



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

July 23, 2021

The following meeting of the Planning & Zoning Commission was held remotely using Zoom Technology:

Planning and Zoning Commission Minutes

July 22, 2021

Meeting Started: 6:00P.M.

P&Z Commission Members and Alternates in attendance:

Danielle Dobin, Paul Lebowitz, Michael Cammeyer, Jon Olefson, Amie Tesler, Patrizia Zucaro & Nicole Laskin

P&Z Staff & Others:

**Mary Young, P&Z Director.
Michelle Perillie, P&Z Deputy Director.
Nicholas Bamonte, Town Attorney.**

I WORK SESSION

- Discussion on Senate Bill 1201 and Municipal Authority over Recreational Marijuana.
Action: Item Discussed.

II PUBLIC HEARING

1. **136 Riverside Avenue aka 170 Riverside Ave.** Appl. #PZ-21-00499 §8-24
Request by the First Selectman on behalf of a request from Redniss and Mead for a report from the Planning and Zoning Commission regarding a 49-year lease by Abilis, a 501-C-3 non-profit agency, to provide Affordable Housing consistent with standards in §8-30g of the Connecticut General Statutes, and to provide Special Needs Housing as described in §32-27 of the Zoning Regulations, on Town-owned property in the Residence A District, PID #C08032000.
Action: Testimony received, item closed.
Positive Report, 7-0, see resolution

2. **Text Amendment #798:** Appl. #PZ-21-00468 submitted by the Planning and Zoning Commission to clarify recently adopted Text Amendment #791, Accessory Dwelling Units (ADU), by adding a definition to §5-2 for Accessory Dwelling Unit; by adding language in §11-2.4.8 to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units; and to add a new section number §11-2.4.8A to distinguish standards applicable to an Accessory Dwelling Unit. A copy of the adopted text amendment is available on-line at www.westportct.gov is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office and is attached.
Action: Testimony received, item closed.
Adopted,7-0, see resolution
Effective date: August 13, 2021.
3. **Text Amendment #794:** Appl. #PZ-21-00243 submitted by Gloria Gouveia of Land Use Consultants, to modify §32-18. Historic Residential Structures, to enable expansion of existing medical office space and to permit office use in Principal Buildings in residential districts that previously obtained variances from the Zoning Board of Appeals for medical use and that meet additional proposed location criteria. A copy of the adopted text amendment is available on-line at www.westportct.gov is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office and is attached.
Action: Testimony received, item closed.
Adopted, 7-0, see resolution
Effective date: August 13, 2021.
4. **251 Main Street:** Special Permit/ Site Plan Appl. #PZ-21-00050 submitted by Gloria Gouveia of Land Use Consultants, for property owned by Zijad Sabovic, seeking approval pursuant to pending Text Amendment #794 to modify §32-18, Historic Residential Structures, to enable expansion of existing medical office space previously approved by variance by the Zoning Board of Appeals and without restrictions on owner occupancy for property located in the Residence A zone, PID# C10107000.
Action: Testimony received, item closed.
GRANTED,7-0, see resolution
Effective date: August 21, 2021.

5. **Text Amendment #797:** Appl. #PZ-21-00399 submitted by Rick Redniss to modify §6 (Non-Conforming Uses, Buildings & Lots) by adding §6-7, Redevelopment of Nursing Home Facilities. The Text Amendment, if adopted, will benefit only 1 Burr Road, the applicant's target site for redevelopment into a similar land use, as the eligibility criteria requires: (A) lots have a minimum of 200 feet of frontage on the Post Road; (B) lots have a minimum of 30,000 square feet of land in the RORD-1 District; and (C) lots currently be used primarily as a nursing home or skilled nursing facility. If adopted, the Amendment will allow standards to be applied, distinct from those otherwise applicable, related to: Building Setbacks; Building Height; Building and Total Lot Coverage; Floor Area Ratio; Parking, Loading, Curb Cuts; Landscaping, Screening, and Buffer Areas; and Excavation and Fill. A copy of the proposed text amendment is available on-line at www.westportct.gov is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office and is attached.

Action: Testimony received, item continued.

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:

- Discussion on Next Steps for Westport's Affordable Housing Plan, required per CGS 8-30j by June 2022.

Action: Discussed.

- Discussion on P&Z Subcommittees and potentially adding members and/or subcommittees.

Action: Discussed, see attached updated Subcommittee Roster.

Meeting Ended 11:00pm

Respectfully submitted by S. McNally, July 23, 2021



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Hearing: July 22, 2021

Decision: July 22, 2021

July 23, 2021

Gloria Gouveia, Land Use Consultants
131 Kings Highway North
Westport, CT 06880

RE: Text Amend. #794/PZ-21-00243, to modify §32-18 Historic Residential Structures

Dear Ms. Gouveia:

This is to certify that at a meeting of the Planning and Zoning Commission held on July 22, 2021, it was moved by Ms. Dobin and seconded by Ms. Laskin to adopt the following resolution:

RESOLUTION #PZ-21-00243

WHEREAS THE PLANNING AND ZONING COMMISSION met on July 22, 2021 and made the following findings:

FINDINGS

Proposal

1. Text Amendment #794, submitted by Gloria Gouveia of Land Use Consultants, seeks approval to add zoning incentives to encourage preservation of historic, residentially zoned, Principal Buildings, that if adopted will facilitate expansion of medical uses previously approved by variance by the Zoning Board of Appeals (ZBA), minus any requirements on Home Occupations (residency requirements, limits on number of employees, etc.), on properties that meet the following criteria:
 - A. Must have frontage on a collector or arterial street;
 - B. Must adjoin a commercial zoning district, and/or
 - C. Must be within 500 feet of a municipal (Town-owned) public parking lot.

2. The targeted beneficiary of the amendment is 251 Main St. It is one of 6 (six) properties that qualify, including:
 - A. 234 Main St.;
 - B. 245 Main St.;
 - C. 251 Main St.;
 - D. 42 Myrtle Ave.;
 - E. 1 Saint John Pl.; and
 - F. 2 Saint John Pl.
3. There is a pending Special Permit/Site Plan application seeking to apply Text Amendment #794 to 251 Main Street, see PZ#-21-00050.

Department Comments

4. The Fire Marshal submitted comments dated 5/5/21 that identify the Fire Code applies more restrictive standards to business occupancies no matter what zoning district a property is in, and no matter who approves the business (the ZBA by variance or the Commission by Special Permit). He also describes Historic Structures can pose additional fire risks due to age, construction type, egress issues and possibly antiquated building utility systems. The Fire Marshal recommends if the amendment is adopted language be added to §32-18.9.4 requiring adherence to the Fire Code, as follows:

d. "Fire Code: Limited Office Use spaces in all residential occupancies shall comply with the requirements for Business Occupancies as required by the Connecticut State Fire Safety Code in effect at the time of application."

5. The applicant was agreeable to the recommendations from the Fire Marshal.
6. Planning and Zoning staff in a report dated 7/15/21 recommended modifications if the amendment were adopted regarding Floor Area, Parking, and Signage.
7. P&Z Staff recommended the following language be substituted for Floor Area in both proposed §32-18.9.4.c and §32-18.11a, to add a cap on how much additional floor area may be added:

"Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use."

8. P&Z Staff recommended the following language be added in a new section §32-18.9.4. e. to provide a parking standard consistent with what is currently required for a Home Occupation Level 2:

“e. Parking: 2 spaces in addition to the requirements for the Dwelling Unit plus additional parking shall be provided as determined by the P&Z Commission.”

9. P&Z Staff recommended the following language be added in a new section §32-18.9.4. f. to provide sign standards consistent with what is currently required for a Home Occupation Level 2:

“f. Signage: One free-standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or a Home Occupation.”

10. The applicant was agreeable to all of P&Z Staff’s recommendations.
11. The Historic District Commission at their 5/11/21 meeting offered support for Text Amendment #794.

Public Participation

12. A public hearing was held to receive testimony from members of the public as required pursuant to State Statutes.
13. The public hearing was held remotely using electronic means due to COVID-19. The public hearing was broadcast live on public access television, live on-line on the Town's website, and interested parties were provided the opportunity to join the meeting and offer “live” testimony.
14. All application materials, and all public comments received in writing were posted on the Town's website to maintain transparency while conducting remote meetings during COVID-19.
15. Support was offered by Morley Boyd, Westport resident and former Chairman of the Historic District Commission, in comments dated 7/18/21, that stated:

“When we first drafted Sec. 32-18 many years ago, we were fairly conservative when it came the scope of our preservation incentives as we didn’t really know what was actually going to happen once the reg went live. The feeling was that it could always be amended.

And that’s what has happened.

The various amendments to 32-18 which P&Z has approved over the years have, in my view, made it a much more effective preservation tool.

I’ve carefully reviewed the above captioned text amendment before you and have concluded that its proposed changes are consistent with the original spirit and intent of 32-18.

Consequently, I strongly support Text Amendment #794 and would encourage you to vote to approve its adoption.”

NOW THEREFORE BE IT RESOLVED: Text Amendment #794: Appl. #PZ-21-00243 submitted by Gloria Gouveia of Land Use Consultants, to modify §32-18. Historic Residential Structures, to enable expansion of existing medical office space in Principal Buildings in residential districts that previously obtained variances from the Zoning Board of Appeals for medical use and that meet additional proposed location criteria without restrictions on number of employees or residency requirements is hereby **ADOPTED AS MODIFIED**. A copy of the proposed text amendment is available on-line at www.westportct.gov is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office and is attached.

Modifications

1. Language is added as recommended by the Fire Marshal in comments dated 5/5/21 as listed in Finding #4 herein.
2. Language is added as recommended by P&Z Staff in comments dated 7/15/21 as listing in Findings #7-9 herein.
3. All modifications were as agreed to by the applicant.

Reasons

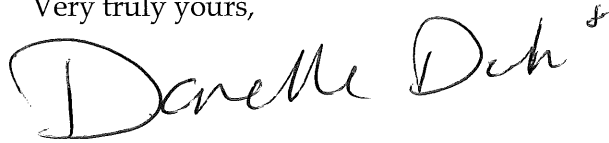
1. Addressing zoning needs by adopting appropriate regulations rather than addressing these needs by variance is a better planning tool.
2. The Historic District Commission who originally co-authored the amendment that created §32-18, Historic Residential Structures, supports Text Amendment #794.
3. The Commission finds the amendment is consistent with the Comprehensive Plan (Zoning Regulations and Zoning Map), and the *2017 Plan of Conservation and Development* that promotes historic preservation efforts:
 - A. *"Historic buildings and sites in Westport contribute to the overall character of the community, foster community pride, conserve the personality and architecture of its historic residential neighborhoods and commercial areas, enable citizens and visitors to enjoy and learn about local history, and provide a frame- work for making appropriate preservation planning decisions. As a result, the identification, conservation and protection of its historic and archaeological resources is part of maintaining and enhancing community character in Westport."* Pg 25
 - B. *"Where appropriate, establish zoning regulations which will help protect historic resources including use flexibility, adaptive reuse of historic buildings, dimensional flexibility, and other approaches."* Pg. 25
 - C. *"Encourage and incentivize the sustainable improvement/re-use of existing houses and residential structures."* Pg. 83

VOTE:

AYES	-7-	{Dobin, Lebowitz, Cammeyer, Olefson, Tesler, Zucaro, Laskin}
NAYS	-0-	
ABSTENTIONS	-0-	

The effective date of this amendment is: August 13, 2021.

Very truly yours,



Danielle Dobin, Chairman
Planning & Zoning Commission

Attached

Adopted Text Amendment #794, as modified

- cc: First Selectman
- Fire Marshal
- Conservation Director
- Historic District Commission Administrator
- RTM P&Z Committee Chairman
- RTM Moderator
- Tax Assessor
- Town Attorney

Text Amendment #794, Submitted by Gloria Gouveia, Land Use Consultants

Dated: 1/27/21

Revised: 5/15/21, 6/9/21 & 7/7/21

Public Hearing: 7/22/21

Adopted: 7/22/21

Effective date: 8/13/21

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

P&Z Staff Suggestions as of 7/14/21 in RED

The following §32-18.4 Subsection c. represents the first change to the Zoning Regulations. New subsection "c" adds uses approved by the Zoning Board of Appeals in addition to those uses approved by the Planning & Zoning Commission.

FROM §32-18, Historic Residential Structures

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 or medical uses approved by the Zoning Board of Appeals, 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.

New text adds to subsection "c" to include "principal" buildings as historic structures where limited medical office use approved by the Zoning Board of Appeals may be expanded by the Commission.

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 thereof.
- c. Allow limited office uses in one historic accessory structure containing an existing special permit use [~~under such conditions as set forth in as set forth in §32-18.8 and §32-18.9, §32-18.10 herein~~] and allow expansion of medical use in one historic principal structure containing a medical use approved by the Zoning Board of Appeals under such conditions as set forth in §32-18.8, §32-18.9, §32-18.10, and 32-18.11, herein.

New Section 32-18.9.4 provides standards for ZBA approved medical office space in a "principal" historic residence.

32-18.9.4 Limited Offices – Principal Structures

One principal historic residence or portion thereof containing an existing medical office use approved by the Zoning Board of Appeals may be converted to limited medical 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 site of the existing ZBA approved use:
 - A. must have frontage on a collector or arterial street,
 - B. must adjoin a commercial zoning district, and/or
 - C. must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Office Uses: The allowable medical office uses shall be limited to those uses authorized by ZBA variance.

- c. Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use.
- d. Fire Code: Limited Office Use spaces in all residential occupancies shall comply with the requirements for Business Occupancies as required by the Connecticut State Fire Safety Code in effect at the time of application.
- e. Parking: 2 spaces in addition to the requirement for the Dwelling Unit plus additional parking shall be provided as determined by the P&Z Commission.
- f. Signage: One free-standing sign or wall sign not to exceed two (2) square feet in area nor six (6) feet in height, identifying the name and address of the occupant of a Dwelling and/or a Home Occupation.

32-18.9.5 Limited Offices – Accessory Structures

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 ...

New Section 32-18.11 provides standards for allowing expansion of ZBA approved medical use in a "principal" historic residence.

32-18.11 Permitted Use of Historic Principal Structure

One principal historic residence or portion thereof containing an existing medical office use approved by the Zoning Board of Appeals (ZBA) may be expanded 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 site of the existing ZBA approved use:
 - i. must have frontage on a collector or arterial street,
 - ii. must adjoin a commercial zoning district, and/or
 - iii. must be within 500 feet of a municipal (Town-owned) public parking lot.
- b. Floor Area: The floor area devoted to the medical office shall not exceed the floor area approved by the ZBA unless otherwise authorized by the Commission but shall not exceed 50% of the total floor area of the building so it remains an accessory use.



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145

Public Meeting: March 11, 2021
Decision: March 11, 2021

March 12, 2021

Honorable James Marpe, First Selectman
110 Myrtle Avenue
Westport, CT 06880

RE: PZ-21-00069, §8-24 Municipal Improvement to Extend Sanitary Sewer Service to 124 properties located on Evergreen Ave., Evergreen Pkwy., Tamarac Rd., Lone Pine Ln., Gorham Ave., Compo Rd N., and Brookside Dr., as listed in Contract 75

Dear First Selectman Marpe:

In response to your request for a report from the Planning and Zoning Commission pursuant to CGS §8-24, Municipal Improvement, in conjunction with a request to extend sanitary sewer service to 124 properties on Evergreen Ave., Evergreen Pkwy., Tamarac Rd., Lone Pine Ln., Gorham Ave., Compo Rd N., and Brookside Dr. as listed in Contract 75, the Commission offers the following findings:

Findings

1. The project is designed in seven sub-segments to serve 124 properties. The request is made subsequent to:
 - A. Receipt by DPW of petitions received from at least 51% of the property owners abutting the streets where sewer service is requested, pursuant to the Sanitary Sewer Extension Policy updated 8/4/20;
 - B. A special meeting held by WPCA Collection System Supervisor Bryan Thompson with the petitioners and other affected property owners, wherein the project was reviewed, and questions were answered relative to timing, cost, construction impacts and financial hardship options;
 - C. Completion of a 90-day waiting period wherein any petitioner or other affected property owner can add to, or remove their name from, a petition;
 - D. Verification by Mr. Thompson there remains at least a 51% petition positivity rate following the 90-day waiting period; and

- E. Confirmation by Mr. Thompson the Town's Wastewater Treatment Facility and related infrastructure can support the projected increase in flow; and
 - F. Acceptance of the petitions by the Water Pollution Control Authority (WPCA).
2. The WPCA at their 1/31/21 meeting accepted the sewer petitions that show 79% (98 out of 124) of the affected property owners support the sewer extension. The sewer line will be installed in the street road rights-of-way; and in four (4) cases easements over private property will be required.
 3. The P&Z Staff comments dated 2/26/21 identify the proposal may be considered consistent with the §8-24 Sewer Extension Criteria, listed in the Planning and Zoning Commission's memorandum dated 8-17-10.
 4. The P&Z Staff comments dated 2/26/21 also identify the proposal may be considered consistent with the §8-24 Procedures approved by the P&Z Commission on 2/6/20, with the vote clarified on 3/5/20.
 5. Notices were sent to property owners abutting the sewer extension area, as well as the abutters to the abutters in advance of the Planning and Zoning Commission's Public Meeting notifying residents of the meeting, how to submit comments for the Commission's consideration, and how to learn more about the project.
 6. Additionally, a public meeting notice was published on the Town's website 10-days prior to the public meeting.
 7. No public comments were received.
 8. A remote Public Meeting of the Planning and Zoning Commission was held on March 11, 2021 due to COVID-19. The meeting was live streamed on the Town's website and shown live on Optimum Government Access Channel 79 and Frontier Channel 6020.

THEREFORE BE IT RESOLVED it was moved by Mr. Stephens and seconded by Ms. Walsh to issue a **POSITIVE REPORT** for: §8-24 Municipal Improvement request PZ-21-00069 from the First Selectman submitted on behalf of the Town of Westport Department of Public Works regarding the proposal to extend sanitary sewer service to serve 124 properties located on Evergreen Ave., Evergreen Pkwy., Tamarac Rd., Lone Pine Ln., Gorham Ave., Compo Rd N., and Brookside Dr., as listed in Contract 75.

Reasons

1. The WPCA Collection System Supervisor confirmed there exists sufficient capacity and capability of the Town's Wastewater Treatment Facility and related infrastructure to support the proposed sewer extension and projected increase in flow.
2. The 2002 *Wastewater Facility Plan* shows the 124 properties are located within the Sewer Boundary Area.

3. The 124 properties in the sewer extension area, are identified as needing sewer as shown on the *Sewer Service Area Evaluation Map* contained in the 2002 *Wastewater Facility Plan* prepared by Stearns and Wheler.
4. Subdivision potential exists for only 4 of the 124 properties or 3% of the total therefore the sewer extension may be considered consistent with the 2017 *Plan of Conservation and Development* that states, "the availability of public sewer or the establishment of sewer capacity shall not facilitate or promote new or more intensive development beyond that envisioned for the community and as reflected in the *Future Land Use Plan in the POCD*".
5. Expense associated with the sewer extension will be borne by the benefitting property owner, not the Town of Westport, through a benefit assessment as outlined in Sanitary Sewer Extension Policy, last updated 8/4/20.

Recommendations

1. Proper sediment and erosion controls should be utilized during installation of the sewer line.
2. Existing septic systems should be properly abandoned, and the abandonment documented with the Westport Weston Health District.
3. Emergency vehicle access should be maintained during construction.

VOTE:

AYES	-6-	{Dobin, Lebowitz, Olefson, Stephens, Walsh, Laskin}
NAYS	-0-	
ABSTENTIONS	-0-	

Sincerely,



Danielle Dobin, Chair
 Planning and Zoning Commission

cc: Bryan Thompson, WPCA Collection System Supervisor
 Peter Ratkiewich, Public Works Director
 Alicia Mozian, Conservation Director
 Gary Conrad, Finance Director
 Brian Stern, BOF Chairman
 Velma Heller, RTM Moderator
 Matt Mandell, Chairman, RTM P&Z Committee
 Ira Bloom, Town Attorney
 Eileen Flug, Assistant Town Attorney



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Hearing: July 22, 2021
Decision: July 22, 2021

July 23, 2021

Gloria Gouveia, Land Use Consultants
131 Kings Highway North
Westport, CT 06880

RE: 251 Main Street, Special Permit/Site Plan Appl. #PZ-21-00050

Dear Ms. Gouveia:

This is to certify that at a meeting of the Planning and Zoning Commission held on July 22, 2021, it was moved by Ms. Laskin and seconded by Mr. Cammeyer to adopt the following resolution:

RESOLUTION #PZ-21-00050

WHEREAS THE PLANNING AND ZONING COMMISSION met on July 22, 2021 and made the following findings:

FINDINGS

Background

1. 251 Main Street is a 0.519-acres (22,595 SF) property located in the Residence A District with frontage on Main Street; an Arterial Street as identified in the Road Classification list contained in the *2017 Plan of Conservation and Development* (pg. 106).
2. 251 Main Street is improved with a 7,318 SF, 3-Story Principal Building (with cellar below) and a single-car detached garage. The Principal Building is approved as a single-family residence with a 1,000 SF^{+/-} Pre-1959 Apartment as described in §11-2.4.13 of the Zoning Regulations on the 3rd floor, and a 1,653.90 SF Home Occupation Level 1, as defined in §5-2 of the Zoning Regulations on the 1st floor. The Home Occupation was originally approved by the Zoning Board of Appeals for a dentist's office in the 1960's for Dr. Theodore Gluckman, and the office area is currently approved for occupancy by BTT Medical Institute pursuant to Zoning Permit #42348 issued in 2018.

3. The Principal Building at 251 Main Street is listed on the Historic Resources Inventory (HRI) as the John Lee's House constructed circa 1900 in the Queen Ann Revival Style. The Historic Building was confirmed to be eligible for consideration to apply for a Special Permit from the Planning and Zoning Commission pursuant to §32-18, Historic Residential Structures, as is required per §32-18.2.1(d), by the Historic District Commission Coordinator on 4/19/21.
4. Like many historic structures and properties that pre-date the adoption of the Westport Zoning Regulations in 1930, 251 Main Street has many pre-existing conditions (Ex. Building Height exceeds 2.5-stories, Coverage exceeds 25%, etc.), non-conforming conditions approved by variance (Ex. non-resident occupant allowed to conduct business on-site alongside resident-professional, building addition permitted in the setbacks), as well as conditions authorized due to the passage of time pursuant to CGS §8-13a aka the 3-year rule (Ex. AC units in the setbacks).

Proposal

5. Gloria Gouveia of Land Use Consultants, on behalf of Zijad Sabovic, the owner of property at 251 Main Street, is seeking Special Permit/Site Plan approval pursuant to Text Amendment #794 that will modify §32-18 Historic Residential Structures, if adopted to enable use of medical office space for general business/ medical offices without the limitations imposed by the Home Based Business regulations (owner occupancy, limit on the number of employees, limit on number of visitors/patients). No physical work to the building or to the site is proposed.
6. Text Amendment #794, also submitted by Ms. Gouveia, proposes to modify §32-18 Historic Residential Structures, to add zoning incentives to encourage preservation of historic residentially zoned Principal Buildings that will facilitate expansion of medical uses previously approved by variance by the Zoning Board of Appeals (ZBA), minus any conditions previously imposed by the ZBA, on properties that meet the following additional criteria:
 - A. Must have frontage on a collector or arterial street;
 - B. Must adjoin a commercial zoning district, and/or
 - C. Must be within 500 feet of a municipal (Town-owned) public parking lot.
7. Text Amendment #794 was adopted by the P&Z Commission on July 22, 2021 and will be effective on August 13, 2021.

Department Comments

8. As listed in the Background herein, the Historic Building was confirmed to be eligible for consideration to apply for a Special Permit from the Planning and Zoning Commission pursuant to §32-18, Historic Residential Structures, as is required per §32-18.2.1(d), by the Historic District Commission Coordinator on 4/19/21.

9. The Conservation Department in comments dated 7/12/21 identified the property is outside their jurisdiction; therefore, they have “no comments.”
10. The Fire Department in comments dated 6/15/21 offered no objections.
11. The Department of Public Works in comments dated 7/13/21 offered no objections.

Public Participation

12. A public hearing was held to receive testimony from members of the public as required pursuant to State Statutes.
13. The public hearing was held remotely using electronic means due to COVID-19. The public hearing was broadcast live on public access television, live on-line on the Town's website, and interested parties were provided the opportunity to join the meeting and offer “live” testimony.
14. All application materials, and all public comments received in writing were posted on the Town's website to maintain transparency while conducting remote meetings during COVID-19.

NOW THEREFORE, BE IT RESOLVED that 251 Main Street: Special Permit/Site Plan Appl. #PZ-21-00050 submitted by Gloria Gouveia of Land Use Consultants, for property owned by Zijad Sabovic located in the Residence A zone, PID# C10107000, seeking approval pursuant to Text Amendment #794, available for review on-line at www.westportct.gov, on file in the Town Clerk's Office, and the Planning and Zoning Office, that modified §32-18, Historic Residential Structures, to enable an existing medical use to remain that was previously approved by variance by the Zoning Board of Appeals, without restrictions on owner occupancy for property as allowed pursuant to Text Amendment #794 is **GRANTED** with the following modifications:

Modifications

1. Conformance to Survey of property prepared by Dennis Deilus, dated 1/8/21, to be revised prior to issuance of a Zoning Permit, or the applicant shall submit a site plan prepared by a licensed professional showing the existing number and location of parking spaces on site.
2. Conformance to building plans showing existing conditions prepared by CT Plans, dated 1/22/21 (8 sheets) to be revised prior to issuance of a Zoning Permit to:
 - A. Accurately label the lower level as a “Cellar” (not a “Basement”); and
 - B. To certify the floor area of the Medical office space.
3. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced.

4. Prior to issuance of a Zoning Permit to implement this approval, the applicant shall submit:
 - A. Revised Survey or new site plan as required per Item #1 above;
 - B. Revised Building Plans as required by Item #2 above;
 - C. A draft Preservation Easement document for review and approval by the Town Attorney's Office;
 - D. Proof of recording the Preservation Easement document on the land records; and
 - E. Proof of recording the Special Permit/Site Plan resolution on the Land Records.
5. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
6. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.
7. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by July 22, 2026.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

1. The application as modified is found to be in conformance with all applicable zoning regulations upon the adoption of Text Amendment #794 as well as the Site Plan and Special Permit standards listed in §44-5 and §44-6.
2. The application is found to be consistent with the *2017 Plan of Conservation and Development* that identifies preservation of historic structures helps maintain and enhance community character in Westport (Pg. 25).
3. Approval of the project will permit continued preservation of the exterior integrity of the Historic Accessory Structure.

VOTE:

AYES	-7-	{Dobin, Lebowitz, Cammeyer, Olefson, Tesler, Zucaro, Laskin}
NAYS	-0-	
ABSTENTIONS	-0-	

The effective date of this Special Permit is: August 21, 2021.

Very truly yours,



Danielle Dobin, Chairman
Planning & Zoning Commission

- cc: Fire Marshal
HDC Administrator
Police Chief
RTM P&Z Committee Chairman
RTM Moderator
Town Attorney



**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

Hearing: July 22, 2021

Decision: July 22, 2021

July 26, 2021

RE: Text Amendment #798, Appl. #PZ-21-00468, to modify §5, to add a Definition of Accessory Dwelling Unit (ADU), to clarify §11-2.4.8 regarding Accessory Buildings and Structures

To Whom It May Concern:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on July 22, 2021 it was moved by Mr. Lebowitz and seconded by Mr. Cammeyer to adopt the following resolution.

RESOLUTION #PZ-21-00468

WHEREAS, THE PLANNING AND ZONING COMMISSION met on July 22, 2021 and made the following findings:

Background

1. In April, the Planning and Zoning Commission adopted Text Amendment #791 pursuant to Res. #PZ-21-00164 which modified Section 11-2.4, Permitted Accessory Building, Structures and Uses, to allow Accessory Dwelling Units in detached structures with associated zoning standards, Section 11-2.4.12A, Accessory Apartment, to increase allowable floor area and to remove the requirement for an Annual Certification.
2. The amendment also unintentionally removed limiting any accessory building or structure to 300 SF in size, one-story in height, or limited to two water use fixtures. The Resolution indicates "Permitting ADUs in Westport will allow for greater flexibility in housing options for existing and new residents. They have the potential to increase housing affordability by increasing the housing supply, create diversity

in housing options within the community and the potential to enable seniors to stay near family as they age.”

3. Prior to the adoption of Amendment #791, dwelling units within detached accessory structures were only permitted if a property is designated historic and receives Special Permit approval under §32-18, Historic Residential Structures or were documented as being in existence prior to 10/1/59 per §11-2.4.13.
4. After adoption of Text Amendment #791, staff began reviewing zoning permit application for ADU's and became aware there was text that needed to be clarified. Since its adoption two zoning permits for an ADU has been issued. Additionally, there is pending zoning permit application which proposes a 1,000 SF accessory structure with no kitchen. Staff is working with the applicant to include a kitchen so that it would be considered an ADU.

Proposal

5. Text Amendment #798 proposes to modify recently adopted Text Amendment #791, Accessory Dwelling Units (ADU), by adding a definition to §5-2 for Accessory Dwelling Unit; by adding language in §11-2.4.8 to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units; and to add a new section number §11-2.4.8A to distinguish standards applicable to an Accessory Dwelling Unit. Specifically, Text Amendment #798 dated 6/28/21 proposes:
 - a. Adding the following definition for Accessory Dwelling Unit:

“A smaller secondary home on the same lot as a primary dwelling which are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”
 - b. Modifying §11-2.4.8 to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units. The changes include the addition of language that states an accessory building or structure shall not exceed 300 square feet of gross floor area and shall not exceed one (1) story and a height of sixteen (16) feet; except for barns identified in §11-2.4.7 above. 3. Adding a new section number §11-2.4.8A to distinguish standards applicable to an Accessory Dwelling Unit.

Department Comments

6. Text Amendment #798 was referred to Town Officials for comments. No objections were received.
7. Text Amendment #798 was also referred to regional planning agencies and CT Department of Energy and Environmental Protection (DEEP).

8. CT DEEP submitted correspondence dated 6/29/21 concluding they have no comments.
9. Comments from WestCOG dated 7/14/21 state, *"The opinion of WestCOG staff is that the proposal is in conflict with Connecticut Public Act 21-29 passed on June 10, 2021. Any revisions to the zoning regulations of accessory apartments should be at least as permissive as the new law"*.
10. Public Act (PA) 21-19 requires municipalities that zone under CGS §8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the bill's opt-out process; specifies that these units will not count toward a municipality's base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals procedure; specifies the addition of an ADU on a lot does not make the sewerage system a "community sewerage system". The opt out process requires a 2/3 vote of the RTM. The Commission may want to consider making a recommendation to the RTM on whether the Town should "opt-out" of the requirements in PA 21-19.
11. The Planning and Zoning Commission intends "opt-out" of the requirement for ADU's in PA 21-19.

Public Participation

12. A hearing was held on July 22, 2021 to receive testimony from members of the public as required pursuant to State Statutes.
13. The public hearing was held remotely using electronic means due to the COVID-19, as Town Hall remains closed. The public hearing was broadcast live on public access television, live on-line on the Town's website, and interested parties were provided the opportunity to join the meeting and offer "live" testimony.
14. All application materials, and public comments received prior to the public hearing were posted on the Town's website consistent with the Governor's Executive Order to maintain transparency while conducting remote meetings.

NOW THEREFORE, BE IT RESOLVED that Text Amendment #798: Text Amendment #798: Appl. #PZ-21-00468 submitted by the Planning and Zoning Commission to clarify recently adopted Text Amendment #791, Accessory Dwelling Units (ADU), by adding a definition to §5-2 for Accessory Dwelling Unit; by adding language in §11-2.4.8 to restore zoning standards for allowable size and height for Accessory Buildings and Structures that are not Accessory Dwelling Units; and to add a new section number §11-2.4.8A to distinguish standards applicable to an Accessory Dwelling Unit is **ADOPTED**. A copy of the adopted text amendment is on file in the Town Clerk's Office, is on file in the

Planning and Zoning Office, and is attached herein.

REASONS

1. The Commission finds this amendment is consistent with the Comprehensive Plan (Zoning Regulations and Zoning Map), and the 2017 *Plan of Conservation and Development* that states:

“Maintain the preponderance of single-family home, increase housing diversity as to size of units and promote housing affordability.” Pg. 85

VOTE:

AYES	-7-	{Dobin, Lebowitz, Cammeyer, Olefson, Zucaro, Tesler, Laskin}
NAYS	-0-	
ABSTENTIONS	-0-	

The effective date of this amendment is August 13, 2021.

Very truly yours,



Danielle Dobin, Chairman
Planning & Zoning Commission

Attached
Adopted Text Amendment #798

cc: First Selectman
Conservation Director
Fire Marshal
Parks and Rec. Director
Police Chief
RTM P&Z Committee Chairman
RTM Moderator
Tax Assessor
Town Engineer
Town Attorney
Assistant Town Attorney
WWHD Director