



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

May 7, 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. This meeting will also be shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Public comments may be received PRIOR to the Public Hearing and should be sent to PandZ@westportct.gov by 12:00pm the day of the hearing. Public comments may be also be received DURING the meeting if they: (i) are sent to PandZComments@westportct.gov (ii) state your full name and address, (iii) identify the Public Hearing agenda item to which your comment relates, and (iv) are received before the public comment session on that agenda item ends. Comments on Public Hearing items that do not meet these requirements will be placed in the public file but will not be read aloud during the meeting. Comments not pertaining to Public Hearing items will not be read aloud during the meeting. If you would like to give your Public Hearing comments by participating in real time in the meeting, please send an email by noon on May 13, 2021, to maryyoung@westportct.gov stating your name and address and the Public Hearing agenda item to which your comments will relate, and meeting participation details will be emailed to you to enable you to participate in real time in the Public Hearing. Meeting materials are available at www.westportct.gov, on the Planning and Zoning Department web page under "P&Z Pending Applications & Recent Approvals".

AGENDA REVISION #3

PLANNING & ZONING COMMISSION

THURSDAY, MAY 13, 2021

START TIME: 6:00 PM

I PUBLIC MEETING

- **Interview and potentially vote to replace elected members of the Planning and Zoning Commission to serve out the remainder of the terms of resigned members.**

II PUBLIC HEARING

1. **50 Compo Mill Cove:** *(This item was opened on 1/28/21 with no testimony received and subsequently continued to 4/22/21, it was continued without testimony to 5/13/21 with no testimony and will be further continued to 6/10/21)* Coastal Site Plan Appl# PZ-20-00851 submitted by Tom Ryder of LANDTECH for property owned by Pasquale Malpeso Jr. for a request to modify Coastal Site Plan approval #16-038 to change approved vegetated slope and to find consistency with the Coastal Area Management Act, located in the Residence A zone, PID# E04091000 *(Must decide by 6/20/21 with 65-day extension + 90-day extension granted).*
2. **Text Amendment #789:** Appl. #PZ-21-00151 submitted by Mel Barr, Barr Associates to modify Sec. 32-18, Historic Residential Structures to add incentives to grant Lot Area and Lot Shape relief to subdivide property in the Residence A District. A copy of the text amendment is available on-line at www.westportct.gov, is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice *(Must open by 5/15/21).*
Applicant's presentation time: 15 Minutes.

- 3. Text Amendment #792:** Appl. #PZ-21-000221 submitted by Redniss and Mead c/o Richard W. Redniss to modify Sec. 24, General Business District, to create unique parking standards for Unified Shopping Centers. A copy of the text amendment is available on-line at www.westportct.gov, is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice (*Must open by 6/12/21*).

Applicant's presentation time: 20 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 May 13, 2021 is available on-line at www.westportct.gov, on the Planning and Zoning Department web page under "Planning & Zoning Department". Due to the closing of Town Hall to the public during the COVID-19 emergency, and pursuant to the Governor's Executive Order #7I, the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on May 13, 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 at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

Dated at Westport, Connecticut on this 7th day of May 2021, Danielle Dobin, Chairman, Planning and Zoning Commission.

**Text Amendment #789,
Submitted by Barr Associates**

Dated: 2/26/21

Submitted: 3/30/21

Received: 4/08/21

Public Hearing (scheduled for): 5/13/21

Adopted: _____

Effective date: _____

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

See Proposed New Subsection 32-5.5(f)

FROM 32-18 Historic Residential Structure (HRS)

32-18.1 Purpose

The purpose of this regulation is to further the preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures containing existing special permit uses listed in §11-2.1 thru §11-2.2.13, historic residential structures and associated historic accessory structures in Westport residential districts. The P&Z Commission may, by grant of a Special Permit/HRS, authorize the use, setback, height parking, landscaping, coverage and lot area and shape incentives of this section in those circumstances where applicable zoning regulations have the practical effect of discouraging the preservation or continued use of historic buildings and historic accessory structures.

32-18.2 Definitions

32-18.2.1 Historic Structure

For the purposes of this regulation, a structure is considered historic if, as of the effective date of this regulation, it is located in Westport and meets at least one of the following criteria:

- (a) The structure or accessory structure is:
 - (i) A property listed or eligible for listing on the National or State Register of Historic Places or is a contributing historic resource in an established or eligible National or State Historic Register District; and
 - (ii) Has been determined to be historic by the Historic District Commission (“HDC”) Administrator after consultation with the Historic District Commission or its designee.
- (b) The structure or accessory structure is a local Historic Landmark Property or a contributing resource in a local Historic District. Such Properties and Districts are listed in Chapter 63 of the Town Code.
- (c) The structure or accessory structure is:
 - (i) Listed on the Westport Historic Resources Inventory; and

- (ii) Has been determined to be historic by the HDC Administrator after consultation with the Historic District Commission or its designee.
- (d) The structure or accessory structure has been determined eligible for consideration under this Section by the Historic District Commission or its designee after consideration of including but not limited to the following standards:
 - (i) The structure is fifty or more years old.
 - (ii) The property is associated with events or persons important to the history and development of the Town of Westport, State of Connecticut or the Nation.
 - (iii) The property is associated with a famous person.
 - (iv) The structure was designed by a significant architect.
 - (v) The structure is indicative of a significant architectural style or period.
 - (vi) The structure contributes contextual significance to the historic or cultural value of the property

32-18.2.2 Alteration, Historic Structure

Any Regulated Activity in the Westport Historic Districts & Properties Handbook, or any relocation, demolition, restoration or reconstruction of the historic structure or historic accessory structure.

32-18.2.3 Scale

The relationship of a structure, as a whole to its neighboring structures, street and landscape. For the purposes of this regulation, neighboring structures are understood to be those located on properties within 250 feet of the subject property.

32-18.3 Application Requirements

An application for Site Plan and Special Permit/HRS shall be submitted as required under Section 44 of the regulations. In addition to Section 44, the applicant must submit the following:

- (a) Information sufficient to demonstrate that the structure or accessory structure meets any one of the criteria set forth in §32-18.2 (a) through (d) hereof.
- (b) Any proposed plans for alteration to the historic structure or historic accessory structure or its use.
- (c) All applications shall be accompanied by a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the P&Z Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.
- (d) Any application for alteration pursuant to (b) herein, shall be referred to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their guidelines for review will be the most recent Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation.

32-18.4 Considerations

When considering a Special Permit/HRS application, the P&Z Commission shall consider and determine in each case whether:

- (a) The preservation of the historic structure or historic accessory structure is in the public interest and will promote the general health and welfare of the residents of the Town.
- (b) The proposal will permit the preservation and exterior historic integrity of the historic structure or historic accessory structure.
- (c) The historic structure or historic accessory structure will require height, setback, coverage parking, landscaping and/or lot area and shape incentives, provided that the number of existing parking spaces shall not be reduced, and, in the case of historic structures containing existing special permit uses and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.
- (d) The proposal will be contextually consistent with the architectural design, scale and massing of the subject structure as well as with its immediate surroundings. Scale is the primary consideration in determining whether a historic structure or historic accessory structure is compatible with its setting.
- (e) The proposal will not adversely affect public safety.
- (f) The proposal will be consistent with the current Town Plan of Conservation and Development and other Westport zoning regulations.
- (g) The proposal will be consistent with §44-6; Special Permit standards.

32-18.5 Commission Action

After the required public hearing is held and findings are made, the Commission may, at its sole discretion:

- (a) Allow an area or dimensional requirement (height, setback, coverage) and/or a parking or landscaping requirement (number, size or dimension) to be reduced or exceeded, provided that the number of existing parking spaces shall not be reduced.
- (b) Allow Home Occupations, Level 1 and Home Occupations, Level 2, and Accessory apartments in a historic accessory structure under such conditions as set forth in §32-18.8 hereof.
- (c) Allow limited office uses in one historic accessory structure containing an existing special permit use under such conditions as set forth in §32-18.8 and §32-18.832-18.9 herein.
- (d) Allow lot area and shape in Residence AAA, AA and A Districts to be reduced to an extent equal to the area and shape requirements of lots in the next less restrictive zoning district. Therefore, lots in the AAA zone can be reduced to not less than one (1) acre and lots in the AA zone can be reduced to not less than one-half (1/2) acre. Lots in the A zone can be reduced to not less than one-quarter (1/4) acre provided the shape requirements of lots in Residence B zone are met. The incentives in this subsection apply only to a lot on which there is more than one (1) Historic Residential Structure and each new lot created under this subsection must contain at least one (1) Historic Residential Structure. The general requirements for subdivisions or re-subdivision under §51 of these Regulations

shall continue to apply and the applicant may concurrently file an application under §51 and for the incentives listed in §32-18.5 hereof.

- (e) For lots in the Res AAA District that are either divided by the Asptuck River OR are non-conforming to the minimum Gross Lot Area and Lot Shape and such lots are a minimum of 25,000 square feet of Gross Lot Area as of 6-12-16, to allow the Gross Lot Area to be reduced to no less than 10,000 square feet and a minimum of forty-percent (40%) of the original Gross Lot Area and the minimum required Lot Shape to be reduced to 60 feet x 80 feet. Required building height for new construction on both lots to be reduced per (vii) listed below and required building and lot coverage for new construction on both lots to be reduced per (viii) listed below. The setback requirements for both lots are to be reduced as allowed by §6-3.1, Non-Conforming Lots, Setbacks.
- (i) One lot created under this subsection must contain at least one (1) historic residential structure as defined herein.
 - (ii) The remaining portion of the original lot must have a maximum of sixty-percent (60%) of the original Gross Lot Area and the minimum required Lot Shape to be reduced to 60 feet x 80 feet.
 - (iii) The incentives in §32-18 apply only to the lot on which there is at least one (1) historic residential structure 100 years old or older as of 6-12-16, the effective date of this change to this regulation.
 - (iv) The remaining portion of the original lot is not regulated by §32-18.
 - (v) The age of the structure shall be determined by the Actual Year Built (AYB) as listed on the Tax Assessor's Field Card records and a historic residential structure shall be as defined in §32-18.2.
 - (vi) The general requirements for subdivisions or re-subdivision under §51 of these Regulations shall continue to apply and the applicant may concurrently file an application under §51 and for the incentives listed in §32-18.5 herein.

(vii) Height

The maximum height of the principal building each lot shall be as follows*:

Gross Lot Size Max.	Maximum Stories	Maximum Feet (See Building Height)
0 - 13,000 (0.0 Ac. – 0.29 Ac.)	2	30'
13,001 - 21,799 (0.3 Ac. – 0.49 Ac.)	2 1/2	30'
21,780 - 43,559 (0.50Ac. – 0.99 Ac.)	2 1/2	35'
43,560 or more (1.0 Ac. or more)	3	35'

**Except for properties located south of the railroad shall not exceed a Building Height of 2 1/2 stories and 26 feet*

(viii) Coverage

The maximum coverage on each lot shall be as follows*:

Gross Lot Size Max.	Building Coverage	Total Coverage
0 - 13,000 (0.0 Ac. – 0.29 Ac.)	15 %	25 %
13,001 - 21,799 (0.3 Ac. – 0.49 Ac.)	15 %	25 %
21,780 - 43,559 (0.50Ac. – 0.99 Ac.)	15 %	25 %
43,560 or more (1.0 Ac. or more)	N/A	25 %

Proposed Subsection (f):

(f) Allow lot area and shape in Residence A Districts to be reduced to an extent equal to the area and shape requirements of lots in the Residence B District. The incentives in this section apply only to a lot that: (a) is at least 0.6 acres, but not more than 1.0 acres, in size; (b) has frontage on at least two streets, one of which must be public, (c) is located within the Sewer Limit Line in the 2017 POCD, as amended; and (d) contains at least one (1) Historic Residential Structure which shall be preserved and retained on one (1) of the new lots created. The Setbacks, Height and Coverage requirements for both lots shall be governed by the standards in Sections 14-4, 14-5 and 14-6 for Residence B Districts. The following provisions shall also apply:

- (i) The new lot created must have no more than a maximum of sixty percent (60%) of the original Gross Lot Area and each lot shall be of such shape that a rectangle of 60 feet x 80 feet will fit on the lot.
- (ii) One lot created under this subsection must contain at least one (1) historic residential structure as defined herein and listed on the HDC's Historic Resources Inventory.
- (iii) The incentives in §32-18 apply only to the lot on which there is a historic residential structure at least 100 year old or older and has not been remodeled for at least 20 years.
- (iv) The age of the structure and remodeling shall be determined by the Actual Year Built (AYB) and the Actual Year Remodeled (AYR) both as listed on the Tax Assessor's Field Card records when submitted with the zoning application.
- (v) The new residential structure on the new lot that does not have a historic residential structure is not regulated by §32-18.
- (vi) However, said new residence on the new lot shall not exceed a maximum of 3,000 SF of total floor space on the 1st & 2nd floors, exclusive of basements, cellars, attics & garages.
- (vii) The general requirements for subdivisions or re-subdivision under §51 of these Regulations shall continue to apply and the applicant may concurrently file an application under §51 and for the incentives listed in §32-18.5 hereof.

- (viii) This Subsection (f) shall expire one (1) year following the effective date of this zoning Text Amendment.

32-18.6 Conditions of Approval

Any Special Permit/HRS approved by the P&Z Commission under this regulation shall be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

- (a) A copy of this document is available at the P&Z Dept. and online at: CT Trust for Historic Preservation.
- (b) Prior to issuance of a Zoning Permit, the applicant shall grant a perpetual preservation easement pursuant to Connecticut General Statutes, §47-42 a-c, enforceable by both the P&Z Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.
- (c) Any Special Permit/HRS granted under this regulation shall prescribe the specific conditions to be observed and exterior architectural elements (See Westport Historic Districts & Properties Handbook) which are to be maintained for the subject structure.

32-18.7 Alterations, Historic Structure

Once a Special Permit/HRS has been granted, the historic structure or historic accessory structure shall not be altered unless such alteration is reviewed by the HDC Administrator to evaluate whether HDC review is needed and is reviewed by the P&Z Commission or their designee to determine if approval is required from the P&Z Commission.

32-18.7.1

Any significant maintenance requirements to a historic structure or historic accessory structure covered by this regulation required to preserve its structural and historic integrity shall be completed by the owner within a reasonable period or within eighteen months of notification by the Zoning Enforcement Officer.

32-18.7.2

Emergency repairs may be made by the owner as a result of fire, flooding, or other similar type of damage. The Zoning Enforcement Officer shall be notified in writing not later than 72 hours after the repair or stabilization process is initiated. A plan for permanent repair must be submitted for review to the P&Z Office. This will include review by the HDC Administrator. The subject structure must be returned to its previous exterior appearance within eighteen months.

32-18.8 Change of Use

Any change in use of any historic structure or historic accessory structure which has an approved Special Permit/HRS under this regulation may only be authorized by application to, and approval by, the P&Z Commission. Said application shall contain all relevant information pertaining to the previously approved use and proposed change of use for the historic structure or historic accessory structure. The P&Z Commission shall determine if the proposed change in use is appropriate and in keeping with the intent of the original Special Permit/HRS granted for the subject structure according to the standards referenced in §32-18.4 hereof.

32-18.9 Permitted Uses of Historic Accessory Structure

32-18.9.1 Home Based Business:

Special Permit and Site Plan approval in accordance with Section 43 herein is required for the use of an historic accessory structure for a Home Based Business. All conditions associated with §11-2.4.6, Home Office, or §11-2.4.6A, Home Occupation, Level 1, or §32-21 Home Occupation, Level 2, as applicable are required to be met except as modified herein:

- (a) Location: the Home Based Business shall be incidental and clearly a secondary use of the residential use of the property.
- (b) Floor Area: the total interior floor area as of the effective date of this regulation may be devoted to a Home Based Business in an historic accessory structure.

32-18.9.2 Accessory Apartments:

one historic accessory structure or portion thereof may be converted to allow the incorporation of one (1) additional dwelling unit on the premises subject to Special Permit and Site Plan Approval in accordance with §43 herein, and all conditions associated with §11-2.4.12 Accessory Apartments except as modified herein:

- (a) Qualifications: no accessory apartment exists in the main dwelling unit nor does any other historic accessory structure contain a dwelling unit.
- (b) Eligibility: No age restriction.
- (c) Floor Area: the total floor area of the historic accessory structure used for a dwelling unit shall be the larger of the following:
 - (i) The size of the historic accessory structure as of the effective date of this regulation.
 - (ii) Up to 800 square feet, including additions to the original historic accessory structure.
 - (iii) Up to 1,000 square feet, including additions to the original historic structure, if the unit is designated affordable in compliance with the affordability standards of Connecticut General Statutes §8-30(g) and is deed restricted on the Westport Land Records for 40 years as an affordable unit. (See §32-18.10)

32-18.9.3 Annual Certification:

prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal owners in residence or has inspected and performed necessary preservation maintenance or in possession of a special permit use for the subject property. Thereafter, the principal owner shall submit such notarized affidavit to the P&Z Office by January 31st of each year as a requirement for the continuance of the Special Permit/HRS.

32-18.9.4 Limited Offices:

One historic accessory structure or portion thereof containing an existing special permit use may be converted to limited office space subject to Special Permit and Site Plan Approval in accordance with §43 & §44, except as modified herein; provided that the following requirements are met:

- (a) Location: The existing Special Permit site (lot):
 - (i) must have frontage on a collector or arterial street,
 - (ii) must adjoin a commercial zoning district, and
 - (iii) Must be within 500 feet of a municipal (Town-owned) public parking lot.
- (b) Office Uses: The allowable office uses shall be limited to business, professional or other administrative offices accessory to and directly associated with the existing Special Permit Use. Healthcare offices, medical offices, banks and retail uses shall be excluded.
- (c) Floor Area: The floor area devoted to limited office uses shall not exceed either; 5,100 square feet, 60% of the total existing floor area within the accessory historic structure or 20% of the total existing floor area on the site, whichever is less.

32-18.10 Affordable Accessory Apartment in Historic Accessory Structure Requirement**32-18.10.1**

The income of the occupant(s) of any Affordable Accessory structure shall not exceed 80% of the state median adjusted for family size, as determined by the United States Department of Housing and Urban

Development for the State of Connecticut, in accordance with CGS 8-30(g). The rental charge for this unit shall not exceed 30% of the renters' income.

32-18.10.2

In conjunction with an application for approval of a Special Permit for an affordable accessory apartment in an historic accessory structure, the applicant shall submit an Affordability Plan, in accordance with CGS §8-30(g) which shall describe how the regulations regarding affordability will be administered. The plan shall include provisions for administration of and compliance with the income of the occupant of the affordable unit and the rent charged. It shall also include procedures for verification and yearly confirmation to the P&Z Dept. of the unit occupancy income in compliance with the affordability requirements and an explanatory statement that will be provided to the occupant of the affordability unit of the restrictions on income and rent for the unit. In addition, it must include notice procedures to the general public of the availability of the affordable unit.

**Text Amendment #792/#PZ-21-00221
Submitted by Rick Redniss**

Submitted: 3/30/21

Received: 4/8/21

Public Hearing: 5/13/21

Adopted: _____

Effective date: _____

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

Proposed Text Changes – GBD

Note: Proposed new language is shown highlighted and underlined.

To Amend §24 General Business District as follows:

§24-11 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

Notwithstanding the above, Unified Shopping Centers, in the GBD Zone, fronting on the Post Road, parking shall be provided subject to the following standards:

- a. Ground Floor parking, 1 parking spaces per each 200 square feet of gross floor area; and
- b. Upper Floor parking, 1 parking spaces per each 300 square feet of gross floor area.
- c. Basement space and Warehouse Storage space on upper floors, 1 parking space per each 500 square feet of gross floor area.
- d. Rugs/Furniture/Fabric Stores on any floor, 1 parking space per each 400 square feet of gross floor area