



Town of Westport
Planning and Zoning Commission
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Planning and Zoning Commission
Economic Growth Subcommittee
Meeting Minutes

Thursday, March 18, 2021 12:00pm

In Attendance at the Remote Meeting

Planning and Zoning Commissioners:

Neil Cohn, Subcommittee Chair and P&Z Commission Alternate
Danielle Dobin, Subcommittee Member and P&Z Commission Chairman
Michael Cammeyer, Subcommittee Member and P&Z Commission Secretary
Paul Lebowitz, P&Z Commission Vice Chairman
Chip Stephens, P&Z Commission Member

Other Elected or Appointed Officials:

Melissa Kane, 3rd Selectman
Matthew Mandell, RTM District 1 Member & Westport/Weston Chamber of Commerce Exec. Director
Harris Falk, RTM District 2 Member
Jimmy Izzo, RTM District 3 Member
Peter Gold, RTM District 5 Member
Dick Lowenstein, RTM District 5 Member
Sal Liccione, RTM District 9 Member
Ellie Lowenstein, Zoning Citation Hearing Officer
Harold Baily, TEAM Westport Chair
Pippa Bell Ader, Sustainable Westport Advisory Team
Randy Herbertson, Downtown Plan Implementation Committee Chmn., Re-Open Westport Advisory Team Member, Downtown Merchants Association Pres., and Trustee for the Westport Library
Jonathan Steinberg, State Representative, District 136

Public in Attendance

William Achilles, consultant to Westport businesses and property owners
Ross Burkhardt, Westport resident
Ron Corwin, Westport resident
Jennifer Johnson, Westport resident
Lawrence Weisman Esq., Westport resident

Town Staff Members:

Mary Young, Planning and Zoning Director
Peter Ratkiewich, Public Works Director

Some residents offered comments prior to the meeting with the request they be included with the meeting minutes, see attached emails from:

- Don Bergmann, dated 2-17-21;
- Don Bergmann, dated 3-16-21;
- Jimmy Izzo, dated 3/6/21; and
- Peter Gold, dated 3-16-21.

Meeting Start: 12:05pm

Subcommittee Chairman Neil Cohn opened the meeting acknowledging this is the second meeting of the P&Z Commission's Economic Growth Subcommittee. He introduced himself as currently serving as an alternate on the Planning and Zoning Commission. He thanked all in attendance for making time to attend as well for their contributions to date. Mr. Cohn recognized his fellow Subcommittee members in attendance including: Danielle Dobin and Michael Cammeyer, (Cathy Walsh was absent). Mr. Cohn also recognized his fellow Planning and Zoning Commission members in attendance including: Chip Stephens and Paul Lebowitz. Mr. Cohn asked Danielle Dobin, Chairman of the Planning and Zoning Commission, whether she had any announcements.

Danielle Dobin also thanked all who were in attendance at today's meeting and she congratulated Randy Herbertson on his new appointment as Chairman of the Downtown Plan Implementation Committee. She shared that she expects the Economic Growth subcommittee to work collaboratively with the Downtown Plan Implementation Committee, and she is excited there is a lot of energy and momentum to move forward.

1. **Recap by Subcommittee Chairman on Text Amendment #788, adopted by the Planning and Zoning Commission on March 11, 2021 enabling continued temporary Outdoor Dining regulations in response to COVID-19.**

Not discussed.

2. **Current Initiatives:**

Mr. Cohn introduced Melissa Kane, 3rd Selectman, who has been serving on the Downtown Plan Implementation Committee and working with an ad hoc Bus Shelter working group, who will be making a presentation.

- a. **Covered Bus Shelters on the Post Road**

- i. **Presentation by Bus Shelter Working Group (5 min) – Melissa Kane**

Melissa Kane, Jennifer Johnson, and Pippa Bell Ader, on behalf of the Bus Shelter working group, made a PowerPoint presentation available [here](#). The Bus Shelter working group includes: Melissa Kane, Jennifer Johnson, Pippa Bell Ader, Ross Burkhardt, Harold Bailey, Ron Corwin, Eleanor Lowenstein, Larry Weisman, Esq., Emil Frankel, Roger Leifer, Esq., and is staffed by Peter Ratkiewich, Public Works Director.

- ii. **Introduction of P&Z staff's draft language for text amendment**

A Draft Text Amendment and Explanatory Statement dated 3/10/21 prepared by Mary Young and attached herein was introduced with copies circulated prior to the meeting to folks who attended the last subcommittee meeting on 2/10/21, and others who requested it.

Mary Young congratulated the Bus Shelter working group on their presentation. Regarding the draft text amendment, she described she perceives town-wide support for bus shelters. She explained the purpose for writing an amendment is to remove zoning obstacles that might inhibit locating bus shelters if/when appropriate locations are found and funding is secured. She identified a "Structure" is a defined term in the Zoning Regulations and all Structures must conform to Setback requirements which could require variances from the Zoning Board of Appeals to locate a Bus Shelter near the street. She described since there is no definition for a Bus Shelter it would be considered a Structure. The text amendment provides a definition for a Bus Shelter and exempts Bus Shelters from setbacks.

Peter Gold advised there is not universal support for Bus Shelters and awaited Mr. Cohn recognizing him to provide further comments.

Mr. Cohn identified he would like to initially take comments from his subcommittee members and elected officials. He asked members of the Planning and Zoning Commission to offer their feedback.

Michael Cammeyer identified he wants to hear from the public and will reserve comments until after.

Mr. Cohn recognized Chip Stephens. Mr. Stephens offered his congratulations to the Bus Shelter working group on their presentation. He described he's not aware of any problem with the zoning regulations, the problem the Downtown Plan Implementation Committee has is finding the right placement for bus shelters and figuring out whether there is a need to take private property to accommodate them. He shared, "We've gone backwards." He explained there used to be a bus shelter on the bridge downtown where Starbucks is now. There was another one where Barnes and Noble used to be, soon to be a grocery store, off the Post Road. There remains one on Bulkley Road that someone should pick up and relocate to the Post Road. I think the focus should be on location, and in so doing consider the utilities and how to provide electrical connections to the bus shelters for the signage needs. Sidewalks are also important he identified. There are regulations requiring sidewalk installation along the street frontage of private properties if/when major renovations are proposed, but sidewalks cannot be required up and down the post road.

Mr. Cohn recognized Danielle Dobin. Ms. Dobin remarked on how timely this topic is, as on her way home to join today's meeting she observed folks standing outside, in the rain, waiting for a bus and thought to herself, "We can do better than this!" She offered her support for the text amendment that provides opportunities and a pathway for bus shelters and she hopes the Bus Shelter working group can find the appropriate locations and obtain the funding necessary to make it happen. She shared she thinks it important that signage be limited to bus arrival times, not advertising, and she believes seating provided should not be bench seating.

Mr. Cohn recognized Paul Lebowitz. Mr. Lebowitz shared he had promised Pippa Bell Ader that when he began serving on the Commission he would make sure Bus Shelters happen and he's glad this topic is finally on the front burner, and he added "You're welcome Pippa!"

Mr. Cohn recognized State Representative Jonathan Steinberg. Mr. Steinberg offered Bus Shelters makes a lot of sense; providing them is a reflection of our values as a community, and overall he is in support.

Mr. Cohn recognized Matthew Mandell. Mr. Mandell offered his support for bus shelters. He recommend a careful review of the text to ensure there are no unintended consequences. He shared that as Westport is an affluent community there exists, for example, the potential that private residential property owners will want to erect their own bus shelters for their children at the end of their driveways to use while waiting for the school bus. There is nothing in the text to prevent this. Mr. Mandell then inquired, "What's wrong with benches in a bus shelter?"

Melissa Kane replied she does not believe benches are allowed in bus shelters in some areas, and restricting benches prevent people from sleeping in bus shelters. Sleeping in bus shelters is not safe she warned. Having flip up seats, one person per seat, is the building style of choice for bus shelters.

Danielle Dobin agreed with Ms. Kane. She identified that she might feel differently if Westport didn't offer a safer alternative in the form of the homeless shelter that exists in Westport. Ms. Dobin agreed with Mr. Mandell regarding the potential for private bus shelters to be erected; she has been approached by some parents inquiring about this on their private roads. "You're not crazy Matt!" She identified the amendment could be re-drafted to limit bus shelters for mass transit, not school buses, for instance.

Mr. Cohn recognized Peter Gold, who identified he is the current Westport Transit District Director and described the services offered by the Transit District. Door to door service is offered to the elderly and disabled within town. Door to train service, and train station to door service for anyone in town. He also shared he was the immediate former Chairman of the RTM Transit Committee, but is not speaking today as an RTM member. Mr. Gold offered some housekeeping items related to documents circulated prior to the meeting:

1. From the Feb. 10, 2021 Economic Growth Subcommittee meeting minutes:
 - Page 1 - Move Dick Lowenstein's name from "Westport residents" to "Elected or Appointed Officials," as Dick remains serving as an RTM District 5 member; and
2. From the Draft Bus Shelter Explanatory Statement, dated March 10, 2021:
 - Reference to the Westport Transit District supporting bus shelters should be removed as he is unaware of the Transit District ever discussing the topic.
3. From the Draft Bus Shelter Text Amendment, dated March 10, 2021:
 - Page 2 - Add a period where one is missing in the 4th line under §35-2.2.1, Location.

On the topic of Bus Shelters, Mr. Gold began his comments by saying he is in favor of anything that will improve transit in town. He shared transit is important. He described he began working on this project 6-years ago when he walked from the Ruth Steinkraus Cohen Bridge past Mitchell's on the Post Road with Pippa Bell Ader and Staff Corporal Al D'Amura from the Police Department. He agrees with the problem Mr. Mandell identified. He offered the suggestion made by Ms. Dobin will not work as there are no bus stops. He described the draft text refers to a "bus stop" and this should be removed, as there are in fact no bus stops in Westport. "We have a flag system," he described. You can be anywhere in Westport and raise your hand and the bus will stop. If you want to limit the text to exclude school buses you should add language limiting bus shelters to transportation on the Post Road. There does not appear to be any limit on the allowable number of bus shelters in the text. Consideration should be given to requiring a minimum distance between bus stops. Consideration should be given to what materials may be used in bus shelter construction. If opaque material is used for example, it could block sight lines depending on where the bus shelter is located. Bus shelters should not be located at corners as it will block traffic flow at an intersection. Al D'Amura should be consulted as he was when Pippa and I took our walk with him. The language regarding allowing electricity should be expanded to permit charging stations for personal devices (cell phones, etc.), as is offered at the train stations, to make commuting equitable for everybody. The problem you are trying to solve is a problem of the past; not of the future. The trend of the future is door to door service, and using an app to track bus arrival times. If you build a bus shelter someone is going to have to walk to that bus shelter, and there may or may not be sidewalk to get them there, as opposed to waiting at their respective place of employment for the bus and using an app to alert him/her when to exit the building in anticipation of the bus arriving. I have a question for Jonathan Steinberg.

Mr. Gold described there exists three different bus systems traveling in Westport and they don't share the same technology. A better alternative to bus shelters is to have these three bus systems use the same technology. That would allow use of apps, negate the need for bus shelters, and reduce the number of people waiting outside in the rain for any extended period of time. The Westport Transit District has this technology for our door to door service and our "Wheels2U" service. He offered to Jonathan Steinberg there should be grant monies to provide this technology to the three bus systems.

Representative Jonathan Steinberg replied the State has been trying to come up with a State-wide bus plan using a coordinate communication system and app system, and he doesn't know why it hasn't been completed, but suggested maybe it was delayed due to COVID-19.

Mr. Gold also suggested another problem with bus shelters are they are permanent. A bus shelter placed in front of Balduccis for instance may not make sense in a few years if the business closes, just like the one on Bulkley mentioned earlier that no one uses. Employment patterns change. You're never going to get the bus shelters where people are all the time as people move around, they change jobs, etc.

Mr. Cohn thanked Mr. Gold for his insightful comments, and asked if he could start to wrap up.

Mr. Gold confirmed he was wrapping up. He offered he agrees with comments offered by Harold Baily at the last subcommittee meeting who identified we need to improve how we enable people to move around town. He shared he recently received a letter from Helen McAlinden, head of Homes with Hope, who inquired about getting her residents from one bus system to another, to be able to use the transit district shuttle to get to the coastal link. Mr. Gold confirmed that should be able to happen. He shared workers should also be able to get off the Coastal Link and take the Transit District to get to their place of employment such as Coffee An' on Main Street or a business on Riverside Avenue. The problem is that the Board of Finance has cut the budget to such an extent the service is probably going to be terminated by the end of the year. So if you want bus service, transit service, beyond the coastal link, you need to support the restoration of the funding to the Transit District budget. I would like to be able to offer intermediate stops. I can do this if I have a budget; I can't if I don't.

Mr. Cohn once again thanked Mr. Gold for his perspective and his comments. Mr. Cohn offered his perspective that in his view we should not let the perfect be the enemy of the good. He agreed Mr. Gold's vision of the future may be where we are going, but that will take time. People are outside in the rain today waiting for buses.

Mr. Cohn recognized Danielle Dobin who shared Peter Gold's comments are always worthwhile as he has spent so much time studying this subject. In response to suggestions already made by others, she offered she agrees the text can be modified to require bus shelter locations shall be relegated to the Post Road or where the Norwalk transit runs. She does not perceive there will be any sight line issues as the Police Department will review the text amendment language before it is adopted, which is customary for any text amendment. She finds it is acceptable to add language limiting how many bus shelters shall be allowed to maintain minimum distances between shelters to avoid unintended consequences. She agrees with Mr. Gold the State should make changes with technology, but warned we shouldn't presume everyone has smart phones. The whole point is to make sure the people who don't have cars, or who don't have smart phones, aren't left waiting in the rain she stated. She observed Mr. Gold may not be sensitive to a women's perspective. She offered, women feel safer and protected inside a shelter versus flagging down a bus. When a woman is standing out next to the road, sometime sketchy people will react which is undesirable. Regarding businesses closing or changing, she suggested bus shelters can move if businesses change. It's easier to take something down then create something new.

Mr. Cohn recognized Sal Liccione. Mr. Liccione offered he relies upon buses and supports bus shelters. I respectfully disagree with Mr. Gold he stated. I serve on the RTM's transit district and hope funding at both the local and state level will be dedicated to bus shelters.

Mr. Cohn recognized Dick Lowenstein. Mr. Lowenstein inquired whether the draft text allows bus shelters as of right, or whether bus shelters will be subject to review by the Planning and Zoning Commission? He also inquired about what Next Steps the draft amendment will take.

Mary Young responded as currently written the text would allow bus shelters as of right. She offered the text could be modified to require bus shelter locations to be subject to approval by the Department of Public Works as some other communities require, or subject to approval by the Planning and Zoning Commission. Ms. Young also explained once a majority of the subcommittee members are satisfied with any revised draft amendment, it would be scheduled for review by the full Planning and Zoning Commission at a Work Session, and then if a majority agree, it would be formally submitted as a text amendment and scheduled for public hearing review allowing anyone to comment on it before its potential adoption.

Mr. Lowenstein suggested in his view text should be added to initially require oversight of bus shelter locations and recommended they should be subject to review and approval by the Planning and Zoning Commission. As an aside, he agrees with Mr. Stephens about the importance of sidewalks and hopes the Commission considers this when reviewing the upcoming application to redevelop the old Men's Warehouse building at 950 Post Road East. He additionally shared in his capacity as the current Chairman of the RTM's Transit District Committee, he agrees with Mr. Gold's concerns on funding the Transit District, and he recommends folks reach out to the First Selectman to support restoration of the Transit District's budget.

Mr. Cohn recognized Jennifer Johnson. Ms. Johnson thanked the Commissioners for their comments and in particular the history of prior bus shelter locations provided by Mr. Stephens. She recommended the Commission going forward get involved in transportation discussions, and utilize the opportunities individual development plan reviews when located along the coastal link, to get the developers to provide transportation amenities where they are needed. She shared her background to provide context on her perspective. She described she previously served for four years as the town's Transit District Director, she served as a voting member of the regional Metropolitan Planning organization, she was an executive board member of the South Western Regional Planning Agency, the precursor to what is now known as WestCOG. She shared "door to door" is not transit. If you look at the legislation that created transit districts you will see "on demand service" is not transit. This doesn't mean it is not vitally important in our town and very much needed, but transportation takes a lot of forms. Regarding the automatic vehicle location system referenced by Mr. Gold, she agrees that is the wave of the future. The problem is, she described, we have 7-8 transit districts operating the 50-mile long coastal link, and that needs to change, and that is the complexity that Jonathan Steinberg and others face. Regarding the flag system mentioned earlier, we are unique, others are moving away from that, as it's not safe, and causes traffic problems.

Mr. Cohn recognized Danielle Dobin. She offered a sense of the Commission informs her we want to put something together enabling bus shelters. I don't think we need a wide ranging conversation regarding whether the time is now. I believe a majority of Commissioners voting today would agree the time is now. I think the feedback offered by Matt Mandell and Peter Gold will change the draft language in the text amendment. I think the focus now should be on what language should be modified in the text, and the broader dialogue should be reserved for when the text amendment is under review at a public hearing, regarding whether or not bus shelters are a good idea.

Mr. Cohn recognized Jimmy Izzo. Mr. Izzo said he wants to apologize for an email he sent previously as he didn't understand what the subcommittee was trying to accomplish. He now better understands and wants to offer his support.

Mr. Cohn recognized Melissa Kane. Ms. Kane identified she wants to clarify that she is hoping to obtain funding from the state and other areas, and does not perceive the funding requests for bus shelters will be in competition for other town initiatives.

Mr. Cohn recognized Harris Falk. Mr. Falk described the text language limiting electricity should be modified as it is too limiting. It doesn't allow for charging stations, or security cameras for instance. The electronic (signage) displays might also include messages about what's going on in the Town and what there is to see in the Town.

Mr. Cohn recognized Attorney Larry Weisman. Attorney Weisman asked couldn't the text language be modified to limit bus shelters to the Post Road to address Mr. Mandell's concerns about private bus shelters?

Mr. Cohn recognized Randy Herbertson. Mr. Herbertson offered one of the positives of bus shelters downtown is the encouragement by merchants to take the bus versus parking downtown. Parking by merchants downtown is an ongoing issue, and we're trying to encourage them when driving not to park downtown. From a sustainability perspective we would prefer they take mass transit. We know traffic congestion downtown is a problem, so when locating a bus shelter downtown he recommends not choosing something on or adjacent to the bridge. The DPIC is working on improving this area. I'm grateful the subcommittee is focusing on Bus Shelters a topic the DPIC has prioritized.

Mr. Cohn recognized Pippa Bell Ader. Ms. Ader shared a federal reserve survey reflects 40% of Americans do not have \$400 available to pay for emergencies, so we really can't rely upon people having smart phones that are working at all times or that they carry with them at all times, or have necessarily been able to pay the bill that month. However, she does support adding language to the text enabling charging stations within bus shelters for those that do have smart phones.

Mr. Cohn recognized Peter Gold. Mr. Gold offered for clarity that he is not against bus shelters, when done correctly, and located correctly, can have a use, but the devil is in the details. Mr. Gold offered he agrees with Mr. Lowenstein the Planning and Zoning Commission should review future bus shelter locations in coordination with the Police Department. Regarding lighting in bus shelters he recommended any lighting be Dark Sky compliant.

Mr. Cohn recognized Ross Burkhardt. Mr. Burkhardt added his support for the text amendment. By way of background he shared he was the former Executive Director of the Greater Bridgeport Transit District. He is currently working with the Bus Shelter Working Group. He explained it is very complex to get all the necessary approvals. He recommended the text amendment make location approvals subject to staff approval (not commission approval), to make the process easier. The same checks and balances will be employed requiring consultation with the Transit District, Police Department and others. Removing obstacles to the process is his recommendation.

Mr. Cohn summarized the draft text while laudable appears to need further work, and requested Mary Young share her perspective on Next Steps.

Mary Young agreed with Mr. Cohn the text appears to require further fine tuning. Ms. Young suggested that she re-group with Mr. Cohn after preparing the meeting minutes from today, to discern what was learned from the contributions made, and work together to enhance the amendment and bring it back for further review by the subcommittee at the next meeting for consideration and a vote so it can be scheduled for review by the full Planning and Zoning Commission and eventually at a public hearing if a majority of Commissioners agree.

Mr. Cohn recognized Danielle Dobin. Ms. Dobin volunteered to assist Mr. Cohn incorporating feedback into a revised text. She identified that no one should misinterpret this additional fine tuning as a lack of desire or lack of support for the bus shelter text amendment. She understands and appreciates the need to move forward. She recommended not formally selecting a date certain for the next subcommittee meeting, but instead wait to modify the text, and allow time for it to be circulated, prior to scheduling the next meeting so there is sufficient time to receive feedback on the revised text.

Mr. Cohn thanked Ms. Dobin and agreed with the planned Next Steps. He then asked if anyone else wanted to make any more contributions at today's meeting.

Mr. Cohn recognized Matt Mandell. Mr. Mandell identified the Westport Weston Chamber of Commerce and the Senior Center, on Friday, March 26th at 1:30pm, will be hosting a remote webinar, that should be rebroadcast on public access television.

Mr. Cohn recognized Harold Baily. Mr. Baily identified bus shelter support is kind of a portal into who belongs in Westport. This is something TEAM Westport has been squarely focusing on, he described. Citizens, workers, and visitors use bus transportation and they deserve some protection from the elements when waiting for a bus. Addressing this issue not only enhances the experiences of those who live, work, and visit in Westport, but also sends a clear signal that all three groups truly belong here. If achieved, that should be a real plus for Westport from an economic point of view in terms of making Westport a destination. It is those visitors who are often forgotten he remarked. We want to increase businesses and more people visiting Westport. This is a great way to send the right signals to make that happen.

Mr. Cohn recognized Pippa Bell Ader. Ms. Ader warned care should be taken when writing the text amendment not to be too narrow. She described Public Works Director Peter Ratkiewich previously recommended consideration of a bus shelter location where CLASP is or was on Jesup Road, off the Post Road.

Mr. Cohn recognized Peter Gold. Mr. Gold suggested consideration should be given to using solar panels to provide electricity to bus shelters. He also recommended the text should include standards regulating the maximum allowable size and height for bus shelters.

3. Moderated "open mic" to receive initiatives for future consideration.

Mr. Cohn recognized Peter Gold. Mr. Gold suggested the subcommittee examine their regulations to see if there are any regulations that discourage people from using the bus and encourage use of driving instead. Regulations should be pro-transit, instead of creating obstacles to use transit.

Mr. Cohn recognized Sal Liccione. Mr. Liccione offered the Commission members and others on the call today should remember to focus on those areas that are often ignored such as upper Main Street where Hudson Malone is located or where 190 Main is located.

Mr. Cohn recognized Bill Achilles. Mr. Achilles offered he would like to see the subcommittee focus on expanding allowable uses permitted on the 2nd floor where offices currently exist downtown. He shared he has many clients looking to repurpose their 2nd floor vacant office spaces and are limited by what uses are allowed. The pandemic certainly had an impact, but it was a problem even before the pandemic.

Mr. Cohn recommended Mr. Achilles forward any specific ideas on what should be changed so the item can be listed on an agenda and discussed in greater depth at a future meeting.

Mr. Achilles confirmed this is on his to-do list.

Mr. Cohn shared that he received emails from residents not in attendance today, who shared ideas for future consideration including emails from Don Bergmann.

Mr. Cohn recognized Danielle Dobin. Ms. Dobin summarized Mr. Bergmann's emails by stating they were complimentary to the subcommittee's initiatives, as well as the announcement of Randy Herbertson's taking leadership with the DPIC, and he would like us to move forward cooperatively and collaboratively on efforts to move forward on Parker Harding improvements. Ms. Dobin thanked Mr. Bergmann for his comments and plans to follow up with him in a subsequent email.

Mr. Cohn recognized Randy Herbertson. Mr. Herbertson concurred with Ms. Dobin.

Mr. Cohn shared that he was also in receipt of an email from David Waldman regarding his desire to locate a playground downtown.

Mr. Cohn encouraged anyone with ideas or suggestions to forward them to the subcommittee's attention by sending an email to PandZ@westportct.gov

Mr. Cohn recognized Ron Corwin. Mr. Corwin said he would like to introduce what in fact is an old topic concerning Parker Harding. He questioned whether there might be future discussion about the logic related to continued use of Parker Harding as a parking facility versus using it for restaurants, playgrounds, or green areas. He suggested there would be value in having such a discussion. He shared he's aware there are a lot of competing interests about how that space should be used.

Mr. Cohn responded by thanking Mr. Corwin and agreeing with him that we'd all like to see that happen.

Mr. Cohn recognized Danielle Dobin. Ms. Dobin suggested that one of the motivations for forming this subcommittee is to inspire other town bodies to move forward on some of the ideas such as what Mr. Corwin mentioned, that have been lurking in the background without any traction. It is hoped that the subcommittee will demonstrate the Commission should be viewed as a group to work in partnership with, not in conflict with, regarding planning. With regard to Parker Harding, Ms. Dobin identified Randy Herbertson and the DPIC plan to move forward quickly on this topic. The DPIC is appointed by the First Selectman and are charged with envisioning what this area should look like. The Planning and Zoning Commission will then get involved if changes are needed to facilitate the vision which could take the form of review of an 8-24, Municipal Improvement, or changes to the zoning regulations. The RTM and Board of Finance will then decide whether they want to pay for it. She concluded by saying, she agrees with many of the other speakers, that the time is now. She asked Randy Herbertson if he wanted to comment on the timing.

Randy Herbertson stated he concurred with Ms. Dobin. The role of DPIC is to do the vetting and evaluating before making recommendations. To be truthful he shared, there is probably a parking lot project that needs to take priority first. Next will come Parker Harding. It will be addressed he promised and it will come before this subcommittee.

Mr. Cohn recognized Chip Stephens. Mr. Stephens suggested that the *2017 Plan of Conservation and Development* should also be reviewed as it addresses these topics. He also cautioned that we need to be careful about considering traffic flow when discussing walking malls and the like as has been suggested in years past. Parker Harding is needed to get traffic to downtown and the train station and other places. We need to be looking at what we want and what we need so along as traffic flow is considered outside the pandemic which has spoiled us in part by reducing traffic congestion.

Mr. Cohn concluded the meeting by thanking everyone for their time and participation and identified he expects to schedule the next meeting within the next month and will alert folks when it is scheduled.

Meeting concluded: 1:20pm

Respectfully Submitted by Mary Young, Planning and Zoning Director, March 19, 2021

Attached Emails received prior to the meeting:

- Don Bergmann, dated 2-17-21;
- Don Bergmann, dated 3-16-21;
- Jimmy Izzo, dated 3/6/21; and
- Peter Gold, dated 3-16-21.

Attached draft documents reviewed at 3/18/21 meeting:

- Draft Text Amendment for Bus Shelters, 3-10-21
- Draft Explanatory Statement for Bus Shelters, 3-10-21

Young, Mary

From: don bergmann <donbergmann@sbcglobal.net>
Sent: Wednesday, February 17, 2021 6:20 PM
To: Planning and Zoning
Cc: Young, Mary; Marpe, Jim; jimmy izzo; Kane, Melissa; dewey loselle; richardlowenstein@gmail.com; Mandell, Matthew I.; Jonathan Steinberg
Subject: Economic Growth Subcommittee

CAUTION: This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Neil Cohn, Michael Cammeyer, Danielle Dobin and Cathy Walsh, Members of the P&Z Economic Growth Subcommittee
From: Don Bergmann 32 Sherwood Dr. Westport 203 226 8712
Re: First Subcommittee Meeting

Your first meeting seemed excellent. Also, the sound clarity was very good. Some thoughts. I kind of apologize for the length, as well as my personal views as to process. One easy way to address both is to ignore much of what I write. I am used to that.

1. Affordable Housing Subcommittee Template - Silos

I was delighted to learn that the Affordable Housing Subcommittee has worked so well, especially as to the issue of "silos". I have tried many times to preclude silos on fairly simple issues. Recently, I tried to get members of the HDC to convey their personal views to the P&Z Commission in the course of the subdivision hearings on 14 Hillandale Rd. I was totally thwarted because a Town Attorney advised the HDC members that personal viewpoints of HDC members to the P&Z Commission about the demolition of the historic Hotchner house was, in essence, inappropriate. I told the Attorney he was wrong. Also, sometimes when elected officials address important matters not within the jurisdiction of the body to which they were elected,, the backlash from those who oppose the personal view expressed often and intensely misuses the assertion that the person providing a personal view should stick to the job to which elected. Danielle and probably others have confronted such misguided anger.

It may be hard to get elected officials to function outside of their silos. The first step to me seems to convince them it will be helpful and move a process along more quickly. For example, if members of the BoF, the RTM, the P&Z and the BoS all wanted to get the Downtown Plan Implementation Committee to get Jim Marpe to move ahead with the planning for Parker Harding, they all should send an e mail expressing that view. Even details could be commented upon, as well as positives and negatives.

The point is to get all at least reading from the same book, if not the same page. Too often we hear reasons, possibly somewhat reasonable, such as "I am too busy", "I don't want to have any view until other elected bodies have done their jobs", "I don't want to prejudge a matter", "I need more facts", "the matter may never get to me", or I actually support the concept of silos". One thing that should be the last obstacle to raise would be, "won't the attorneys object".

Another silo example already arises. Should this Subcommittee replace the Town Implementation Committee or possibly only for certain issues? Dewey and Melissa have done a very fine job on that Committee, though Jim declined to continue Melissa as a co-chair once she became Third Selectperson. The Implementation Committee has been in the thick of the battle for issues such as combining Avery and the Baldwin lots and the need to address Baldwin before construction work can

begin at Parker Harding. I personally do not have a strong view who takes the lead. I do know that Melissa and Dewey deserve our thanks and one, "nasty" way of thanking them would be for this Subcommittee to have Dewey and Melissa take a lead role as to Parker Harding. Probably the better solution would be all elected bodies, P&Z, the BoS, the RTM and the BoF to engage in some manner to move the Parker Harding project ahead. That will not mean making the important voting decisions prematurely, nor can it mean failing to comply with applicable rules and administrative law.. It does mean getting the Parker Harding effort moving, with as many specifics as possible.

2. Outdoor Dining - This was well discussed and well supported. Church Lane for pedestrians has worked well, the idea should be expanded and possibly made permanent. Dewey and Melissa know all about the matter, as does Matt Mandell.

3. Remarkable Theater A wonderful effort to be supported. I do not know what the details of that support will be. Those details should be aired and acted upon.

4. RTM - Dick Lowenstein wants RTM involvement with the Subcommittee. I want the BoF, the BoS and the Downtown Plan Implementation Committee as well.

5. Public Transportation -

Long a difficult issue. It was not clear from the meeting if the topic included Westport Transit. For some I think it does. The BoF opposes our local Town transit except in very limited circumstances. If the Westport Transit System becomes a topic for this Subcommittee, the BoF's concerns must be addressed, dealt with or conceded to as justified. Jennifer Johnson has long been involved in the Transit District.

The enthusiasm over bus shelters was super. Melissa and others have been at this a long time. I think we may finally get somewhere, particularly since Larry Weisman for the first time in my experience acknowledged the superior drafting analysis of Mary Young for the relevant text amendment.

It was during this topic that Paul Lebowitz highlighted the importance of Saugatuck Center. Paul was right to do that. For me, however, we must be careful with Saugatuck Center. A thoughtful and highly tasteful plan for the large private space in the middle should be supported, but cautiously. What we should avoid is increased density and increased automobile traffic. The preservation of the Cribari Bridge is crucial, as are strict limits on increased building height and the maintenance of small commercial spaces, i.e. Matt's point about our 10,000 sq. ft. building space limitation. Economic growth need not mean more, just better. I also will comment on a later discussion of second floor usage. I may be missing something but, in general, I think the use of the second floors of buildings should permit whatever a tenant or owner believes makes economic sense.

Jen Johnson noted that all change should acknowledge and work with the issue of transit. To me this is completely obvious. What is not obvious is my belief that Westport should be reluctant to support or permit any new commercial construction, including the expansion or alteration of existing structures, unless it is shown how no, zero, additional automobile traffic on our roads will result. Yes, this is a dramatic proposal, but it should become at least the goal, if not always the reality. I believe Westport is as commercially dense as it should be.

One gentlemen listed a number of interesting thoughts, ice hockey across from Town Hall, Jet Skis at Compo Beach, a better golf driving range, mini golf, food trucks and a look at Newport R.I. for ideas. All good ideas (except for those noisy jet skis). The question is how do they get addressed, supported or rejected and all without cluttering up the broader plans, such as Parker Harding. My guess is that one or two individuals will end up as champions of such ideas and they will either prevail or not prevail.

6. A Personal Concern - P&Z Staffing - Mary Young is understaffed. All on the P&Z Commission need to get that addressed, speak to Jim and the BoF. Prevent the silo assertion.

7. Parker Harding -

The planning time is now. Let us get on with it. A request needs to be sent to Jim Marpe by all Town bodies, except the BoE, to commence the planning. I would not wait more than one round of meetings of those bodies to get that request to Jim. I would possibly not even wait for that but, rather, invite individuals simply to join in the request in their personal capacities.

One issue will be the planner, whether Town personnel or an outside firm. My guess is we have the Town personnel, but they do not have the time. The development of the plan for Parker Harding will confront the basic issue of whether the plan should be simple, e.g. mostly about parking and greenery, or more elaborate, as Matt suggested when he raised the oft discussed issue of having the fronts of stores, or at least some, face Parker Harding. My view would be for Jim Marpe, with this Subcommittee or the Downtown Plan Implementation Committee to make some decisions on that issue.

If the plan is other than simply parking and greenery, indeed even if it is only that, I urge consideration of a pedestrian pathway from Parker Harding to the new boardwalk that will be part of the new condominiums being constructed with David Waldman's involvement. I have spoken to David and he is of course supportive. However, he does not foresee the ability to contribute money to the cost of the bridge.

A second, related, but ancillary item is the dredging of the Saugatuck. Sara Harris is our local expert. I do not think that the Parker Harding plan is in any way dependent upon dredging. However, it will come up. I have raised the point with Sara as to whether or not the dredging could result in a deep enough channel under the Cribari Bridge as would reduce the need to open the bridge to allow boats to pass under. This may be simply a whimsical idea. I am sure Sara will be getting back to me.

8. Procedures -

I am not sure how the Subcommittee will proceed. Quite possibly it will follow the affordable housing model. If so, I would like to learn of that model.

I hope the process is other than as a forum to present ideas to the full Commission for action by public hearing by the Commission. That approach may actually slow things down. I think the Subcommittee could develop action items at each meeting. These action items should reflect inputs from other elected officials and those attending the meeting. A leader/champion for each item needs to be selected. A vote should be taken to proceed or not. If affirmative, the Subcommittee should then advise the Commission this is what the Subcommittee would like to see pursued. If members of the full P&Z Commission object, they would have to convince the Subcommittee not to proceed. All this needs to be done on a very short timeline. Thereafter, the actions to be taken would wend their way though the Town processes until achieved or not achieved.

Don Bergmann

Young, Mary

From: don bergmann <donlbergmann@sbcglobal.net>
Sent: Tuesday, March 16, 2021 7:15 PM
To: Planning and Zoning
Cc: Young, Mary; Marpe, Jim; Randy Herbertson; Kane, Melissa; mathew@westportd1.com; jpsteinberg@optonline.net
Subject: Economic Growth Subcommittee Meeting - March 18th

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To: Neil Cohen, Michael Cammeyer, Danielle Dobin and Cathy Walsh, Members of the P&Z Economic Growth Subcommittee
From: Don Bergmann 32 Sherwood Drive Westport 203 226 8712
Re: Parker Harding

As I wrote in my email of 2/17, the time for the planning for Parker Harding is now. Randy Herbertson has been appointed as Chair of the Downtown Plan Implementation Committee. Randy succeeds Dewey Loselle. Randy has long been engaged as a leader in Downtown issues. As Chair, Randy is the kind of person who makes things happen. Parker Harding should be at the top of the list.

I discussed Parker Harding with Jim Marpe a few weeks ago. I did this because of the fact that many in Town, including Town bodies, feel the river and Parker Harding should be addressed. I told Jim I wanted to e mail all the relevant bodies and urge them all to convey to Jim how desirable it was to get moving on Parker Harding. Jim told me that he was appointing Randy to Chair the Downtown Plan Committee and that he, Jim, was going to refer to Parker Harding in his budget presentation to the BoF and in the press release about Randy's appointment. Jim did just that.

My e mail of 2/17 analyzed my thinking. I have spoken or had email interactions with two of the three candidates seeking the nomination of the Democratic Party for First Selectman, namely, Sheri Gordon and Michael Rea. I will be getting together with the third, Jonathan Steinberg is a few days. I am also meeting with Andrea Moore this week. While I have no official information as to whom is seeking the Republican nomination, the general rumor is that Andrea is being considered, though most likely for Second Selectman. I mention this because I expect and hope that moving ahead with Parker Harding is a matter that will be discussed during the election campaign. I also hope that all the candidates are fully supportive of moving ahead. In fact, I hope the process begins very shortly with the action of First Selectman Marpe first to address the need for a consultant to provide guidance. Given the time constraints on our excellent Town personnel, my judgment now is that an outside consultant is needed. That could be accomplished within a few weeks or months. If so, the discussions during the fall campaign could focus on many details, not simply the concept of getting going.

Please add Parker Harding to you agenda. If possible, please adopt a statement to go to the First Selectman requesting that the process for Parker Harding begin immediately. It would be my intention after that has been generated, to contact the BoF and the RTM to urge that those bodies or, in individual capacities, members of those bodies convey the same message to Jim.

Finally, I am fairly sure Jonathan and all the candidates for First Selectman have well thought out views as to how to proceed to implement the Downtown Plan as to Parker Harding. I would only add that I believe the dredging of the Saugatuck River should be part of the thinking, as should a pedestrian bridge from Gorham Island to the new condominiums that David Waldman and his people are undertaking.

Kindly address Parker Harding and get the ball rolling by a communication to Jim. It will be an exciting project and now is the time to begin.

Don Bergmann

Young, Mary

Subject: FW: AGENDA AND ZOOM MTG. LINK, 12:00pm Thursday, March 18th for the Next P&Z Commission Economic Growth Subcommittee Meeting

From: jimmy izzo <izzojames62@gmail.com>

Sent: Tuesday, March 16, 2021 11:28 AM

To: Young, Mary <maryyoung@westportct.gov>

Subject: Re: AGENDA AND ZOOM MTG. LINK, 12:00pm Thursday, March 18th for the Next P&Z Commission Economic Growth Subcommittee Meeting

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With all due respect to bus shelters should this not be the job of the State of Connecticut as the buses run on state roads and are state funded?

Where do our dollars come into play here? Hartford has been on a "money grab" and "legislation kick against Fairfield county" over the past 20 plus years of democratic domination of State Legislature.

It's time time for our local Democratic Leaders to step up on all issues.

Jimmy Izzo
RTM 3

RECEIVED
MAR 17 2021
WESTPORT P. & Z. C

Young, Mary

Subject: FW: Draft Explanatory Statement for Bus Shelters, 3-10-21.docx

From: Peter Gold <pgoldrtm3@gmail.com>

Sent: Tuesday, March 16, 2021 12:00 PM

To: Lowenstein, Dick <dick.lowenstein@gmail.com>; Danielle <danielleforpz@gmail.com>; Young, Mary <maryyoung@westportct.gov>

Subject: Fwd: Draft Explanatory Statement for Bus Shelters, 3-10-21.docx

CAUTION: This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Danielle

The draft P&Z report on bus shelters states that the RTM Transit Committee has voiced support for bus shelters. As the immediate past Chair of the RTM Transit Committee and as a member of the RTM Transit Committee for at least the past eight years, as far as I know the RTM Transit Committee has NOT taken a position in favor of Bus Shelters. Please either send me a copy of the minutes of the RTM Transit Committee at which a vote in favor of bus shelters was taken or revise the draft P&Z report to eliminate the language stating the RTM Transit Committee has supported bus shelters.

Thanks.

Peter Gold
92 Regent's Park
Westport, CT 06880

203-984-4878
pgoldrtm3@gmail.com

RECEIVED
MAR 17 2021
WESTPORT P. & Z. C.



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

March 10, 2021 DRAFT

TO: Whom it May Concern
FROM: Planning and Zoning Commission
DATE:
RE: **Explanatory Statement for Text Amendment #TBA, New Definition for Bus Shelters in §5-2, modification to Structure definition to exempt Bus Shelters in §5-2, and modification to Front Landscape requirements to allow Bus Shelters within the 30' Front Landscape Area in §35-2.2.1**

Background

A majority of members present at the 2/10/21 Planning and Zoning Commission's Economic Growth Subcommittee recommended staff draft a text amendment to remove zoning obstacles that might inhibit locating new bus shelters. Currently bus shelters are considered a Structure, and as such must conform to setback and coverage requirements when located on Town-owned or private property where they are regulated. Zoning relief is needed to permit Bus Shelters in the Front Setback area as Bus Shelters must locate adjacent to the street to allow for efficient dispatch of passengers, and such a location would otherwise require a variance from the Zoning Board of Appeals when located on Town-owned or private property.

In recent years, a variety of other Town committees voiced their support for enabling bus shelters including but not limited to the Selectman's Downtown Plan Implementation Committee, the Selectman's Green Task Force (now known as Sustainable Westport), the RTM's Long Range Planning Committee, and the RTM's Transit Committee.

[INSERT IF APPLICABLE] A majority of members at the March 25, 2021 meeting of the Planning and Zoning Commission agreed to support the proposal and requested staff schedule a hearing to receive public testimony related to the text amendment.

Proposal

Three changes to the Zoning Regulations are proposed to remove zoning obstacles to enable bus shelters to locate in Westport without the need for variances from the Zoning Board of Appeals including:

1. Adding a definition for Bus Shelters in §5-2 and specifying no signage shall be permitted;
2. Modifying the Structure definition in §5-2 to exempt Bus Shelters and specifying Bus Shelters shall not count in Coverage nor need to adhere to setback requirements; and
3. Modifying the Front Landscape requirements in §35-2.2 to permit Bus Shelters, like sidewalks and driveways, to locate within the first 30' of a property.

Rationale

§42 of the Zoning Regulations requires any Town-wide benefits associated with a proposed Text Amendment shall be described. Benefits associated with this amendment include:

- Facilitating a need to provide for bus shelters that provide convenient and safe harbor for residents and commuters as well as other visitors to wait at a bus stop protected from the weather;
- Addressing the current and growing need to accommodate people traveling from out of town using public transit;
- Improving efficiency for bus drivers to know when/where people are waiting for service;
- Enhancing the image of public transit by providing infrastructure to support it; thereby potentially increasing ridership.

CGS §8-2, Regulations, requires the Planning and Zoning Commission consider the current Plan of Conservation and Development when reviewing a text amendment to the zoning regulations. The text amendment may be considered consistent with the *2017 Plan of Conservation and Development* that includes the following goal in §12.5: “Continue to Support Bus Transit,” (Pg. 101), and acknowledges this transit service meets the needs of both residents and non-residents. A survey is cited listing 62% of survey participants indicated Westport needs more and better public transportation services.

Additionally, the amendment may be considered with the *2015 Downtown Westport Master Plan* that contains the following goal, “M8: Provide amenities for Public Transit Passengers,” (Pg. 74).

Submitted: _____

Received: _____

Public Hearing: Scheduled for: _____

Adopted: _____

Effective date: _____

New language is underlined.

From §5, Definitions

§5-2, Specific Terms

Bus Shelter *(New)*

A covered structure at a bus stop providing convenience and protection against the weather for people waiting for a bus. Accessory uses are allowed including seating for individuals (not benches) and trash receptacles. Electricity is permitted only for security lighting and digital signage associated with displaying GPS enabled bus arrival information. Commercial signage is prohibited.

Structure

Anything constructed or erected which requires location on the ground and or/ attachment to or placement on something having a location on the ground. Except as otherwise indicated, "Structures" as used in these regulations shall be deemed to include buildings, parapets, turrets, ground-mounted and roof top mechanical units, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes, flagpoles and fences or walls more than eight (8) feet in height and a gas or liquid storage tank that is principally above ground. (See §32-7.4 for rooftop dishes)

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building.

Ground-mounted mechanical units, such as air conditioning compressors, shall not be deemed structures for purposes of coverage, for permitted uses, (as distinct from special permit uses) in residence districts. Patios or terraces shall not be deemed structures for purposes of coverage but shall adhere to all required setbacks. If the patio/terrace is 3 feet or more above adjacent grade at any point, such as with a retaining wall, it will be included in total coverage. (See patio or terrace definition). Handicapped ramps, platform lifts necessary for ADA compliance and temporary signs as specified in §33-5 are not considered structures. Access stairs required by a public utility and no larger than 50 square feet are not considered structures. Bus Shelters are not considered structures for purposes of coverage and setbacks.

An arbor or pergola is considered a structure if it has any type of roof or covering or a deck or patio floor or is over 8 feet in height.

From §35, Landscaping, Screening and Buffer Areas

§35-2.2, Landscaping Area

§35-2.2.1, Location

The required front setback area, as measured from the property line, except for Bus Shelters, sidewalks, light poles and perpendicular driveways, shall include a minimum thirty (30) foot deep front landscape area along all streets, as shown on the attached "Landscape Design Standards." Such landscape area shall be retained and is to be used for no other purposes. Raised beds and planters are not acceptable substitutes for trees.