



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

May 4, 2020

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Order No. 7B, there will be no physical location for this meeting. This meeting will be held electronically and live streamed on www.westportct.gov and shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Public comments for Public Hearing agenda items will only be read aloud at the meeting if they (i) are sent to PandZcomments@westportct.gov, (ii) state your full name and address, (iii) identify the Public Hearing agenda item to which your comment relates, and (iv) are received during the Public Hearing and before the public comment session on that agenda item ends. Comments on Public Hearing items that do not meet these requirements will be placed in the public file but will not be read aloud during the meeting. Comments not pertaining to Public Hearing items will not be read aloud during the meeting. If you would like to give your Public Hearing comments by participating in real time in the meeting, please send an email by noon on May 14, 2020, to maryyoung@westportct.gov, stating your name and address and the Public Hearing agenda item to which your comments will relate, and meeting participation details will be emailed to you to enable you to participate in real time in the Public Hearing. Meeting materials are available at www.westportct.gov, on the Planning and Zoning Department web page under "P&Z Pending Applications & Recent Approvals," [here](#).

NOTICE/AGENDA

PLANNING & ZONING COMMISSION MEETING

THURSDAY, May 14, 2020

AT 5:00PM (early start time)

I PUBLIC MEETING

Public participation for Public Meeting items is limited to submitting comments in advance of the meeting (until 4:30pm on the day of the meeting). Comments should be sent to pandz@westportct.gov

1. **20 Jesup Road (Westport Library), PID#C09130000:** §8-24 Request submitted on behalf of the Westport Arts Advisory Committee to Accept a Gift in the form of Art (Rock Paper Scissors Sculpture (*must decide by 6/3/20 + 90 day extension if needed*)).

Applicant's presentation time: 10 minutes.

II PUBLIC HEARING

1. **Text Amendment #780:** Appl# PZ-20-00228 to add §32-27 providing standards and conditions for Solar Photovoltaic (PV) Systems in §32, Supplementary Use Regulations. The amendment if adopted will permit Building-Mounted Solar Photovoltaic Systems and Free-Standing Solar Photovoltaic Systems in all zoning districts as an accessory use. (*Must decide by 6/13/20 + 90 day extension if needed*).

Applicant's presentation time: 10 minutes.

2. **71 Hillandale Rd:** *(This application was continued from the 3/5/20 hearing, no testimony was received)* Appl. #19-064 submitted by Richard Benson for property owned by Congregational Church of Greens Farms for expansions and renovation of existing building, additional curb cut, relocation of the columbarium, landscaping and increasing the Nursery School by 7 students and 1 teacher, located in the Residence A zone, PID#F08105000. *(Must close by 6/13/20 + 90 day extension if needed).*

Applicant's presentation time: 10 minutes.

III WORK SESSION

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

New Business:

- **Request for 2nd Modification to Resolution #19-028 for 1480 Post Road East (Roger's Septic Tank Site)**
- **Discussion of potential need to amend §32-20, Special Requirements for Outdoor Eating Areas**
- **Discussion of Draft Proposal to Modify the P&Z Fee Schedule, Appendix A**

No Old Business:

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on May 14, 2020 is available on-line at www.westportct.gov, on the Planning and Zoning Department web page under "Planning & Zoning Department" [here](#). Due to the closing of Town Hall to the public during the COVID-19 emergency, and pursuant to the Governor's Executive Order #71, the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on May 7, 2020 cannot be viewed at the Westport Town Clerk's Office or the Westport Planning and Zoning Office at this time.

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

Dated at Westport, Connecticut on this 4th day of May 2020, Danielle Dobin, Chairman, Planning and Zoning Commission.

Text Amendment #780

Submitted: 4/8/20

Received: 4/9/20

Revised: 5/4/20

Public Hearing: 5/14/20

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

§11, RESIDENCE AAA District**11-2 Permitted Uses**

In an AAA Residence District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

11-2.1 Principal Uses**11-2.1.1**

One (1) single-family dwelling per lot.

11-2.1.2

Residential Nursery limited to the planting and growing of nursery vegetation and shrubs on the premises, their maintenance and incidental seasonal sales. Such activities shall not include any activity not directly associated with the growth and maintenance of plants and shrubs on the premises.

11-2.1.3

Truck garden or farm; provided that any such farm on which animals or poultry are raised or kept for commercial purposes shall be at least five (5) acres in size. Accessory and appurtenant uses including a produce stand for incidental seasonal sales and the storage of commercial vehicles directly associated with such use are permitted on the premises; provided that all such commercial vehicles are garaged.

11-2.1.4

A Community Residence which houses six (6) or fewer intellectually disabled persons and two (2) staff persons and which is licensed by the State.

11-2.1.5

A family Day Care Home registered pursuant to §19a-87b of the Connecticut General Statutes.

11-2.1.6

Temporary Lighted athletic fields on town owned public school property subject to Site Plan approval by the P&Z Commission pursuant to the provisions of §32-19A as applicable.

11-2.1.7

Solar Photovoltaic Systems pursuant to the provisions of §32-27 as applicable.

§32-26 Solar Photovoltaic (PV) Systems

32-26.1 Purpose.

It is the purpose of this regulation to promote the safe, effective and efficient installation and operation of solar photovoltaic (PV) systems. This Section seeks to:

1. Provide property owners and business owners with flexibility in satisfying their on-site energy needs.
2. Reduce overall energy demands within the Town and promote energy efficiency.
3. Facilitate the development of clean energy generation and storage.
4. Streamline the permitting process for solar PV systems by updating zoning regulations explicitly addressing solar PV systems.
5. Support the Goals of the Plan of Conservation and Development.

32-26.2 Definitions.

Building-Mounted Solar Photovoltaic System:

A solar photovoltaic system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on a recorded parcel. This system also includes any solar photovoltaic-based architectural elements.

Free-Standing Solar Photovoltaic System:

A free-standing solar photovoltaic system that delivers electricity primarily to a building or structure that is either the principal structure or an accessory structure on a recorded parcel. This system also includes any solar photovoltaic-based architectural elements.

Building-Integrated Solar Photovoltaic System:

A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the contour of the roof.

Passive Solar Energy Techniques:

As defined in Connecticut General Statute 8-25 (b), these are site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to; (1) House orientation; (2) street and parcel layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development.

Photovoltaic (PV): A semiconductor-based device that converts sunlight into electricity.

Principal Solar Photovoltaic System:

A solar photovoltaic system that captures solar energy and converts it to electrical energy primarily for offsite use and is the primary land use of the property on which it is located. Some electricity may be used by an onsite building.

Solar Photovoltaic (PV) based Architectural Element:

Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

Solar Photovoltaic (PV) Related Equipment:

Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System:

A solar collection system consisting of one or more building systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation.

Solar Thermal System:

A solar collection system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

32-26.3 Applicability.

1. §32-26 applies to Building-Mounted Solar Photovoltaic (PV) and Free-Standing Solar PV Systems modified, upgraded or installed after [insert the effective date of the Section]. It does not apply to Solar Thermal Systems or Principal Solar Photovoltaic Systems, as defined by this Section.
2. Solar Photovoltaic systems installed before [insert the effective date of this text change] are not required to meet the requirements of Section 32-26.

3. Elements of this Section are effective as [insert date].
4. Any upgrades, modifications or changes to an existing Solar Photovoltaic system that significantly alter the size or placement of the structure must comply with the requirements of this Section.

32-26.4 Permissible Zoning Districts.

Building-Mounted Solar PV Systems are permissible in all zoning districts as an accessory use to any lawfully permitted principal use on the same parcel upon compliance with all requirements of this section and elsewhere specified in this Section.

Free-Standing Solar PV Systems are permissible in all zoning districts as an accessory use to any lawfully permitted principal use on the same parcel subject to issuance of a Special Permit for such use and upon compliance with all requirements of this section and elsewhere specified in this Section.

Building-Integrated Solar Photovoltaic Systems that are integrated into the roof or the façade of a structure, and which do not alter the contour of the roof, are permitted outright in all zoning districts.

32-26.5 Location Within a Parcel.

Building-Mounted Solar PV Systems are permitted to face any rear, side or front yard. Building Mounted systems may only be mounted on lawfully constructed principal or accessory structures. Free-Standing Solar PV Systems are permitted within the parcel's buildable area as determined by the solar PV specific setbacks defined in Section 32-26.9.

32-26.6 Design and Installation Standards.

1. Solar PV Systems must be installed to comply with all State of Connecticut codes and regulations.
2. All wiring must comply with the National Electrical Code, most recent edition, as adopted and amended by the State of Connecticut.
3. Free Standing PV Systems when used in conjunction with parking areas are exempt from the tree species and location requirements specified in Section 35-2.3.2, Parking Areas, but must meet the requirements therein for total number of trees on the site and utilize shade tolerant plantings in required island planters.

32-26.7 Village or Historic Districts.

In the case of an installation in a village or historic district, no application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district.

32-26.8 Height Restrictions.

Building-Mounted Solar PV Systems shall be exempt from height restrictions relating to the principal structure so that the height of the rooftop solar PV system does not contribute to the total height of the principal structure.

Free-Standing Solar PV Systems will not exceed twenty (20) feet in height.

32-26.9 Setback Requirements.

Building-Mounted Solar PV Systems are exempt from zoning setbacks but may be subject to roof setbacks specific to solar PV in the State of Connecticut Building Code. Regardless, Building-Mounted Solar PV Systems will not extend beyond the edges of the roof or wall surface on which they are mounted.

Free-Standing Solar PV Systems must be a minimum of 5 feet from the lot line.

32-26.10 Parcel Coverage.

The surface area of Free-Standing Solar PV Systems will be exempt from contributing to the calculation of Building Coverage and Total Coverage.

32-26.11 Subdivision Developments.

Developers proposing new subdivisions must demonstrate to the municipality that the use of Passive Solar Energy Techniques was considered in the development of the subdivision plan. To fulfill this requirement, developers are required to submit to the Municipality the completed “Solar Site Design Worksheet for a Proposed Subdivision” which is provided as a stand-alone document in the CT Rooftop Solar PV Permitting Guide tab on the Sun Rise New England website, www.energizect.com/sunriseNE.