

**Planning and Zoning Commission's**  
**Affordable Housing Subcommittee**

**Friday, Feb. 14, 2020, 12:00 P.M.**

**Room 201/201A, Town Hall**

**ACTION MINUTES**

P&Z Commissioners and Town Hall Staff in Attendance:

Danielle Dobin, Subcommittee Chair and Planning and Zoning Commission Chair  
Cathy Walsh, Planning and Zoning Commission member and Subcommittee Member  
Jim Marpe, First Selectman  
Helen Garten, Selectman's Real Property Committee  
Susan Stefenson, Human Services  
Mary Young, P&Z Director  
Michelle Perillie, Planner

Public in Attendance:

Carol Martin, Executive Director, Westport Housing Authority  
Dick Lowenstein, RTM District 5 Representative  
Ellie Lowenstein, 372 Greens Farms Road resident  
Bob Galan, Human Services Commission  
Harold Bailey, 15 Regents Park resident  
Bernice Stine McLeod Bailey, 15 Regents Park resident  
John Suggs, resident  
Helen McAlindin, President/CEO, Homes With Hope  
Jeff Wieser, RTM District #4 Representative  
Elizabeth Rubidge, 18 West Parish Road resident  
Claudia Copeland, 119 Harvest Commons resident  
Rick Redniss, Redniss and Mead  
Charlie Adams, Pennrose Development  
Richard Stein, resident  
Ross Burkhardt, 34 Clinton Avenue resident  
Ron Friedson, 95 Bayberry Lane resident  
Richard Jaffe, RTM District 1 Representative

Danielle Dobin welcomed meeting attendees and introduced members of the Planning and Zoning Commission and staff who were present. She identified hard copies of materials under discussion are available, including:

- 2/14/20 Meeting Agenda;
- 2/6/20 Letter from Joseph Giuletto to Jim Marpe and the Planning and Zoning Commission.

**1. Review Mission Statement and introduce work of Subcommittee for new attendees.**

Mrs. Dobin stated she wanted to move right to Item #2 since few new attendees.

**2. Update on possible land transfer from DOT to Westport Housing Authority on a portion of the lot located at 900 Post Road East, Westport.**

Mrs. Dobin stated that she and Mr. Marpe received a negative response to their initial letter requesting the transfer of land at 900 Post Road East from DOT to the town. She stated that she and Mr. Marpe would respond and ask that they reconsider. Mrs. Dobin discussed her optimism and stated that she is not ready to take no for an answer at this time.

Mrs. Rubidge, 18 West Parish Road resident, discussed her excitement and support for the potential project due to the increased activity at 900 Post Road East.

Mr. Marpe stated they are in touch with legislators who are supportive of the project.

**3. Continue discussion of change in regulations regarding Accessory Dwelling Units to encourage the availability of additional affordable dwellings in Westport.**

Ms. Dobin stated there has been a number of nationwide studies which indicate the easiest way to not repress naturally occurring affordable housing is to permit smaller accessory dwelling units as of right on lots of a certain size. The impact in Westport probably wouldn't be a tremendous one initially because residents would build a pool house or guesthouse for their own use and then potentially rent out. Discussion of other towns and cities that have outlawed single-family zoning. She explained this is different than "granny pods" since not targeted to seniors.

Mrs. Walsh stated that she was confused by Mrs. Dobin's last statement since there is already a significant inventory of accessory dwellings. She asked if Mrs. Dobin was suggesting more units be added to the inventory of existing accessory units.

Mrs. Dobin replied she would be in favor of permitting additional units. She thought when new houses are constructed instead of a pool house there would be an accessory dwelling unit that had fixtures which allowed someone to live there.

Mrs. Walsh asked if Mrs. Dobin was suggesting modifying the coverage regulation.

Mrs. Dobin responded that she wouldn't initially because would affect drainage.

Mrs. Walsh discussed the fact that a previous Commission modified the regulations so that three water use fixtures were not permitted. She stated the subcommittee can look at that regulation as well.

Mrs. Dobin stated she spoke with Fire Department and don't believe there are safety issues with allowing a second kitchen.

Jeff Weiser, RTM member, asked if they would be deed restricted units.

Mrs. Dobin stated she would welcome deed restricted units because would count toward moratorium but wouldn't expect them to be. She indicated that she would not be comfortable without a restriction banning the unit's usage as short term rentals.

Mr. Weiser suggested if high quality units are constructed he didn't think they will be affordable.

Mrs. Dobin stated a one bedroom pool house will be less expensive than a single-family dwelling. She explained they would do this because it's the right thing to do, not for moratorium points.

Matthew Mandell, RTM member, stated unless these are deed restricted it's a non-starter since would just be a gift to the developer. The goal is to create affordable housing by state statutes.

Morley Boyd, resident, discussed §32-18, Historic Residential Structures regulation, which allows repurposing of accessory structures.

Mr. Walsh discussed existing accessory apartment regulations.

Mrs. Dobin stated the 2<sup>nd</sup> kitchen is an arbitrary regulation so want to look at this.

Dick Stein, resident, asked what was to stop an explosion of AirBnb's. He discussed the number of demolitions in town have been about 100 per year and suggesting attempting to retain structures.

Mrs. Young explained history of "granny pod" regulation and the idea that we would be increasing the "denominator" when looking at affordable housing requirements in the state statutes.

Mrs. Dobin stated she did not think many would voluntarily deed restrict.

Mr. Weiser commented that he did not think it was affordable housing then.

Mrs. Dobin challenged Mr. Weiser's statement because she felt this may be the most affordable housing that approximates a single-family home in Westport. The State Median income is \$100,400 and the area median income is \$144,300. The maximum allowable rent for a 1 bedroom is \$1,500, for a 2 bedroom is \$1,800 and for a 3 bedroom is \$3,000 so we can look at these numbers and see if it is a fit.

Claudia Copeland, Human Services Commission, asked why not create a tax offset to encourage the creation of these deed restricted units.

#### **4. Discussion of Governor Lamont's TOD Task Force.**

Mrs. Dobin explained the Governor has created a TOD Task Force and noted it doesn't appear that they have specifically looked at Westport.

Mr. Redniss stated there are long term goals and short term goals of the Task Force. In the short term they are looking at towns in the best position and most willing to entertain TOD

type development like Fairfield and to do that first. There are other discussions of long-term future goals.

Mrs. Walsh stated the Task Force visited 10-12 towns and have not visited Westport. She asked if Westport is on the "visit list".

Mr. Redniss stated that he was not aware of a "visit list" and the visits would be done with the Chairs.

Mrs. Walsh said she knows they visited Fairfield, Bridgeport and Stratford.

Mr. Redniss stated it was probably because those were more likely to do something in a timely fashion.

Mr. Dobin stated they are looking to sell or lease state-owned parking lots adjacent to train stations for more intense development.

Mr. Redniss stated they are looking at TOD related development on state land. Many of these train stations are seas of asphalt up and down the line.

Dick Lowenstein, RTM Member, stated there are two targets in Westport. He expressed his concern about Green Farms train station because there is a lot of empty space and his hope that it isn't a target.

Mrs. Dobin stated she plans to attend the next TOD meeting and if Westport comes up in any capacity she will let the subcommittee know.

Richard Jaffe, RTM member, stated incentives are fine but if the state imposes its' will on us it is a bad thing.

Mrs. Dobin suggested Mr. Jaffe write to the Task Force if he has a strong feeling and let them know voluntary inclusion is important to him.

Mrs. Dobin stated she cannot speak for the whole Planning and Zoning Commission but that she and Mrs. Walsh strongly prefer local control versus state mandates that bypass local zoning laws.

Mrs. Walsh stated she attended the last meeting and what she heard was terrifying. She stated that she heard a lot of talk about taking away local control, "*carrot and stick*" and withholding funding to towns that refuse to bond to their max. She stated the discussion was very disturbing.

Mrs. Dobin stated this subcommittee is trying to proactively create affordable housing opportunities in Westport for use our schools and amenities. She stated that the state seems to focus on apartment flats and she thinks Westport can do better than that.

Carol Martin, Westport Housing Authority Director, stated she sits on the Task Force and attended the last TOD meeting and there was no dialogue about trying to overriding local zoning control but just the opposite. She stated that if the Committee members know there is already some action being taken locally they were invited to those locations, like Stratford and

Fairfield. Ms. Martin explained that to the extent that Westport wants the Task Force to look at sites in town they would welcome it but no one on Task Force has the goal of overriding local zoning laws.

Mr. Mandell stated TOD is a good concept for towns and cities that are interested but there is an underlying subtext that the state will mandate TOD. There are quotes in the minutes that state all 23 towns have to contribute to this issue and that single-family homes on 2 acres is no longer consistent with the demand of the next generation. We need to continually draw the line that Westport is a town not a city.

Mr. Mandell indicated in the minutes from the last meeting Mr. Redniss talks a lot about "*carrots and sticks*". The minutes also discuss state-owned TOD land is a huge resource to capitalize upon. He stated the largest parking lot at Saugatuck train station is owned by the state and they would need to usurp our local zoning laws to do something there.

Mr. Mandell stated he was pleased to hear Mrs. Dobin discussed her belief in local rule. The minutes discuss how 169 municipalities with local rule gets in the way of TOD development. He indicated the underlying discussion that may not have surface is local zoning laws don't allow TOD and they may want to change it. He stated we have to be very much aware and monitoring it closely.

Ms. Walsh stated there was one person leading that conversation.

Mr. Mandell stated there is an addendum from the states Homebuilders and Remodeling Association and it is had to do with getting rid of environmental rules.

Mrs. Dobin stated she thinks the Governor will be proactive and a minimal number of towns have achieved a moratorium so we are a role model.

Mr. Mandell stated the goals to build affordable housing and to build TOD are different. He stated the town cannot disrupt the character of Saugatuck for a minimal number of affordable units. It's a greater discussion that affordable housing.

Mrs. Dobin stated it is about the economic prosperity of Westport as well as the character of Saugatuck because if it is impossible to get to Saugatuck for those who live in Coleytown, Long Lots and Kings Highway it impacts economic viability since people are commuting to New York City.

Mrs. Young stated the Town of Stratford has chosen to invite the state because they see benefit to the economic goals they have established. The Task Force seems to be focusing on those municipalities who desire assistance and grants that come with it.

Ron Friedson, 95 Bayberry Lane resident, discussed things Westport can do now to create affordable housing. He stated there is a need to create an economically viable methodology. Mr. Friedson stated he has three affordable rentals and understands that someone who is going to own the property as an investor can afford to pay 100% of the monthly rent with a 6-10% return. He stated the first thing we can do is to legalize existing apartments in town and create substantial incentive to make affordable such as allow the real estate tax to remain the

same as a single-family although is income generating. The second thing is to look at non Post Road areas where there is sewers and someone can put 2-3-family dwellings cost-effectively. It is important that this be allowed as of right because if someone has to go through hoops then it will not work. Mr. Friedson stated you can require 2/3 affordable and if higher density maybe a higher percentage of affordable. The third thing is allowing three floors with top floor as affordable and 2<sup>nd</sup> floor office, at a location like the Chase Bank building on Main Street.

Mrs. Dobin asked him to hold the rest of his comments until after this agenda item.

John Suggs, 63 Center Street resident, stated he was confused and read the 11/21/19 minutes of TOD group which were so hostile and anti-local rule. He indicated that he was especially concerned when Carol Martin stated the underlying infrastructure can't implement due to local rule and have to get a TOD Development Authority to make sure these developments take off. He stated that today she disavowed what was said in the minutes. He asked where she stands. He also stated his concern with Mr. Redniss stating seas of concrete are parking lots and pitting affordable housing against commuters. He asked Mr. Redniss and Ms. Martin to respond.

Mrs. Dobin asked Mr. Suggs to discuss these comments privately with Mr. Redniss and Ms. Martin.

Mr. Redniss stated he feels the Task Force, in the 4-year term of the Governor, will only have time to deal with the low hanging fruit but that does not prevent a discussion of on-going goals. He discussed the Saugatuck Train Station example. He indicated as a planner it is a traffic nightmare and bad land use. He stated if the town wanted to do a TOD there it could create an opportunity to increase railroad parking, create more housing, including mixed use and affordable housing within a scale that is appropriate with zoning and that gets approved by the town. Mr. Redniss indicated it is not a bad discussion when looking at it from a state perspective. The state is not in good shape so looking comprehensively at things since this is state and federal infrastructure. Working on low hanging fruit is much more effective.

Mr. Redniss indicated that this town is a poster child for the intent of §8-30g and that is to do something and this town has done a great job of doing something. The "*carrot and stick*" approach is necessary for state-wide perspective.

Mr. Suggs asked Carol Martin to testify.

Mrs. Dobin stated Mrs. Martin is not under oath and does not need to respond. She suggested Mr. Redniss and Mr. Suggs speak privately.

Mrs. Walsh stated she also heard what Mr. Suggs heard and the subcommittee is looking to explore options and we won't accomplish anything by embarrassing someone here.

Mrs. Dobin stated she does not think anyone has any reason to feel embarrassed.

Mr. Mandell indicated the town spent \$404,000 on a TOD study which is available in the P&Z office so we have something on record that the town wants to do at the train station.

Mrs. Dobin stated she wouldn't say that was what the committee wanted.

#### **5. Discussion of feasibility of deed restricting town owned dwelling units.**

Mrs. Dobin stated there a large number of town-owned units at Longshore and Baron's South.

Mrs. Dobin asked Town Attorney to explore whether deed-restricting town-owned rental units would limit the ability to sell or redevelop those in the future. The initial answer which we will clarify and see if accurate, was that in the event that town-owned dwelling is deed restricted as affordable the unit cannot be demolished or redeveloped in the future. She explained that means we need to be careful of what we want to deed restrict because we should only deed restrict that which we want to preserve. Mrs. Dobin state it may be possible that we do want to preserve the cottages at Longshore but we have not discussed it with First Selectman's office yet.

Helen Garten, Selectman's Real Property Committee, stated there are 8 rental units (3 units at Longshore, 3 cabins and 2 Baron's south. Five years ago, the Board of Finance asked us to look at town-owned properties. She stated Town employees get first choice to rent the units and that some of them would qualify as affordable now and some would not. She stated she agreed with Eileen Flug that they need to leave flexibility for the future and deed restricting would inhibit our ability to redevelop Baron's South or Longshore. Mrs. Garten stated it is worth exploring how to do it and we may be close to moratorium and decide to deed restrict them because it's the better and higher value use.

Mrs. Dobin stated that makes sense.

Mrs. Walsh stated that a logical thing to do is follow up on financial incentives to deed restrict single-family homes and see if there is something there.

Mr. Young stated Mr. Friedson was not at previous meetings where we discussed allowing two-family and modifying §4-5, Multifamily cap. She stated she was looking forward to Mr. Friedson joining future meetings.

Mr. Stein asked about income/rent requirements at the old Saugatuck School.

Mrs. Perillie stated they do not count because the rent is 80% of the area median income, not the state median income.

Mr. Redniss stated he discussed with Mrs. Garten, Mike Santoro of CT DECD and Mary Young whether deed restricting town-owned units impacted the town selling or abandoning affordability and was told you can replace it. He stated maybe the idea doesn't have to be thrown out because can use existing housing stock to replace if we need to. Discussion of the fact that homeless shelters don't get moratorium points.

Mr. Dobin stated there will not be changes to §8-30g so we do not spend time discussing. We need to do more research with the state regarding redevelopment of town property and deed restricting dwelling units. This could make sense because low hanging fruit.

Mrs. Young suggested the town reach out to Housing Development Fund to help administer affordability aspects if decide to deed restrict.

Ms. Dobin concluded the meeting offering her thanks to all who attended and adjourned the meeting at 1:08p.m.

**Respectfully Submitted By:**

Michelle Perillie, AICP; Planner

February 20, 2020