



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)

July 2, 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. 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".*

**Instructions to Attend ZOOM Meeting**

Phone: + 1 646 876 9923 US (New York)

Meeting ID: 883 5638 2683

Passcode: 347745

ZOOM Link: <https://us02web.zoom.us/j/88356382683?pwd=NS4tTb3VJT1FMdlBaREJjbXlxdVZlVU09>

**AGENDA**

PLANNING & ZONING COMMISSION  
THURSDAY, July 8, 2021,  
START TIME: 6:00 PM

**I WORK SESSION**

- Discussion and potential vote on a Republican P&Z Alternate
- Approval of Action Minutes: 6/17/21 & 6/24/21.
- Bond Release Request:
  - 25 Oak Ridge Park: #18-057- \$2,893.00- (Landscaping Bond),

**II PUBLIC HEARING**

1. **(REVISED) Text Amendment #793:** *(This application was opened at the 5/6/21 hearing with testimony received, continued to the 5/27/21 and 6/24/21 hearings with no testimony received, and further continued to the 7/8/21 hearing)* 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 on lots that are non-conforming to Total Coverage; to amend §5, Definitions, to create a new definition for Sports Courts; 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 on lots that are non-conforming to Total Coverage; and add language documenting Sports Courts are permitted as an Accessory Use to a Dwelling. The amendment if adopted will apply to all properties in all zoning districts that meet the proposed eligibility criteria. 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. *(Must close by 8/14/21 w/ 65-day extension provided).*

2. **17 Burr Farms Road:** Special Permit/Site Plan Appl. #PZ-21-00369 submitted by B&B Engineering LLC for property owned by Brian and Tami Sunshine, to authorize non-exempt front-yard landscaping activities pursuant to §32-8, Excavation and Filling of Land listed in the Westport Zoning Regulations, for property located in the Residence AA District, PID #F10051000 (*must open by 7/31/21*).

**Applicant's presentation time: 5 minutes.**

3. **Text Amendment #796:** Appl. #PZ-21-00393 submitted by Urstadt Biddle Properties, Inc. c/o Attorneys John Knuff and Amy Souchuns to modify Westport Zoning Regulations §6, Non-Conforming Uses, Buildings and Lots, to create a new subsection §6-6.3, Non-Conforming Medical Redevelopment. The text amendment if adopted will benefit only 1460 Post Road East, (Greens Farms Plaza) according to the applicant, as the eligibility criteria requires lots be: (A) Not less than 2.5 acres nor more than 3.0 acres; (B) Located in a split zone comprised of General Business District (GBD) and Residence A; and (C) Where a building is located entirely in the GBD portion of the lot; and (D) where the building is intended for redevelopment primarily as medical offices. If adopted, the Text Amendment will allow standards to be applied, distinct from those otherwise applicable, related to:

- Building Height;
- Building Coverage;
- Floor Area;
- Parking and Loading;
- Landscaping;
- Fire Lanes;
- Grading; and
- Setbacks.

A copy of the proposed text amendment is available on-line at [www.westportct.gov](http://www.westportct.gov) is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office. (*must open by 8/14/21*).

**Applicant's presentation time: 10 minutes.**

4. **1460 Post Road East:** Special Permit/ Site Plan Appl. #PZ-21-00394 submitted by Urstadt Biddle Properties, Inc. c/o Attorneys John Knuff and Amy Souchuns, for property owned by Urstadt Biddle Properties, Inc. located in both the General Business District, and Residence A District, PID #H09019000. The application is to redevelop property to accommodate a new medical office tenant (and retain the existing medical marijuana dispensary) using regulations if adopted as proposed pursuant to Text Amendment #796 available for review on-line at [www.westportct.gov](http://www.westportct.gov), on file in the Westport Town Clerk's Office, and on file in the Westport Planning and Zoning Office. Proposed building activities include constructing an entrance addition, adding an elevator, adding building mechanicals, and adding an emergency generator. Proposed site work includes modifications to the parking lot, completing landscaping improvements, and completing drainage improvements (*must open by 8/14/21*).  
**Applicant's presentation time: 20 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.)*

#### Old Business:

- **Opportunity to submit comments on pending Special Permit/Site Plan application to redevelop property at 40 Fullin Road, Norwalk for 40 units of elderly housing.**
- **10 Bermuda Road-** Coastal Site Plan Appl. #PZ-21-00454 submitted by Peter Cadoux for property owned by David and Danielle Perdue to construct a new single-family residence, for property located in the Residence A zone, PID#B02029000. (*must decide by 8/28/21*).

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on July 8, 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 #7I, 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 2<sup>nd</sup> day of July 2021, Danielle Dobin, Chairman, Planning and Zoning Commission.

**Text Amendment #793, Submitted by LANDTECH**Dated: 3/29/21Revised: 4/6/21 & 6/28/21Public Hearing (scheduled for): 5/6/21

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

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

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

Sections of the P&Z Regulations to be amended are as follows:

### § 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 850 square feet are excluded from Total Coverage on lots that exceed 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, not to exceed 850 sf shall be excluded from ~~[computed in]~~ Total Coverage on lots that that exceed 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.

## RESIDENCE DISTRICTS

### §11 RESIDENCE AAA DISTRICT

Revised 01-11-16

#### 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, **not to exceed 850 sf**, [and] shall be ~~[used in computing]~~ **excluded from** Total Coverage **on lots that exceed 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 #796, Submitted by Attorney John Knuff and Amu Souchuns**

Dated: 6/10/21

Revised: 6/8/21

Public Hearing (scheduled for): 7/8/21

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

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

**PROPOSED TEXT AMENDMENT**

**Urstadt Biddle Properties, Inc.**

**May 28, 2021**

**[Revised 6.8.21 to modify title and description in subsection 6-6.3(c)]**

*Note: All language is new; no deletions are proposed.*

**6-6 Redevelopment of Split Zoned Properties**

**6-6.3 Non-Conforming Medical Redevelopment**

Notwithstanding the above, on lots (a) not less than 2.5 acres nor more than 3.0 acres, (b) located in a split zone comprised of the General Business District (GBD) & Residence A districts, (c) where a building is located entirely in the GBD zoned portion of the lot, and (d) where the building is intended for redevelopment primarily as medical offices; a nonconforming building and its uses may be allowed full or partial redevelopment, in the nonresidential portion of the lot, provided the redevelopment will achieve superior architectural design, will improve access for disabled individuals, will enhance existing landscaping and buffering, and shall result in no increase of height, building coverage, or floor area, except as provided below and subject to the standards herein.

**6-6.3.1 Height**

Rooftop mechanical equipment necessary for compliance with the building, health or other applicable code shall be permitted and shall be concealed from all sides.

**6-6.3.2 Coverage**

Building coverage shall not exceed 40% for the area of the lot located in the GBD. In no event shall additional building coverage be located in the Residence A portion of the lot, nor shall total coverage in the Residence A portion of the lot exceed 80%.

#### 6-6.3.3 Floor Area

Notwithstanding the provisions of § 24-8.1, no building shall exceed 50,000SF of gross interior floor area, which may be utilized by a single user or by multiple users. FAR shall not exceed .55 for the area of the lot located in the GBD. In no event shall additional floor area be located in the Residence A portion of the lot.

#### 6-6.3.4 Parking and Loading

Off-street parking shall be provided in accordance with §34-5 of the Supplementary Regulations. Existing parking spaces shall not be required to comply with the Design Standards for Off-Street Parking and Loading unless proposed to be modified as part of the redevelopment plan. Notwithstanding §34-10, no loading spaces shall be required.

#### 6-6.3.5 Landscaping

Where the existing lot is non-conforming with respect to the landscape buffers and parking lot landscaping and further modifications are necessary to improve building access, notwithstanding the provisions of §34-3, 35-2.2, 35-2.4 and 35-4, screening, landscaped buffer areas or parking lot landscaping shall be provided to the greatest extent possible without reducing required parking.

#### 6-6.3.6 Fire Lanes

When the existing lot is non-conforming with respect to the fire lane requirements established by § 34-11.3, appropriate emergency access shall be provided to the satisfaction of the Fire Marshal.

#### 6-6.3.7 Grading

Notwithstanding the grading limitations contained in § 34-11.5, grading for driveways may exceed 3% when necessary to match existing conditions on non-conforming access driveways.

#### 6-6.3.8 Setbacks

No building setback shall be required from a Residential District Boundary Line.