

June 5, 2009

Greenwich Board of Ethics
c/o Office of Town Attorney
Dept. of Law - Town Hall
Greenwich, CT 06830

Dear Mr. De Bary and the Board of Ethics:

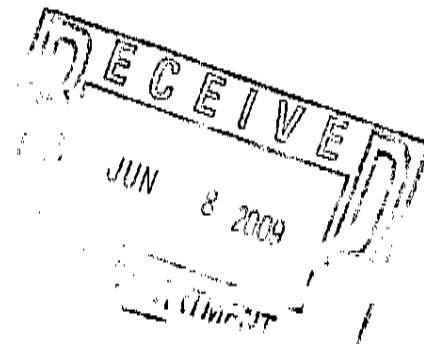
Today the entire RTM received a mailing from Town Hall sent by Planning and Zoning in an attempt to "exert [undue] influence to vote on such action" to approve their version of the 2009 Plan of Conservation and Development. This would seem to be in violation of The Code of Ethics #4. Furthermore, the postage for this mailing cost the taxpayer \$1.05 x 230 members of the RTM...or at least \$241.55 plus the cost of supplies and secretarial labor.

It was totally unnecessary to mail this packet as the RTM is fully aware of the several written versions of the POCD which has been discussed in 23 public meetings held by Planning and Zoning this year...and know that the Planning and Zoning Commission is in favor of their May version. The item #22 is on the call and has already been passed through each committee for a vote. The vote is to be taken by the RTM on Monday, June 8, 2009.

We would charge the following members of the Planning and Zoning Commission with stepping outside their bounds to try to influence the vote and would ask for a hearing for the removal from office of the main perpetrators:

Donald Heller, Chairman
Frank Farricker, Secretary
Richard Maitland
Paul S. Marchese
Raymond J. Heimbuch
R. Ellen Avellino
Frederick Brooks
Margarita T. Alban

Thank you for your consideration of the above violation.



**PLANNING AND ZONING
COMMISSION**

Donald Heller Chairman
Frank Farricker, Secretary
Richard Maitland
Paul S. Marchese
Raymond J. Heimbuch
R. Ellen Avellino
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ITEM #22; POCD- LETTER TO RTM FROM PLANNING AND ZONING COMMISSION

Dear Friends,

The Planning and Zoning Commission approached the Plan of Conservation and Development with the objective of making it a living, working document, to serve as a guide for decisions that Greenwich will make in its land use planning for the next ten years. But above all it is pragmatic in its recommendations. The Commission looked behind issues that on the surface appeared to have merit, but in fact could have very detrimental impacts on the Town if taken to their expected conclusions. Proper planning should be the art of the possible, and we focused on what we believe can be achieved.

An excellent example of our thinking concerns the issue of open space preservation. There was unanimity on the Commission that open space preservation is an important and popular goal Town-wide. This was clearly articulated in the 23 public hearings and more than 500 letters we received in the course of the POCD process. The Commission heard this, and incorporated a goal of 15% dedicated open space in the Plan.

Many supporters of greater open space would like us to propose a target of the State recommended total of 21% of the Town's land area as dedicated open space. Greenwich currently has 13%, or 4,090 acres. In order to reach the goal of 21% the Town would have to acquire 3,076 acres of property. What would this cost? At an average of \$1 million an acre, this would cost the taxpayers \$3 billion. Further, in order to reach the 21% level, which some of our citizens have suggested we do, it would necessitate the acquisition of *all available land in every zoning district except R-6*. We wish we could acquire all this open space for the Town. However, we plan for what is achievable in the next 10 years with the hope that realizing 15% open space. We set out 8 specific action items for achieving this. Furthermore, we did not want to specifically identify privately held parcels of open space, both because the commitment of the Town to its purchase may raise the cost significantly – such as happened with the water

company lands – or result in the unfair targeting of private property. We chose to set planning goals that could be achieved, and used sensible methods to get there.

We look for achievement and specifics. This new POCD is specific in its recommendations. They include revising our flood and coastal zone regulations, working with the Army Corps of Engineers to address flood-prone areas such as the Route 1 Bridge, the Byram River and Pemberwick areas, limiting the amount of runoff on properties through new stormwater regulations, and new regulations to limit the amount of site coverage by buildings and impervious surfaces to reduce flooding and runoff. We did not feel it prudent to commit the Town to more debt with a \$100 million stormwater drainage system, nor did we look to unreasonably restrict private property rights. We found ways to begin to address a problem which has lain unaddressed for decades, in a manner that we believe will result in action, and has a strong likelihood of success. We did not attempt to impose a decision which should be made by the responsible bodies, the DPW, BET and First Selectman, but instead set sensible and achievable guideposts.

It would be incorrect to say the Plan “encourages growth”. In fact, we are quite clear that, from a commercial standpoint, Greenwich has grown enough. We have not proposed any changes to the FAR in either the commercial or residential zones to allow increases in building square footage.

In fact the Plan proposes new limits to development on each residential property by setting maximum site coverage for homes, driveways and all accessory structures, which in effect will restrict house size. We will review the grade plane rules. Many have felt that liberties have been taken with the rules. They need to be tightened. We will require Commission review of a site plan and special permit for site development on a property that alters 50% or more of a site, to make sure the Town has a say in drainage and runoff.

We listened to everyone and made changes to the many drafts suggested by the public and many of those recommendations are incorporated into this final document. All the conclusions and action items we have listed were done so because we have the full support of *all* Town departments charged with responsibilities under the Plan, and all department heads have signed off on this plan in writing. Contrary to some incorrect opinions, the Plan is not etched in granite and static for 10 years, but can respond to ongoing changes at the initiative of the Planning and Zoning Commission with the assent of the RTM. Many believe that the Plan will not be changed because there have been no mid-course revisions to a POCD in our history. Recognizing this, and knowing the

requirement that the POCD should evolve with our needs, the Plan allows for the participation of many important stakeholders in the ongoing planning process. These include the First Selectman, neighborhood leaders, and elected officials who have direct knowledge and clear interest in success. While in the Plan the Commission clearly and definitively reserved the right to accept, reject or modify any work done at its initiative to be fully and totally in compliance with the Charter, it would not reject the wise counsel of our fellow citizens. The key to the whole POCD and its success is clear, well-researched and *well-planned* goals with specific ways to achieve those goals. We view proper planning as a cross between identifying our hopes, acknowledging our dreams and finding a way to achieve the possible. Thank you for your consideration

DIANE W. FOX, AICP
 DIRECTOR PLANNING AND
 ZONING/ZONING
 ENFORCEMENT
 COORDINATOR/TOWN PLANNER



KATIE BLANKLEY, AICP, Deputy Director
 Planning and Zoning/Assistant Town Planner

PATRICK LAROW, AICP, Senior Planner
 CINDY TYMINSKI, Planner II
 MAREK KOZIKOWSKI, Planner I
 MARISA ANASTASIO, Applications Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

MEMORANDUM TO: RTM Members

From: Diane Fox, Director Planning and Zoning, Town Planner

Date: June 4, 2009

Subj.: 2009 Plan of Conservation and Development dated May 12, 2009 and the 1998 POCD

The statement has been made that if the RTM does not approve the Draft Plan, the current POCD, which was adopted in 1998 (1998 POCD), will remain in effect. (Copies of the 1998 POCD are available in the Planning and Zoning offices free of charge in black and white)

The 1998 POCD was a wonderful plan and many of the recommendations have been carried out and effectuated. However many were not carried out because of the lack of a buy-in by the departments and Selectmen. There is no guarantee that the specified depts. will carry out any of the remaining actions of the 1998 POCD. Times have changed and some of these recommendations may no longer be applicable.

This new 2009 POCD has the buy-in of the Selectmen, and the Dept. heads of DPW, Parks and Recreation and the Land use agencies and we have those written statements, and they are public documents and can be provided to anyone from our office.

I would like to comment on comments made by some comparing the two plans; Bolded words are P&Z response to written statements by the officers of the Land Use Committee widely distributed.

1. Draft Plan does not reflect public opinion on key issues. (2009 POCD has more specific action items than the 1998 Plan did)
 - **No Surveys:** P&Z cancelled a survey of public opinion contained in its consultants' contract and has limited itself to public hearings and written submissions to ascertain public views.-
 - **The Southwestern Regional Planning Agency has reviewed the plan and complimented P&Z on the public input we had on our 2009 plan.**
 - **A telephone survey was not considered relevant because in-depth comments on issues are not possible.**
 - **P&Z had inserts of the draft plans for distribution to all the households twice with the Greenwich Time newspaper, notices of all our meetings were sent to all households. The public had access to all documents including free copies of the last several drafts and could email any questions or concerns to our office.**

NOTE: SEVERAL MORE PAGES WERE SENT WITH THIS...