

PLANNING AND ZONING COMMISSION ACTION MINUTES

March 1, 2012

*Executive Session with Town Attorney Ira Bloom
to discuss pending litigation for 1317 Post Road East
Discussed*

**7:00 P.M.
Room 203**

I PUBLIC HEARING

AUDITORIUM

Approval of minutes: 12/1/11, 2/2/12, 2/9/12, 2/16/12
2/2/12, 2/9/12, 2/16/12 – approved – 12/1/11 – no action

1. **1317 Post Road East: Appl. #11-046:** Discussion and potential approval of Stipulation for Judgment in case entitled Country Realty Co. & New Country Motor Cars of Westport, LLC, v. Planning and Zoning Commission, Docket No. FST-CV-11-6012112 S, for removal of existing parking space designation and modification of underground parking, based on Planning and Zoning Resolution #11-046, for property located at 1317 Post Road East.

**Seated: Catherine Walsh, Jack Whittle, Chip Stephens, Ron Corwin,
Howard Lathrop, Nora Jinishian**

Action: Approved

Vote: 6 - 0

2. **Amendment #645:** Appl. # 12-001 by Lawrence P. Weisman for a text amendment to the zoning regulations to modify Sec 34-5 (Parking Requirements Table) to delete parking requirements for theaters, except within the BCD and BCD/H, places of worship and auditoriums, field houses, gym, athletic fields and stadiums and to add parking requirements for places of worship, theaters, auditoriums, spectator venues or other places of public assembly using a standard of one space per three seats, or one space for each 45 square feet of space used for public assembly, which ever is greater.

Seated: Walsh, Whittle, Stephens, Corwin, Lathrop Jinishian

Action: Testimony taken, no decision, hearing continued to 3/8/12

3. **14 Canal Road:** Appl. #12-004 by John and Cynthia Fitzgerald for property owned by Cynthia A. Fitzgerald, Trustee, for a CAM Site Plan approval for a new single family dwelling in a Res A zone, PID #B02058000.

**Seated: Catherine Walsh, Jack Whittle, Chip Stephens, Ron Corwin,
Howard Lathrop, Nora Jinishian**

Action: Approved
Vote: 6 – 0

II WORK SESSION

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

1. Old Business

- a) **Amendment #642:** Appl. #11-053 by Barr Associates, LLC for an amendment to the Westport Zoning Regulations to modify Section 5, (Definitions, Story, Half), to add the words “only fifty percent (50%) of the floor space in the one-half story area shall be counted as floor area”, to delete the words “floor area and”; (Floor Area) to add the word, “cellars”, to delete, the words “and half stories”. To delete the word “Attics”, to add the words “and 50% of half-story areas. Remaining half-story areas, attics”; To modify Section 32-12,(Inclusionary Two-Family and Multi-Family Dwellings), to delete the words “at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and” to add the word “residential”; Section 32-12.4.1, (Height), to delete the words “thirty-five (35)” to add the word “forty (40)”; Section 32-12.5, (Coverage), to add the words “an additional”; Section 32-12.7.2, (Floor Area Ratio) (FAR), to add “and BCD/H, to add “s” to zone; Section 32-12.7.2.2, to delete 40% and to add 30%, to add the words “exclusive of the affordable housing units, in the GBD, RBD, BCD, BCD/H & DDD #2 zones. The RPOD, RORD & BPD zones, with their smaller building standards, shall have no minimum non-residential (commercial) requirement.”; Section 32-12.11, (Parking), to delete the word “considered” to add the word “allowed”; Section 32-12.15, (Affordability Requirement and Plan), Section 32-12.15.1, to delete the words “at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable”, to add the word “residential”; To delete Section 32-12.16, (Traffic Analysis), “A Traffic Analysis in accordance with §44-2.5 shall be required”; to modify Section 39A, (Inclusionary Housing Overlay District (IHZ); Section 39A-1, (Purpose) to delete the words “at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and” to add the word “residential”; Section 39A-7.2, (Height),to delete the words “and thirty-five (35) and to add the word “forty (40)”; Section 39A-8, (Coverage), to add the words “an additional”; Section 39A-10.3.2, (Floor Area Ratio FAR), to delete 40% and to add 30%, to add the words “exclusive of the affordable housing units, in the GBD, RBD, BCD, BCD/H and DDD #2 zones. The RPOD, RORD and BPD zones, with their smaller

building standards, shall have no minimum non-residential (commercial) requirement; Section 39A-14, (Parking), to delete the word “considered” and to add the word “allowed”; Section 39A-18, (Affordability Requirement and Plan), to delete the words “at least twenty percent (20%) of the floor area of all residential units shall be deemed restricted as affordable and to delete Section 39A-19(Traffic Analysis) to delete the words “A Traffic Analysis in accordance with §44-2.5 shall be required”.

Seated: Walsh, Stephens, Whittle, Corwin, Lathrop, Jinishian

Action: Discussed, no decision

- b) **27 Wilton Road:** Appl. #11-061 by Coe Consulting, LLC for property owned by Nathall 2939W, LLC, for a CAM Site Plan approval for construction of a third parking level onto the existing parking structure in a RBD zone, PID #C09111000.

Seated: Catherine Walsh, Jack Whittle, Chip Stephens, Ron Corwin, Howard Lathrop, Nora Jinishian

Action: Approved

Vote: 6 - 0

2. Other Items

- a) **Discussion of State POCD update – Ok to send to SWRPA and OPM**

3. New Business

- a) **Discussion of selection process for alternates & SWRPA Representatives**

Motion to do interviews in work session on TV by Ron Corwin and seconded by Nora Jinishian

**Vote: 3 – 3 {Corwin, Lathrop, Lathrop} in favor
{Walsh, Stephens, Whittle} opposed**

Motion fails

Annual Meeting Continued – No Action

1. Administrative Review Committee appointment
2. Appointment of SWRPA Representative
3. Update on Planning and Zoning Issues
4. Planning and Zoning Goals and Objectives
5. Other