



**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](http://www.westportct.gov)

March 17, 2021

**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](http://www.westportct.gov). This meeting will also be shown on Optimum Government Access Channel 79 and Frontier Channel 6020 until 7:30pm, when the hearing will only be available to view via live stream. Public comments may be received PRIOR to the Public Hearing and should be sent to [PandZ@westportct.gov](mailto: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](mailto: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 March 25, 2021, to [maryyoung@westportct.gov](mailto: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](http://www.westportct.gov), on the Planning and Zoning Department web page under "P&Z Pending Applications & Recent Approvals".*

**AGENDA Revision #1**

**PLANNING & ZONING COMMISSION MEETING  
THURSDAY, MARCH 25, 2021  
START TIME: 6:00 PM**

**I WORK SESSION**

- **Bond Release Requests:**
  - **20 Saugatuck Avenue #15-044 - \$14,610.75, Landscape Bond**

**II PRE-APPLICATION MEETING**

- Submitted by Gloria Gouveia to discuss draft text amendment to modify Sec. 32-18, Historic Residential Structures.  
**Time Allotted for a Pre-Application: 20 minutes**

**III PUBLIC HEARING**

1. **1076 Post Road East: (This item was opened on 2/11/21 hearing and continued with testimony to 3/11/21 hearing, it was then further continued with no testimony to 3/25/21 hearing) Special Permit/ Site Plan Appl.#PZ-20-00886** submitted by Frederick W. Hoag of FWH Architects for property owned by Post Plaza LLC for façade renovations, parking lot reconfiguration, site work including grading, drainage, landscaping and lighting, and parking relief in the form of applying an "Other" or lower than the retail parking standard, to a portion of the tenant space, and Joint Parking relief to share parking with an on-site restaurant, to accommodate a new retail grocery store tenant in the former Barnes and Noble tenant space, for property located in the Highway Service District, PID#F09050000. (Must close by 3/18/21 + 90-day extension if needed).

2. **126 & 128 Bayberry Lane:** Subdivision Appl. #PZ-20-00973 submitted by John Fallon, Esq. for properties owned by Estate of James S & Dina Belta, Gregory Belta & Concettina G. Caruso, Executors located in Residence AAA zone, for a 9-Lot Open Space Subdivision and new private road, Beltas Farm Lane, PID#G13020000 and PID#G13021000. *(Must open by 3/25/21 w/partial ext. + 90-day extension if needed).*  
**Applicant's presentation time: 30 minutes**
  
3. **7 Country Lane:** Special Permit/Site Plan Appl. #PZ-21-00103 submitted by Christopher Austin for property owned by Christopher Austin and Tracy Mungeam for excavation and fill activities to make a more level yard for property located in the Residence A zone, PID#D12174000 *(Must open by 4/24/21 + 90-day extension if needed).*  
**Applicant's presentation time: 10 minutes**
  
4. **116 Beachside Avenue:** Coastal Site Plan Appl. #PZ-21-00155 submitted by James B. Hoffman for property owned by Gary Reiner/Bella Luna LLC for construction of a new single-family dwelling and to find consistency with the Coastal Area Management Act, located in Residence AAA zone, PID#I06027000.  
*(Must close by 5/15/21 + 90-day extension if needed).*  
**Applicant's presentation time: 10 minutes**
  
5. **Text Amendment #790: Appl# PZ-21-00164** submitted by the Planning and Zoning Commission, to modify Section 32-28, Temporary Provisions for Fitness Businesses in Response to COVID-19, that if adopted as submitted will extend until Dec. 31, 2021 current flexible zoning standards to enable use of the outdoors for fitness studios, gyms, and sports centers (Fitness Businesses), subject to certain conditions. A copy of the text amendment is available on-line at [www.westportct.gov](http://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: 5 minutes.**

#### IV 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:**

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on March 25, 2021 is available on-line at [www.westportct.gov](http://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 March 11, 2021 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](mailto: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 17<sup>th</sup> day of March 2021, Danielle Dobin, Chairman, Planning and Zoning Commission.

**Text Amendment #790**

Submitted: 3/12/21

Received: 3/18/21

Public Hearing (scheduled for): 3/25/21

Adopted: \_\_\_\_\_

Effective date: \_\_\_\_\_

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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 [~~March 31, 2021~~] December 31, 2021, or until otherwise modified or rescinded by the Planning and Zoning Commission, or if Fitness Businesses are closed by the Governor or his designee to contain the spread of COVID-19.

**32-28.3 Outdoor Studio Operation.**

Any Fitness Business seeking to conduct operations outdoors (Outside Studio Operations) pursuant to this section, 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.

### 32-28.3.4

Prior to occupancy, each outdoor fitness site shall be inspected and must be approved by the Municipal Designee as the Authority Having Jurisdiction (AHJ) or their designee to demonstrate compliance to all sector rules for COVID-19 compliance; and

### 32-28.3.5

The hours of operation are from 5am – 8pm daily.

### 32-28.3.6

Sound Mitigation. Headphones shall be used by participants during all times by those Fitness Businesses providing Cardio Dance, Cycling, or Zumba classes in an Outside Studio.

### **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 following endorsement by the Fire Marshal or his designee following his/her inspection. 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, and evidence that the Fitness Business has obtained their COVID-19 self-certification from the Department of Economic and Community Development (DECD).

A copy of the referenced form "Exhibit A" can be found in the Town Clerks Office and Planning and Zoning Office. A digital copy may be accessed on the Town Website or by calling the Planning and Zoning Office.

**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.