



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

July 13, 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 may be received PRIOR to the Public Hearing and should be sent to PandZ@westportct.gov by 12:00pm the day of the hearing. Public comments may be also be received DURING 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 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 July 23, 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".

NOTICE/AGENDA

PLANNING & ZONING COMMISSION MEETING

THURSDAY, JULY 23, 2020 AT 5:00PM (early start time)

I EXECUTIVE SESSION

1. Discuss pending litigation, Cross Street LLC v. Westport Planning and Zoning Commission.

II PUBLIC HEARING- Start Time 5:45pm

1. **Text Amendment #783:** Appl: PZ-20-00462 submitted by the Planning and Zoning Commission, to add a new Section 32-20A, Continuation of Temporary Outdoor Dining in Response to COVID-19, that if adopted as submitted will extend until March 31, 2021 all the same provisions currently enabling Outdoor Activities for Restaurants pursuant to Executive Order No. 7MM issued by Governor Lamont. The proposal is designed to extend these same provisions should EO No. 7MM expire or be rescinded before March 31, 2021. A copy of the proposed text amendment is available on-line at www.westportct.gov is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice (*no deadlines for action for Commission-authored amendment*).
Applicant's presentation time: 10 minutes.

2. **Text Amendment #784:** Appl: PZ-20-00463 submitted by the Planning and Zoning Commission, to add new Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that if adopted as submitted will authorize, subject to certain conditions, use of outdoor space for fitness studios, gyms, and sports centers (Fitness Businesses). The proposal is intended to enhance public health and safety in response to COVID-19 subject to a self-certification process and will remain valid until otherwise modified or rescinded by the Commission. A copy of the text amendment is available on-line at www.westportct.gov is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice (*no deadlines for action for Commission-authored amendment*).

Applicant's presentation time: 10 minutes.

3. **259 Saugatuck Avenue & 1 Charmer's Landing:** Special Permit/Site Plan Appl. # PZ-20-00334 submitted by LandTech c/o Peter Romano for property owned by 259 Saugatuck Av., LLC/Charmers Landing Property, LLC, for excavation and fill activities associated with single family residence and associated site improvements, located in the Residence A zone, PID#B04027000/B04028000 (*must open by 8/1/20 + 90-day extension if needed*).

Applicant's presentation time: 10 minutes.

4. **220 Post Road West:** Special Permit/ Site Plan Appl. #PZ-20-00457 submitted by Silverman Westport Realty Associates, LLC c/o William J. Fitzpatrick, Esq., for property owned by Silverman Westport Realty Associates, LLC, located in the General Business District, PID#B08071000 for a School, as defined in Sec. 5-2 of the Westport Zoning Regulations, to allow Pierrepont School to utilize 4,625 +/- SF of space for approximately 48 students in grades 7-12 in an existing building, and application of an "other" use parking standard pursuant to Sec. 34-5, to provide social distancing for teachers and students that cannot be accommodated at the existing Pierrepont School across the street at 1 Sylvan Road North. (*must open by 11/23/20 + 90-day extension if needed*).

Applicant's presentation time: 15 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:

Old Business:

Text Amendment #783

Submitted: _____

Received: _____

Public Hearing: Scheduled for: _____

Adopted: _____

Effective date: _____

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

FROM §32, SUPPLEMENTARY USE REGULATIONS

32-20A, CONTINUATION OF TEMPORARY OUTDOOR DINING
IN RESPONSE TO COVID-19

Continuation of Temporary Outdoor Dining in Response to Covid-19 - Any restaurant operating with an approved temporary outdoor dining permit issued pursuant to CT Governor Lamont's Executive Order 7MM as of the date of this amendment may continue to operate and use the area approved and as shown in that permit, until March 31, 2021. The use shall at all times continue to be used in accordance with all Executive Orders currently in place or as revised in the future.

Such extension shall not be interpreted to create any nonconforming right and further provided that the operation of the Temporary Outdoor dining between the suspension of the State's declared state of emergency and March 31, 2021 shall be deemed to be a complete and total waiver of nonconforming rights under any local, state or federal authority.

Text Amendment #784

Submitted: _____

Received: _____

Public Hearing: Scheduled for: _____

Adopted: _____

Effective date: _____

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

FROM §32, SUPPLEMENTARY USE REGULATIONS

32-28, TEMPORARY PROVISIONS FOR FITNESS BUSINESSES
IN RESPONSE TO COVID-19

32-28.1 Purpose/Conflict with Existing Regulations.

In order to prevent the potential transmission of COVID-19 at fitness studios, gyms and sports centers (“Fitness Businesses”), located in the Town of Westport that are not otherwise eligible for authorization to operate outdoors pursuant to Governor Lamont’s Executive Order #7MM, this Section shall supersede any conflicting provision of the Westport Zoning Regulations for the duration of this Section.

32-28.2 Expiration.

This Section shall remain in effect until otherwise modified or rescinded by the Planning and Zoning Commission.

32-28.3 Outdoor Studio Operation.

Any Zoning Regulation that does not explicitly allow for outdoor operation of Fitness Businesses, must comply with the following requirements:

- 32-28.3.1 Each Fitness Business may operate a single Outdoor Studio Operation only; and
- 32-28.3.2 The Outdoor Studio Operation shall be located in the onsite private parking lot or other onsite, private outdoor location, as approved in writing by the property owner before the commencement of operations; and
- 32-28.3.3 Clear and obvious visual barriers shall be erected to demarcate the Outdoor Studio Operation area within any parking area; and
- 32-28.3.4 The hours of operation are limited as follows:
- (a) From 9am – 5pm daily; and
 - (b) Monday – Friday from 7am – 9am, provided that the Fitness Business employs sound mitigation measures during that time, such as the use of Bluetooth headphones in place of audible music.
- 32-28.4 Any Outdoor Studio Operation must comply with all legal and safety requirements applicable to tents over a certain size or utilizing electricity as set forth in the State of CT Building and Fire Codes.
- 32-28.5 Minimum Parking Lifted to Facilitate Outdoor Studio Operation.

Any Zoning Regulation requiring a minimum number of parking spaces or prohibiting Outdoor Studio Operation from taking place in parking lots serving the Fitness Businesses is suspended to the extent required to permit such Outdoor Studio Operation alone or in conjunction with any other authorized activity, including any activity required to enable the response to the COVID-19 pandemic.

- 32-28.6 Setbacks.

The Outdoor Studio Operation may be located within the side or rear setback.

32-28.7 Application/Self-Certification Process.

Fitness Businesses shall self-certify that the Outdoor Studio Operation meets all of the requirements set forth in Section 32-28.3 above by completing the form attached here as Exhibit A and submitting it to the Planning and Zoning Department. Any Zoning Regulation relating to applications for Outdoor Studio Operation is suspended to the extent that it requires any of the following documents: plans stamped by a licensed engineer, landscape architect, or architect; site survey; parking plan; traffic study or plan; sign plan; soil erosion and sediment control plan; photometric lighting plan; or stormwater management plan; provided that the applicant has submitted, with their self-certification form, at a minimum, a drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed to be used along with evidence of the property owner's written permission for such use.

32-28.8 Approval and Conditions.

Notwithstanding any contrary Zoning Regulation, any Outdoor Studio Operation pursuant to this regulation is subject to review by the Director of the Planning & Zoning Commission, in the event that there are environmental or stormwater issues arising from the Outdoor Studio Operation.

32-28.9 Sidewalks, Non-Vehicular Rights of Way and Municipal Roadways

No Outdoor Studio Operation may occur on any public sidewalk, public non-vehicular right of way or municipal or state roadway.

32-28.10 No Nonconformity Rights Bestowed.

Any Zoning Regulation that would provide nonconforming use or structure rights to any Outdoor Studio Operation or structure permitted pursuant to this Section is suspended.

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on July 23, 2020 is available on-line at www.westportct.gov, on the Planning and Zoning Department web page under "Planning & Zoning Department". 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 July 23, 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 13th day of July 2020, Danielle Dobin, Chairman, Planning and Zoning Commission.