

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – MAY 9, 2023**

The Town Plan and Zoning Commission held a Meeting at 6:30 p.m., Tuesday, May 9, 2023, at the Fairfield Fire School, 205 Richard White Way, Fairfield, Connecticut, and via WebEx.

Members Present: Tommy Noonan, Chairman; Lenny Braman, Vice Chairman; Meg Francis, Secretary; Kathy Braun; Dan Ford; Alexis Harrison; Steve Levy.

Alternate Members Present: Tom Corsillo; Jeanine Pocoski and Peter Collins.

Town Department Members Present: Jim Wendt, Planning Director
Emmeline Harrigan, Asst. Planning Director
Matthew Decker, ZEO
Josephine Keogh, Clerk

Meeting Minutes Motion was made by Ms. Francis, seconded by Mr. Braman and members present unanimously **VOTED TO APPROVE** the Meeting Minutes of April 25, 2023.

Zoning Regulation Amendment Motion was made by Mr. Levy, seconded by Mr. Braman and members present **VOTED TO APPROVE** the application of Post Road Residential Inc. to Amend Section 13.14 Transit Oriented Development Park as follows:

13.14 Transit-Oriented Development Park

13.14.1 General

The purpose of the Transit-Oriented Development Park within the Commerce Drive Area Designed District is to enable the development of a transit-supportive, mixed use neighborhood within walking distance of commuter rail transit of a scale and design that is appropriate to the existing neighborhood context and to the character of the town consistent with the goals and policies, and locations recommended within the Plan of Conservation and Development.

13.14.2 Permitted Uses

Residential for one (1) or more families;
Business and professional offices; **including co-working office space;**
Financial institutions;
Medical and dental clinics;
Retail service stores for cleaning and pressing laundry, including dry cleaning;
Bakeries, catering establishments;
Restaurants and other food service establishments where customers are served only when seated at tables or counters, and at least three quarters of the customer seats are located within an enclosed building. Such uses may include food take-out service

incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles;
Establishments for the rental of automobiles for lease periods of fewer than thirty days;
Barber shops and beauty parlors;
Package stores for the sale and establishments for the service of alcoholic liquors, beer, ale or wine;
Stores and other structures where goods are sold or service is rendered primarily at retail; and day nurseries

Dog day care uses, to include pet services such as overnight boarding, day care, grooming, and training provided that the applicant shall demonstrate all reasonable efforts to prevent any unreasonable offensive odor or excessively loud noise to emanate outside of the premises and to establish an effective protocol for waste removal.

To quantify performance compliance under this section the instantaneous maximum (Lmax, fast response) from operations (including dogs barking) shall not exceed the average (Leq) within the adjacent spaces by more than 4 dBA or 7 dBC. When average sound levels of adjacent spaces are not measured, the noise level from operations shall not exceed an instantaneous (Lmax, fast response) within the adjacent space of 40 dBA / 60 dBC for adjacent residential spaces and 45 dBA / 60dBC for adjacent commercial spaces.

13.14.3 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses. Notwithstanding said provisions, the following uses are explicitly prohibited in the Transit-Oriented Development Park: Single occupant commercial establishment exceeding 15,000 gross sq. ft., where goods are sold or services rendered primarily at retail.

13.14.4 Density and Lot Area

Property qualifying as a Transit-Oriented Development Park shall consist of a parcel or qualifying parcels of land having a minimum of thirty-five thousand (35,000) square feet and be located within the Commerce Drive Area Designed District, having or proposing one (1) or more buildings that contain residential uses and any additional land uses permitted herein. If the property has its primary frontage along Commerce Drive or Black Rock Turnpike, one additional land use must be either a restaurant or retail establishment. There is no limit to the amount of land uses than can be combined a Transit-Oriented Development Park. The maximum allowable residential density shall be ~~fifty (50)~~ **seventy five (75)** bedrooms per acre. **For the purposes of this section 13.14.4 only, lot area shall include easements for vehicles or easements for above ground public utilities, and Non-residential use shall occupy an area not less than twenty (20) not exceed 70 percent of the total floor area of all buildings. For the purposes of this section 13.14.4, the total floor area shall be all living floor area less any residential common areas, including, but not limited to, amenity areas,**

mechanical, ground floor residential access and circulation, lobbies and elevators. On properties on Ash Creek Blvd. not located along the retail priority edge as defined by Figure 10 of the Fairfield Transit-Oriented Development study dated August 2019, (such figure being also found in Appendix C of these regulations), the non-residential use area may consist of public open space, connectivity to public open spaces and shared pedestrian easement areas providing access to commercial uses as well as ground floor amenity spaces and leasing offices located in ground floor retail-type storefronts towards the non-residential use requirement.

13.14.5 Application to Determine that a Parcel Qualifies as a Transit-Oriented Development Park

A written application for determination that a parcel qualifies as a Trans-Oriented Development Park shall be submitted to the Commission accompanied by the following:

A written statement describing the proposed land use mix, the area of the site, the assessor's map and parcel number, name and address of the applicant and owner;

An Affordability plan providing information on the construction and management of Below Market Rate housing units as described in 13.14.7;

A conceptual site plan, which means a plan drawing or drawings prepared by a professional engineer, surveyor or landscape architect licenses to practice in the State of Connecticut, drawn to scale of not less than sixty (60) feet to the inch showing the conceptual plan of the development within the Transit Oriented Development including contemplated buildings, structures, streetscape, driveways and off-street parking;

Said conceptual site plan shall include a zone legend providing data pertaining to the contemplated buildings and structures including height, lot coverage, total floor area, and parking;

Elevation drawings prepared by an architect showing the conceptual façade design of each building frontage;

A photo-simulation showing the building(s) in its context prepared from two vantage points to be chosen by the Town Planning staff.

Town Plan & Zoning Commission may, in its' discretion, hold a public hearing on a request for determination that a parcel qualifies as a Transit-Oriented Development.

13.14.6 Off-Street Parking

For any permitted use of the premises, off street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations and Section 13.5 of the

Zoning Regulation pertaining to the Commerce Drive Areas Designed District except that the number of spaces required for residential uses shall be reduced to the lesser of one (1.0) parking space per bedroom or one and one quarter (1.25) parking spaces per household.

13.14.7 Below Market Rate Housing

Not less than ~~10%~~ **twelve (12) %** of dwelling units created within a Transit-Oriented Development Park shall be Below Market Rate (BMR) units, affordable to households earning not more than eighty percent (80%) of median household income for the Bridgeport, CT HUD Metro Fair Market Rent Area (HMFA), BMR units shall be comparable in average size of market rate units and shall be reasonably distributed throughout the project.

Rental restrictions shall remain in full force and effect for so long as the building or development exists and shall be administered in accordance with written guidelines as adopted, and periodically revised by the Town Plan and Zoning Commission. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a complete unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Town Plan and Zoning Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out, and effectuate these obligations.

Management Plan

A proposal to establish BMR units shall be accompanied by a management plan (“Affordability Plan”), subject to approval of the Town Plan and Zoning Commission, providing all of the necessary information and documentation to ensure the construction, and continued operation of affordable housing, including the following:

- i) the person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting, and enforcement mechanisms;
- ii) affirmative fair marketing procedures governing the sale or rental of the BMR units;
- iii) proposed sale or rental prices of BMR units and the basis for their determination;
- iv) identification and timetable for the completion and even distribution of the BMR units among the market rate units in the development; and

v) other information as may be required by the Town Plan and Zoning Commission,

13.14.8 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

13.14.9 Height

No building or structure shall exceed **five (5) stories and sixty (60) seventy (70)** feet in height. **Any ground story facing a public right of way shall be a minimum of fifteen (15) feet in height.**

13.14.9.1

Within a Transit-Oriented Development Park and notwithstanding the provisions of Section 31.2.16 of the Zoning Regulations, the height of a building or other structure shall be measured from the average top of curb elevation of either the nearest public street or Private Right of Way averaged over the portion of the public street or Private Right of Way that directly adjoins a buildings' primary front or entrance as determined by the owner, to the average level between the highest interior ceiling and the top of the parapet of the building. For purposes of this section, the average top of the curb elevation at vertical distances shall be measured between two fixed points every two feet, provided such elevation shall be no higher than ten (10) feet above the average post-construction grade around any such building or other structure as calculated in accordance with Section 31.2.16 or fifteen (15) feet above the average post-construction grade when the development includes a below street level parking structure.

13.14.10 Setback

No building or structure shall be closer than ten (10) feet or farther than eighteen (18) feet from any public street line or Private Right of Way which abuts it **except if the front setback area is occupied by public open space or an existing easement, the setback requirement shall commence from the edge of said public open space or existing easement.**

No building or structure shall be closer than ten (10) feet from any property line.

13.14.11 Additional Setback

Any building or other structure, or portion thereof, exceeding a height of thirty-five (35) feet shall be set back five (5) feet, in addition to the applicable minimum setback requirement, along any frontage facing a public street or pedestrian walkway.

13.14.12 Lot Coverage

The aggregate lot coverage of all buildings and structures shall not exceed eighty percent (80%) of the entire parcel.

13.14.13 Public Water, Public Sanitary Sewers

All property located within a Transit Oriented Development Park must be serviced by public water, and public sanitary sewer.

13.14.14 Landscaping

Any development requiring greater than seventy-five (75) parking spaces shall be required to install at least one (1) tree for every thirty (30) linear feet between a proposed parking area and public right of way where applicable.

13.14.15 Bicycle Parking

Any development shall be required to provide one (1) bicycle parking space per dwelling unit up to seventy-five (75) bicycle parking spaces.

For motion: Noonan; Braman; Francis; Ford; Levy.

Against motion: Braun; Harrison.

1280 Stratfield Road Motion was made by Ms. Francis, seconded by Ms. Harrison and members present unanimously **VOTED TO APPROVE** the Special Exception application of Andail III, LLC d/b/a the Goddard School for an interior expansion into an existing second floor currently used for storage Neigh. Des. Dist.

186-212 Hillside Road Motion was made by Mr. Levy seconded by Mr. Ford and members present unanimously **VOTED TO APPROVE** the Special Permit application of Marsh Real Estate, LLC pertaining to a second-floor addition to an existing dwelling Neigh. Des. Dist.

1241 Post Road Motion was made by Mr. Braman, seconded by Mr. Levy and members present unanimously **VOTED TO APPROVE** the Zoning Compliance application of Fin Restaurant for outdoor dining subject to the following conditions of approval:

1. No outside music or sound system.
2. No additional signage.
3. Subject to annual re-certification.
4. Filing of Notice.

PUBLIC HEARING

277-301 Berkley Road Zoning Compliance application of Berkley Road, LLC pertaining to the construction of a 40-unit residential development pursuant to Section 8-30g of the General Statutes. Res B Zone.

Atty. Fallon presented the proposed application to the Commission.

Public comments followed.

The Public Hearing was continued to May 23, 2023.

The meeting adjourned at 9:50 p.m.

Meg Francis, Secretary

Josephine M. Keogh, Clerk