rucci's point about all these de facto situations becoming conforming is a very good point. It makes the space more attractive to additional business uses, which effectively supports the town and increases a business friendly environment. The Planner spoke to Glenn Chaulder, who has been a consultant of the town for P&Z purposes for 15 to 20 years, and it made sense to Glenn as well. The effective date will be December 13.

Upon motion of Mr. Papp and second of Mr. Kriz, the Commission voted unanimously to approve the application.

9. **2 Pine Street** – Upon application of Stephen A. Finn, Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent for ESP Pine Street, LLC, c/o Elm Street Partners, LLC, owner for a Site Plan Approval of Section(s) 8.2.A.1.a. and 4.4.C.4 to allow a change in use from “Green Grocer” to “Bank” under the above referenced zoning regulations. Plans showing the relatively minor exterior changes to the building are submitted herewith, for property in the Business A Zone at 2 Pine Street (Map L, Block 139, Lot 918).

Attorney Finn said in light of the soon to be effective text change, he is asking for permission to amend their application. Merrill Lynch currently has around 19 employees and are anticipating at most an increase of 10% to 15%. He submitted an updated letter from Mike Galante dated November 20, 2018 in which he concludes that based on a formal study he did in 2016, there is more than ample parking. There are 24 to 26 underground spaces in the garage, and there is going to be an elevator installed, which makes it even more premium to be able to park underground.

Mr. Papp said he fully agrees that the parking situation is going to be better than it was, and it is ideal to be sheltered from snow and weather.

Mr. Flinn said he thinks it is a very good use of that property, and relieves a minor parking issue with the across the street parking in that little lot. Chairman Goodwin said the effective date on the regulation amendment is December 17, 2018.

Upon motion of Mr. Flinn and second of Ms. Grzelecki, the Commission voted unanimously to approve the application.

10. **194 South Avenue** – Upon application of Jacqueline O. Kaufman, Carmody, Torrance, Sandak & Hennessey, LLP, Authorized Agent for CT Coastal Properties, LLC, owner, for a Sign Site Plan and Sign Permit approval of Section 6.3.C.3 to allow a freestanding wooden post sign for a medical office, for property in the B Residence Zone (Map N, Block 62, Lot 925).

Attorney Sweeney said the application is to allow for a freestanding wooden post sign for a medical office to be located in a B Residence zone. The property has been used historically as a medical office dating back to 1966. A couple of years ago Dr. Dayya acquired the property for his own solo practice, and he would like to have a sign to announce his presence in town. The original sign proposed was larger and located at a part of the property where it could affect the sight around the corner of Oak Street, so they worked with staff and reduced the sign in size and the armature was changed to make it look softer and it was moved back a little from the front of the property.

Mr. Redman said he thinks it is a really ugly sign and it is huge. The doctor has done a nice job with the building and it looks great and we are glad to have him, but the sign has got to be a lot lower.

Mr. Papp said we are happy to have Dr. Dayya come in and we are happy to have this kind of a use in the place, but he doesn't believe a single occupant requires this kind of sign.

Chairman Goodwin said the problem is the property doesn't have any screening, so the sign stands out. The Planner notes that it looks like a real estate sign, and town is trying to figure out how to eliminate real estate signs. He would suggest that we continue this

and take another shot with the Planner and maybe line up a commissioner to give some input. Mr. Sweeney said he is happy to work with them and take some suggestions. The goal is to have something reasonable that is palatable to everybody and meets everyone's concerns, but also lets Dr. Dayya have a sign like other doctors do on South Avenue.

The public hearing on this matter was continued to the December 18, 2018 public hearing.

**11. Zoning Regulation Amendment** – Discussion and consideration of the Planning & Zoning Commission to amend the Zoning Regulations dated June 16, 2017, as amended through May 14, 2018, to amend Section(s) 2.2 Definitions; 3.2 Permitted Principal Uses & Structures and 3.3 Permitted Accessory Uses of the Zoning Regulations.

12. P&Z POCD Subcommittee report.

Ms. Grzelecki said they will not meet in December, but they will meet in January.

13. Air BnB report from P&Z

Ms. Neilson said she looked online and came across 15 Air BnB rentals and three unique BnB rentals within the town limits. She eliminated the Roger Sherman Inn because that is really a bed and breakfast. Of the 17 remaining short term rentals, five of them offer rooms or a portion of their home to rent for a night, four of them offer a guest cottage or accessory dwelling unit for rent, and eight of them offer the entire house. The impacts for people living adjacent to short term rentals are parking, extra cars on the street, noise, concerns about strangers and not knowing who is next door, and safety and liability in terms of building and fire codes and is there adequate insurance. They considered regulating things such as whether the owner is there or not there, duration of stay, number of nights it is rented and number of rentals in the neighborhood. The state does collect a 15% hotel tax on all Air BnB rentals, so there is revenue being created.

Options range from doing nothing all the way to prohibiting short term rentals. The zoning ordinance has what is called a rooming house and some regulations for that, but currently we do not have any rooming houses licensed in New Canaan and that may be a thing of the past. Short term rentals seem to be a thing of the future, so the fifth option would be to pursue something that exclusively deals with short term rentals.

Ms. Avni said most of the comments from neighbors have been negative. The concerns surround parking and the traffic and different people coming in and out sort of everyday. The goal is to get some feedback from the Commission and come back with some ideas.

Ms. Neilson said they received something from Mr. Bloom that talks about the legality of regulating this, but also what other cities have done. The only example in Connecticut was Hartford which has a regulation for short term rentals. Chairman Goodwin asked what are the current regulations in our residential districts. Ms. Avni said they are silent, so effectively somebody can do it right now. Mr. Redman said it is one thing to rent your house out for a year, but to rent your house out for a day is in effect transforming it into a business. You are turning it into a de facto rooming house or some reasonable facsimile.

Ms. Neilson said the basis of a lot of the regulations in other cities and towns is there is a very minimum requirement for the owner of the property to be licensed as a short term rental with the town, which at the very least gives the town a contact with that person if there is a problem. The standard definition for short term rentals it is anything that is being rented for 31 days or less.

Chairman Goodwin said they are going to put together potential regulations. We will probably do a couple of drafts, and then we will do a public hearing and get the input of the town.

Ms. Neilson said what she is hearing is that they would like to hear examples of what other towns have done, specifically small towns in Connecticut, and then to focus on regulating in residential areas and looking at licensing short term rentals. Chairman Goodwin said they will continue this discussion at the January meeting

**14. Administrative Actions or other matters as may properly come before the Commission (Town Planner).**

a. St. Luke's School, 377 North Wilton Road, requests approval to rent out the Athletic Facilities, Athletic Center and Main Building for the Winter of 2018/19. Upon motion of Ms. Grzelecki and second of Mr. Kriz, the Commission approved item "a".

b. Approve 2018 Meeting Schedule.

Upon motion of Mr. Redman and second of Ms. Grzelecki, the Commission approved item "b".

Chairman Goodwin noted that we have an opening on the Commission and asked everyone to keep an eye out for candidates.

#### 15. Approval of the Minutes

a. October 30, 2018 Special Meeting

Upon motion of Mr. Kriz and second of Mr. Ward, the Commission unanimously voted to approve the minutes of the October 30, 2018 meeting.

#### 16. Adjournment.

Meeting was adjourned at 9:45 p.m.

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Jean N. Grzelecki, Secretary

### LEGAL NOTICE

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, DECEMBER 6, 2018

#### TOWN OF NEW CANAAN

##### PLANNING & ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission at a regular meeting held on November 27, 2018 duly adopted the following resolution(s). Approved Special Permit Applications become effective upon the filing of a copy thereof in the office of the Town Clerk.

1. RESOLVED, that the CGS 8-24 referral from Kevin J. Moynihan to review and issue a positive report for the acquisition by the Town of a portion of a four-acre property at 1124 Valley Road. Affirm that any acquisition of this property would be consistent with the POCD.
2. RESOLVED, 1031 and 1077 Oenoke Ridge Road – that the application of Amy Zabetakis, Rucci Law Group, LLC, Authorized Agent for Kindridge LLC and Oakridge LLC, owner(s), for a Special Permit approval of Section(s) 6.4.G and 3.4.C.3 for an accessory dwelling unit and the excavation and fill, for property in the Four Acre Zone at 1031 and 1077 Oenoke Ridge Road (Map 34, Block 34, Lots 95 & 104). Approved with conditions.
3. RESOLVED, 70 Main Street – that the application of Scott Ackerman, Club Pilates, Authorized Agent for 70 Main NC Partners, LP, owner, for a Site Plan approval of Section 4.2.C.7 to allow a Personal Service Establishment, for property in the Retail A Zone (Map T, Block 67, Lot 74). Approved.
4. RESOLVED, 90 Main Street – that the application of Adam Kanzer, Authorized Agent for Trio on Main, owner, for a Site Plan approval of Section 4.2.C.7.c to allow a Personal Service Establishment (Stretch Lab) for property in the Retail A Zone (Map T, Block 67, Lot 76). Approved with a recommendation that the Applicant work with the Town Planner to address screening between the cashier/reception and stretch tables.
5. RESOLVED, 16 Cross Street – that the application of 4M Capital Trust LLC, Owner for an amended Special Permit approval of Section(s) 4.5.D.8 for medical offices located on the first floor of a newly constructed building located in the Business B Zone at 16 Cross Street (Map T, Block 71, Lot 720). Original Special Permit approval granted on September 25, 2018. Approved with conditions.
6. RESOLVED, discussion and consideration of the request of David J. Rucci, Lampert, Toohey & Rucci, LLC, Authorized Agent for Cross Realty-Connecticut, LLC, owner, to amend the Zoning Regulations dated June 16, 2007, amended September 20, 2018 to amend Section 4.4 Business A Zone (Village District). Approved, effective date is 12/13/18.
7. RESOLVED, 2 Pine Street – that the application of Stephen A. Finn, Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent for ESP Pine Street, LLC, c/o Elm Street Partners, LLC, owner for a Site Plan Approval of Section(s) 8.2.A.1.a. and 4.4.C.4 to allow a change in use from "Green Grocer" to "Bank" under the above referenced zoning regulations. Plans showing the relatively minor exterior changes to the building are submitted herewith, for property in the Business A Zone at 2 Pine Street (Map L, Block 139, Lot 918). Approved, applicant requested to modify the request and seek approval under Section 4.4.C.5 with an effective date of 12/17/18.

John Goodwin, Chairman

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