



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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www.westportct.gov

LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on **June 24, 2021**, the Westport Planning and Zoning Commission took the following action:

1. **ADOPTED: 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, is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice.
Effective Date: 7/1/21
2. **DENIED: 118 Wilton Road:** 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
3. **APPROVED: 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 requested a 3-Lot Subdivision of property plus an Open Space Parcel, located in the Residence A/ Residence AA zones, PID# F09098000.

The above items were granted/approved/denied with modifications, which are on file with the Planning and Zoning Office in Town Hall at 110 Myrtle Avenue and available on-line at www.westportct.gov

A copy of the Legal Notice of Decision is available on-line at www.westportct.gov, on the Planning and Zoning Department "Pending Applications and Recent Approvals" page. 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 of Decision cannot be viewed at the Westport Town Clerk's Office or the Westport Planning and Zoning Office at this time.

Dated at Westport, Connecticut this 25TH day of June 2021 Danielle Dobin, Chairman, Planning and Zoning Commission.

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.