

April 20, 2011 Planning and Zoning Commission Staff Report

Special Permit and Rezoning Requests

1. Proposed change to Professional Office Overlay Zone.

This item was continued following discussion at the March 16th P&Z meeting.

Background: Two changes are proposed to the Professional Office Overlay Zone to accommodate a proposed professional office use on White Plains Rd. The first change would allow professional office use on properties that were subdivided subsequent to application of the Professional Office Overlay Zone (formerly known as the Design District) in a particular area. The second change would modify the regulations regarding parking in front and side yards in this overlay zone. The proposed revised regulations would allow parking in the side yards and front yards if buffered and if not directly in front of the dwelling. The applicant has suggested that this parking allowance is particularly necessary for corner lots and could perhaps be worded to be applicable only on corner lots.

Analysis: Staff recommends in favor of removing the prohibition of professional office use on properties subdivided after the date the overlay zone was applied to a particular property. The Commission already has discretion on a case by case basis to deny any proposed professional office use that appears to be detrimental to the Town or the surrounding neighborhood due to visual, traffic, parking, ingress and egress and other factors. Therefore, this prohibition appears unnecessary.

The proposed change to parking in front yards is problematic. The proposed language would allow parking in the side portions of front yards and in portions of side yards. The underlying zone is still residential. Staff recommends against a zoning text amendment allowing parking in any portion of a front yard or in side yards closer to the street line than the dwelling even on corner lots because multi space parking lots, even if well buffered, are visible and generally incompatible with residential neighborhood character.

It should be kept in mind that in individual instances where a home or lot proposed for a professional use has an unusual configuration or where an unusually large side yard exists and where rear parking meeting the zoning regulation requirements is not feasible, on a case by case basis, an applicant could apply for a variance from this parking requirements to the Zoning Board of Appeals.

The applicants proposed language changes are shown below:

Section 2.1 Professional Office Overlay Zone

2.1.1 Statement of Purpose

To provide homeowners in a designated area the opportunity to preserve the basic structure of, and single family appearance of, homes in a residential neighborhood by providing additional uses of a professional nature which will preserve the residential character of the remaining homes in an area that has uses other than single family homes.

2.1.2 Location

For purposes of this regulation, the Professional Office Overlay Zone shall be located:

1. Along White Plains Road (Rte. 127) from the intersection of Unity Road and White Plains Road, extending northwesterly to the intersection of Reservoir Avenue and White Plains Road,
2. Along east side of Main Street from the Merritt Parkway, extending southerly to the Bridgeport City line and along west side of Main Street from the eastern entrance access driveway of the Trumbull Mall southerly to the Bridgeport City line, and
3. Properties at 17, 29 and 37 Church Hill Road.

All properties having frontage on White Plains Road or lower Main Street or an existing easement for access onto White Plains Road or lower Main Street within the limited areas described above shall be included, except for the following: (Note: Boundary description on file in Town Clerk's Office and Planning and Zoning Office.)

4. Properties zoned for multi-family and/or affordable housing shall not be included.
5. ~~No property along White Plains Road subdivided after the effective date that these regulations were applied to White Plains Road (July 13, 1995) shall be included.~~
6. ~~No property along lower Main Street subdivided after the effective date that these regulations were applied to lower Main Street (August 19, 2009 and August 18, 2010) shall be included.~~

2.1.3 Conditions

1. Parking shall be permitted in the rear yard and the side yard with landscaped buffers provided to screen visibility of the parking area from White Plains Road, lower Main Street and Church Hill Road; parking is prohibited in a front of the dwelling. ~~yard, and side yard parking shall be no closer to the street line than the dwelling.~~

2. Liquor Location Permit Request—10 Broadway

This is an application to locate a package liquor store in a 2000 square foot space within an existing building that is currently used for a bakery and restaurant across Broadway from Long Hill Green in the BC-Long Hill Green Zone. No other liquor store is located within 1000 feet of this location. Residential property abuts the subject property to the south.

A new mixed use project has been approved for this property. The applicants should be asked to clarify whether the proposed liquor store use will be going in before or after the

building is renovated and altered in connection with the approved project which proposes to reduce the size of the bakery and add residential units on the upper level.

3. Headliners Hair Salon, 5893 Main St.

This is a request for a hair salon, which is currently located on White Plains Rd. in the Trumbull Center, to relocate to a vacant space in the Cider Mill Plaza on Main Street across from Town Hall and the Town Hall annex.

Cider Mill Plaza is currently not zoned for commercial use. The property is in the A residential zone. Therefore all commercial uses within this center are technically considered non-conforming uses and an adaptive reuse permit (type of special permit) is required.

The proposed hair salon would have eight chairs (stations) and would have five full time and five part time employees. They are hoping to grow the business so presumably there could be more employees in the future.

The previous use at this site was a travel agency. The hair salon would be compatible with other uses in this small center but would have more employees, patrons and parking requirements than the travel agency. The parking lot in front and on the side of the shopping center currently has 34 parking spaces. Typically the lot is only half full. However, the proposed use would potentially create demand for up to 16 parking spaces if all eight chairs were in use (eight workers and eight patrons.) Other than the parking issue, which should be discussed by the Commission, no other planning issues have been identified.

4. 29 Essex Lane -- In Law Apartment

This is a request to create an in law apartment by adding a living/dining room, kitchen, laundry and powder room (half bath) and incorporating an existing reconfigured bedroom and full bathroom from the existing house. All required setbacks would be adhered to in the expanded house. However, the plans are somewhat confusing and clarification will be required to assure that all other applicable requirements are being adhered to. One of the requirements is that the square footage of living area in the in law apartment may not exceed 30% of the overall square footage of the house.

The plans submitted for this project indicate that upon completion the total square footage will be 3875 square feet of which 955 square feet would be in the in law apartment and 2920 square feet in the main house. This would be in accordance with the 30% maximum requirement. However, the plans also show that the new construction will add 785 square feet to the rear of the house while the existing full bathroom, bedroom and stair hatch area that will be incorporated within the in law apartment appear to be substantially larger than 170 square feet. Therefore it is possible that the completed in law apartment may actually exceed 30% of the size of the overall house. The applicants should be required to clarify this. They should also explain how the new apartment will be connected to the existing reconfigured home.

5. Addition to St. Joseph's High School

Background: This is a proposal for a nearly 19,000 square foot addition to the school including expanded facilities for the library, media, arts and a new auditorium. Changes proposed include construction of the new building and re landscaping the surrounding area. No change in parking is proposed and the overall enrollment and staff size will be unchanged. The plans submitted have a note stating that the brick veneer will be matched to that of the existing building. A portion of the roof will be several feet higher than the highest point of roof on the existing school building.

Analysis: The proposed addition will replace a small landscaped lawn area and short walking path with a new building and revised pathway system. Removal of exterior walls to accommodate the addition appears to be minimal. The Commission should request an explanation of how the new addition's architectural design and structure will blend with and connect to the existing building. The Commission should also request clarification on how high the highest point of roof will be. A maximum height of 40 feet is allowed. One projection may possibly exceed 40 feet. Approval should be subject to any engineering and landscaping bonding requirements recommended by the Town Engineer and the Town Tree Warden.

6. Modification to parking at 100 Quarry Rd.

This is a proposal to modify the recently approved parking plan for 100 Quarry Rd. This parking lot will serve the recently approved medical office building as well as an existing movie theater complex on the property. The recently approved parking lot had a reduction in spaces from 629 to 562 to accommodate the new medical office building but still had adequate parking to serve both the cinema complex and the medical office building according to parking generation data from the Institute of Transportation Engineers as required by Trumbull's zoning regulations. The movie theater will draw patrons primarily in the evenings and on weekends while the medical office building will be busiest during weekdays.

Despite staff and applicant's belief that the previous parking was adequate, the movie theater has requested that some of the parking spaces eliminated to build the medical office building be replaced elsewhere on the property. The revised plan adds back 28 spaces for a total of 590 spaces. 11 of these spaces were added by expanding the parking lot on the southerly side of the movie theater. The remaining spaces were added by reconfiguring the lot. In order to accommodate the 11 space expansion, a block retaining wall is proposed to contain the filling operation. Temporary land disturbance from wall construction would be restored to original grade and landscaped. Additional landscaping is proposed throughout the parking lot reconfiguration. The plan presented for this current application has been approved by the Inland Wetlands Commission.

Approval of this plan is required by the State Traffic Commission (STC) in order for a STC permit to be granted. Obtaining a STC permit is a requirement of the Town of Trumbull building permit process.

7. Two story commercial building and parking at 6540 Main Street

Background: This is a request to construct a 12,000 square foot two story commercial building (with a mix of retail, service and office uses) and 42 parking spaces at the north end of Long Hill Green just to the south of Marissa's Restaurant. A previous similar proposal for developing this property with a 6,000 square foot one story commercial building and 48 parking spaces was approved in 2007. However, that project was never built.

Rezoning: The property is currently zoned primarily B-C Long Hill Green. However, the applicants are applying for a rezoning to accompany the Special Permit because a small sliver on the northern edge of their property is in another zone and the applicant's legal research indicates that when the B-C Long Hill Zone was adopted some of the residentially zoned streets in the Long Hill Green area were not properly zoned to B-C Long Hill Zone to match the zoning on the surrounding parcels. Staff is in agreement that the clean up rezoning proposal is appropriate.

Parking: 42 parking spaces are proposed with this project. The use mix proposed would generate demand for approximately that number of spaces based on data from the Institute of Transportation Engineers. The actual demand would depend on the precise mix of uses and could vary over time as different uses occupy the building. If the uses are more heavily weighted to retail vs. office, the demand may exceed 42 spaces. There are an additional 157 parking spaces on the neighboring Marissa's site (which is on the same land parcel) that is connected by a footbridge across a stream from the proposed project. Although less convenient, some of these spaces could be used at times to accommodate demand from this project. However, at other times Marissa's existing parking lot is completely full.

A previous (2007) P&Z approval for an earlier version of this project had 48 parking spaces and included a condition that the parking spaces closest to Whitney Avenue be reoriented and better buffered from the street. This proposal has doubled the size of the building but actually reduced the parking provided by 6 spaces. The parking spaces closest to Whitney Avenue have not been reoriented and the buffering has not been changed in this proposal.

Due to the lack of parking it may be advisable to condition the approval on limiting the retail component of the project to no more than 50% of square footage of the project and/or to require that the upper floor uses be limited to office. The applicants should be asked to explain why the parking total has been reduced from the previously approved project.

B-C Long Hill Green Zone compliance: This new zone was established to provide the ability for developers to propose mixed use developments including retail, office, service and residential. It also allows flexibility for waiving usual setback and other zoning requirements in order to create a more pedestrian oriented environment and traditional village atmosphere in the area around the historic Long Hill Green.

The proposed structure is a typical automobile oriented suburban development with the building set back far from the street and surrounded by parking. The site is lower than

the surrounding streets and is not particularly oriented toward Long Hill Green. As proposed, it would not contribute to a village atmosphere or pedestrian oriented environment around the green. A sidewalk shown in the plans would provide some connection to the green area.

Despite an intent to encourage pedestrian orientation and a village atmosphere, the Town's regulations do not require buildings around Long Hill Green to have small setbacks or to otherwise be oriented toward the street. However, the Commission does have discretion to request modifications to the proposal to achieve a more pedestrian oriented environment and traditional village atmosphere.

Architecture and Urban Design: The BC-Long Hill Green Zone does not require a particular style of architecture—only that new structures be compatible with existing surrounding structures in terms of materials, building siting, architecture and landscaping. The regulations in this zone also call for use of staggered or off set facades and varied facade materials to avoid a barracks or dormitory appearance.

The proposed project has a repetitious appearance and a lack of setbacks or articulation and is, therefore, somewhat inconsistent with these guidelines. The Commission has discretion to request a different façade treatment that is more consistent with the guidelines in the B-C Long Hill Green Zone

Landscaping and Engineering conditions of approval: The subject property is located on the same parcel of land as the existing Marissa's Restaurant and a Duncan Donut Store. Various P&Z Special Permit approvals pertaining to this parcel have been granted in the past several years. Several of these approvals included conditions that have not yet been met. The Town Attorney has advised that the Commission has discretion to make the current approval subject to completion of these earlier unmet conditions.

These conditions include a landscaped fifty foot wide conservation easement along Farrars Brook and 40 marked parking spaces on the south side of the property. The Commission also requested that loam and gravel on the property be removed. The Town Tree Warden, Warren Jacques, met in 2009 and 2010 with the Marissa's owners and requested landscaping in the north parking lot area and a finalized landscape plan for the entire site (not including the area of the current application). This has not yet been received and no landscape work has begun on this property. Also, the loam and gravel has not yet been removed.

Approval should be subject to completion of landscaping on the entire existing site including the north parking lot, the conservation easement and the site now being proposed for a commercial building as recommended by the Town Tree Warden. The bond amount suggested by the Tree Warden is as follows: \$40,000 for the new building site, \$25,000 for the conservation easement and \$25,000 for the north parking lot for a total of \$90,000. Currently there is no bond on file. Approval should also be subject to any site bonding requirement from the Town Engineer and removal of the loam and gravel.

Signage and Lighting: Signage and lighting requirements are similar to those in the standard B-C zone. The information on this proposed project received to date does not address signage or lighting. Unless this information is provided during the hearing, the applicants may need to return to the P&Z Commission in the future for signage approval

as required by the zoning regulations. A previous approval on the Marissa's property contained a condition calling for any new lighting to be "colonial in style to match the nearby green lighting".

PENDING APPLICATIONS

1. Magnet High School—Fairchild Wheeler Memorial Park

Background

The hearing on this item was closed on December 15, 2010. Following an extension agreed to by the applicant on February 16, 2011, this application must be acted upon at this meeting. The application consists of the following: 1.) Approval of a Special Permit for construction of the project, 2) Approval of a Natural Resources/Excavation Permit and 3.) Approval of amendments to the Trumbull Zoning Regulations to modify the building height, signage and parking requirements for school uses in residential zones.

At the time this staff report is being written, discussions and various actions involving the City of Bridgeport, Town of Trumbull and State of Connecticut are ongoing regarding deannexing the subject property from Trumbull and annexing it to Bridgeport. If this municipal boundary change occurs prior to April 20th, the Trumbull Planning and Zoning Commission will no longer have jurisdiction to take action on this proposal. Instead, the Bridgeport Planning and Zoning Commission would need to consider the proposal.

Also ongoing at the time this is being written is an agreement between Bridgeport and Trumbull for services to be provided to the proposed school. This proposed agreement would most likely only be applicable if the property is not deannexed from Trumbull. Since neither the annexation or service agreement has been finalized or adopted as of this writing, the Commission will be apprised of the latest situation orally at the April 20th P&Z meeting.

Analysis

While the magnet high school concept proposed appears to be exemplary, construction of a high school on the Fairchild Park Site is not recommended due to environmental impacts, impacts on the adjacent residential neighborhood and inconsistency with applicable planning document goals and with widely accepted best practice "smart growth" planning principals. A site with existing access to major roads, transit lines and population centers and not requiring construction of new access roads, large scale earth moving and removal of vegetation would be more suitable for the proposed school.

The proposed school site is densely wooded, hilly and isolated. Two new roads and parking areas will need to be cleared as well as land for the school itself. This will involve blasting, crushing and earth removal and elimination of vegetation in a 15- 20 acre area that had been designated as a public park.

Residents who live south of the proposed school site would be impacted by noise, and possibly by dust during construction and by visual and traffic impacts following completion of the proposed project.

However, if the Commission still desires to approve the permits and zoning amendments necessary to allow the Magnet High School to proceed, approval with conditions is suggested. (These conditions are a compilation of recommendations by Planning and Engineering staff, the Long Hill Fire Chief and the Town's consultant team including William Kenny & Associates and Fuss & O'Neill.) The purpose of the conditions is to minimize, to the extent possible, the negative impacts of the project described above.

In the past, the applicants have indicated a willingness to adhere to many of these conditions but have previously expressed reservations regarding all or portions of conditions 6, 8, 9, 11 and 12.

Condition 13 relates to a service agreement between the City of Bridgeport and the Town of Trumbull. At the time of this report, negotiations were underway and an agreement was being worked on but had not yet been completed or agreed to. The Town Attorney will provide an update of the status of any service provision at the meeting.

Regardless of whether the Commission votes to approve or deny the proposed project, the action motion should be carefully drawn up. Reasons for approving or denying should be fully enumerated and any conditions of approval should be as clear as possible. Reasons for each condition should be provided.

The suggested conditions of approval are as follows:

**REVISED SUGGESTED CONDITIONS OF APPROVAL FOR MAGNET SCHOOL,
JANUARY 2011**

1.) Compliance with the requirements of Article IX and Article X of the Zoning Regulations, pertaining to excavation, removal, blasting, crushing and regrading of land to the satisfaction of the Town Engineer and Zoning Enforcement Officer. Blasting plans should also be reviewed by the Town Fire Marshal.

The Commission could specify a minimum distance that will be allowed between residential dwellings and the blasting and crushing operations.

2.) The Zoning Enforcement Officer recommends the following revision to the applicants proposed plan for complying with Article IX: Page 5 of 9; Section 2 Standards, para. a should read, last sentence; Wet down hoses including a sprinkler system shall be located at crushing unit for air borne particle control. Remove; if required.

3.) Construction Phasing, Sedimentation and Erosion Control Plan

– Indication of the limit of disturbance (LOD) on each plan sheet.

--Address inconsistencies between limit of disturbance and position of trailer during first phase of construction

-- Installation of a temporary sedimentation basin in location of proposed school during initial construction phases.

4.) Engineering site bond for proposed improvements to roads, land alteration etc. The amount of the bond should be calculated by the applicant's engineer to be reviewed by the Town Engineer.

5.) Landscape site bond for proposed landscape improvements. The amount of the bond should be agreed upon by the applicant's landscape architect and the Town Tree Warden

6.) Conservation easement - Augment the existing conservation area to include the 200' x 300' rectangle in the northern portion of the site, just west of the Rte 25 underpass is recommended. Additionally, the jagged edge on the conservation easement south of the access road from Old Town Road should be minimized by establishing the conservation easement with a 10' offset from the road-line. The proposed berms for screening and noise appear excessive for this use, but if the commission prefers those features to a dense planting of evergreens (i.e. spruce) within the limit of disturbance for the road, the shape conservation easement could still be modified and maintenance of the berms and features within this area should be written into the conservation easement covenant.

7.) Access lighting - Managing overnight lighting of the Old Town Road access is recommended when the school is not in session.

8.) Invasive species management plan - A protocol to manage potential invasive species propagation on the property due to the increase in forest edge is recommended.

9.) Site access from Quarry Road - Remediate existing access by removing pavement and replanting area while retaining a walking path is recommended. If the existing access is not being utilized for school access due to ecological sensitivity of area, using this route for two years of heavy construction traffic hardly seems prudent. Exploring the installation of a new two-lane access from Quarry Road in the initial phases of construction is warranted. In addition, the clearance beneath Route 25 for construction equipment (all types) and emergency trucks needs to be assured.

10.) Compliance with suggested conditions of approval outlined by the Long Hill Fire District Chief dated November 15, 2010 (with the exception of his suggestion that underground parking be eliminated). These conditions include:

- moving hydrant locations
- adding hydrant location
- accessibility for WB-54 and WB-60 fire apparatus
- emergency access way to w. end of magnet school
- additions to dry pipe standpipe system
- ventilation controls via roof scuttles

11.) Compliance with suggested conditions in Fuss & O'Neill Traffic Analysis dated December 15, 2010 in coordination with ConnDOT including the following:

- signal phasing modification for southbound left turn movements at intersection of White Plains Rd. and Broadbridge Rd.
- signal timing improvements at intersection of White Plains Rd and Old Town Road/ Route 8 ramps
- coordination of signal timing improvements at the White Plains Rd/Old Town Rd. intersection and the White Plains Rd/Broadridge Rd intersections
- addition of a left turn lane from Old Town Rd. into the proposed school driveway.

--analysis of sight distance and stopping sight distance at both proposed school driveways
--analysis of turning radius and sight distance from Oman St. approach to Reservoir Ave.
--replacing proposed stop sign on the Sylvan Ave. approach to Old Town Rd with “cat – track” striping or “Oncoming Traffic Does Not Stop” sign.

(modifications to traffic signals, stop signs, intersection improvements etc.)

12.) Agreement with Greater Bridgeport Transit to provide public bus service to the proposed school.

13.) Signed agreement between City of Bridgeport and Town of Trumbull clearly stating which jurisdiction will be responsible for provision of municipal services at the Magnet High School site including police, fire, trash pick up, emergency and road maintenance/plowing.

2. Proposed change to B-C Commercial Zone regarding automotive uses

Background

The hearing on this item was held and closed on March 16, 2011 and action was taken on one portion of the proposal but another portion was not acted upon.

Attorney Ray Rizio proposed two changes to the regulations regarding automobile related commercial uses. One change would relax the prohibition on parking automobiles outside of a building in this zone. This change would allow registered vehicles to be stored in the front yard of a building. The second change, which was approved on March 16, 2011, eliminated the existing 1500 foot separation requirement between automobile related commercial uses (repair shops, filling stations, salesrooms etc.)

At the March 16 hearing staff was directed to examine parking regulations for automotive businesses in other towns and to design regulations that would be enforceable, not drive these businesses away and yet still protect the Town from excessive auto parking blight. Some commissioners also suggested that auto dealerships should no longer be allowed in the Town.

Analysis

As a practical matter, virtually all the automotive businesses in this and other towns have automobiles stored on site. Enforcing the existing prohibition on parking automobiles outside of an automotive business would put most or all of these establishments out of business. Many of these establishments would also have difficulty conforming with the guideline suggested by Atty. Rizio (disallowing the parking of vehicles in front of an automotive business) because there is often not adequate space available behind the auto use to store all vehicles that are being serviced or repaired.

An analysis of the zoning regulations in other towns indicates that most other towns have several different commercial zones. In many cases automotive businesses are not allowed in denser, more pedestrian oriented downtown and neighborhood commercial

districts, particularly those near residential areas, but are allowed in commercial areas oriented toward auto oriented businesses on major thoroughfares and highways. In these highway oriented business zones automotive service, repair and sales establishments are allowed and are permitted to have cars parked outside.

Until such time as the Trumbull Zoning Code is comprehensively rewritten to divide commercial areas into various zones, as is done in most other towns, staff recommends that provision 3.1.4.8 b be stricken from the regulations. This provision is unrealistic and unenforceable.

The Valley Council of Governments recommended that autos should not be stored outside in locations adjacent to residential zones. Staff agrees although enforcing a provision banning storage of autos in auto related businesses adjacent to residential zones could result in closure of existing auto businesses that are non conforming uses in the residential zones including several of the gas stations in Trumbull.

Staff does not recommend eliminating the provision for auto dealerships. While sites are not available in Trumbull for a large auto dealership, a smaller specialized dealership could possibly locate away from any residential neighborhoods on the northern portion of Rte 111 or 25 and could bring substantial tax revenues to the Town.

The change proposed by Attorney Rizio is shown below:

Section 3.1.4. - Special Permit.

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

8. Automobile salesrooms, gasoline filling stations and garages for the storage and repair of not more than 15 motor vehicles, subject to the following conditions and restrictions:
 - a. All automobile repair work, with the exception of emergency work, shall be conducted wholly within a building;
 - b. Automobiles shall not be stored or displayed ~~outside of a building~~ in the front yard of any building. Non registered vehicles may not be stored outside of the building;
 - c. No entrance or driveway to any building within which such a use is conducted shall have less than 20 feet of clear width at any point;
 - d. No entrance or driveway to any premises on which any such use is conducted shall be situated within a radius of 200 feet from a lot used or reserved to be used for: a college or school; a hospital; public playground or park; a church or public library, provided that no such use shall be deemed to be non-conforming by reason of a subsequent erection or development of any such college, school, hospital, playground, park, church or library.
-

3. Request for Extension for Extended Stay Hotel

This request, which is outlined in a letter from Attorney John Fallon dated January 17, 2011, is for a two year extension from May 5, 2011 to May 5, 2013 of the approval for a Hyatt Extended Stay Hotel on Commerce Drive. This project was originally approved in October 2008 with a requirement that construction begin in May 2009. Subsequently two one year extensions were granted extending the date that construction must start to May 5, 2011.

On March 16, 2011 the P&Z Commission adopted a new regulation pertaining to project timing that will be in effect as of April 13, 2011. This regulation allows one year for start of construction with a possibility of two one year extensions to begin construction for good cause shown to the P&Z Commission. In accordance with this new regulation, it is recommended that an additional extension be granted to the Hyatt Extended Stay Hotel, but that the extension be limited to 6 months— requiring that construction begin by November 5, 2011. This would allow a total of three years from approval to construction start which is the maximum amount of time allowed by the new regulation.

4. Staff Recommended Change to Professional Office Overlay Zone

The existing regulations do not permit a professional office use to be applied for in a home constructed after 1995 when this regulation first went into effect. Therefore, if a home is demolished and replaced in the Professional Office Overlay Zone, the new home may only be used for residential use under the existing regulations. Also, the existing regulations do not offer guidelines for proposals to place a professional office use in a home proposed to be expanded to accommodate this use.

Some potential applicants for professional office uses have complained that some of the existing houses that are in locations that would make sense for a professional office use are in poor repair and/or have a room layout that is not conducive to most professional office uses. If the Commission desires to further encourage such uses, it may be advisable to modify the regulation to allow a replacement structure built after 1995 to be used for professional office use if certain guidelines are met-- I.e. if the new structure has the appearance of a single-family residence, is compatible in terms of size and appearance with surrounding houses and would enhance the neighborhood.

It may also be advisable to include similar compatibility guidelines for homes that are proposed to be expanded to accommodate a professional office use

This item was discussed at the March 16, 2011 P&Z meeting. Direction was given to add a provision discouraging or preventing the demolition of significant historic structures to make way for a new professional office building.

The following is suggested revised language.

~~2.1.3.4. This use shall not be permitted in a home constructed after the effective date (July 13, 1995) of these regulations.~~

2.1.3.4 This use shall be permitted only in a home constructed prior to the effective date (July 13, 1995) of these regulations or in a newer replacement structure that the Commission determines to have the appearance of a residence and to be compatible with the size, lot placement and architectural character of adjacent and neighboring homes.

The Commission shall have the discretion to determine whether a proposed expansion of an existing home or replacement structure will retain and enhance the character of the neighborhood and shall not be obligated to approve a proposed professional office use in a proposed expanded home or replacement structure that they determine will not have the appearance of a residence or to enhance the surrounding neighborhood. The Commission shall also have the discretion not to approve professional office proposal in a new building if the building to be demolished and replaced is determined to be of significant historical value to the Town or the neighborhood.

If the Commission would like to make the changes suggested above, this will need to be sent to the Regional Planning Agencies for their review and later be brought back to the Commission for a hearing.