

Planning and Zoning Commission's
Affordable Housing Subcommittee

Tuesday, September 8, 2020, 12:00 P.M.

No physical location. Meeting held electronically.

ACTION MINUTES

P&Z Commissioners and Town Hall Staff in Attendance:

Danielle Dobin, Subcommittee Chair and Planning and Zoning Commission Chair
Michael Cammeyer, Planning and Zoning Commission member and Subcommittee Member
Neil Cohn, Planning and Zoning Commission member and Subcommittee Member Alternate
Cathy Walsh, Planning and Zoning Commission Member
Jim Marpe, 1st Selectman
Elaine A. Daignault, Director of Human Services
Susan Stefenson, Human Services
Mary Young, Planning and Zoning Director
Cindy Tyminski, Deputy Planning and Zoning Director
Michelle Perillie, Planner

Public in Attendance:

Matthew Mandell, RTM Planning and Zoning Committee Chair
Karen Kramer RTM District 5 Representative and Wakeman Road resident
Sal Liccione, RTM District 9 Representative
Harold Bailey, TEAM Westport and 15 Regents Park resident
Helen McAlinden, President/CEO, Homes with Hope
Carol Martin, Executive Director, Westport Housing Authority
Rick Redniss, Redniss and Mead,
Dick Lowenstein, RTM District 5 Representative
Ellie Lowenstein, 372 Greens Farms Road resident
Bernice Stine McLeod Bailey, 15 Regents Park resident
Ross Burkhardt, 34 Clinton Avenue resident
Chrissey Hunt, 2 Clapboard Hill Road resident
John Greenspan, David Adam Realty and STC Green, LLC
Johnny Schwartz, representing Able Construction
Ron Friedson, 95 Bayberry Lane resident
David Waldman, n resident and CEO, David Adam Realty
Bill Rubidge, 18 West Parish Road resident
Larry Weismann11 Greenwood Lane resident
John Jones, architect
Emma Jean Weinstein
John Green
Jake Watkins
Althea Seaborn
Danielle Teplica
Cheryl Scott-Daniels
Valerie Seiling Jacobs
Nicole Gerber
Scott Lawrence

Rebecca Martin
Loy Durenbers

Ms. Dobin introduced staff members and First Selectman. Ms. Walsh asked for names of those on phone to identify themselves if possible.

1. Update on West Parish/Post Road East proposal for Westport Housing Authority development.

Ms. Dobin discussed the proposal to transfer 4 acres from CT DOT to create an affordable housing development which would be managed by the Westport Housing Authority. There were several letters written and we have found that affirmatively the CT DOT will look again to see if something may work.

Mr. Marpe stated the tone is much more collaborative than previous discussions and he is optimistic that they are reconsidering.

2. Update on proposed multifamily cap text amendment as discussed at June 11 Public Hearing.

Ms. Dobin stated that a majority of Commission members voted at the 6/8/20 Affordable Housing Subcommittee meeting to bring a text amendment to the Commission which would eliminate the multifamily cap. The topic was discussed again at the 6/11/20 Planning and Zoning Commission hearing and a majority of Commission members voted to submit a formal amendment.

Ms. Perillie stated the application has been submitted and will be heard on 10/8/20 and staff is awaiting feedback from town departments, regional planning agencies and CT DEEP. Staff keeps a record of units approved and there are 60 available market rate units that can be constructed before the cap is reached. There are two developments that have not yet been added to the list but once they are the cap will be exceeded. We have received some public comments, and everything has been added to the record.

Ms. Dobin stated a press release will be done as this will affect the entire town and the public hearing will be left open for at least two nights.

3. Update & discussion of draft of proposed text amendment regarding Accessory Dwelling Units.

Ms. Dobin asked Ms. Walsh to frame where we are with the proposal.

Mrs. Walsh stated we need to outline for public what our timeline is and assure everyone we are not rushing. We intend to have something ready to be brought forward in November and then there will be a public hearing. Ms. Walsh stated they are researching the regulations of other towns and that ADU is the new buzzword of the day, but Westport has numerous ADU regulations. We need a definition of ADU and to go through regulations and pull out everything considered an ADU, including accessory apartment and pre-1959 apartments. She suggested that maybe we can make it flow a little bit better because our regs are convoluted. Mrs. Walsh stated we need to have it all in one place available for the public on the website.

Mrs. Dobin stated she'd like to discuss the text here and have the application submitted in November. We want to take our time and craft a careful, good regulation that considers Westport because one size does not fit all.

Mrs. Perillie stated she sent out the existing regulations, proposed regulation and ADU regulations for surrounding town to those who requested the meeting link.

Mrs. Dobin stated other towns allow this and Ridgefield has a good, clear regulation, which was helpful.

Mrs. Walsh stated there are 169 towns in Connecticut and they are all different. We're going to craft something that works for Westport. Ridgefield is a good starting point but we intend to tailor these to our regulations.

Mrs. Dobin stated ADU's are Accessory Dwelling Units and there is a discussion in the state regarding allowing ADU's as of right to create more naturally occurring affordable housing. She discussed a proposal in Greenwich. They would not be permitted to be used as Airbnb's or short-term rentals. We need to talk about coverage and lots. It seems good setbacks are important especially on smaller lots.

Mrs. Walsh discussed this should be done by zone and we need to look at whether properties are sewerred.

Ms. Young asked if this use would be applicable to lots that meet the minimum lot size but no to those who do not.

Ms. Dobin stated that was a good question and asked for public input.

Valerie Seiling Jacobs stated she is here as a resident not part of any organization. She explained that the existing regulations prohibit Accessory Structures from being used as a dwelling unit and discussed the zoning standards for them. She stated that she felt the use should be allowed but it should be dependent on whether the lot size conforms. She proposed if non-conforming lots only half of the square footage would be applied to coverage. Ms. Seiling Jacobs stated that since there are so many non-conforming lots, she would not tie it to zoning districts. Ms. Seiling Jacobs stated 20 foot allowable height is probably a reasonable number.

Ms. Walsh asked if Ms. Seiling Jacobs was referring to building coverage or total coverage.

Ms. Seiling Jacobs stated she was discussing total coverage. She stated tiny lots won't be able to do it anyway.

Ms. Dobin stated she agreed with Ms. Seiling Jacobs that B district lots would not be able to support this. One type of accessory structure permitted is a pool house which can only be 300 SF, cannot have a kitchen and cannot rent them. She indicated that many people have not used their maximum coverage because want to retain future use for this type of use.

Ms. Seiling Jacobs suggested treating them like tennis courts and allowing only half the coverage to be counted and she discussed possible allowable size.

Ms. Dobin asked for public input on coverage and whether this should be tied to zoning districts or lot size.

Ms. Walsh stated other regulations discuss exempting basements and garages from coverage and we need to address that. She stated she is envisioning all living space without garages.

Ms. Dobin agreed and stated there would be no basement and garage, so all floor area would be for living area.

Mr. Weisman stated he would like to see ADU's be counted as affordable so would need a deed restriction which most people don't want. He suggested building in incentives for either the size of unit or coverage so that we can try to get moratorium points.

Ms. Dobin discussed the Greenwich regulation that allows Accessory Apartments with deed restrictions. She stated that she spoke with Planning and Zoning Chair in Greenwich who indicated no one is building them, so they are looking to increase size to encourage more. She stated she has researched this and ADU's can be affordable without deed restricting. Ms. Dobin stated she was not sure there would be any incentive strong enough to get people to do this.

Ms. Perillie stated only 7 residents have taken advantage of Affordable Accessory Apartments which included incentives.

Ms. Dobin stated she thought it was definitely something that should be looked into.

Ms. Young stated she liked the suggestion made by Ms. Seiling Jacobs to count only half coverage. She discussed different demographics to target and the need to pinpoint that.

Ms. Dobin stated she feels it is important to focus on the substance not the form and she wants to focus on diversity of housing. She indicated since there are architects and builders on the call, she would love to hear from them.

John Jones, architect, stated he will be commenting in the future and is now taking in all the info.

Matthew Mandell, Chair of RTM Planning Committee, stated he supports deed restricting he units and asked if each unit would push us further away from 10% goal. He asked how many accessory buildings we already have and mentioned a study that is about to come out about ADU's which was done by the Regional Planning Association. Mr. Mandell discussed looking at each proposal separately rather than opening the flood gates. He stated there is concern that doing this type of proposal by Zoom public hearing would not allow sufficient input.

Ms. Dobin indicated that she thought Mr. Mandell had great points and the question of whether dwelling units count as total housing units. She stated she initially thought discussion of a text amendment like this may not be conducive to a Zoom meeting but after further discussions it seems it encourages people to participate where they may not be comfortable coming to Town Hall in person.

Mr. Mandell discussed the state initiative and stated we can't make this one size fits all.

Ms. Walsh stated census number will come out and wants to know more about how the Tax Assessor reports units and asked who RPA is working with to get these numbers.

Ms. Perillie stated she would look into it.

Ms. Dobin indicated census number are basis for §8-30g counts and that depends on how Tax Assessor reports to census. She wants to know how they are counted.

Carolanne Curry stated we are under the weight of points and hope e don't lose sight of that. She discussed possible development at West Parish and predatory developments.

Ms. Dobin stated we could think about adding more info on diversity of housing on the Planning and Zoning Department homepage which would highlight developments which have been approved.

Carol Martin, Westport Housing Authority Director, stated she was concerned about target population that may need an accessible apartment and that 650 SF may limit handicap accessible units.

Ms. Seiling Jacobs stated they could still get a half story and colonial roof if allow 20 feet and did not recommend including a story or half story requirement. She discussed allowing cupolas because they maintain character.

Ms. Dobin questioned whether the aesthetics of the ADU should match the main house.

Ms. Walsh stated she doesn't want to get tied up with the aesthetics. She stated that she is more concerned with measurements for height and number of stories.

Ms. Seiling Jacobs stated she did not want soaring buildings and don't want boxes either.

Ms. Young discussed measurement of building height and need more than 16 feet if measure to midpoint. She encouraged architects that may volunteer their services to design something for discussion.

Ms. Walsh indicated a regulation just for height of Accessory Structures can be drafted and many people have tried to correct this.

Mr. Weisman agreed with Ms. Walsh that there needs to be a separate height requirement for this. He mentioned it is difficult to legislate aesthetics.

Ms. Scott-Daniels stated she is happy we are looking into this topic and it's logical that they would be based on lot size, not zoning district.

Ms. Dobin stated tennis courts were encouraged so only half counts toward total coverage.

Ms. Young suggested asking whether Ms. Scott-Daniels sees a demand for this.

Ms. Scott-Daniels stated she does think there is a demand and especially for parents.

Mr. Weisman suggested there be a discussion of parking.

Ms. Dobin stated some regulations prohibit new driveways but require parking.

Ms. Curry suggested that if an accessory apartment is deed restricted maybe a tax break would be considered.

Neil Cohn, Planning and Zoning Commission member, asked if we can consider requiring that the homeowner live on the property.

Ms. Dobin stated is a possible requirement, but some will be used by people who don't live full time in Westport and sometimes owners would like someone to live in an ADU to be a caretaker. She also mentioned enforcement is a problem.

Mr. Cohn suggested not permitting house and the ADU to be rented at the same time.

Ms. Dobin stated they need to strictly regulate short term rentals.

Ms. Walsh asked if a zoning permit is required for boarders.

Ms. Young stated having boarders does not require a zoning permit but having a separate kitchen does.

Ms. Dobin summarized the topics that have been discussed including size from 650 SF up to 1,000 SF, height and adequate parking but not additional driveways.

Ross Burkhardt endorsed incentivizing affordable units and indicated he also supported units larger than 650 SF for handicap units. He discussed the economics of the units and was interested in where they have had experience with this.

David Waldman stated he is always looking for the possibility of funding affordable units instead of building them on site.

Matthew Mandell stated we need to look at who we want living in these before determine size.

Ms. Dobin indicated there was a women who sent in a letter to the Committee that felt a smaller size was more desirable. She stated that we need to make sure they stay naturally affordable and we can look at both.

Ms. Walsh stated accessory apartment are limited to 800 SF.

Ms. Seiling Jacobs discussed height of accessory buildings in various districts.

Ms. Young suggested measuring building height differently in this case as done in other regulations.

John Jones suggested staying away from regulating design.

John Schwartz stated a lot of people will use these for home offices because there is a big demand. He suggested that 650 SF would be a little bit tight and 800-850 SF would be better and felt it was a good idea.

Mr. Weisman indicated we can look at cost of construction when building these units and the return on investment.

Ms. Dobin discussed the cost of modular ADU's.

Ms. Walsh stated the units are 480 SF -700 SF at 1177 Post Road East.

Ms. Dobin asked Scott Lawrence to respond but he did not. She stated we can get that information later. Ms. Dobin discussed the need to highlight diverse housing developments which the Planning and Zoning Commission has approved as a resource.

Ms. Seiling Jacobs stated she agreed.

Rick Redniss stated he supported that effort.

Harold Bailey stated he supported the resource because is an actionable resource for people. He applauded going about this in way that is sustainable in the long term by getting so much information.

Ms. Dobin asked that attendees review materials posted on the website before the next meeting.

Ms. Dobin concluded the meeting offering her thanks to all who attended and adjourned the meeting at 1:36 p.m.

Respectfully Submitted By:

Michelle Perillie, AICP; Planner

September 18, 2020