

PLANNING & ZONING COMMISSION, Town of Canaan
Falls Village Town Hall, 108 Main Street, Falls Village, CT
Public Hearing Minutes
Wednesday, September 23, 2009

Present: Fred Laser, Chairman, Mike O'Neil, Zoning Enforcement Officer, and Members, Greg Bidou, Alison Orr-Andrewes, Alice Macchi, Stephen Koshland, Tom Scott, Greg Marlowe (alternate member sitting in for Ruth Skovron). Absent: Regular Members, Ruth Skovron and Jody Bronson and Alternate Member, Vincent Inconiglios.

Also Present: William Colby

Also Present: Richard Wells, Felicia Brodzky-Jones, Joel Jones, Gale Toensing

Public Hearing called to order at 6:40 p.m. by Chairman, Fred Laser.

Public Hearing Matters: *(1) To consider an application by Colby Engineering requesting a Zoning Regulation Amendment to Section 2.6.D.2b.i. Interior Lot for Single Family Dwelling, to allow interior lots in Subdivisions of 4 lots or fewer; and (2) To consider an application by Richard Wells for a detached Accessory Apartment at 144 Warren Turnpike Road.*

Chairman, Fred Laser read the public notice published in the newspaper (The Lakeville Journal- 9/17/2009) with regard to the applications, the subject of the Public Hearing.

Matter #1: Chairman, Fred Laser introduced William Colby. Colby gave a presentation to the Commission members regarding Special Permit application by Colby Engineering requesting a Zoning Regulation Amendment to Section 2.6.D.2b.i. Interior Lot for Single Family Dwelling, to allow interior lots in Subdivisions of 4 lots or fewer. As part of his presentation, Colby submitted a letter to the Commission from Martin J. Connor, AICP, Planning Consultant, dated September 21, 2009, copy attached. Colby made reference to a previous letter sent to the Commission from Martin J. Connor, AICP, Planning Consultant, dated June 22, 2009, copy attached. Following the presentation, Laser asked for any questions from the Commission. Scott asked if the application was as a result of a pending project. Colby advised that the request was instigated by a project but that the request for the amendment was not specifically made as a result of the project. Colby reiterated that the regulation amendment he was requesting would provide flexibility and would be regulated through the Special Permit process, which allows the Commission to treat each application uniquely. With regard to Matter #1, the public hearing was closed at 6:55 p.m.

Matter #2: Chairman, Fred Laser introduced Richard Wells. Wells gave a presentation to the Commission members regarding Special Permit application for a detached Accessory Apartment at 144 Warren Turnpike Road. As part of his presentation, Wells advised that the owners were looking to demolish the existing garage on the property and rebuild a detached garage (w/a slightly larger floor print – addition of approximately 8 feet) with an accessory apartment on the top floor for the owner's elderly parent. Wells provided a sketch of the proposed living space. A memo from Michael O'Neil, Canaan Zoning Enforcement Officer was read, copy attached, recommending approval of the application. O'Neil also advised that the application was in order and the setbacks were in order. A letter from neighbor, Gale Toensing, dated 9/2/2009 was presented to the Commission, indicating no objections and encouraging the Commission to approval the application. Toensing, also present at the meeting, commented in favor of the work done by the current owners at the property thus far and reiterated that it was her hope that the Commission would approve the application. Marlowe asked O'Neil about any concern with building in the flood plain and O'Neil advised that such a concern was a building matter.

Adjournment. Public hearing adjourned at 7:08 p.m. by Chairman, Fred Laser.

Respectfully submitted, Alice Macchi, Recording Secretary.

Martin J. Connor, AICP
Planning Consultant
20 Dresden Court West
Goshen, CT 06756
(860) 491-9900 cell (860) 485-3262
E-mail mjconnor@hotmail.com

September 21, 2009

Frederick J. Laser, Chairman
Planning and Zoning Commission
Town of Canaan, Falls Village
Canaan, CT 06018

Re: Proposed Amendment to Zoning Regulations Section 2.6.D.2.b.i., Interior Lot for Single Family Dwelling

Dear Mr. Laser,

My client, William Colby, Colby Engineering & Consulting LLC, has proposed an amendment to Section 2.6.D.2.b.i., Interior Lot for Single Family Dwelling. The proposed change would amend this Section to permit an interior lot in subdivisions where more than 20% of the total number of lots in the subdivision are interior lots. The current provision requires a developer to propose a minimum of a 5 lot subdivision or resubdivision in order to have one interior lot. Section 2.6.D.2.b.i., states "Not more than 20% of the total number of lots in the subdivision shall be interior lots," Currently Subdivisions of less than 5 lots do not allow for creation of an interior lot. We are proposing that this regulation be amended so that an interior lot could be proposed in small subdivisions of less than 5 lots. We feel that the proposed regulation revision below is more in keeping with preserving the rural character of the Town of Canaan, Falls Village. My previous correspondence of June 22, 2009, outlined the proposed change. (See attached.)

The Town of Canaan, Falls Village 2002 Plan of Conservation and Development discusses the need to modify residential development patterns. On page 67 of the Plan it states, "Residents do not favor the typical residential subdivisions like they have seen in other communities since it is not consistent with their perception of the community. However, the existing zoning regulations allow (and require) the very development pattern that residents have indicated they do not want in Falls Village." The current Regulation that we are proposing to amend, that requires 5 or more lot subdivisions in order to create an interior lot, is an example of just such a residential development pattern not favored by the residents. This standard is not in keeping with the rural character of Falls Village. Interior lots can preserve the view along the road, by siting houses further back from the road. The current Regulation of course encourages

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"cookie cutter" development along the road. Also, "The Plan recommends that Falls Village modify local regulations to encourage open space patterns." One of the suggested recommendations for encouraging open space development patterns is to "provide flexibility in minimum lot size requirements within acceptable Health Code standards." We are proposing just such a regulation revision that would provide flexibility and would be regulated through the Special Permit process. The interior lots approved must remain single family dwellings and in accordance with the regulations, "The applicant provides adequate information (and legal documentation) demonstrating that the proposed subdivision layout will result in the permanent preservation of a natural resource or scenic feature (such as a farm field or view), or an historic or cultural feature that would not otherwise be so protected;" This provision will continue to ensure the open space development patterns encouraged in the Plan of Conservation and Development are met.

On page 68 of the Plan in the sidebar, "Development Flexibility" the Plan suggests that the Commission could reduce the minimum lot area and/or minimum lot frontage requirement when the amount of open space that is preserved in a subdivision is exceeded.

It is my professional opinion as a Professional Planner that the proposed regulation revision to to Section 2.6.D.2.b.i., Interior Lot for Single Family Dwelling, provides more development flexibility and is consistent with the Town of Canaan, Falls Village 2002 Plan of Conservation and Development. The current Regulation encourages larger subdivisions, 5 lots or more, with an unexpected consequence of encouraging new Town roads in order to develop land areas better suited as interior lots with access onto existing Town and State roads. I would encourage the Commission to approve the proposed amendment to the Interior Lot for Single Family Dwelling Section of your Zoning Regulations.

Sincerely yours,



Martin J. Connor, AICP
Planning Consultant

Cc: William Colby P.E.

Martin J. Connor, AICP
Planning Consultant
20 Dresden Court West
Goshen, CT 06756
(860) 491-9900 cell (860) 485-3262
E-mail mjconnor@hotmail.com

June 22, 2009

Frederick J. Laser, Chairman
Planning and Zoning Commission
Town of Canaan, Falls Village
Canaan, CT 06018

Re: Proposed Amendment to Zoning Regulations Section 2.6.D.2.b.i., Interior Lot for Single Family Dwelling

Dear Mr. Laser,

My client, William Colby, Colby Engineering & Consulting LLC, is proposing an amendment to Section 2.6.D.2.b.i., Interior Lot for Single Family Dwelling. The proposed change would amend this Section to permit an interior lot in subdivisions where more than 20% of the total number of lots in the subdivision are interior lots. The current provision requires a minimum of a 5 lot subdivision or resubdivision in order to have one interior lot. Subdivisions of less than 5 lots do not allow for creation of an interior lot. We are proposing that this regulation be amended so that an interior lot could be proposed in small subdivisions of less than 5 lots. We feel that the proposed regulation revision below is more in keeping with preserving the rural character of the Town of Canaan, Falls Village. We are proposing that this Section be amended as follows:

D. Interior Lot for Single Family Dwelling

1. Purpose

This Section of the Regulations is intended to allow for the establishment and development of interior lots in situations where adequate provision has been made for preservation of important resources and where adequate access will be provided.

2. Applicability

The Commission may, as a Special Permit, approve the establishment of an interior lot where the land is located in a residential zone and the use is limited to a single-family dwelling, and either:

a. The land is not part of a subdivision and could not otherwise be developed because it lacks the required street frontage, and it has an accessway at least 20 feet in width at all

points which intersects with an existing public street; or

b. The land is part of a proposed subdivision and the application meets the following requirements:

~~i. Not more than 20 percent of the total number of lots in the subdivision shall be interior lots; and~~

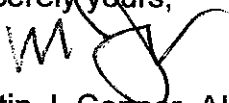
(new) i. No two accessways to interior lots shall be closer to each other than the minimum lot width measured along the street line.

ii. The applicant provides adequate information (and legal documentation) demonstrating that the proposed subdivision layout will result in the permanent preservation of a natural resource or scenic feature (such as a farm field or view), or an historic or cultural feature that would not otherwise be so protected; and

iii. The lot shall be served by an accessway that intersects with an existing or proposed public street and which is at least 50 feet in width at all points.

The change proposed would remove the 20% maximum number of interior lot provision and instead substitute a requirement that a lot meeting the minimum lot width separate any proposed interior lots in a subdivision. The other existing requirements in Section 2.6.D.2.b. would remain. We would ask that you accept this proposed amendment to the Zoning Regulations and schedule a public hearing on the application. We will provide a planning report at the public hearing in order to document that the proposed amendment is in keeping with the Plan of Conservation and Development.

Sincerely yours,



Martin J. Connor, AICP
Planning Consultant

Cc: William Colby P.E.

Town of Canaan (Falls Village)
Planning & Zoning
108 Main Street

MEMO

From: Michael O'Neil, CZEO
September 16, 2009
To: Planning & Zoning Commission

RE: 144 Warren Turnpike, Accessory Apartment Application

The application conforms to our Zoning Regulations. The only concerns are building in the flood plain and that is a building matter.

We are working with the Consortium to increase more affordable housing in Falls Village. I recommend passage of this application as a way to increase our housing.