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July 8, 2016

Jeremy B. Ginsberg, Director
Planning and Zoning Department
2 Renshaw Road
Darien, CT 06820

**Re: Proposed Amendments to Darien Zoning Map (CZM #3-2016)
Proposed Amendments to Darien Zoning Regulations (CZR #7-2016)
Baywater Corbin Partners, LLC**

Dear Jeremy:

As you know, we represent Baywater Corbin Partners, LLC. We write in response to various questions and comments that have been raised by the Planning and Zoning Commission and staff during the public hearings on May 31, 2016 and June 21, 2016, and thereafter. This letter will not address site-plan specific comments.

We have submitting multiple copies of this letter for distribution to the Planning and Zoning Commission.

I. BUILDING HEIGHTS

The Commission and staff have raised questions about the maximum height of buildings in feet, and the method for calculating the building height of sections of buildings located in areas that allow different maximum building heights. Some of the height-related issues were addressed in my June 21, 2016 letter, and an illustration of the maximum building heights up to six stories and 85 feet was submitted during the public hearing on June 21, 2016.

To assist the Commission in clarifying the method for calculating building heights in the proposed Corbin Subarea, we offer the following suggested modifications to proposed section 658.1(c):

- (1) Building height shall be measured from the average elevation of the finished grade adjacent to the exterior walls of the building, in accordance with the definition of Building Height set forth in 210 and subsection 225.
- (2) Where portions of the same building are subject to different maximum building heights based on their location relative to the street line, building height shall be calculated in accordance with

Note (c)(1) for each portion of the building that is subject to a different maximum building height.

The Commission might consider deleting proposed Subsection 658.1(c)(2), as the proposal would create a new method for calculating building height. In addition, the Commission might consider deleting proposed Subsection 658.1(c)(4), which identified architectural features that would be excluded from the building height calculations, as the proposed exclusions are similar to the exclusions already contained in Section 371.

II. EXPANSION OF THE PROPOSED AREA AND BULK REGULATION TO OTHER AREAS WITHIN THE CENTRAL BUSINESS DISTRICT

One of the Commission members asked whether the proposed area and bulk regulations should be extended into other areas of the Central Business District. At this time, we do not believe that any of the proposed Corbin Subarea regulations should extend into other areas of the Central Business District, or other commercial zoning districts.

The proposed Corbin Subarea and the proposed regulations for larger developments within the Corbin Subarea are based on a careful analysis and consideration of the location of and existing conditions within and adjacent to the proposed subarea. These include the following:

1. The proposed subarea is the only area within the Central Business District that is adjacent to Interstate 95. This feature provides a horizontal, 300-foot buffer between the higher buildings that would be permitted within the subarea and the nearest residential zone to the south of the Interstate. In addition, the significantly higher elevation of the travel portion of Interstate 95 and the heights of the sound barrier and mature trees along the eastbound lanes provide significant visual separation from the adjacent residential zone. These features do not exist in any other areas within the Central Business District.
2. The proposed subarea is the only area within the Central Business District that is bounded by roads classified in the 2016 Town Plan of Conservation and Development as “Interstate/Expressway” (Interstate 95) “Arterial/State Highway” (Boston Post Road), and “Collector” (Corbin Drive), and that does not directly abut residential zones. These three roads provide greater flexibility in terms of traffic management and separation from residential areas.

3. Unlike other areas within the Central Business District, properties within the proposed subarea have never been exempt from off-street parking regulations under the rear building line program. Accordingly, the proposed subarea regulations require developers to provide sufficient on street parking to satisfy the parking demands of future development. Allowing larger buildings elsewhere in the Central Business District should not be considered without careful consideration of the potential effect of or on the rear building line program.
4. The proposed subarea includes parcels that would qualify for larger developments under the subarea regulations. We are not aware of any other areas within the Central Business District that are large enough for substantial redevelopment projects similar to the project that is being designed by the Applicant.

Although the Commission might consider amending the zoning regulations that would apply to the entire Central Business District, the proposed subarea regulations are based on specific features and opportunities within the proposed subarea. We do not recommend that the Commission the proposed subarea without further consideration and analysis.

III. PARKING

We have addressed questions regarding parking space and isle dimensions, and the proposed joint parking regulation amendment in our June 21, 2016 letter. In addition, we are submitting here with a letter dated July 7, 2016, prepared by Tighe & Bond Engineers.

IV. DEFINITION OF "LARGER DEVELOPMENT"

To avoid confusion, the Commission has asked us to provide a definition of the term "Larger Development." We offer the following revision to Section 654(g) for the Commission's consideration:

- g. Larger Developments within the Corbin Subarea. The term "Larger Developments within the Corbin Subarea" shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.

We also suggest adding the following sentence to the end of the second (proposed) paragraph of Section 651:

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The Corbin Subarea regulations provide developers with an option to build larger projects under the subarea regulations, or projects under the CBD regulations.

The proposed Corbin Subarea regulations are not intended to prohibit or affect development already allowed under the Central Business District on sites that are less than the minimum three acres.

V. PUBLIC PLAZA AREAS

The Commission has asked about the permitting requirements for events held in the public plaza area that last longer than four consecutive days. Our intent is to allow activities on a short-term basis without the need to return to the Commission for permits. Of course, the Commission is entitled to require event-specific permits for events of shorter duration. We leave it for the Commission to determine whether any particular permitting requirements should be necessary.

VI. VISUAL PERSPECTIVES FROM VARIOUS LOCATIONS NEAR THE PROPOSED CORBIN SUBAREA

Computer-generated perspective images are being prepared, and will be presented to the Commission during the public hearing on July 12, 2016.

We trust that the above adequately responds to the comments we have received so far. We would be happy to respond to further comments and questions as they come to our attention.

Thank you for your continued consideration of our application.

Very truly yours,



Robert F. Maslan, Jr.

Enclosure

cc: Mr. R. David Genovese