

PLANNING AND ZONING COMMISSION ACTION MINUTES

June 14, 2012

I WORK SESSION

Auditorium
7:00 P.M.

Discussion with Town Attorney Ira Bloom regarding pending litigation for 10 Bluff Point

1. **10 Bluff Point:** CAM Site Plan application #09-092, review and anticipated further action pursuant to court Memorandum of Decision of Sept 28, 2011 in Marrella v. Planning & Zoning Commission, Docket Number FST CV 6004999S.

Action: Discussed

II PUBLIC HEARING

Approval of minutes: 12/1/11 – No action

2. **43 Compo Mill Cove:** Appl. #12-020 by Peter Wormser for property owned by Andrea Friedman and Douglas Eisenberg for a CAM Site Plan approval to raise existing house and an addition in a Res A zone, PID #E04072000.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Ron Corwin, Nora Jinishian, Howard Lathrop

Action: Approved

Vote: 6 – 0

3. **Amendment #648:** Appl. #12-012 by Lawrence P. Weisman for a text amendment to the zoning regulations to add a new definition, §5-2 (Definitions) “Age Restricted Senior Housing – Age Restricted Senior Housing shall consist of dwelling units wherein it is legally required that at least one owner/occupant of each unit shall be a “senior”, as that term is required in these Regulations. Provided, however, that multi-level residences which would otherwise meet this definition but are accessible only by interior and/or exterior stairs may provide that at least one owner/occupant shall be fifty-five (55) years of age or older.”

Action: Hearing continued to 7/19/12. No testimony was taken at this hearing. A new legal notice will be published

4. **70 North Avenue:** 8-24 Request by the First Selectman for a report from the Planning and Zoning Commission regarding the demolition and replacement of the concession stand adjacent to the Staples High School football field, PID #F12077000, Res AAA zone.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Ron Corwin, Nora Jinishian, Howard Lathrop

Action: Positive Report

Vote: 6 - 0

5. **70 North Avenue:** Appl. #12-027 by Staples Gridiron Club, c/o Dan Devito, for property owned by the Town of Westport for a Special Permit and Site Plan approval for the replacement of the existing concession and handicapped accessible toilet facilities, in a Res AAA zone, PID #F12077000.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Ron Corwin, Nora Jinishian, Howard Lathrop

Action: Granted

Vote: 6 - 0

6. **79 Newtown Turnpike:** Appl. #12-010 by Lawrence P. Weisman for property owned by Three Bears Associates, Stephen J. Vazzano et als Trust for a Special Permit and Site Plan approval for interior renovations and parking lot modifications and change of use, for a place of worship in a Res AA zone, PID #A14006000.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Ron Corwin, Nora Jinishian, Howard Lathrop

Action: Hearing continued to 6/21/12. Testimony was taken

7. **295 Post Road East:** (aka 275-295 Post Road East), Appl. #12-025 by Barr Associates, LLC for property owned by Westport Post Rd. LLC for a Site Plan approval for a change of use from retail to restaurant with 50% shared parking in a RBD zone, PID #D09140000.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Ron Corwin, Nora Jinishian, Howard Lathrop

Action: Hearing closed, no decision

8. **40 Railroad Place:** Appl. #12-026 by Saugatuck Grain and Grape for property owned by Hanes Realty Corp for a Special Permit & Site Plan approval for a change of use from retail to restaurant with required parking reductions and shared parking in a GBD zone, PID #B05098000.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Ron Corwin, Nora Jinishian, Howard Lathrop

Action: Granted

Vote: 6 - 0

9. **Amendment #650:** Appl. #12-014 by the Planning and Zoning Commission for a text amendment to the following sections of the Westport Zoning Regulations: Modify §5-2, Change of Use, to exempt from Site Plan requirements any change for a building or use that requires no more than three (3) parking spaces; delete §11-2.1.4, requiring Site Plan approval by the Administrative Review Committee for Mobile Vendors on Private Property and renumber remaining sections; Modify §11-2.4.13 (Pre-10/1/59 Apartments) to substitute Zoning Permit approval, modify §11-2.4.13(a), to eliminate requirement for approval by the Planning and Zoning Commission for affidavits submitted with a Pre-10/1/59 apartment application; modify §11-2.4.13(d) to eliminate authorization by the Planning and Zoning Commission in approval for a different Pre-10/1/59 apartment; eliminate §11-2.4.13(g) to remove requirement for the resolution of approval for a Pre-10/1/59 apartment to be recorded on the Westport Land Records; modify §32-6.1 to substitute Zoning Permit approval for Site Plan approval, for Outdoor Storage and Display; modify §32-6.2 to clarify Planning and Zoning Commission approval will be required for truck trailer storage proposed for more than seven (7) days; modify §32-8 to remove reference to Excavation and Fill applications eligible for Administrative Review Committee approval; eliminate §32-8.6 to remove reference to Excavation and Fill applications eligible for Administrative Review Committee approval; §32-23.1, eliminate references to events involving amusement devices; modify §32-23,2a to substitute requirement for Site Plan approval by the Planning and Zoning Commission, for Outdoor Special Events exceeding 10 days on commercially zoned property; modify §32-23,2b to substitute requirement for Site Plan approval by the Planning and Zoning Commission for Outdoor Special Events exceeding 2 days on residentially zoned property; §32-23,2c to substitute requirement for Site Plan approval by the Planning and Zoning Commission for Outdoor Special Events exceeding 7 days on residentially zoned property on residentially zoned property occupied by a Special Permit use; modify §32-23,5b to substitute requirement for Site Plan approval by the Planning and Zoning Commission for Outdoor Special Events extending beyond 10:00pm until 1:00am on Fridays and Saturdays on residentially zoned property, modify §32-23,5c to substitute requirement for Site Plan approval by the Planning and Zoning Commission for Outdoor Special Events extending beyond 10:00pm until 1:00am on Fridays and Saturdays on residentially zoned property; modify §32-23.9 to substitute Planning and Zoning Commission authorization for waiver of a public hearing for repeat or annual events; modify §43-5.2 to provide a consolidated list of activities requiring Site Plan approval and a public hearing as referenced in other sections of the Westport Zoning Regulations; add language to §43-5.2 authorizing the Planning and Zoning Director to waive Site Plan review for small-scale projects; eliminate §43-14 to remove reference to the Administrative Review Committee, and list of applications eligible for Administrative Review Committee review; modify §46-3.1 to remove reference to the Administrative Review Committee in the list of boards whose decisions may not be appealed to the Zoning Board Of Appeals.

Action: No action at this hearing, continued to 6/21/12

Testimony was taken at previous hearing

10. **Amendment #647:** Appl. #12-011 by the Planning and Zoning Commission for a text amendment to the zoning regulations to modify §4-2 (Map Established), to add references in description of Zoning Map, §31-10 (Coastal Area Regulations), to modify requirements to be consistent with the Connecticut General Statutes, §31-11.3 (Flood Protection Requirements), to clarify role of Floodplain Coordinator, §43-11 (Time Period and Expiration), to modify timeframes for approvals to be consistent with the Connecticut General Statutes, §44-1 (Documents), §45-3.3 (Building Plan), §52-4 (Applications), to modify list of submission materials for Site Plan, Zoning Permit and Subdivision applications, §45-3 (Zoning Permits), to codify in the Zoning Regulations that a Zoning Permit be obtained prior to occupancy of a commercial building, §45-3.2.3 (Plot Plan), to require a vicinity map on plans used to obtain a Zoning Permit.

Action: No action at this hearing, continued to 6/21/12

Testimony was taken at previous hearing

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.)

1. Old Business

- a) **10 Stony Brook Road:** Appl. #12-006 by Coastal Construction Group for property owned by Donald Lawman for a Special Permit and Site Plan approval for excavation and fill in a Res AA zone, PID #B10033000.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Howard Lathrop, Ron Corwin, Nora Jinishian

Action: Denied

Vote: 6 - 0

- b) **0 Old Mill Road:** 8-24 Request by the First Selectman for a report from the Planning and Zoning Commission regarding a lease of town-owned property located at 0 Old Mill Road, (Old Mill Beach), PID #E04100000, Res B zone adjacent to 233 Hillspoint Road, (Positano's Restaurant), PID #E04107000, Res B zone.

Seated: Jack Whittle, Chip Stephens, Al Gratrix, Howard Lathrop, Ron Corwin, Nora Jinishian

Action: Negative Report

Vote: 6 - 0

- c) **2 & 8 Post Road West:** Appl. #12-021 by William J. Fitzpatrick, III for property owned by Nathall 28 PR LLC, for a Special Permit & CAM Site Plan approval for building additions and change of use to office and retail use in a HDD zone, PID #C09117000 and PID #C09116000.

Action: No action

- d) **6 Wilton Road:** Appl. #12-022 by Kheder Hassoun for property owned by Nathall 6W LLC, for a Special Permit & CAM Site Plan approval for a change of use to restaurant, bar in a HDD zone, PID #C09113000.

Action: No action

- e) **12 Wilton Road:** Appl. #12-023 by Tom Linell for Katlin LLC for property owned by Nathall 1220W LLC, for a Special Permit & CAM Site Plan approval for a change of use to a restaurant, bar in a HDD zone, PID #C09112000.

Action: No action

2. Other Items

- a) Discussion of second round of P&Z staff amendments- **no action**
- b) **14 Coleytown Road, Planning and Zoning Resolution #10-058,** request for extension of time to obtain zoning permit – **one year extension of time granted**
- c) Request to modify interpretation of Sec. 29A-2.2.7 – **no action**

Annual Meeting Continued – No action

1. Administrative Review Committee appointment
2. Update on Planning and Zoning Issues
3. Planning and Zoning Goals and Objectives
4. Other