



**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)

June 22, 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. 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 June 24, 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**

**THURSDAY, June 24, 2021,**

**START TIME: 6:00 PM**

**I PRE-APPLICATION**

- Submitted by Michael Calise with the intended benefiting property being located at 215 Post Road West to discuss a potential text amendment to create a new zoning district to incentivize preservation of Historic buildings on certain sized properties in the Business Preservation District by expanding allowable uses to include uses permitted in a Corporate Park District.  
**Time Allotted for a Pre-Application: 20 minutes**

**II PUBLIC HEARING**

1. **Text Amendment #793:** *(This application was opened at the 5/6/21 hearing and continued with testimony to the 5/27/21 hearing, it was then continued to 6/24/21 hearing with no testimony taken on 5/27/21)* Appl. #PZ-21-00226 submitted by Peter Romano/ LANDTECH to amend §5, Definitions, to modify the swimming pool definition to exclude swimming pools of a certain size from Total Coverage calculations; to amend §5, Definitions, to create a new definition for Sports Court, and to exclude Sports Courts of a certain size from Total Coverage calculations; to modify §11-2.4 Accessory Uses permitted in a Residence AAA district, to modify language for Swimming Pools to exclude them from Total Coverage calculations; and add language permitting Sports Courts as an Accessory Use to a Dwelling and to exclude Sports Courts from Total Coverage calculations. The amendment if adopted will apply to all properties in all zoning districts. 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 *(Must close by 8/14/21 w/ 65-day extension provided)*.

2. **Text Amendment #795:** Appl. #PZ-21-00277 submitted by the Westport Planning and Zoning Commission to adopt a definition for Bus Shelters and exempt them being considered a "Structure," thereby removing zoning obstacles if/when they are located. 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 deadline. Commission authored Amendment*)  
**Applicant's presentation time: 5 minutes.**
3. **118 Wilton Road:** (*This application was opened on 6/17/21 and continued to 6/24/21 hearing with testimony received*) Special Permit/ CAM Site Plan Appl. #PZ-21-00075 submitted by Tom Ryder, LANDTECH for property owned by Victoria Fuller for after-the-fact approval for excavation and fill activities and to find consistency with the Coastal Area Management Act, for property located in the Residence AA District, PID#C10070000 (*must decide by 8/22/21*).
4. **16 Fresenius Rd:** Subdivision Appl. #PZ-21-00319: submitted by Bryan Nesteriak of B&B Engineering LLC for property owned by Patricia Colgan Davis for a request a 3-Lot Subdivision of property plus an Open Space, located in the Residence A/ Residence AA zone, PID# F09098000 (*must open by 7/17/21*).  
**Applicant's presentation time: 15 minutes**

### III WORK SESSION

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

#### New Business:

- **126 & 128 Bayberry Lane-** Request for 90-Day extension to record subdivision mylar for project approved per Resolution #PZ-20-00973.
- **40 Fullin Road-** Referral from City of Norwalk for comments on pending Special Permit to redevelop property for 40 Units of elderly housing.

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on June 24, 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 June 10, 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 22<sup>nd</sup> day of June 2021, Danielle Dobin, Chairman, Planning and Zoning Commission.

**Text Amendment #793, Submitted by LANDTECH**Dated: 3/29/21Revised: 4/6/21Public Hearing (scheduled for): 5/6/21

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

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

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

***From §5, Definitions:*****Coverage, Total:**

The percentage of a development site in a Non Residence Zoning District, or a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings, structures, parking areas, driveways, swimming pools, tennis courts and similar improvements. Patios and terraces, as defined herein, shall be excluded except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. Parking on unpaved surfaces provided by places of worship, in excess of the minimum number of parking spaces required by §34-5 of these regulations, shall be excluded. Total coverage shall include one-hundred percent (100%) of the building area and parking areas, driveways, [swimming pools] and similar improvements, but only fifty-percent (50%) of a tennis court; swimming pools not to exceed 850sf; sports courts not to exceed 40' x 40' are excluded from Total Coverage. No more than 20% of the land covered by water bodies, watercourses, wetlands, and land of severe topography having slopes of twenty five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable total coverage. Calculations shall be made on forms approved by the Planning and Zoning Commission (See Appendix D).

**Swimming Pool:**

Swimming pool as defined by the State Building Code, shall be deemed a structure and its surface area as measured from the inside face of the exterior walls shall be excluded from [computed in] Total Coverage. A swimming pool having a supported roof shall be deemed a building and shall be computed in Building Coverage.

**Sports Courts:**

A specially prepared level playing surface which may have either a full or partial enclosure or fence protecting a playing area for a variety of games. A sports court shall be deemed a structure, limited to 40' x 40' feet and is excluded from Total Coverage.

***FROM §11, Residence AAA District*****11-2 Permitted Uses**

In an AAA Residence District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

**11-2.4 Permitted Accessory Buildings, Structures & Uses**

The following buildings, structures and uses are permitted:

**11-2.4.2**

Swimming pools. The setbacks for swimming pools shall be measured from the edge of any deck, pool apron or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property lines. The surface area of a swimming pool as measured from the inside face of the exterior walls and shall be ~~used in computing~~ excluded from Total Coverage.

**11-2.4.3**

Outdoor recreational uses, paddle tennis courts and tennis courts except that only 50% of the surface area of the tennis court shall be used in computing total lot coverage. Tennis courts ~~and~~, paddle tennis courts and **Sports Courts** accessory to a dwelling shall not be lighted. Any tennis court or paddle tennis court located closer than 50 feet from a side or rear property line shall be screened along said property line in accordance with §35-2.4 (Buffer Strip), herein.

**Text Amendment #795**

Submitted: 4/23/21

Received: 5/13/21

Revised: 5/27/21

Public Hearing Scheduled for: \_\_\_\_\_

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

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

New language is underlined.

## *From §5, Definitions*

### §5-2, Specific Terms

#### **Bus Shelter** *(New)*

A covered structure providing convenience and protection against the weather for people waiting for public transportation buses. Bus shelter locations shall be subject to approval by the Public Works Director in consultation with the Police Department and the Fire Marshal's Office. Bus shelters may contain reasonable accessories, such as individual seats and trash receptacles; provided that benches are not permitted. Bus shelters may have electricity and necessary electrical accessories, including solar panels and energy storage, charging for personal electronics and phones, security lighting, security cameras, and digital signage to provide transportation information. Commercial signage is prohibited anywhere on a bus shelter. Donor plaques and curated art are permitted.

#### **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.