



WESTPORTSM

ARCHITECTURAL REVIEW BOARD

ARCHITECTURAL REVIEW BOARD AGENDA Tuesday, September 28, 2021, 7:30 p.m.

Meeting ID: 831 4670 7003
Passcode: 042655
Dial by your location
+1 646 876 9923 US (New York)

Join Zoom Meeting
<https://us02web.zoom.us/j/83146707003?pwd=YkNCYWlNz3djUUMzcEswUkU2R0Radz09>

Notice is hereby given that the Architectural Review Board will hold an electronic public meeting on **Tuesday, September 28, 2021** at 7:30 PM for the following purpose:

1. To approve minutes from the July 27, 2021 meeting

2. 1480 Post Road East

To review and comment on the proposed signage at **1480 Post Road East** (Parcel ID# H09//016/000) submitted by Stephanie McDowell, SIR Development for property owned by SIR-1480 PRE LLC located in General Business District. Comments offered at the meeting will be considered in anticipation of further zoning review and approvals.

3. 1790 Post Road East

To review and comment on the proposed signage at **1790 Post Road East** (Parcel ID# I09//006/000) submitted by Bernie Brooks, Thomas Sign & Awning Company Inc for property owned by BYELAS LLC and Leslie Byelas located in General Business District. Comments offered at the meeting will be considered in anticipation of further zoning review and approvals.

4. 800 Post Road East

To review and comment on the proposed design modifications at **800 Post Road East** (Parcel ID# F09//069/000) submitted by James Margeotes, JBMP Architects for property owned by IL Westport 4 LLC located in General Business District. Comments offered at the meeting will be considered in anticipation of further zoning review and approvals.

5. Discuss Possible Text Amendment Change

To discuss a possible text amendment change #800/PZ-21-00600, submitted by Eric Bernheim, Esq. Changes to the Zoning Regulations to exempt from Setbacks and Coverage small balconies on commercial buildings adjacent to the Saugatuck River that extend no further than 10-feet from the Building, by adding and modifying existing definitions and related standards; and to exempt non-residential activities from requiring public hearing review by the Planning and Zoning Commission (but retain requirement

for Commission administrative Coastal Site Plan review, aka Work Session review, of nonresidential CAM activities).

6. To adjourn the meeting.

Special Notice Regarding 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. Telephone and Zoom video participation details are above. Comments from the public will be received during the Public Hearing. A copy of the applications and Architectural Review Board agenda for the hearing is available on-line at www.westportct.gov on the Town Calendar web page under September 28, 2021.

Ward French, Chair
Architectural Review Board, Chair
September 21, 2021

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.

TOWN OF WESTPORT ARCHITECTURAL REVIEW BOARD

MEETING DRAFT MINUTES JULY 27, 2021

Members Present: Ward French, Chairman; Vesna Herman, Jon Halper. Staff: Donna Douglass

The meeting was brought to order at 7:30 PM by Ward French via Zoom.

Minutes from the Zoom meeting of 5/25/21 were approved.

The first applicant, Bill Achilles, was at another application meeting and would appear when free.

1. **30 Hillspoint Road:** Proposed interior remodeling with minor modification to windows (Parcel ID #C09//121/000) for property owned by Conservative Synagogue Inc in AA Zone. (Architect: Perkins-Eastman, plans dated 7/7/21; Site plan by Charles Leonard, dated 9/7/16)

Appeared: Robert Storm

Mr. Storm said he was a member of the congregation, not the architect. He reminded the board that they had last appeared in 2019 with plans for an addition and interior remodeling which had been approved. Due to the pandemic, financing will only allow for interior remodeling and changes to windows in the sanctuary/social hall space. While there is no change to the footprint, Steve Smith and the fire marshal requested that they appear before the ARB.

Ward French asked if any of the changes are visible from the road. Mr. Storm said most are on the north and west sides of the building. 2 in the school room face Hillspoint Rd.

Vesna Herman said the muntin pattern in the new windows is different, smaller and rectangular as opposed to the square pattern of the existing windows. Mr. Storm said some of the windows and 2 doors have been enlarged for more light in the sanctuary and social area, as well as a couple of upstairs windows in the pre-school. He was only speaking for the architect; it was his design choice.

Jon Halper said he had the same general question as Vesna, why the change? The design choice should have a rationale, this seems random and arbitrary.

Ward French said he didn't disagree but he didn't want to hold up the application for details that are not seen on the street side. He was in favor of supporting it as presented.

Vesna Herman agreed but only because the windows won't be seen.

Mr. Storm said he would tell the architect about the board's observations. Mr. French thanked him.

THE APPLICATION IS RECOMMENDED FOR APPROVAL AS PRESENTED

(Unanimous)

2. **181 Main Street:** Proposed canopy (Parcel ID# C10//089/000) for property owned by Acadia 181 Main Street LLC located in an RBD. (Renderings by MOJO aid, dated 7/15/21)

Appeared: Christina Gordon and Eric Lucknich, Architect

Ms. Gordon said the project is for the House of Clement, a retail and design building and introduced Mr. Lucknich.

Mr. Lucknich said they were updating the entrance by replacing the existing portico, front door and barn lamps. The portico will be replaced by a black, metal roofed canopy with wood trim and metal support rods. The wood trim is brown to match the existing façade. The canopy is as minimal as possible and will provide rain protection. The door will be a wood and glass Dutch door.

Jon Halper asked about the molding. Mr. Lucknich said it's crown molding. Mr. Halper asked why crown molding and not steel and was told they didn't want to make it too contemporary.

Vesna Herman verified that the door was being changed from traditional to contemporary and they are attempting to make the canopy look more traditional. Mr. Lucknich said they didn't want to go too contemporary. The new wood door is much nicer than the existing.

Ward French asked why the canopy is asymmetrically placed on the wall over the door. Mr. Lucknich said people come from the parking area to the entrance walk from that side of the building and there is a garden to the right of the door. The canopy is for rain protection. Mr. French said he found the asymmetry off putting, it looks a little unbalanced. But it's not the end of the world.

Vesna Herman thought the existing entry is more traditional.

Jon Halper said the position of the canopy could be balanced out with a sconce to the left of the entrance or the canopy could be centered over the door. It's not really traditional with crown molding on the canopy. He didn't agree with it as an architectural solution. He wouldn't deny the application as it's not egregious, but it is not something he would do.

Board members agreed that the balance could be improved and asked Mr. Lucknich to take their comments into consideration. He agreed.

THE APPLICATION IS RECOMMENDED FOR APPROVAL WITH THE UNDERSTANDING THAT THE BOARD'S COMMENTS WILL BE TAKEN INTO CONSIDERATION. (Unanimous)

3. **49 Riverside Avenue, Building #51:** Proposed changes to street façade of the #51 building to add picture windows (Parcel ID# C09//121/000) for property owned by Sumaran Limited Partnership in a GBD. (Renderings by Achilles Architects dated 6/21/21)

Appeared: Bill Achilles, Architect

Mr. Achilles said there are currently 2 vertical picture windows at each end of the façade on Riverside Avenue, the rest are slatted windows. They propose replacing the picture windows with square windows and adding 2 picture windows to match at the center. The window trim will be white and the building repainted the same dark gray.

Ward French asked who would be occupying the space. Mr. Achilles said an art dealer who wants some display options.

Vesna Herman verified that the existing picture windows are vertical. She said they have a certain proportion to the rest of the slatted windows in the façade. Now you are introducing a square. Mr. Achilles said it is to maximize the viewing. He measured all the windows and tried to get them as symmetrical as possible. Ms. Herman said the windows are the only architectural element on the building. Why make them square? Mr. Achilles said the desire of the prospective tenant. He asked if she thought if they were made more longitudinal, they would match the existing better? Ms. Herman said yes.

Ward French said the 2 large window at the center still have two skinny windows right next to them. It adds to the oddity of the elevation. It looks crowded, you don't need the two outside skinny windows.

Jon Halper suggested Mr. Achilles could highlight the center of the facade by capturing the too close skinny windows and making 3 large side by side large vertical windows.

Ward French said the board could support that as an amended design. Mr. Achilles was asked to take the comments into consideration and agreed.

THE APPLICATION IS RECOMMENDED FOR APPROVAL WITH THE UNDERSTANDING THAT THE APPLICANT WILL TAKE THE BOARD'S COMMENTS INTO CONSIDERATION FOR THE FINAL DESIGN. (Unanimous)

4. **499-501 Post Road East:** Proposed signage (Parcel ID# C09//063/000) for property owned by 499-501 Post Road East Associates located in a GBD. (Sign designs by Fast Signs, Milford, CT dated 3/29/21)

Appeared: Ronni Molinari

Ms. Molinari said the monument sign design has been updated since their last ARB appearance to match the wall sign. It is the same structure and size in the same location. The double-sided sign board is:

- 38" high x 55" wide
- Total sign height off the ground is 7 ft
- Lexan sign face with Autostrada logo
- 5" high street number is on sign face
- Aluminum trim

The wall sign is a 4ft round LED illuminated lightbox of the logo with aluminum frame and acrylic face.

Jon Halper had no questions and said the design was fine.

Vesna Herman asked where they came by the name. Ms. Molinari said it means highway in Italian, auto related. Ms. Herman liked the design.

Ward French had no issues and said the design was fine.

THE SIGN DESIGN IS RECOMMENDED FOR APPROVAL AS PRESENTED
(Unanimous)

Sally Palmer, Recording Secretary

ARCHITECTURAL REVIEW BOARD APPLICATION REVIEW AND RECOMMENDATION

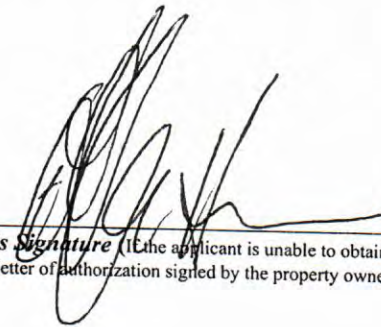
ARB review and recommendation is required prior to Planning and Zoning Commission or Zoning Board of Appeals hearings. This review provides required design review for proposed projects prior to zoning or variance approval. Application should be submitted in accordance with deadline posted on meeting calendar (10 days prior to meeting) to the HDC Office, Room 108. Additional materials may be requested for presentation at the meeting.

- COMMERCIAL BUILDING CONSTRUCTION OR ALTERATIONS
- SPECIAL PERMIT USE
- SIGNAGE

Submission Date: 7/30/21

1. Property Address 1480 POST ROAD EAST
(As listed in the Assessor's records)
2. Property PID# H09 016 000 Zoning District: GBD
3. Owner's Name: SIR-1480 PRE, LLC Daytime Tel #: 203-227-6616
Owner's Address: 943 POST RD E, WESTPORT, E-mail: _____
4. Agent's Name *(if different)*: _____ Daytime Tel #: _____
Agent's Address: _____ E-mail: _____
5. Zoning Board of Appeals Case # *(if any)* _____
6. Existing Uses of property: 32-UNIT RESIDENTIAL DEVELOPMENT
7. Reason for this Request: INSTALL 31" X 72" (15.5 SF) GRAY SIGN W/ 2 POSTS

Applicant's Signature (If different than owner)

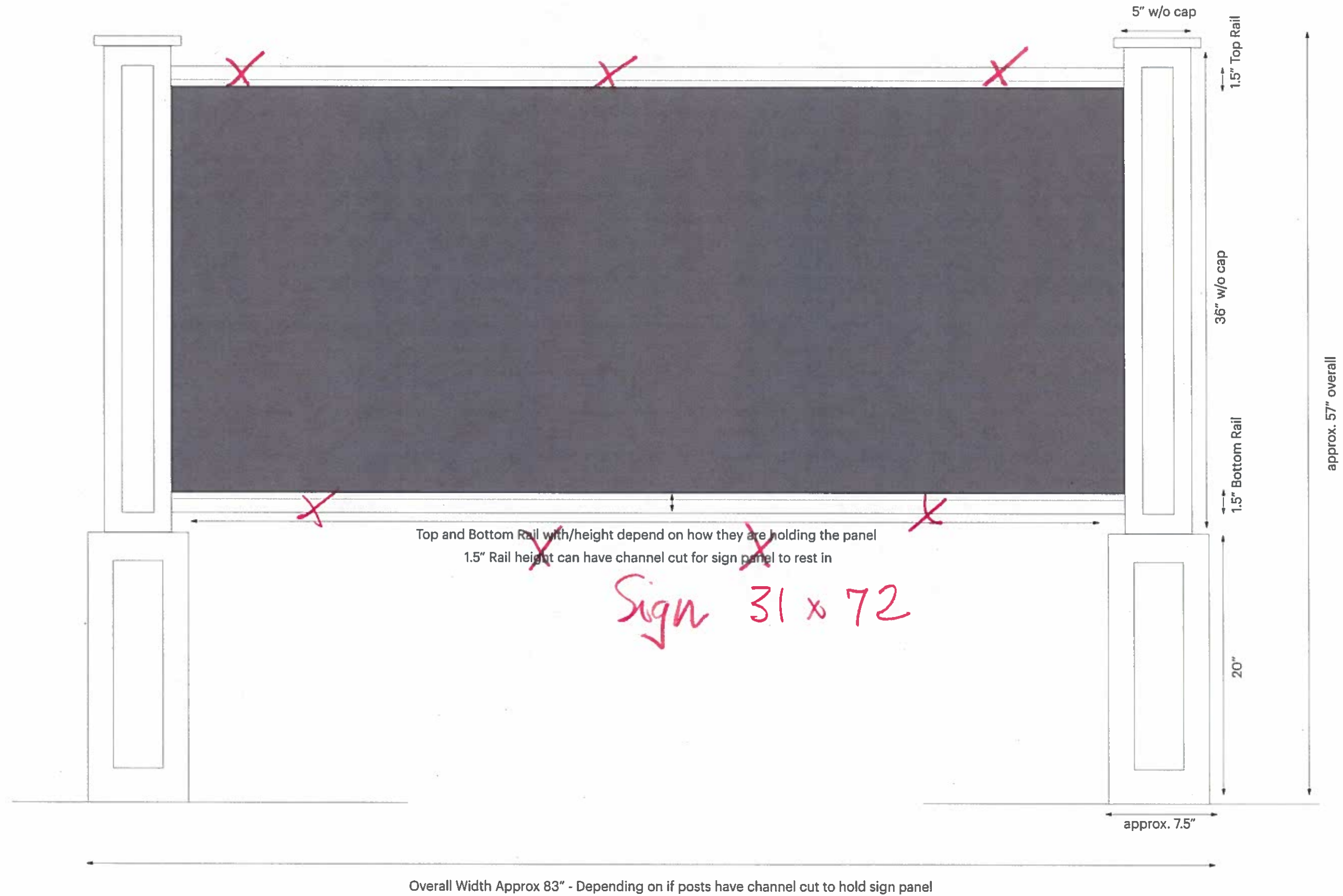


Owner's Signature (If the applicant is unable to obtain the signature of property owner, a letter of authorization signed by the property owner may be submitted instead.)

Architectural Review Board Recommendation:

Chair's Signature: _____ Date: _____

All measurements are approximate. Overall heights and widths will be dependent upon how the panel is being joined and fastened to the sign posts





1480 POST

S·I·R SIGNATURE LIVING

LEASING INQUIRIES (203) 666-7983 · 1480POST.COM



TOWN OF WESTPORT

PLANNING & ZONING DEPT.

110 Myrtle Ave. Town Hall - Room 203
Westport, CT 06880 Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

ZONING PERMIT DATA FORM

OFFICE USE

Parcel ID #: _____

Zoning District: _____

- Property Address: 1480 Post Rd E
(As listed on Assessor's Card)
- Owner's Name: Julie & Robert Haroun / SIR-1480 PRE, LLC Daytime Tel: 203-227-6616
(Person's Name) / (Company Name)
- Owner's Address: 943 Post Rd E, Westport, CT 06880 "E-mail Required" julie@sirdev.com
- Applicant: same / _____ Daytime Tel: _____
(Person's Name) / (Company Name)
- Applicant's Address: _____ "E-mail Required" _____
- Existing Uses of Property: Multi-Family Development
(Example: 2-Story Single Family House with Pool)

NOTE: If project is a NEW HOUSE: SUBMIT with this Application a "New House Construction Cost Estimate Form" Completed & Notarized.

7a. Check type of proposed project below: 7b. Check one, property is on: Sewer or Septic

RESIDENTIAL PROJECTS:

- New House
- Addition
- Accessory Structure
- Apartment - Accessory
- Apartment - Pre-1959
- Interior Renovations
- Swimming Pool
- Temp. Zoning Permit
- Tennis Court
- Other _____

COMMERCIAL PROJECTS:

- Building - New
- Building - Addition
- Change of Use
- Interior Renovations
- Restaurant Patio Permit
- Retail to Retail
- Signage
- Excavation & Fill
- Site Changes
- Other _____

8a. Will any part of any structure be demolished? No Yes 8b. Did you obtain any ZBA Variances? No Yes

9. Estimated total cost of your proposed project: \$ _____

10. Describe your project below and provide exact dimensions: *(List width x length x height, if applicable):*

install 31" x 72" sign with 2 posts

I hereby certify that the above information is correct and that I have submitted herewith all of pertinent documentation required by the regulations and in accordance with the P&Z bylaws.

Applicant's Signature *(If different than Owner)*

Owner's Signature *(Must be signed or letter of authorization provided)*

If the applicant is unable to obtain the signature of the property owner, a letter of authorization signed by the property owner may be submitted instead, as per §43-3.3

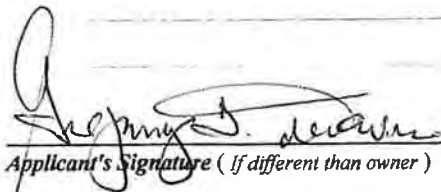
ARCHITECTURAL REVIEW BOARD APPLICATION REVIEW AND RECOMMENDATION

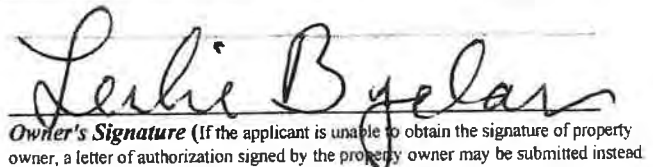
ARB review and recommendation is required prior to Planning and Zoning Commission or Zoning Board of Appeals hearings. This review provides required design review for proposed projects prior to zoning or variance approval. Application should be submitted in accordance with deadline posted on meeting calendar (10 days prior to meeting) to the HDC Office, Room 108. Additional materials may be requested for presentation at the meeting.

- COMMERCIAL BUILDING CONSTRUCTION OR ALTERATIONS
- SPECIAL PERMIT USE
- SIGNAGE

Submission Date: 9/13/21

1. Property Address 1790 Post Road E, Westport, CT 06880
(As listed in the Assessor's records)
2. Property PID# 1092 Zoning District: GBD
3. Owner's Name: Leslie Byelas/Byelas LLC Daytime Tel #: 203-259-0599
Owner's Address: 1804 Post Road E, Westport CT 06880 E-mail: lbyelas@gmail.com
4. Agent's Name *(if different)*: Greg Davis, Thomas Sign Co. Daytime Tel #: 800-526-3325 Ext 241
Agent's Address: 4590 118th Ave N, Clearwater FL 33762 E-mail: greg.davis@thomassign.com
5. Zoning Board of Appeals Case # *(if any)* _____
6. Existing Uses of property: Retail store
7. Reason for this Request: Replace (9) existing exterior building signs (4 illuminated & 5 non-illuminated) with (6) exterior building signs (2 illuminated & 4 non-illuminated).


Applicant's Signature *(If different than owner)*


Owner's Signature *(If the applicant is unable to obtain the signature of property owner, a letter of authorization signed by the property owner may be submitted instead)*

Architectural Review Board Recommendation:

Chair's Signature: _____ Date: _____



THOMAS
SIGN & AWNING COMPANY, INC.

September 13, 2021

Worldwide

Corporate

Identification

Sign Design

Sign Engineering

Site Survey

Permit Acquisition

Pylon Signs

Wall Signs

Backlit Awnings

Neon Manufacturing

Installation

Channel Letters

Vacuum Forming

Digital Sign Design

Four color Process

TOWN OF WESTPORT
110 Myrtle Avenue
Westport, CT 06880

Re: Stop & Shop - 1790 Post Road East

Dear Sir/Madam:

We have been requested by Stop & Shop to manufacture and install their new exterior signage on the existing store at the above address. Stop & Shop will be remodeling their store and repainting the exterior prior to the new signs being installed.

The existing signage on the building consists of the following:

- (4) illuminated sets of channel letters;
 - (3) non-illuminated sets of flat cut out letters;
 - (2) non-illuminated sign panels with flat cut out letters
- TOTAL: 294.47 Square Feet of sign area with (1) sign being over 50 SF

The proposed signage on the building consists of the following:

- (2) illuminated sets of channel letters;
 - (3) non-illuminated sets of flat cut out letters;
 - (1) non-illuminated sign panel with flat cut out letters
- TOTAL: 295.74 Square Feet of sign area with (1) sign being over 50 SF

This building frontage of 379'9" facing Post Road permits the proposed sign per code. Starbucks and People's United Bank are individual tenants permitted to have their own signs. The Bottle Return sign cannot be seen from the street and is only a directional type sign for the proper return for recycling bottles.

Please accept these applications, drawings and narrative letter as our formal submission for review and approval of the proposed signage.

Sincerely,

THOMAS SIGN & AWNING CO., INC.

Gregory T. Davis
Permit Manager

Established 1969



(PROPERTY OWNER LETTERHEAD HERE)

LETTER OF AUTHORIZATION

Date:

To Whom It May Concern:

I, Byelas LLC owner or agent

for the property listed as:

STOP & SHOP #653
1790 POST ROAD E
WESTPORT, CT, 06880

Do authorize Thomas Sign & Awning Company or their Authorized

Agent to obtain a permit for and to install signage on the above referenced property.

Leslie Byelas Date: 9/1/2021
Owner or Agent

203-259-0599
Owners Telephone Number

Sworn to and subscribed to before me this 1st day of Sept.

2021 and being personally known/ _____ identification.

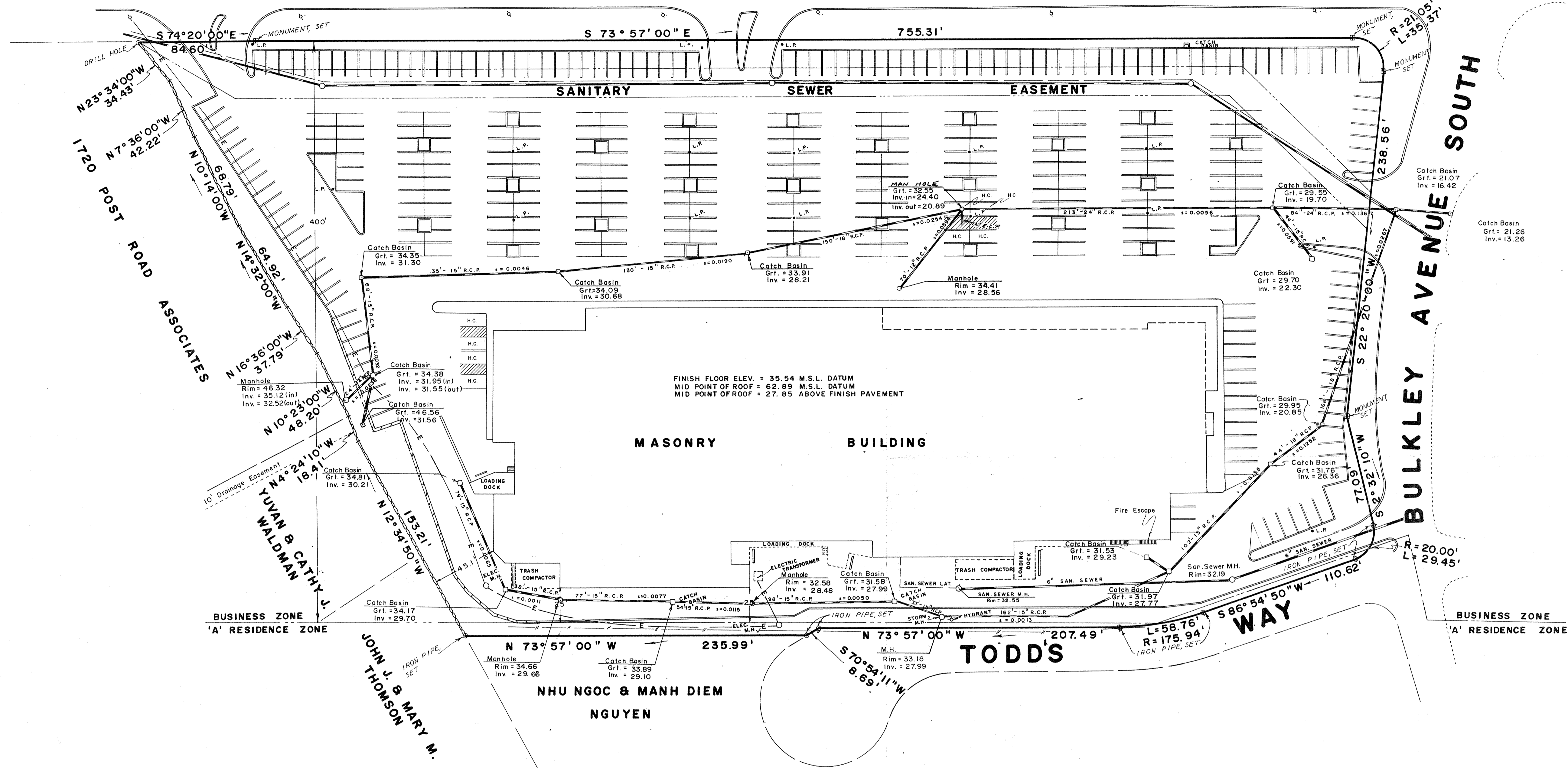
My commission expires:

Alan M.
NOTARY PUBLIC

Commissioner of the Superior Court

POST ROAD EAST

BULKLEY AVENUE SOUTH

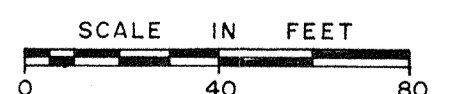


FINISH FLOOR ELEV. = 35.54 M.S.L. DATUM
MID POINT OF ROOF = 62.89 M.S.L. DATUM
MID POINT OF ROOF = 27.85 ABOVE FINISH PAVEMENT

- NOTE:
- 1) PROPERTY IS SHOWN AS TAX LOT 12A ON TAX MAP 5454-3.
 - 2) REFER TO MAP ENTITLED "RE-SUBDIVISION MAP OF PROPERTY PREPARED FOR ANDREW DARUKA, WESTPORT, CONN. SCALE 1" = 20' DEC. 11, 1970"
 - 3) REFER TO RECORD MAPS 2697, 4827, 7230 & 8241, W.T.C.
 - 4) SANITARY SEWER EASEMENT REFER TO RECORD MAP N 7536, W.T.C.
 - 5) TOTAL AREA = 294, 253 SQ. FT. or 6.7551 ACRES.

MAP OF PROPERTY
PREPARED FOR
**IRVING BYELAS
IRREVOCABLE TRUST**
1790 POST ROAD EAST
WESTPORT, CONN.

SCALE: 1" = 40'

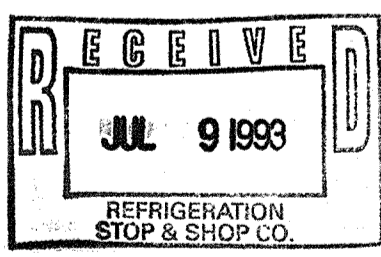


LEO LEONARD ~ SURVEYOR
CERTIFIED "SUBSTANTIALLY CORRECT" CLASS "A-2" ACCURACY.

Leo Leonard
LEO LEONARD, P.L.L.C., CONN. REG. NO. 2486

DEC. 31, 1991
DRAINAGE DATA ADDED = JAN. 13, 1992
REVISED FEB. 21, 1992
REVISED AUG. 7, 1992
MONUMENTATION & STAKING SET, 3 JULY 1993

OFFICE COPY



LAWRENCE MICHAELS
ARCHITECT
JUL 6 1993
RECEIVED

STORE #: 653
DESIGN #: 92096
PID #: 91621
DATE: 08.03.21



1790 POST ROAD E. • WESTPORT, CT 06880



PREPARED BY:



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

STOP&SHOP

Design Number:

92096

Installation Address:

1790 Post Road E.

Westport, CT

06880

Project Identity Number:

91621

Sales Associate: Project Team:

BB BB

Designer: Date:

JB 06.15.21

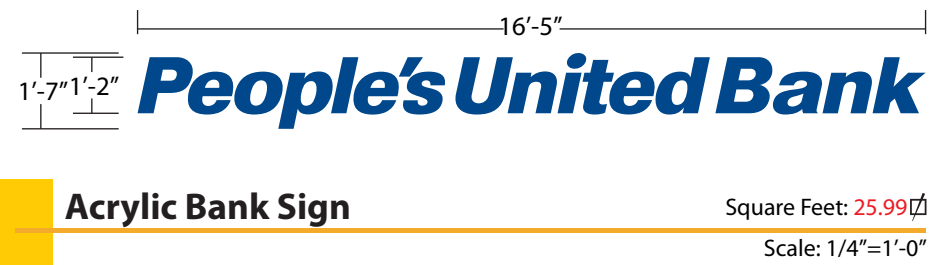
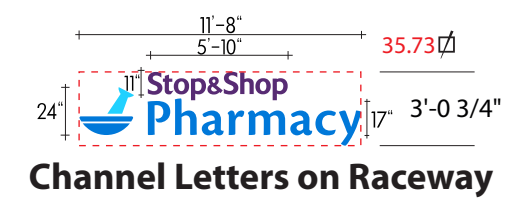
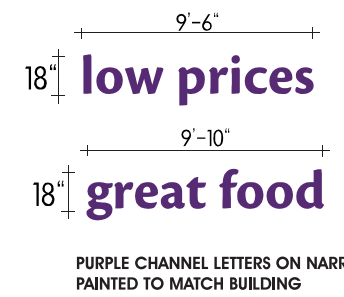
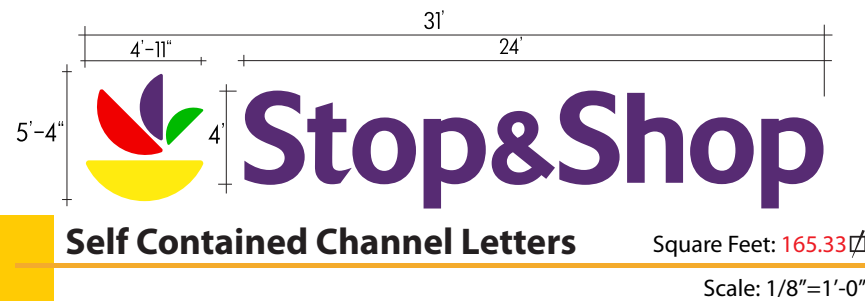
Project Updates:

08.03.21 JB - New Elevation Colors

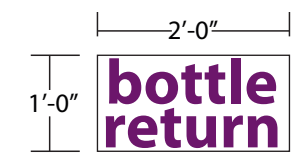


Existing Elevation

NTS



EXISTING		
FRONT	STOP & SHOP 5'-4" X 31'	165.33 SQ FT
FRONT	PEOPLE'S UNITED 1'-7" X 16'-5"	25.99 SQ FT
FRONT	PHARMACY 3'-0 3/4" X 11'-8"	35.73 SQ FT
FRONT	STARBUCKS COFFEE 1' X 9'-6 1/2"	9.54 SQ FT
FRONT	WELCOME 1'-10" X 7'-4" (2X)	26.88 SQ FT
FRONT	GREAT FOOD 1'-6" X 9'-10"	14.75 SQ FT
FRONT	LOW PRICES 1'-6" X 9'-6"	14.25 SQ FT
FRONT	BOTTLE RETURN 1'-0" X 2'-0"	2 SQ FT
TOTAL SQ FT:		294.47



Approval:

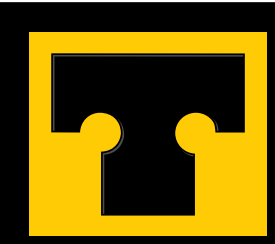
- Approved
DATE: _____
- Approved as noted
DATE: _____
- Revise & Re-Submit
DATE: _____

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Page Sheet

1 1 of 4

Local: 727-573-7757
Fax: 727-573-0328



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

STOP&SHOP

Design Number:
92096

Installation Address:
1790 Post Road E.
Westport, CT
06880

Project Identity Number:
91621

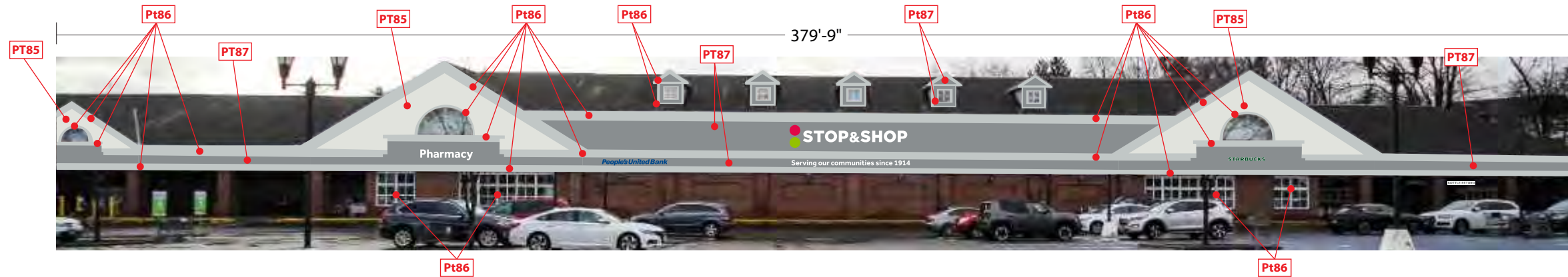
Sales Associate: BB

Project Team: BB

Designer: JB

Date: 06.15.21

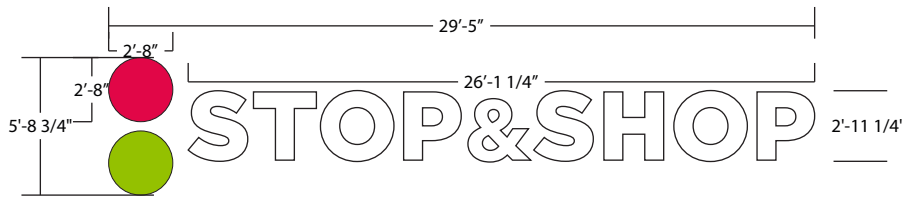
Project Updates:
08.03.21 JB - New Elevation Colors



NOTE: RESCRATCH EIFS IN NEW COLORS. ALL MASONRY TO REMAIN AS IS.

Proposed Elevations

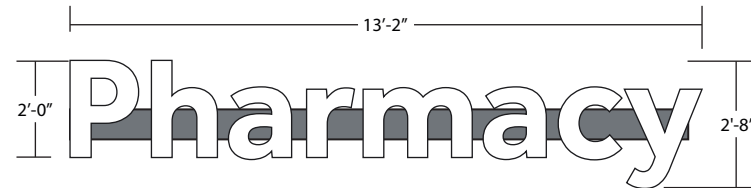
Scale: 1/32" = 1'



Channel Letter Set

Square Feet: 168.53

Scale: 1/8" = 1'-0"



Channel Letters on Raceway

SqFt: 35.11

Scale: 1/4" = 1'-0"



Acrylic FCOs

Square Feet: 9.67

Scale: 3/4" = 1'-0"



Acrylic Tagline FCOs

Square Feet: 49.44

Scale: 3/16" = 1'-0"



Acrylic Bank Sign - FCOs

Square Feet: 25.99

Scale: 1/4" = 1'-0"



Bottle Return Sign - Non-Illuminated Acrylic FCOs on Backer Panel

SqFt: 7

Scale: 1/2" = 1'-0"

PROPOSED			COLOR REFERENCE			
			TAG	SHERWIN-WILLIAMS NAME	PROJECT USE	SHERWIN-WILLIAMS PAINT FORMULA
FRONT	LOGO 29'-5" X 5'-8 3/4"	168.53 SQ FT	PT 85	SW-21	A100 SATIN EXTERIOR	B1 BLACK (0-2-1-1) N1 RAW UMBER (0-3-0-0) Y3 DEEP GOLD (0-0-1-1)
FRONT	TAGLINE 29'-8" X 1'-8"	49.44 SQ FT	PT 86	SW-22	A100 SATIN EXTERIOR	B1 BLACK (0-19-1-0) Y3 DEEP GOLD (0-3-0-0)
FRONT	PEOPLE'S UNITED BANK 16'-5" X 1'-7"	25.99 SQ FT	PT 87	SW-23	A100 SATIN EXTERIOR	W1 WHITE (0-43-0-1) B1 BLACK (202-10-11) R2 MAROON (0-9-0-0) Y3 DEEP GOLD (0-9-0-0)
FRONT	PHARMACY 13'-2" X 2'-8"	35.11 SQ FT				
FRONT	STARBUCKS 9'-8 1/2" X 1'-0"	9.67 SQ FT				
FRONT	BOTTLE RETURN 1'-0" X 7'-0"	7 SQFT				
TOTAL SQ FT: 295.74						



3M™ MCS™ Warranty

Approval:

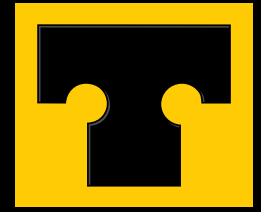
- Approved
DATE: _____
- Approved as noted
DATE: _____
- Revise & Re-Submit
DATE: _____

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Page Sheet

2 of 4

Local: 727-573-7757
Fax: 727-573-0328



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

STOP&SHOP

Design Number:

92096

Installation Address:

1790 Post Road E.

Westport, CT

06880

Project Identity Number:

91621

Sales Associate: Project Team:

BB BB

Designer: Date:

JB 06.15.21

Project Updates:

08.03.21 JB - New Elevation Colors



NOTE: RESCRATCH EIFS IN NEW COLORS. ALL MASONRY TO REMAIN AS IS.

Proposed Left Side Elevation

Scale: 1/32" = 1'

COLOR REFERENCE			
TAG	SHERWIN-WILLIAMS NAME	PROJECT USE	SHERWIN-WILLIAMS PAINT FORMULA
PT 85	SW-21	A100 SATIN EXTERIOR	B1 BLACK (0-2-1-1) N1 RAW UMBER (0-3-0-0) Y3 DEEP GOLD (0-0-1-1)
PT 86	SW-22	A100 SATIN EXTERIOR	B1 BLACK (0-19-1-0) Y3 DEEP GOLD (0-3-0-0)
PT 87	SW-23	A100 SATIN EXTERIOR	W1 WHITE (0-43-0-1) B1 BLACK (002-10-11) R2 MAROON (0-9-0-0) Y3 DEEP GOLD (0-9-0-0)



3MTM MCSTM Warranty

Approval:

Approved

DATE:

Approved as noted

DATE:

Revise & Re-Submit

DATE:

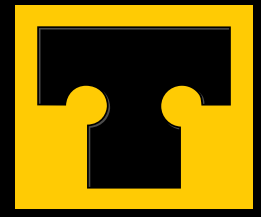
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Page **Sheet**

3 **3 of 4**

Local: 727-573-7757

Fax: 727-573-0328



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

STOP&SHOP

Design Number:

92096

Installation Address:

1790 Post Road E.

Westport, CT

06880

Project Identity Number:

91621

Sales Associate: Project Team:

BB BB

Designer: Date:

JB 06.15.21

Project Updates:

08.03.21 JB - New Elevation Colors



NOTE: RESCRATCH EIFS IN NEW COLORS. ALL MASONRY TO REMAIN AS IS.

Proposed Right Side Elevation

Scale: 1/32" = 1'

COLOR REFERENCE			
TAG	SHERWIN-WILLIAMS NAME	PROJECT USE	SHERWIN-WILLIAMS PAINT FORMULA
PT 85	SW-21	A100 SATIN EXTERIOR	B1 BLACK (0-2-1-1) N1 RAW UMBER (0-3-0-0) Y3 DEEP GOLD (0-0-1-1)
PT 86	SW-22	A100 SATIN EXTERIOR	B1 BLACK (0-19-1-0) Y3 DEEP GOLD (0-3-0-0)
PT 87	SW-23	A100 SATIN EXTERIOR	W1 WHITE (0-43-0-1) B1 BLACK (002-10-11) R2 MAROON (0-9-0-0) Y3 DEEP GOLD (0-9-0-0)



3MTM MCSTM Warranty

Approval:

Approved

DATE: _____

Approved as noted

DATE: _____

Revise & Re-Submit

DATE: _____

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Page Sheet

4

4 of 4

Local: 727-573-7757
Fax: 727-573-0328



TOWN OF WESTPORT

PLANNING & ZONING DEPT.

110 Myrtle Ave. Town Hall - Room 203
Westport, CT 06880 Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

ZONING PERMIT DATA FORM

OFFICE USE

Parcel ID #: _____

Zoning District: _____

1. Property Address: 1790 POST ROAD E, WESTPORT, CT 06880
(As listed on Assessor's Card)

2. Owner's Name: LESLIE BYELAS / BYLELAS LLC Daytime Tel: 203-259-0599
(Person's Name) / (Company Name)

3. Owner's Address: 1804 Post Road East, Westport, CT "E-mail Required" lbyelas@gmail.com

4. Applicant: GREG DAVIS / THOMAS SIGN Daytime Tel: 800-526-3325 EXT 243
(Person's Name) / (Company Name)

5. Applicant's Address: 4590 118TH AVE N, CLEARWATER, FL 33762 "E-mail Required" GREG.DAVIS@THOMASSIGN.COM

6. Existing Uses of Property: RETAIL STORE
(Example: 2-Story Single Family House with Pool)

NOTE: If project is a NEW HOUSE: SUBMIT with this Application a "New House Construction Cost Estimate Form" Completed & Notarized.

7a. Check type of proposed project below: 7b. Check one, property is on: Sewer or Septic

RESIDENTIAL PROJECTS:

- Residential project checkboxes: New House, Addition, Accessory Structure, Apartment - Accessory, Apartment - Pre-1959, Interior Renovations, Swimming Pool, Temp. Zoning Permit, Tennis Court, Other

COMMERCIAL PROJECTS:

- Commercial project checkboxes: Building - New, Building - Addition, Change of Use, Interior Renovations, Restaurant Patio Permit, Retail to Retail, Signage, Excavation & Fill, Site Changes, Other

8a. Will any part of any structure be demolished? No Yes 8b. Did you obtain any ZBA Variances? No Yes

9. Estimated total cost of your proposed project: \$ 68,000.00

10. Describe your project below and provide exact dimensions: (List width x length x height, if applicable):

SEE ATTACHED OF EXISTING & PROPOSED SIGNAGE

I hereby certify that the above information is correct and that I have submitted herewith all of pertinent documentation required by the regulations and in accordance with the P&Z bylaws.

Applicant's Signature (If different than Owner)

Owner's Signature (Must be signed or letter of authorization provided)

If the applicant is unable to obtain the signature of the property owner, a letter of authorization signed by the property owner may be submitted instead, as per §43-3.3

ARCHITECTURAL REVIEW BOARD APPLICATION REVIEW AND RECOMMENDATION

ARB review and recommendation is required prior to Planning and Zoning Commission or Zoning Board of Appeals hearings. This review provides required design review for proposed projects prior to zoning or variance approval. Application should be submitted in accordance with deadline posted on meeting calendar (10 days prior to meeting) to the HDC Office, Room 108. Additional materials may be requested for presentation at the meeting.

- COMMERCIAL BUILDING CONSTRUCTION OR ALTERATIONS**
- SPECIAL PERMIT USE**
- SIGNAGE**

Submission Date: Sept 14, 2021

1. Property Address: 800 Post Road East
(As listed in the Assessor's records)
2. Property PID#: F09/069 Zoning District: GBD
3. Owner's Name: IL Westport 4 LLC Daytime Tel #: 203-223-6519
Owner's Address: 247 Mill Street E-mail: skahan@intersatelumber.com
4. Agent's Name *(if different)*: James Margeotes Daytime Tel #: 646-263-2301
Agent's Address: JBMP Architects 1786 Bedford St, Stamford, CT 06905 E-mail: jmargeotes@jbmparch.com
5. Zoning Board of Appeals Case # *(if any)*: ZBA-21-00318
6. Existing Uses of property: Retail and Storage
7. Reason for this Request: Reduced Exterior Scope of Work.
Delete proposed shed dormers, transom windows.
Existing window openings at front (north) & side (west) elevations to remain,
replace existing windows. Substitute Painted PVC siding for cement panels
at front gable portion of bldg.

Applicant's Signature (If different than owner)

Owner's Signature (If the applicant is unable to obtain the signature of property owner, a letter of authorization signed by the property owner may be submitted instead.

Architectural Review Board Recommendation:

Chair's Signature: _____ Date: _____



Westport, CT 06880

December 9, 2020

To: Town of Westport
Town Hall
110 Myrtle Ave.
Westport, CT 06880

Re: Authorization Letter

To Whom It May Concern:

This will confirm that Barr Associates LLC, JBMP Architects, and D'Andrea & Sons are hereby authorized to represent ARB, ZBA, and P&Z applications on our behalf for the property located at, 800 Post Rd East, Westport, Connecticut (PID#F09069000).

IL Westport 4 LLC

By 

Sheldon Kahan

Member

Interstate + Lakeland Lumber www.interstatelumber.com

184 South Water Street
Greenwich, CT 06830
Tel 203-531-8050 / 914-939-2500
Fax 203-531-8689

46 Swamp Road
Newtown, CT 06470
Tel 203-364-0074
Fax 203-364-0801

1 Turnage Lane
Bethel, CT 06801
Tel 203-748-5629
Fax 203-748-8403

120 Selleck Street
Stamford, CT 06902
Tel 203-348-3761
Fax 203-969-0777

1248 East Main Street
Shrub Oak, NY 10588
Tel 914-245-5050
Fax 914-245-1451

September 14, 2021

**Town of Westport
Architectural Review Board
515 Post Road E
Westport, CT 06880**

RE: Interstate Design Center
800 Post Road East
Westport, CT

1 page

Description of Materials:

The existing front portion of the building has brick veneer walls at the 1st & 2nd floor with aluminum siding, eaves, trim above. The roof has asphalt shingles. The remainder of the walls are concrete block.

Proposed Materials:

Front Entry Gable Portion:

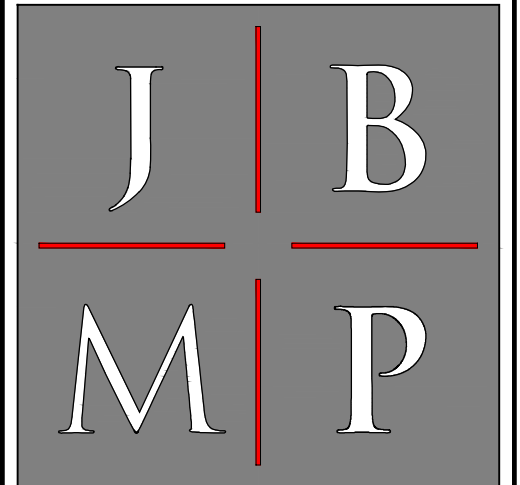
- 1x8 Horizontal Versatex Siding over exist CMU: Ben Moore Cinder AF-705.
- Entry Canopy: Metal clad fascia & trim band, Versatex V-groove, liquid applied roof, all black.
- Versatex upper trim band, Ben Moore Cinder, AF-705
- Gable above upper trim band: Boral vertical nickel gap siding, Ben Moore Cinder, AF-705
- Eaves, Rakes Trim, Versatex flat stock, Ben Moore Cinder, AF-705
- Soffit: Boral Flat Stock with Nickel Gap, Ben Moore Cinder, AF-705
- Roof: Englert Standing Seam: Stone White.
- New windows by Marvin, Black.

Remainder of front portion:

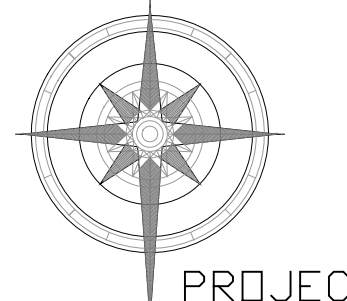
- Existing CMU veneer to be painted: Ben Moore Paper White, OC-55
- Pergola: Ben Moore, Cinder, AF-705
- Versatex Upper Trim Band: Ben Moore, Ben Moore Paper White, OC-55
- Proposed Shed Dormers: Boral flat stock siding with nickel gap. Versatex eaves and trim, Boral soffits.
Roof: Englert standing seam: Stone White.
- New windows by Marvin, White.

Remainder of building walls: Painted Ben Moore Paper White, OC-55

Remainder of building roof: Asphalt shingles.



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MARGEOTES | PARTNERS
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Phone 203.531.1588 Fax 203.531.6239
www.jbmparch.com



PROJECT
NORTH



09.14.2021	ARB RE-SUBMISSION
01.07.21	ARB SUBMISSION
12.04.20	ARB REVIEW SET
12.01.20	ARB REVIEW SET
10.20.20	Proposed issued to MEP ENG
01.16.2020	EXISTING CONDITIONS

SEAL:

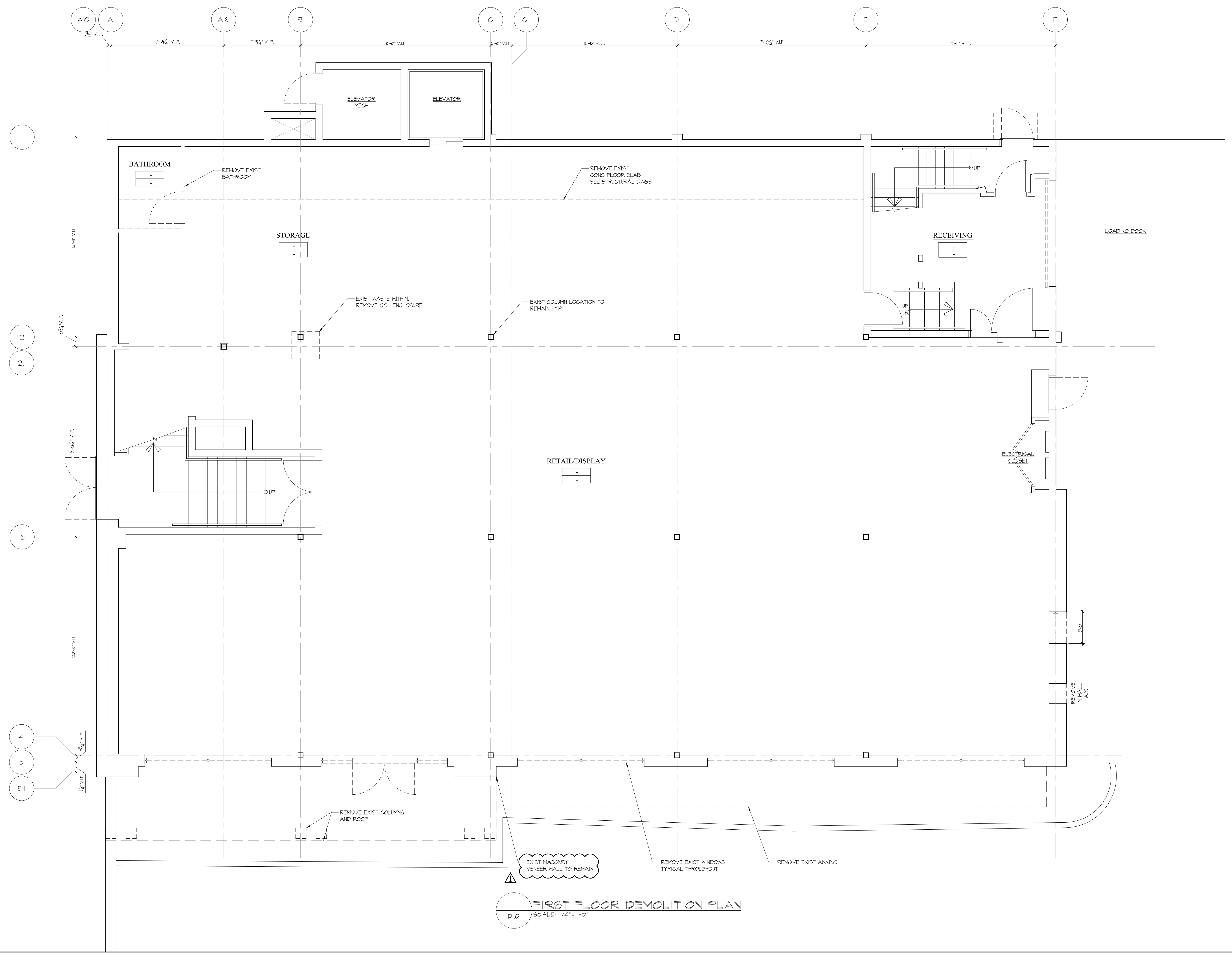
DRAWING NOT VALID
UNLESS SIGNED & SEALED HERE

PROJECT:
INTERSTATE DESIGN CENTER
800 POST ROAD EAST
WESTPORT, CT.

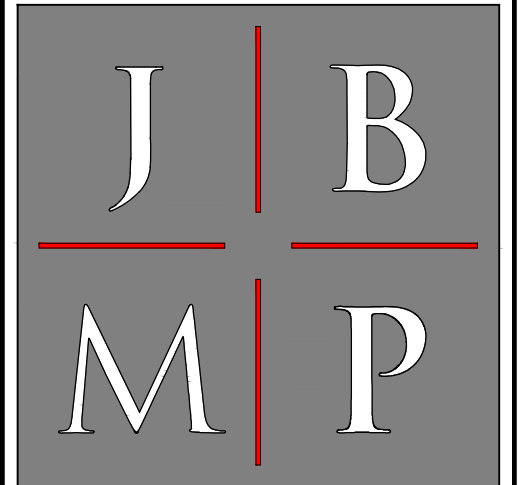
DRAWING TITLE:
FIRST FLOOR DEMOLITION PLAN
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021
DRAWN: JW
PROJECT MGR: CB

Ownership and Use of Documents:
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DRAWING NUMBER:
D1.01



FIRST FLOOR DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



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09.14.2021	ARB RE-SUBMISSION
01.07.21	ARB SUBMISSION
12.03.20	ARB REVIEW SET
12.01.20	ARB REVIEW SET
10.20.20	Proposed issued to MEP ENG
01.16.2020	EXISTING CONDITIONS

SEAL:

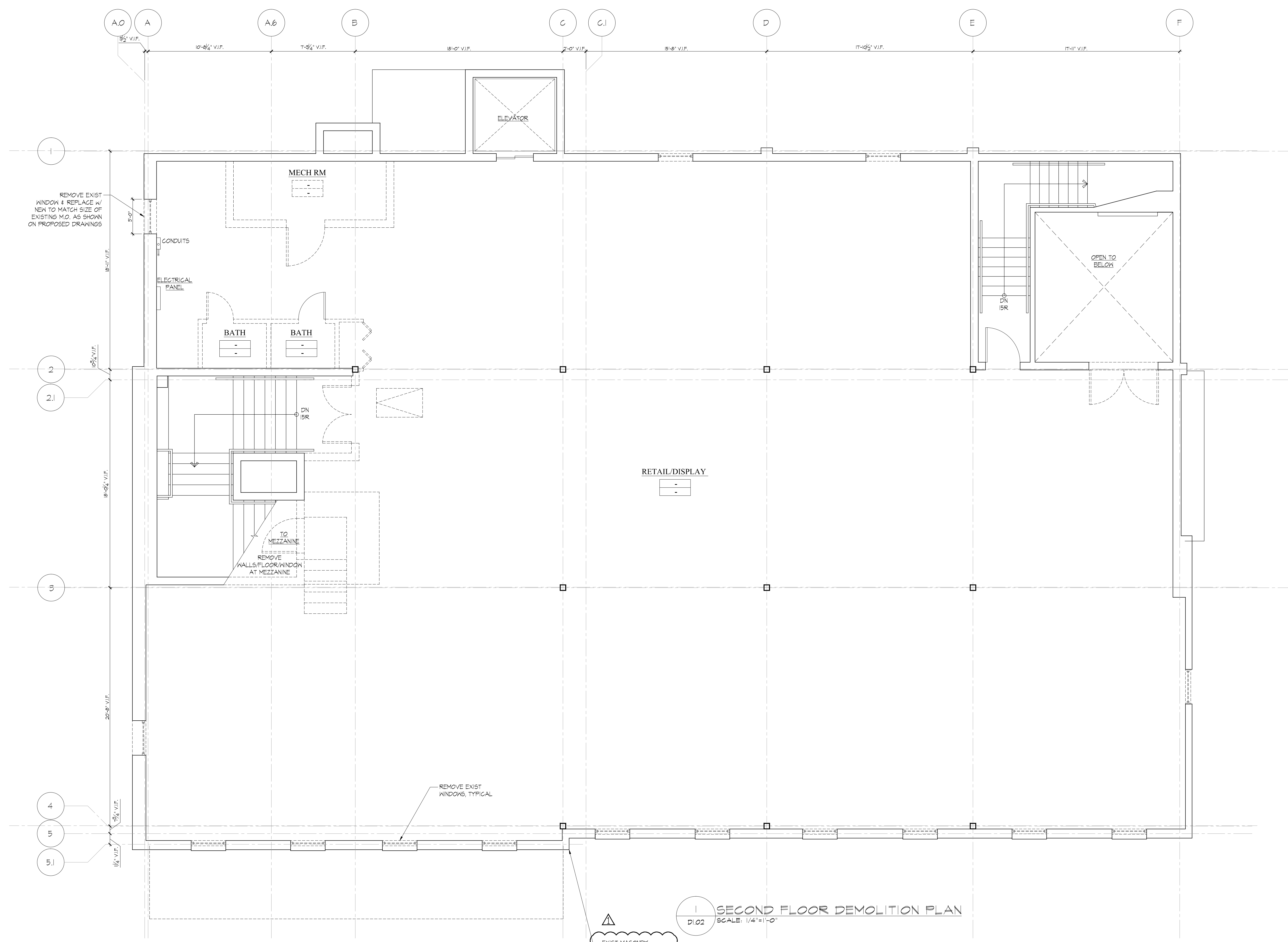
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PROJECT:
INTERSTATE DESIGN CENTER
800 POST ROAD EAST
WESTPORT, CT.

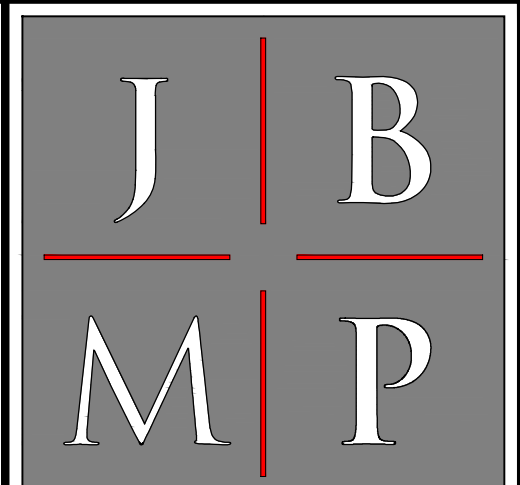
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SECOND FLOOR DEMOLITION PLAN
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021
DRAWN: JW
PROJECT MGR: CB

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DRAWING NUMBER:
D1.02



1 SECOND FLOOR DEMOLITION PLAN
D1.02 SCALE: 1/4"=1'-0"
EXIST MASONRY VENEER WALL TO REMAIN



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09.14.21	ARB RE-SUBMISSION
08.26.21	V.E. Revisions
08.18.21	Revised
06.09.21	Preliminary Pricing Set
05.18.21	Progress, Owner Review
02.26.21	Issued to Consultants
01.07.2021	ARB SUBMISSION
12.04.20	ARB REVIEW SET
12.01.20	ARB REVIEW SET
11.18.20	Reviewed by Owner
10.20.20	Proposed Issued to MEP ENG

SEAL:

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UNLESS SIGNED & SEALED HERE

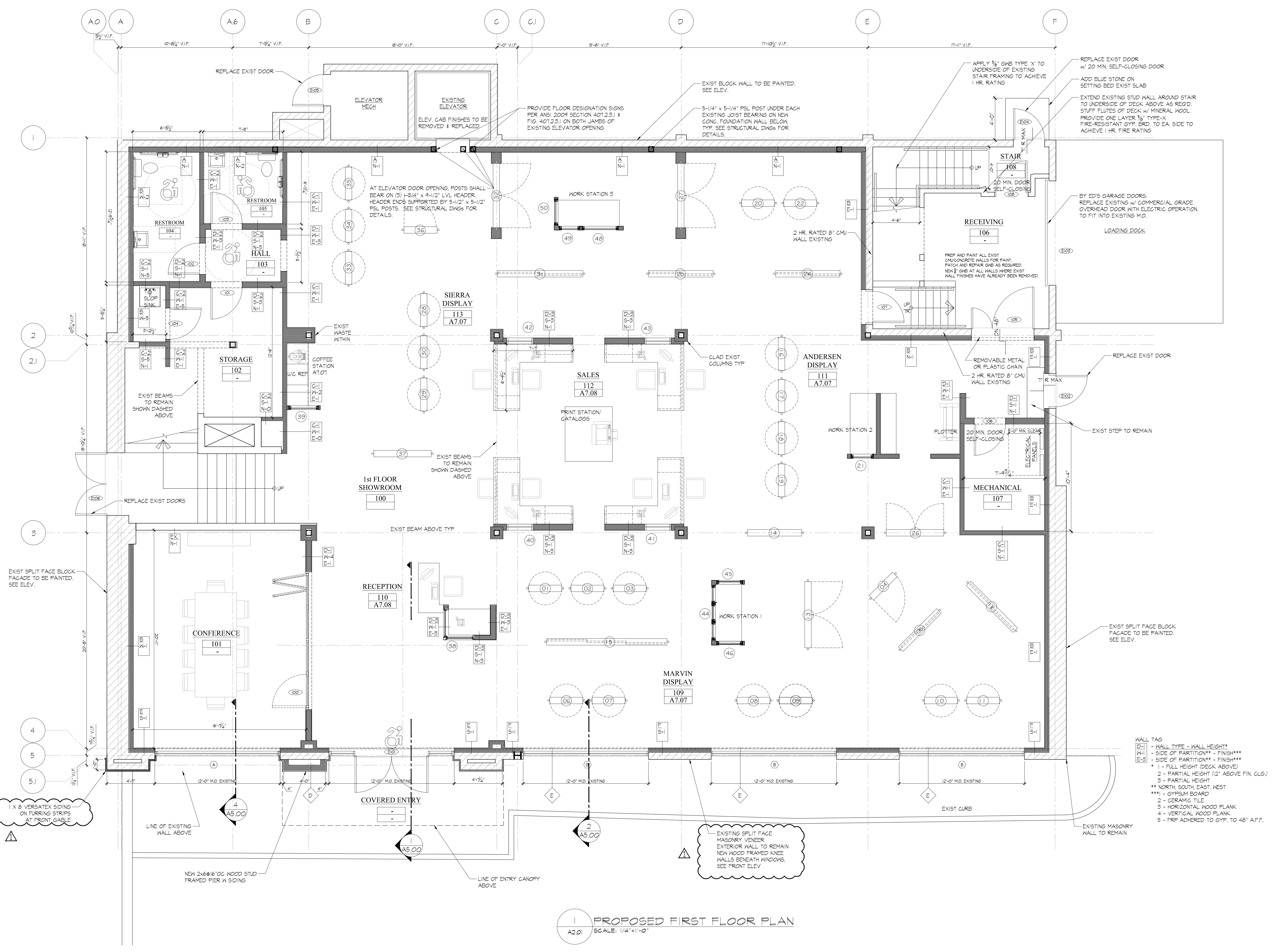
PROJECT:
INTERSTATE DESIGN CENTER
800 POST ROAD EAST
WESTPORT, CT.

DRAWING TITLE:
PROPOSED FIRST FLOOR PLAN

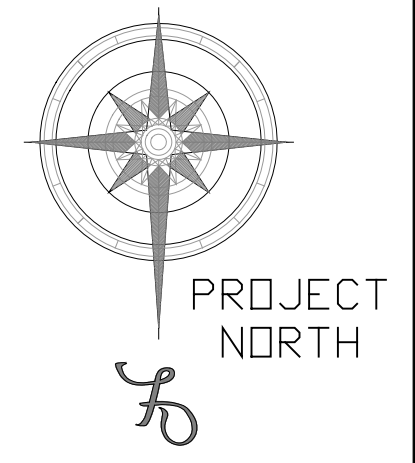
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021
DRAWN: CN
PROJECT MGR: CB

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DRAWING NUMBER:
A2.01



1 PROPOSED FIRST FLOOR PLAN
A2.01 SCALE: 1/4" = 1'-0"



09.14.21	ARB RE-SUBMISSION
08.26.21	V.E. Revisions
08.18.21	Revised
06.09.21	Preliminary Pricing Set
05.19.21	Progress, Owner Review
05.18.21	Progress, Owner Review
02.26.21	Issued to Consultants
01.07.2021	ARB SUBMISSION
12.04.20	ARB REVIEW SET
12.01.20	ARB REVIEW SET
11.18.20	Proposed Issued to MEP ENG
10.20.20	Proposed Issued to MEP ENG

SEAL:

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UNLESS SIGNED & SEALED HERE

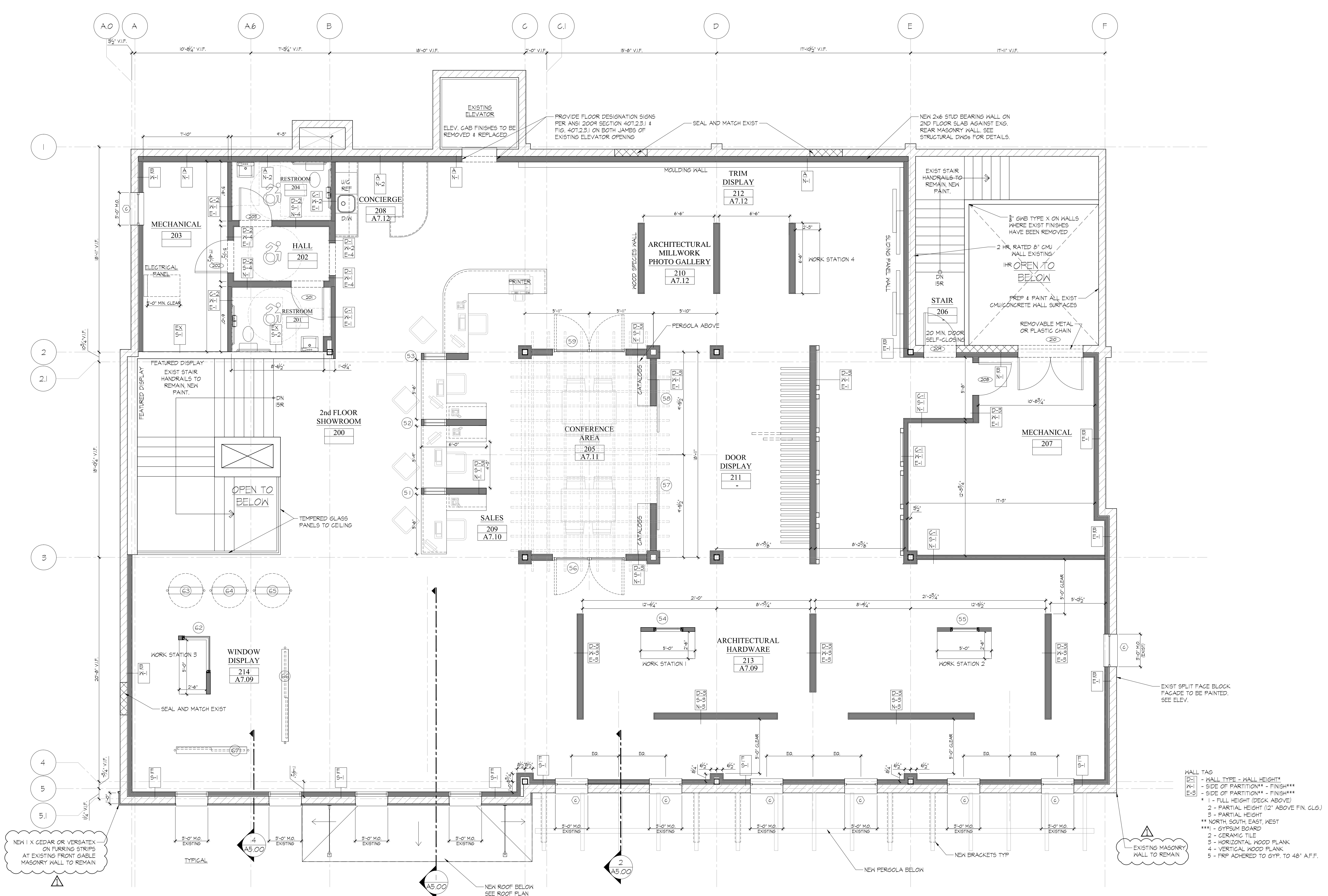
PROJECT:
INTERSTATE DESIGN CENTER
800 POST ROAD EAST
WESTPORT, CT.

DRAWING TITLE:
PROPOSED SECOND FLOOR PLAN

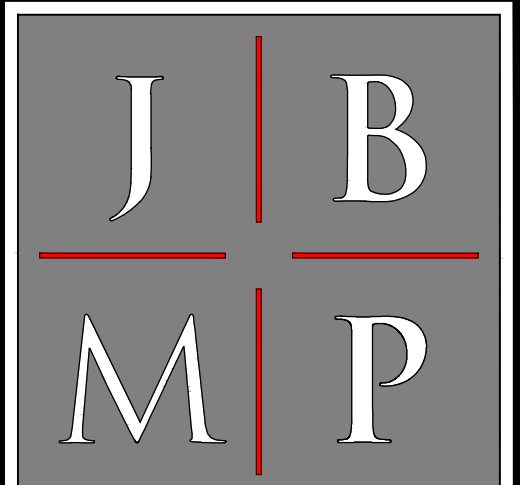
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021
DRAWN: KR
PROJECT MGR: CB

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DRAWING NUMBER:
A2.02



1
A2.02
PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



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1
A4.00
PROPOSED FRONT (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"

09.14.21	ARB RE-SUBMISSION
08.26.21	V.E. Revisions
08.24.21	Reduced Exterior Scope to Owner
06.09.21	Preliminary Pricing Set
02.26.21	Issued to Consultants
01.07.21	ARB SUBMISSION
12.04.20	ARB REVIEW SET
12.01.20	ARB REVIEW SET
10.20.20	Proposed Issued to MEP ENG
01.16.20	EXISTING CONDITIONS

SEAL:

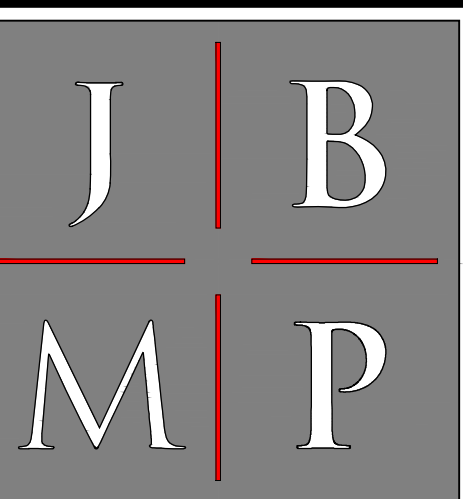
DRAWING NOT VALID
UNLESS SIGNED & SEALED HERE

PROJECT:
INTERSTATE DESIGN CENTER
800 POST ROAD EAST
WESTPORT, CT.

DRAWING TITLE:
PROPOSED FRONT (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021
DRAWN: JP
PROJECT MGR: CB

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DRAWING NUMBER:
A4.00



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1
A4.01
PROPOSED SIDE (WEST) ELEVATION
SCALE: 3/16" = 1'-0"

09.14.21	ARB RE-SUBMISSION
01.07.21	ARB SUBMISSION
12.04.20	ARB REVIEW SET
12.01.20	ARB REVIEW SET
10.20.20	Proposed Issued to MEP ENG
01.16.20	EXISTING CONDITIONS

SEAL:

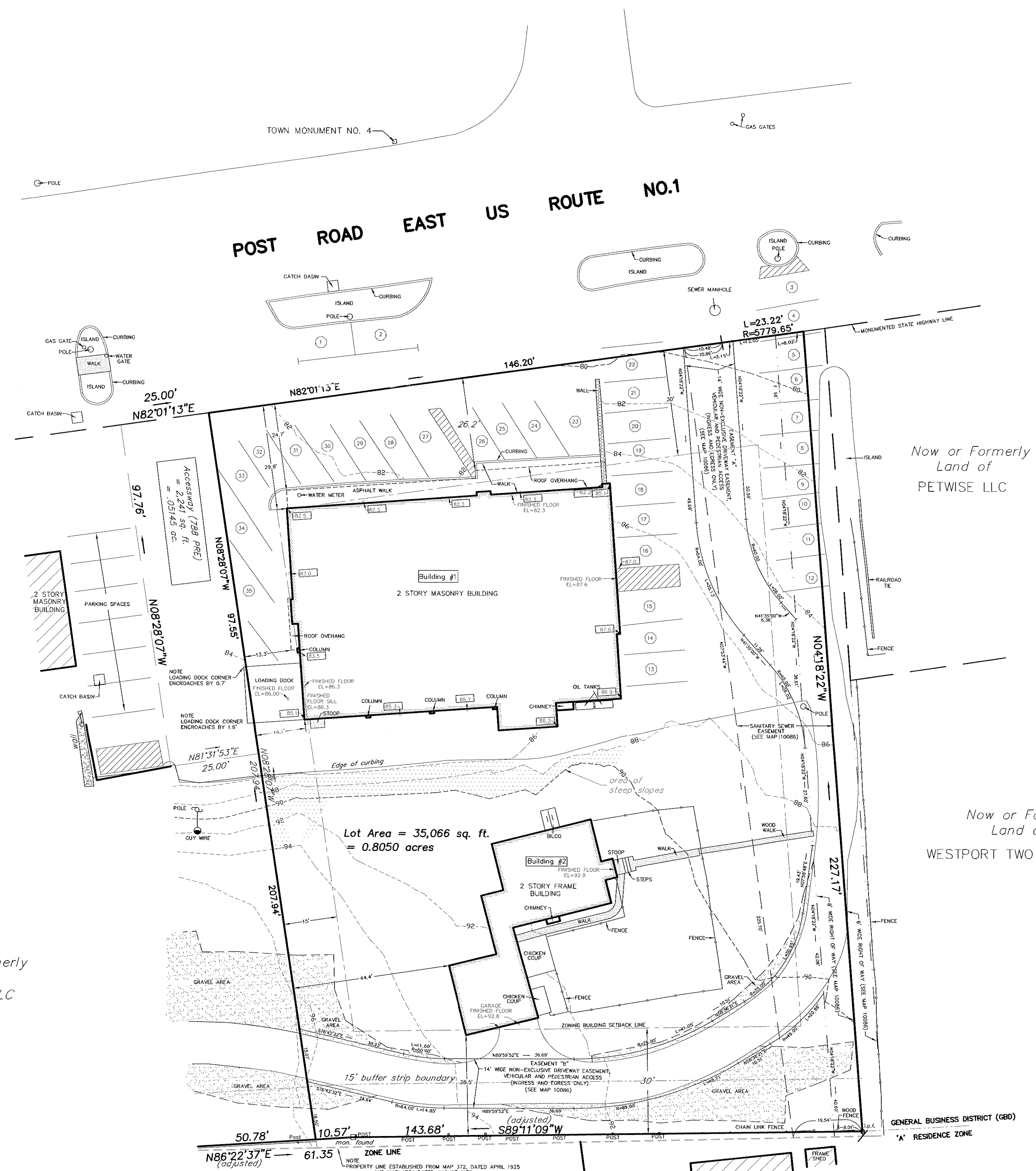
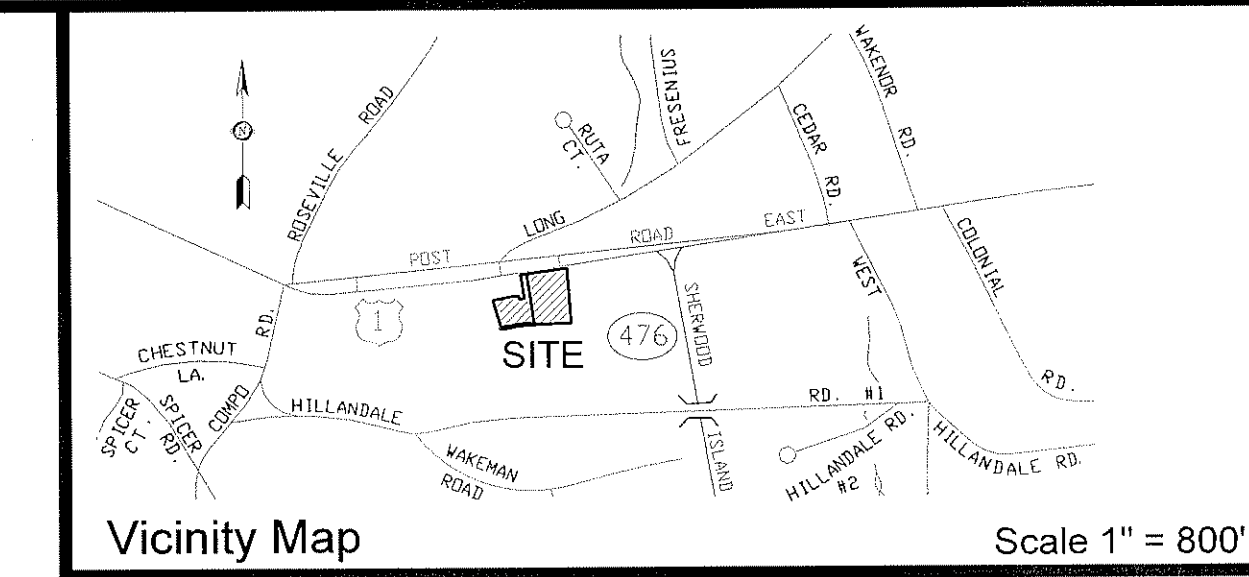
DRAWING NOT VALID
UNLESS SIGNED & SEALED HERE

PROJECT:
INTERSTATE DESIGN CENTER
800 POST ROAD EAST
WESTPORT, CT.

DRAWING TITLE:
PROPOSED SIDE (WEST) ELEVATION
SCALE: 1/4" = 1'-0"
DATE: 01.07.2021
DRAWN: JP
PROJECT MGR: CB

Ownership and Use of Documents:
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DRAWING NUMBER:
A4.01



Now or Formerly Land of
C P C 1 LLC

Now or Formerly Land of
788 PRE LLC

Now or Formerly Land of
PETWISE LLC

Now or Formerly Land of
WESTPORT TWO ASSOCIATES

Now or Formerly Land of
STEPHANIE ANN AND MICHAEL S. FRAWLEY

Now or Formerly Land of
STEPHEN J. AND MARCELLA LOZYNIAK

Coverage Calculation
(As described in the Westport Planning & Zoning Regulations)
Lot: 800 Post Road East Westport
Ag (Total Site Area) = 35,066 sq. ft.
Excluded Surface Easement Area = 0 sq. ft.
At (Area - Easement) = 35,066 sq. ft.
W (Wetlands) = 0 sq. ft.
S (Slopes > 25%) = 834 sq. ft.
An (Area - (W + S)) = 34,232 sq. ft.
Abc (Area + 0.2(W + S)) = 34,398 sq. ft.
The balance lot area to be used for the computation of the Maximum Allowable Building Coverage = 34,398 sq. ft.
Maximum Allowable Building Coverage = 34,398 sq. ft. x 25% = 8,599 sq. ft.
Maximum Allowable Building Coverage = 8,599 sq. ft.
a) masonry building = 6,401 sq. ft.
b) frame building = 1,448 sq. ft.
Existing Building Area = 7,849 sq. ft. = 22.82%

- NOTES:**
- This survey and map has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996.
 - It is an Improvement Location Survey based upon a Dependent Resurvey and is intended to depict the position, horizontally and, where required, vertically, between particular existing or proposed improvements with respect to applicable municipal or statutory requirements. The purpose is to enable determination of compliance with said improvements.
 - This survey conforms to Horizontal Accuracy Class A-2.
 - Total Area (800 Post Road) = 35,066 sq. ft.; 0.8050 Acres.
 - Parcel located in Zone GBD.
 - Property shown on Assessors maps F09 as Lot 69.
 - No abstract of title, nor title commitment provided, all documents of record reviewed are noted hereon.
 - Underground improvements or encroachments if any are not shown.
 - Reference is hereby made to the Westport Wetland Regulations for proper conservation setback distances per intended use.
 - Lot does not contain inland wetlands per Town of Westport interactive GIS application. For more specific inland wetland determinations a licensed soil scientist should be consulted.
 - Property located in flood zone 'X' (area of minimal flooding) as per National Flood Insurance Program, Flood Insurance Rate Map, for the Town of Westport CT, Community No. 09009C, Panel No. 414, Suffix C, Map effective date 8 July 2013
 - Contour interval is 2 ft, Datum is approximate NAVD 1988. Elevations established from Town Benchmark Monument No. 4.
 - The word 'certify' is understood to be an expression of professional opinion by the Land Surveyor which is based on his or her best knowledge, information and belief and as such it constitutes neither a guarantee or warranty.
 - Building dimensions shown are for coverage purposes only and are not to be used for construction.
 - The Building and Conservation setback lines depicted are the surveyors interpretation of the regulations. These setback determinations are subject to change based upon the municipal, federal, and/or state departmental interpretation and/or changes in regulations affecting setbacks. The municipal zoning enforcement officer has current knowledge and authority in this determination and must be consulted prior to design and/or building of improvements on the property.
 - Surveyor will measure to buildings exterior finish for all building offset distances and for final coverage calculations.
 - Recorded maps and deeds do not agree with each other and in some cases do not agree with monumentation or other physical evidence found in field. Property lines depicted and noted hereon represents the apparent 'best fit' of the conflicting elements and are considered most likely correct.
 - Map References:
A. Property shown as lot 'c' on a certain map entitled, "Map of Property Prepared for Joseph & Josephine DeMattia" Westport Land Records Map No. 7955 Scale 1" = 20', Rev. to 24 Aug. 1981 By Leo Leonard P.E. & L.S.
B. Also see Maps: 10078, 10086, 9152, 7993, 4807, 4734, 2233, 372

LEGEND

- EXISTING CONTROLS (DARIN MON 1229)
- EXISTING SPOT ELEVATION
- FF (FINISH FLOOR ELEVATION)
- TSAN (TOWN CENTER SEWER MANHOLE)
- SANITARY PIPE BY CODE BRAND
- WV (WATER VALVE)
- AV (AIR VALVE)
- AV (AIR VALVE)
- STAN (STORM DRAIN MANHOLE)
- STORM PIPE
- CV (GAS VALVE)
- WW (WATER METER)
- WV (WATER VALVE)
- WV (WATER VALVE)
- TRUNKLINE
- UTILITY POLE
- CHANGING FENCE
- STORAGE FENCE
- WIRE FENCE
- STONE WALL
- WW (WASTEWATER METER)
- DEEP TEST HOLE
- TREE SIZE (INCHES DBH) SPECIES
- TWIN TREES
- MARSH PINE
- EDGE OF WETLANDS
- TELEPHONE FRANT
- TELEPHONE ELECTRIC PART
- ELECTRIC FRANT
- DENOTES STEEP SLOPE AREA
- DENOTES PARKING SPOT NUMBER
- DENOTES SPOT ELEVATION

AVERAGE GRADE AROUND FRONT BUILDING

NUMBER	ELEVATION
1	86.9
2	87.6
3	87.0
4	85.1
5	82.2
6	82.3
7	82.3
8	82.3
9	82.5
10	83.0
11	83.5
12	85.1
13	85.3
14	85.7
15	86.2

TOTAL NUMBER = 15 1267.0 = SUM
AVERAGE GRADE = 84.5

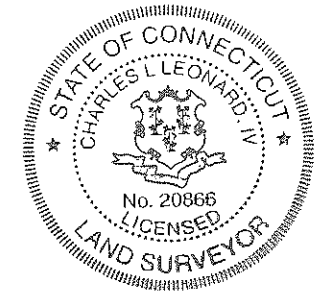
Building 1
ROOF HEIGHT CALCULATIONS:
AVERAGE GRADE = 84.5'
ELEVATION OF PEAK = 119.74'
ELEVATION OF EAVE = 106.28'
ELEVATION OF MIDPOINT = 113.01'
BUILDING HEIGHT = 28.51'

ZONE 'GDB'		
DESCRIPTION	ALLOWED/REQUIRED	EXISTING
LOT AREA	Not Required 50' Frontage	35,066 sq. ft.
HEIGHT	25' to top of flat roof 30' to mid-point of pitched roof	28.5 FT.
FRONT	30 FT	24.7 FT.
REAR	25 FT	28.5 FT.
SIDE 1	15 FT	13.3 FT.
MAX. BLDG. COV.	25%	22.38%

Building 1 = 6,411 sq. ft.
Building 2 = 1,438 sq. ft.
Total = 7,849 sq. ft.

EXISTING PLOT PLAN
PREPARED FOR
IL WESTPORT 4 LLC
800 POST ROAD EAST

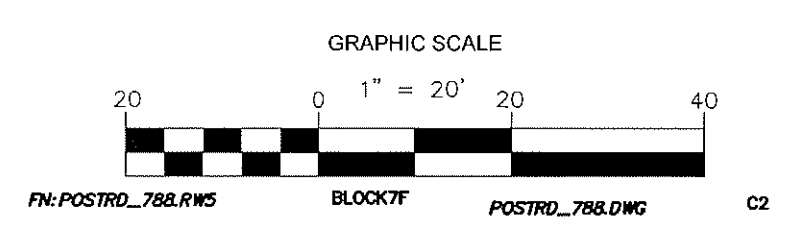
WESTPORT ~ CONNECTICUT
SCALE 1" = 20' ~ 16 MARCH 2020



LEONARD SURVEYORS, LLC
"CERTIFIED SUBSTANTIALLY CORRECT"
CLASS A-2 ACCURACY

Charles Leonard
CHARLES L. LEONARD IV, L.S., CONN. REG. NO. 20866

REVISION TABLE	
DATE	DESCRIPTION
6 May 2020	revise plan
12/16/2020	revise plan



LEONARD SURVEYORS LLC
830 POST ROAD EAST
WESTPORT, CONNECTICUT 06880
PHONE: (203) 226-7861
FAX: (203) 454-1832



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

Planning and Zoning Department Request for Comments

Date: September 3, 2021

From: Mary Young, Planning and Zoning Director

Re: Text Amendment #800/PZ-21-00600, Changes to the Zoning Regulations to exempt from Setbacks and Coverage small balconies on commercial buildings adjacent to the Saugatuck River that extend no further than 10-feet from the Building, by adding and modifying existing definitions and related standards; and to exempt non-residential activities from requiring public hearing review by the Planning and Zoning Commission (but retain requirement for Commission administrative Coastal Site Plan review, aka Work Session review, of non-residential CAM activities)

Architectural Review Board c/o Donna Douglass ddouglass@westportct.gov

Proposal

The text amendment to the Zoning Regulations is authored by Eric Bernheim, Esq. (PH: 203-635-2200 or bernheim@flb.law), and seeks approval for:

1. Modifications to various definitions in §5-2 of the Zoning Regulations to exempt from setbacks and Coverage small Non-Residential Balconies (no larger than 500 SF) on commercial buildings that extend no further than 10-feet from a building that is adjacent to the Saugatuck River. A new definition of "Non-Residential Balcony" is proposed, and modifications to the following definitions are proposed: "Building;" "Building Area and/or Footprint;" "Coverage, Building;" "Coverage, Total; and "Structure."
2. Modifications to §6-2.1.9 to exempt Non-Residential Balconies as proposed from triggering the need for a variance if/when added to a non-conforming building;
3. Modifications to §24A-6.2, Coverage Exemptions, to distinguish the proposal from existing standards for residential balconies on buildings in the General Business District/Saugatuck (GBD/S);
4. Modifications to §31-4, Projections in Setbacks, to add Non-Residential Balconies to the list of improvements that may project into setbacks; and
5. The amendment additionally expands upon Text Amendment #779, adopted earlier this year, to allow non-residential coastal activities to be reviewed by the Planning and Zoning Commission without the requirement for a public hearing by modifying §43-5.2.

The targeted benefitting property is 33 Riverside Ave. according to the applicant's *Explanatory Statement*.

Attached herein for your review are materials submitted by Attorney Eric Bernheim, including:

- Text Amendment #800 (undated), received 9/2/21;
- Explanatory Statement for Text Amendment #800 (undated), received 9/2/21;
- Existing Conditions Survey of 33 Riverside Ave. (Demonstration site), prepared by ALTA/ACSM, dated 9/2/05
- Balcony Study for 33 Riverside Ave. (Demonstration site), prepared by CSC Sugar, (6 sheets) dated 6/24/21
- (For Background) Text Amendment #779, adopted 2/21/21.

The public hearing is tentatively scheduled for Oct. 14, 2021. Please return comments prior to Oct. 14, 2021.

Proposed Text Amendment

Section 5-2 Specific Terms

Non-Residential Balcony:

A platform enclosed by a wall or balustrade, but without a roof, on the outside of a Building located adjacent to the Saugatuck River in a commercial zone, with access from a door located on a floor above the first story, with building area no larger than 500 square feet and protrudes no further than ten (10) feet from the Building and its drainage must be tied into the Building's storm management system with sufficient capacity to support the Non-Residential Balcony runoff.

Building:

A structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building which is affixed to a lot or lots for the housing or enclosure of persons animals or chattels and shall include each of the independent units into which it is divided by common walls. A building which is connected to a principal building by a carport or garage, or by a porch, breezeway or passageway with a common wall of less than 8 feet in length, shall be deemed to be an accessory building.

Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building, except a Non-Residential Balcony shall not be considered a part of the Building for coverage and setback purposes.

A building which is connected to a principal building by a fully enclosed above ground passageway with a common wall of 8 feet or more in length, and having a finished floor, walls and ceiling shall be deemed to be part of the principal building.

Building Area and/or Footprint

The maximum horizontal cross section area enclosed by and including the outside walls of all buildings and structures on a lot. The projection of entry platforms or steps; Non Residential Balconies cantilevered roofs, eaves, cornices; chimneys; window sills or sun shades and similar incidental architectural projections shall not be included within the building area or footprint, provided that such architectural projections shall not extend more than three (3) feet from the building wall or face or more than a distance equal to 20% of the minimum required setback, whichever is less.

Coverage, Building:

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 and structures. Building coverage shall include the building area. No more than 20% of the land covered by waterbodies, water courses, 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 building coverage. A Non-Residential Balcony shall not be included within the Building Coverage.

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. A Non-Residential Balconieshall be excluded from Total Coverage. 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. 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.

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, except for a Non-Residential Balcony.

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.(795, 07/01/2021) A Non-Residential Balcony shall not be considered a structure 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.

Section 6-2.1.9

The construction of Non-Residential Balconies projecting into the setbacks or in excess of coverage are not considered an expansion, extension, or alteration.

Section 24A-6.2 Coverage Exemptions

The Planning and Zoning Commission may exempt up to an additional minimal amount of coverage associated with open porches, decks, or balconies on residential Buildings and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.

Section 31-4: Projections into Setbacks

The space in any setback shall be open and unobstructed, except for the projection of entry platforms or steps; cantilevered roofs, eaves, cornices; chimneys; window sills or sun shades and similar incidental architectural projections, provided that such architectural projections shall not extend more than three (3) feet into the required setback, or more than a distance equal to twenty percent (20%) of the minimum required setback, whichever is less. The projections shall be measured from the building wall or face. The projection of Non-Residential Balconies shall also be exempted.

Section 43-5.2 Site Plan Review and Hearings

Site Plan approval by the Planning & Zoning Commission shall be required for construction, addition or alteration of a non-residential building involving more than five hundred (500) squarefeet of building coverage or containing more than five hundred (500) sq. ft. of gross interior floorspace, or any of the uses or activities listed below:

1. A Change of Use pursuant to §5-2.
2. [~~Non-residential activities pursuant to §31-10.6 of these regulations and any~~] Shoreline Flood and Erosion Control Structure as defined in CGS §22a-109 located within the Coastal Boundary as described in CGS §22a-94.(779, 03/04/2021)
3. Truck trailer storage for more than 7 days pursuant to §32-8.1.
4. Excavation and fill activities that are not exempt pursuant to §32-8.1.
5. Outdoor Special Events, pursuant to §32-23, that:
 - a. Exceed ten (10) days in duration and are located in a non-residential district.
 - b. Exceed two (2) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located in a residential district.
 - c. Exceed seven (7) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located on a privately-owned property in a residential district containing a Special Permit Use.

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan review.

The P&Z Director may waive P&Z Commission review of small-scale projects, (except those located in §36, Village District Overlay Zone which require review by the Joint Committee and Site Plan review by the Planning and Zoning Commission), but may require the approval of the Architectural Review Board and will require a zoning permit. Small-scale projects include:

- i. Minor Site Plan modifications such as parking lot alterations or expansions, landscape modifications and utility modifications;
- ii. Exterior façade changes to commercial buildings;
- iii. Small building additions with fewer than five hundred (500) sq. ft. of building coverage or containing fewer than five hundred (500) sq. ft. of gross interior floor space.
- iv. Exterior staircases mandated by the Fire Marshal.
- v. Handicap ramp and elevators mandated by the Building Official for public safety.

Explanatory Statement

Proposal: We seek to amend Section 5-2 of the Zoning Regulations to permit small Non-Residential balconies on commercial buildings adjacent to the Saugatuck River. Further, we propose excluding Non-Residential Balconies on commercial buildings adjacent to the Saugatuck River from the setback and coverage calculations articulated in the Zoning Regulations.

Rationale: One of Westport's greatest assets are its scenic resources. Many commercial buildings are overlooking these scenic resources and permitting balconies will enhance the visual access to these scenic resources. For example, the Saugatuck River is lined with commercial office buildings. Permitting small balconies on these office buildings will allow these corporate citizens and their employees the ability to enjoy Westport's scenic resources more abundantly. Access to these small commercial balconies will allow the property owners of these office buildings to offer this additional amenity to potential tenants making the properties more attractive, which is a benefit to not only the property owners but the Town of Westport as well. Section 4.4 of the Town Plan of Conservation Development ("POCD") states that it is a goal of Westport to "enhance visual access" to the Saugatuck River. Furthermore, Section 6.5 of the POCD is intended to enhance coastal access in "as many ways as possible." Enhancing coastal access by allowing for commercial buildings to allow for balconies overlooking Westport's Scenic Resources will further the goals and objectives of the POCD.

Allowing all Buildings in commercial zones to take advantage of offering a Non-Residential Balcony as part of their amenities is in furtherance of Section 9.1 of the POCD which is intended to enhance the buildings, functions of the site, and overall community character. Employees may continue to wear masks for the foreseeable future due to COVID-19, and by allowing outdoor access without leaving the leased premises, those employees that continue to wear a mask during their workday will have a quick accessible location to take a mask break outside. Also, Non-Residential Balconies should be permitted on all commercial properties located adjacent to the Saugatuck River based on Section 9.3 of the POCD which "encourage[s] a comprehensive approach to business zoning to provide a clear picture of what is permitted where."

Similar relief was provided for patios and terraces in Section 24A-4 of the Zoning regulations. Specifically, Section 24A-4 provides that the Commission may allow a residential patio or terrace to extend closer than 15 feet from any side lot line or 25 feet from any rear lot line for purposes of encouraging pedestrian oriented frontages and maintaining the existing street walls.

The proposed text amendment excludes from setback and coverage calculations a Non-Residential Balcony no larger than 500 square feet that extends no further than 10 feet from the Building. In an effort to create a more streamlined process, the proposed amendment also exempts the Non-residential Balconies from being subject to the public hearing requirement in Section 43-5.2. A targeted beneficiary of the proposed text amendment is the property located at 33 Riverside Avenue, Westport, CT 06880 (the "Property"). Permitting the Property to add a Non-Residential Balcony will allow it to offer individuals outdoor access and visual access of the Saugatuck River.

LEGAL DESCRIPTION

BEING ALL THAT CERTAIN PIECE OR PARCEL OF LAND INCLUDING BUILDINGS AND IMPROVEMENTS LOCATED THEREON SITUATED IN THE TOWN OF WESTPORT, COUNTY OF FAIRFIELD AND STATE OF CONNECTICUT BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A NAIL SET IN THE EASTERLY LINE OF RIVERSIDE AVENUE A/K/A CONNECTICUT ROUTE 33, SAID NAIL MARKING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL AND THE SOUTHWESTERLY CORNER OF LAND OF 41 GAULT LP, AND BEING 360.94' FROM THE SOUTHERLY LINE OF U.S. ROUTE 1 AS MEASURED ALONG THE EASTERLY LINE OF RIVERSIDE AVENUE, THENCE PROCEEDING N67°08'17"E 126.81' ALONG 41 GAULT LP TO THE WESTERLY MEAN HIGH WATER LINE OF THE SAUGATUCK RIVER, SAID POINT BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE TURNING AND RUNNING ALONG THE SAUGATUCK RIVER S15°54'26"E 107.90', S16°39'46"E 35.80', S21°43'34"E 34.55' AND S9°57'50"E 27.93' TO A DRILL HOLE FOUND MARKING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE TURNING AND RUNNING ALONG LAND OF SUMARAN LIMITED PARTNERSHIP S83°40'27"W 104.66' TO A NAIL SET IN THE EASTERLY LINE OF RIVERSIDE AVENUE, SAID NAIL MARKING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL; THENCE TURNING AND RUNNING ALONG THE EASTERLY LINE OF RIVERSIDE AVENUE N23°43'33"W 174.70' TO THE POINT AND PLACE OF BEGINNING.

SAID PREMISES CONTAIN 0.499 ACRES OF LAND AND IS BOUNDED:

NORTHERLY BY: 41 GAULT LP
EASTERLY BY: SAUGATUCK RIVER,
SOUTHERLY BY: SUMARAN LIMITED PARTNERSHIP, AND
WESTERLY BY: RIVERSIDE AVENUE (A/K/A CONNECTICUT ROUTE 33)

TOGETHER WITH A RIGHT OF WAY FOR THE PURPOSE OF INGRESS AND EGRESS OVER THE PROPERTY OF 41 GAULT LP BEING BETWEEN 9.25' AND 9.40' IN WIDTH IMMEDIATELY NORTH OF THE SUBJECT PARCEL, REFER TO VOL. 374, PG. 134 AND MAP #6914 W.L.R.

TOGETHER WITH A POSSIBLE RIGHT TO MAINTAIN LIGHT POLES ON LAND OF 41 GAULT LP (LIGHT POLES DESCRIBED ARE UNDETERMINABLE AT THE TIME OF SURVEY) REFER TO VOL. 374, PG. 139 W.L.R.

SUBJECT TO A STORM SEWER EASEMENT, REFER TO VOL. 27, 662 AND 708 W.L.R.

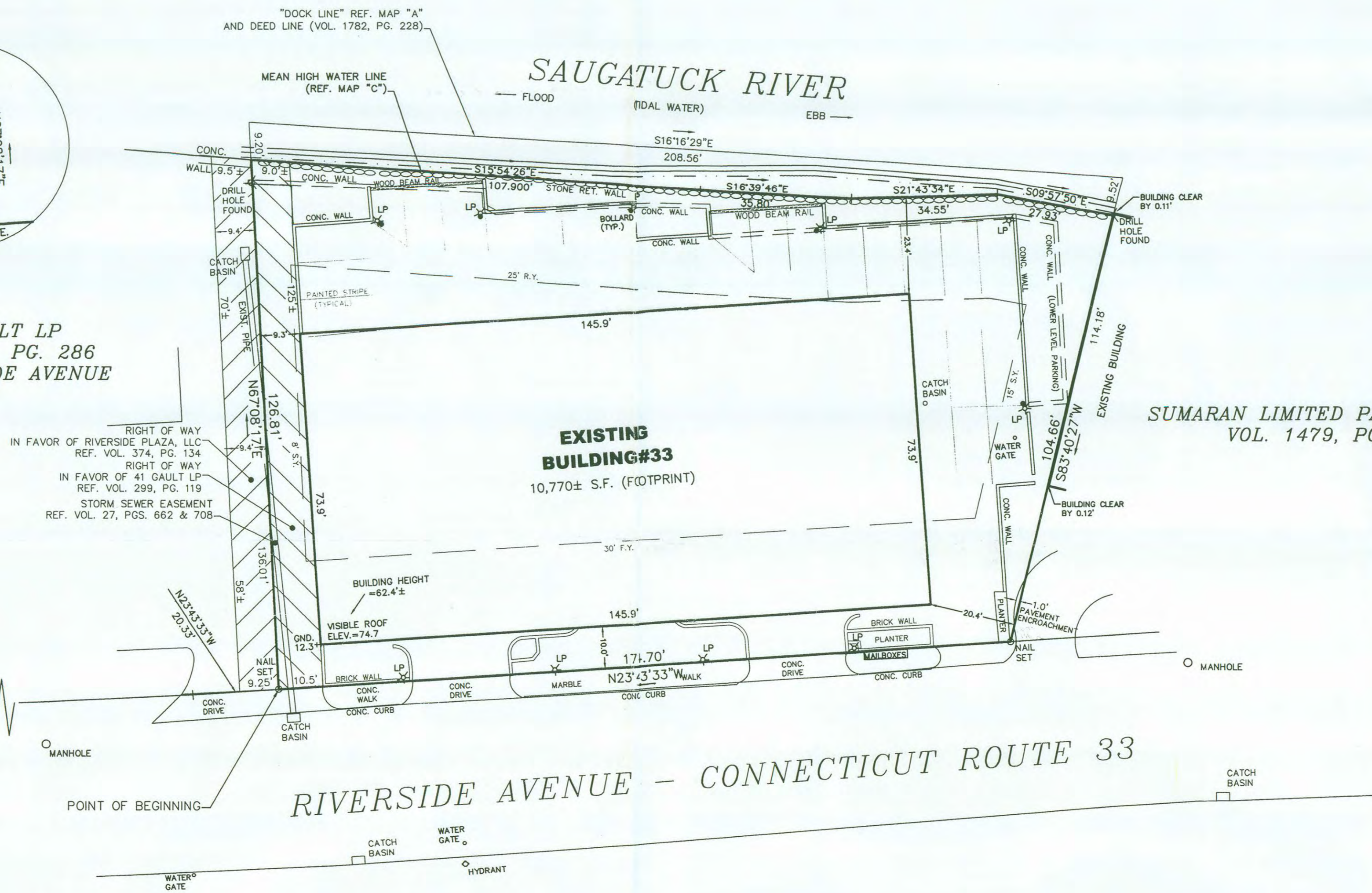
SUBJECT TO A RIGHT OF WAY IN FAVOR OF 41 GAULT LP FOR THE PURPOSE OF INGRESS AND EGRESS BEING BETWEEN 10.5' AND 9.0'± IN WIDTH IMMEDIATELY SOUTH OF THE NORTHERLY PROPERTY LINE OF THE SUBJECT PARCEL, REFER TO VOL. 299, PG. 119 AND MAP #6914 W.L.R.

REFERENCE IS MADE TO A COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, EFFECTIVE DATE: Aug. 1, 2005 AT 8:00 a.m.
ORDER NO.: CTS102695C



41 GAULT LP
VOL. 1644, PG. 286
15 RIVERSIDE AVENUE

POST ROAD - U.S. ROUTE 1



SUMARAN LIMITED PARTNERSHIP
VOL. 1479, PG. 87

EXISTING FLOOD CERTIFICATE BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARD FLOOD DETERMINATION HAS IDENTIFIED THIS PROPERTY AS BEING IN FLOOD ZONE A6 AS SHOWN ON COMMUNITY PANEL NUMBER 090019 0004B REVISED TO 12/04/84.

REFERENCE IS MADE TO MAPS TITLED:
A. "SURVEY PREPARED FOR HARRELL CORP. WESTPORT, CONN. SCALE 1"=20' MAY 9, 1968" PREPARED BY CHARLES S. LYMAN (W.L.R. MAP #6552)
B. "PLAN SHOWING PROPOSED DRIVEWAY AGREEMENT BETWEEN RIVERSIDE ASSOCIATES & GEORGIANA GAULT (TRUSTEE) RIVERSIDE AVENUE WESTPORT, CONNECTICUT SCALE 1"=10' SEPTEMBER 1971" PREPARED BY DICASARE-BENTLEY-WELLING ENGINEERS GROTON-NORWICH, CONNECTICUT (W.L.R. MAP #6914)
C. "MAP OF PROPERTY PREPARED FOR RIVERSIDE PLAZA LLC 33 RIVERSIDE AVENUE WESTPORT, CONNECTICUT SCALE 1"=20' MAY 6, 2000" PREPARED BY DENNIS A. DELIUS NORWALK, CONNECTICUT

ALL MONUMENTATION FOUND OR SET HAS BEEN DEPICTED ON THIS MAP.

EXISTING BUILDING IS LEGALLY NON-CONFORMING WITH REGARD TO FRONT AND REAR YARD SETBACKS, HEIGHT, AND COVERAGE AREA.

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A PROPERTY SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.
ARTHUR H. HOWLAND, L.S., LICENSE # 5548, NEW MILFORD, CT.
FROM THE OFFICE OF ARTHUR H. HOWLAND, L.S. & P.E.



To: Stephan B. Grozinger, Abbey Road Riverside LLC, First American Title Insurance Company and JP Morgan Chase Bank, N.A.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 1-4, 6, 7(b)(1)(c), 8-10, 11(a), 13-17 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

Date: 9-6-05
Arthur H. Howland, Connecticut License #5458
50 Bridge Street
New Milford, CT 06776
(860) 354-9346

VARIANCE GRANTED: SEE VOL. 1469, PG. 87 REGARDING SIDE YARD SETBACK, BUILDING HEIGHT, COVERAGE, EXPANSION, EXTENSION AND ALTERATION, FLOOR AREA, ROOF TOP MECHANICALS AND PARKING AND LOADING. (AUGUST, 1996)

VARIANCE GRANTED: SEE VOLUME 1583, PG. 249 REGARDING SIDE YARD SETBACK, BUILDING HEIGHT, COVERAGE, EXPANSION, EXTENSION AND ALTERATION, FLOOR AREA, ROOF TOP MECHANICALS AND PARKING AND LOADING. (FEBRUARY, 1998)

VARIANCE GRANTED: SEE VOLUME 1730, PG. 285 REGARDING BUILDING HEIGHT, COVERAGE, EXPANSION, EXTENSION AND ALTERATION, FLOOR AREA, ROOF TOP MECHANICALS AND PARKING AND LOADING. (SEPTEMBER, 1999)

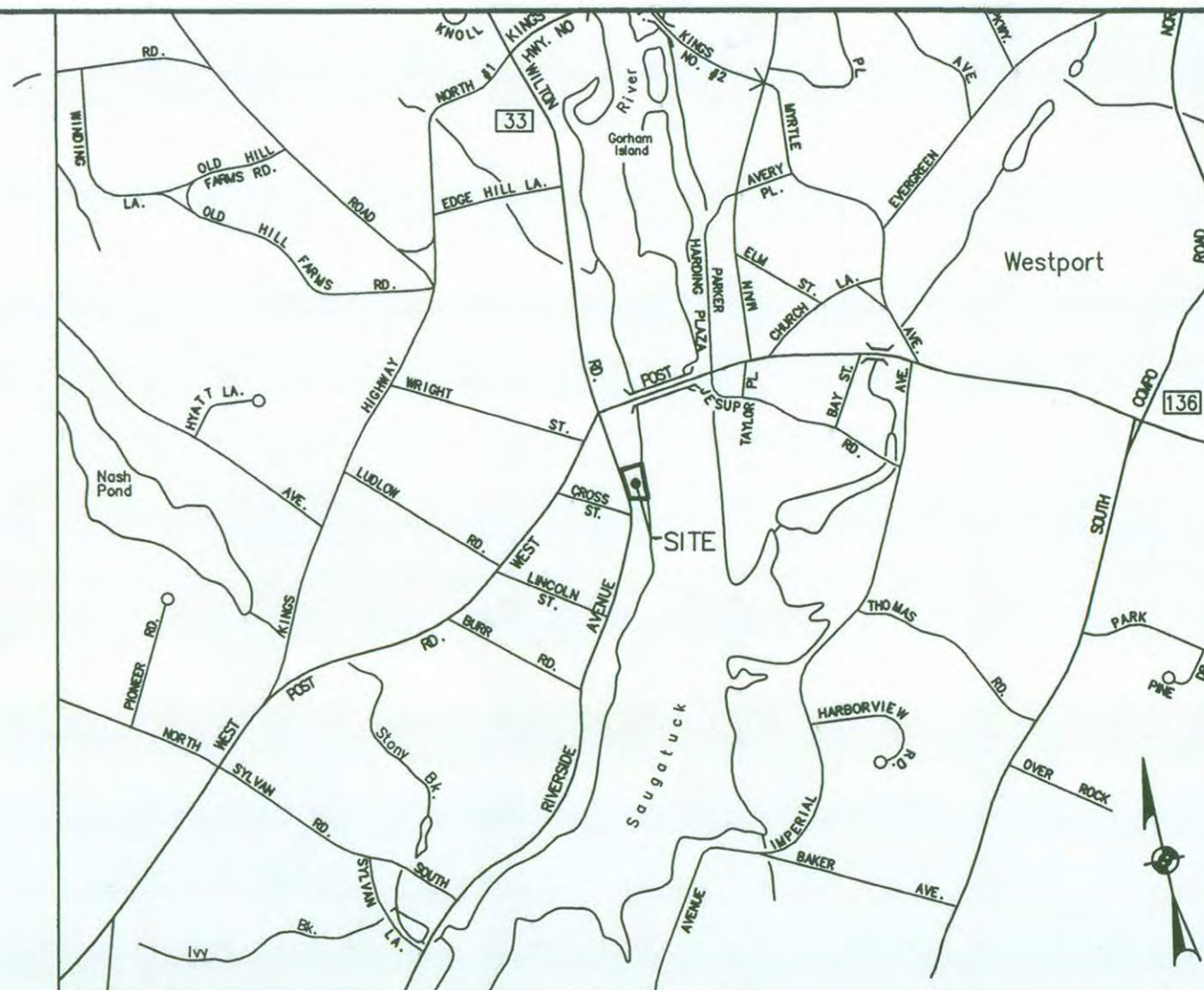
VARIANCE GRANTED: SEE VOLUME 2177, PG. 217 REGARDING BUILDING HEIGHT, ARCHITECTURAL DESIGN AND ACCESSORY BUILDING AND EQUIPMENT. (APRIL, 2003)

SURVEYOR'S NOTE: EXECUTION AND USE OF VARIANCES SUBJECT TO FURTHER INVESTIGATION NOT NORMALLY ASSOCIATED WITH LAND SURVEYING.

PARKING SPACES - 119 (54 ON FIRST LEVEL-INSIDE, 47 ON SECOND LEVEL-INSIDE, 2 OF WHICH ARE HANDICAP)

LAND AREA: 0.499 ACRES

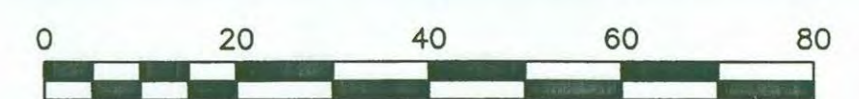
TAX MAP 5301, LOT 26
OWNER OF RECORD: RIVERSIDE PLAZA LLC
VOLUME 1782, PAGES 228-229

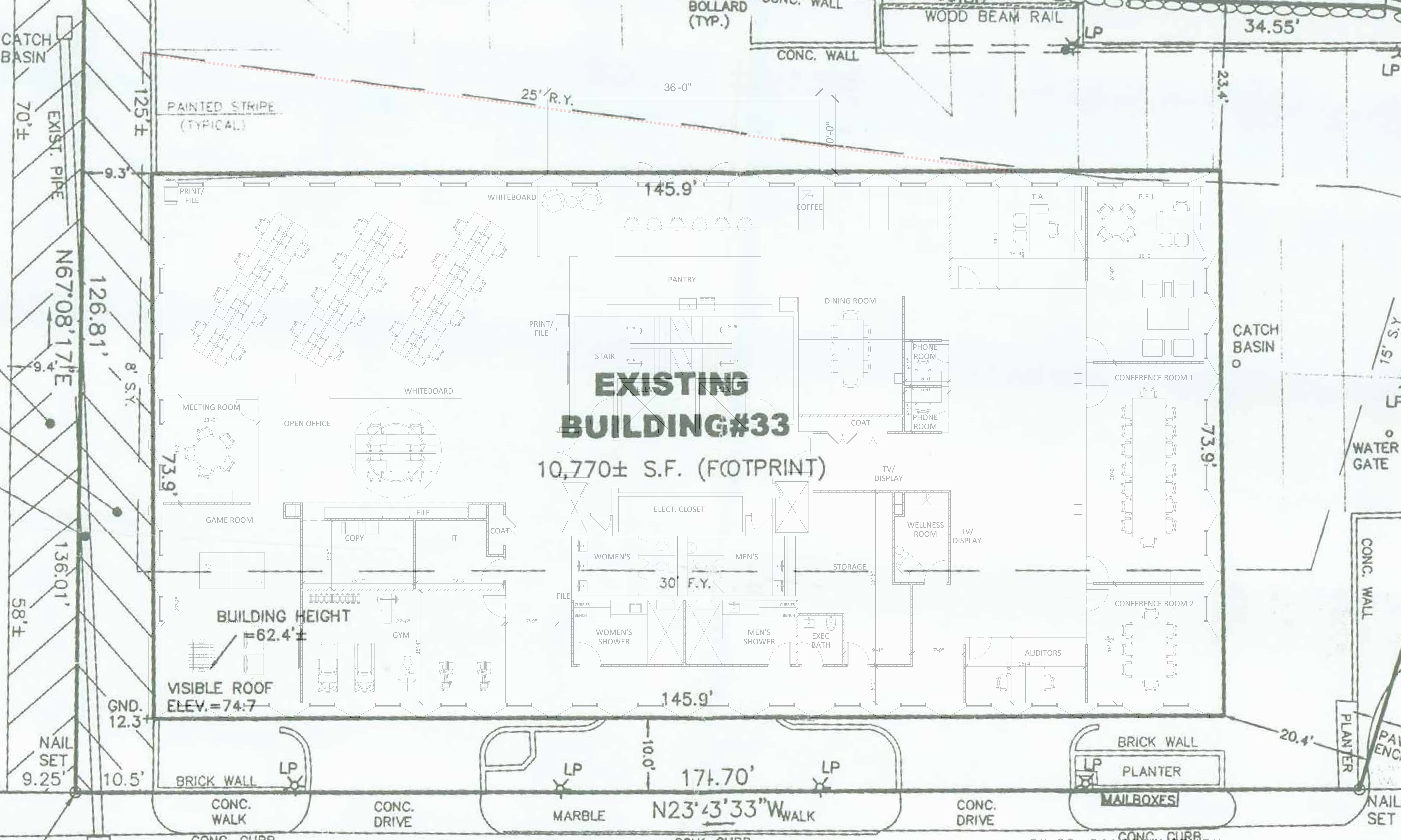


Vicinity Map SCALE 1"=1000'

ALTA/ACSM LAND TITLE SURVEY
PREPARED FOR
ABBEY ROAD ADVISORS, LLC

33 RIVERSIDE AVENUE
TOWN OF WESTPORT COUNTY OF FAIRFIELD
STATE OF CONNECTICUT
SCALE 1"=20' SEPTEMBER 2, 2005



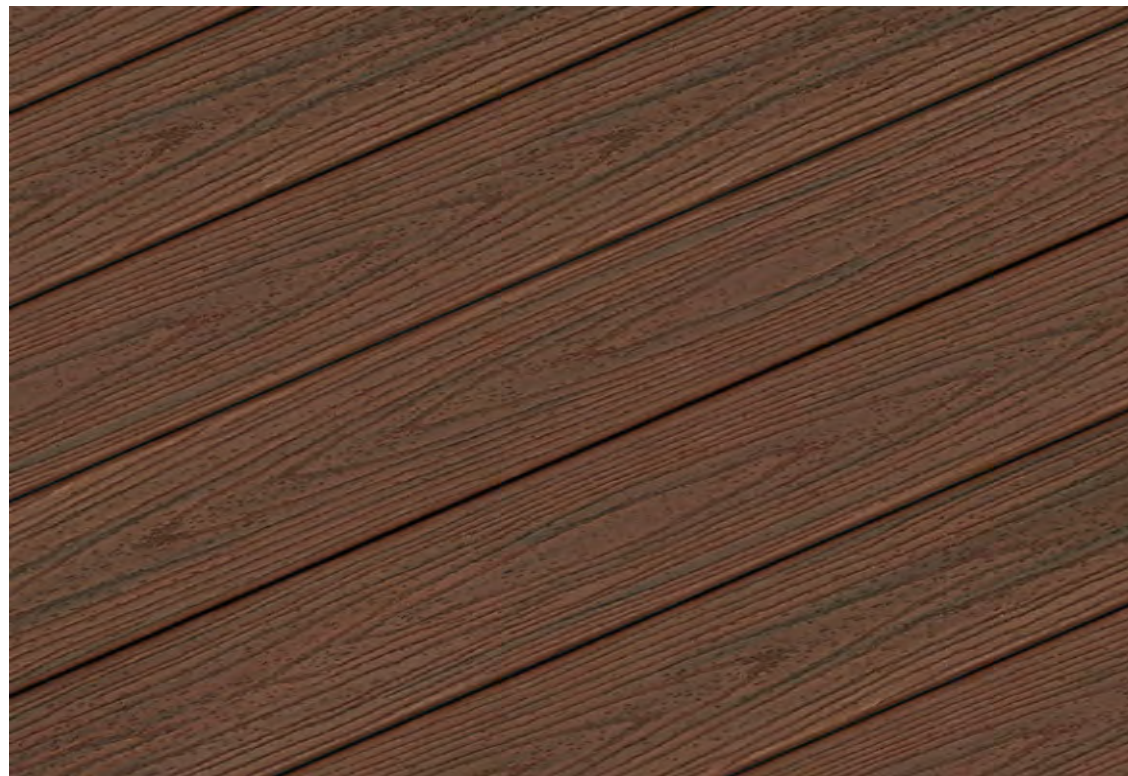


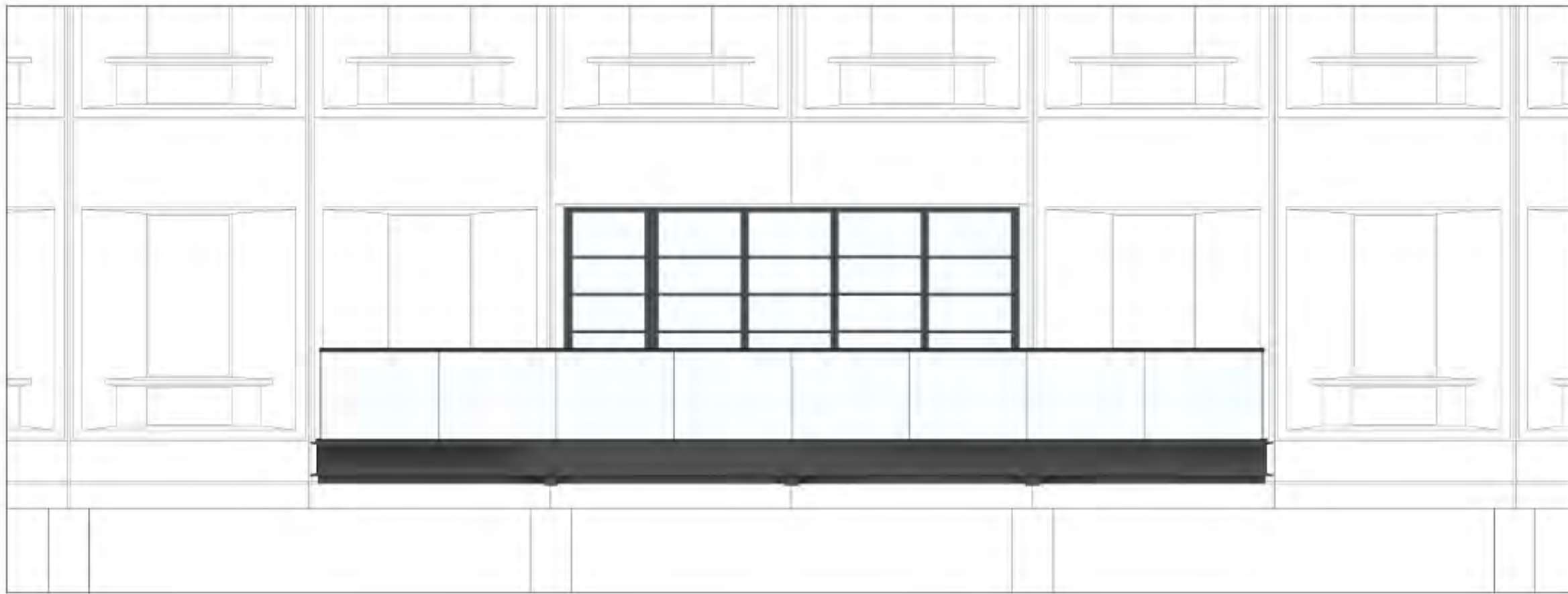
SUGAR | 33 RIVERSIDE AVENUE - SECOND FLOOR WESTPORT, CT

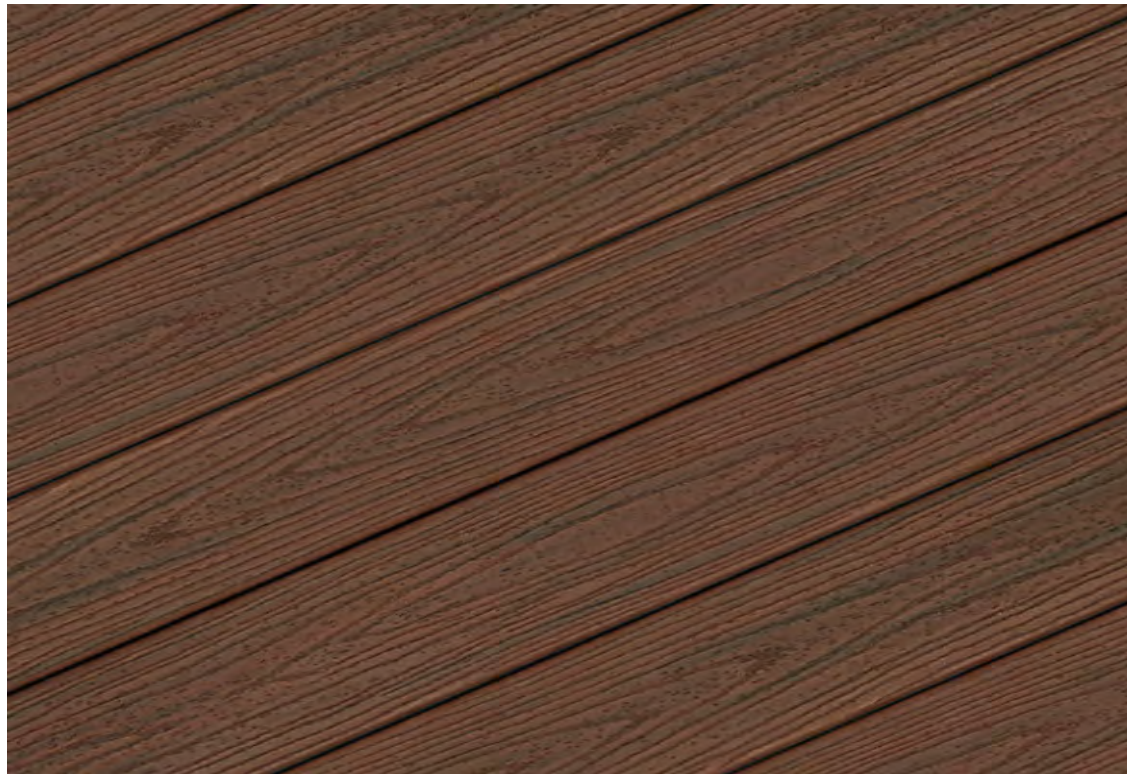
DATE: 2021.03.01

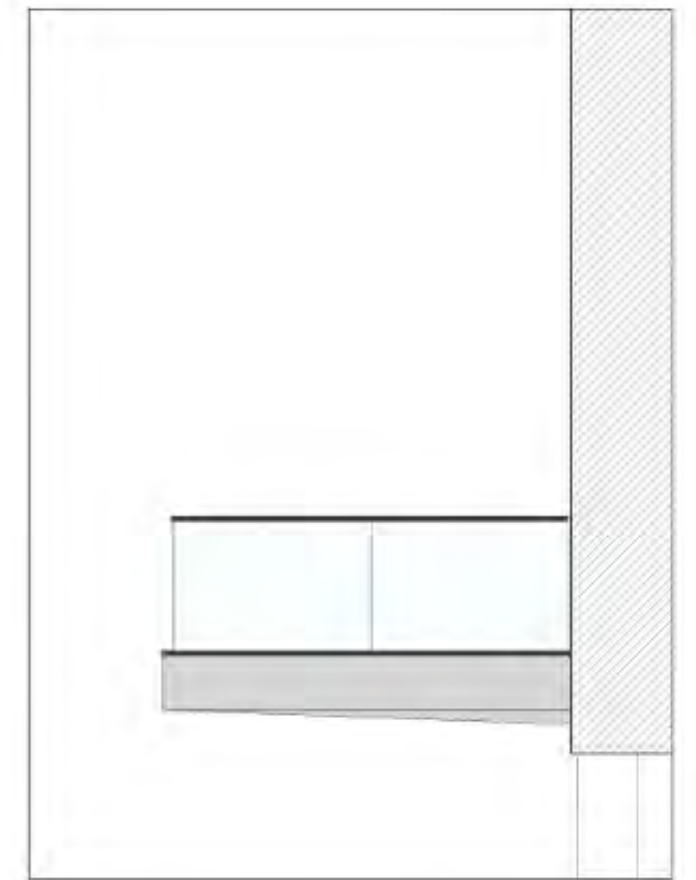
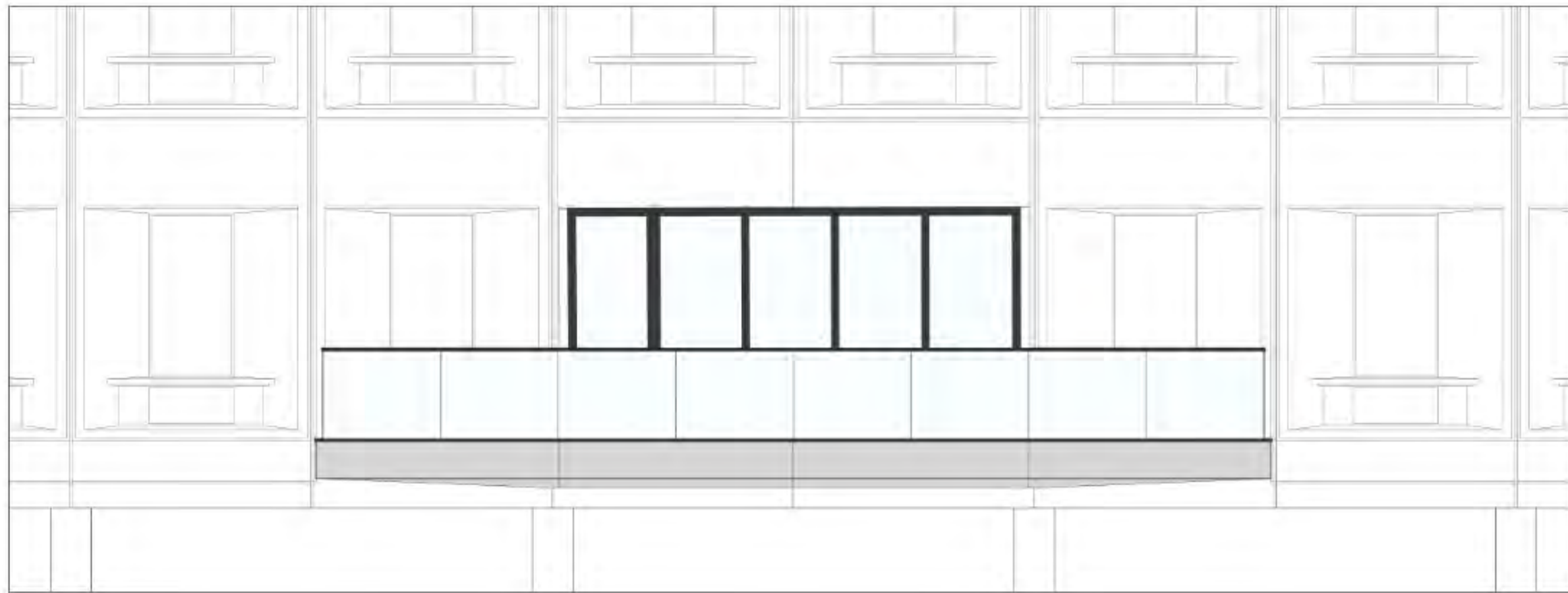
PROJECT #: 21008

115 E. PUTNAM AVENUE
GREENWICH, CT 06830
(203)742-9730













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

Hearing: Feb. 4, 2021

Decision: Feb. 4, 20201

February 5, 2021

**RE: Text Amendment #779: Appl. #PZ-20-00139, Process Changes for Review of
Certain Residential Coastal Site Plan Applications**

To Whom it May Concern

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on February 4, 20201 it was moved by Mr. Cammeyer and seconded by Mr. Lebowitz to adopt the following resolution.

RESOLUTION # PZ-20-00139

WHEREAS, THE PLANNING AND ZONING COMMISSION met on February 4, 2021 and made the following findings:

Background

1. Text Amendment #779 is authored by the Planning Zoning Commission and originated from the Process Efficiency Subcommittee.
2. The Process Efficiency Subcommittee was created at the December 2018 Annual Meeting by P&Z Member Greg Rutstein who volunteered to serve as Committee Chair.
3. Mr. Rutstein created the following Mission Statement and Committee Objectives:

Mission Statement:

To review, and, where appropriate and lawful, revise, various processes carried out by the Planning and Zoning Commission, Staff and applicants for the purpose of making such processes less time consuming and resource intensive.

Objectives:

- *Better align responsibility for various processes (e.g., commission vs staff) where lawfully permitted;*
- *Revise zoning regulations and (as necessary) by-laws and internal policies to carry out the mission of this subcommittee;*
- *Preserve an appropriate level of review/oversight of relevant processes so as to minimize the risk of having unintended and undesired consequences resulting from any changes to such processes;*
and
- *Ensure the public is afforded sufficient transparency and the ability to engage on whether and how relevant processes should be revised.*

4. The Process Efficiency Subcommittee held four subcommittee meetings to receive feedback and help structure the proposed text on: 11/13/18, 12/11/18, 1/8/20, and 1/16/20. Planning and Zoning Commission members, residents, Town Officials, and consultants who frequently appear before the Commission offered contributions to the discussion.
5. At the subcommittee meetings, the enabling legislation for the Commission's review of Coastal Site Plans was discussed along with the statutory requirements for holding hearings.
6. CGS §22a-109(e) identifies the Commission is only required to hold public hearings on a Coastal Site Plan for a Shoreline Flood and Erosion Control Structure if requested by the Commissioner of the Department of Energy and Environmental Protection (DEEP), on a case by case basis.
7. The subcommittee concluded since the state statutes require public hearings if requested by DEEP and because there has traditionally been heightened local public interest in proposed Shoreline Flood and Erosion Control Structures; the local zoning regulations should continue to require public hearings for these activities.
8. The subcommittee also concluded since the state statutes do not require public hearings for any other activities requiring Coastal Site Plan review by the Commission, than the Commission might process other Coastal Site Plan applications during the administrative portion of their meeting or Work Sessions.
9. The subcommittee additionally concluded any process change associated with the manner in which Coastal Site Plans are reviewed should be limited to construction of or additions to single-family homes that have not traditionally generated many comments from local residents.
10. At the 2/6/20 Work Session, a majority of Planning and Zoning Commission members voted to support formalizing into a text amendment the proposal herein.
11. The public hearing was scheduled for March 19, 2020, but was subsequently cancelled when in-person meetings were cancelled at Town Hall due to COVID-19.
12. Re-scheduling the public hearing was postponed until the return of in-person meetings; however, the Commission at the 12/3/20 Annual Meeting determined all Commission-authored amendments awaiting public hearings should be scheduled for remote meetings as there is no date certain for when in-person meetings will return.
13. The Process Efficiency Subcommittee Chairman requested in January 2021 staff reschedule the public hearing. Staff prepared and posted a meeting notice on the Town's website, re-sent notice to residents on the Notice of Registry, and prepared an updated press release distributed by the Selectman's Office to local media.

Proposal

14. Text Amendment #779 proposes to:
 - A. Remove language from §31-10.7.5 requiring a public hearing for Coastal Site Plan Applications; and
 - B. Remove language from §43-5.2 requiring a public hearing for "activities located within the Coastal Boundary;" and replacing it with language requiring a public hearing only for non-residential activities pursuant to §31-10.6 and any Shoreline Flood and Erosion Control Structures as defined in CGS §22a-109.

15. The amendment is intended to provide for a more streamlined process for the Commission to review Coastal Site Plan applications for residential development (new house construction and/or additions greater than 25% of existing building or floor area) that do not qualify as exempt activities listed in §31-10.
16. If the Text Amendment is adopted the Planning and Zoning Commission will review during the administrative portion of their meeting or Work Session, Coastal Site Plans proposing construction of or additions to single-family homes that are not exempt from review pursuant to §31-10.6 due to their proximity to coastal resources described in §31-10.6.3-4 as:
 - A. "Located on an island not connected to the mainland; or
 - B. Is within 200-feet of the Mean High Water Line (MHWL); or
 - C. Is within 100-feet of the following coastal resource area: tidal wetlands, coastal bluffs and escarpment and beaches and dunes."
17. If the Text Amendment is adopted, all other current practices and procedures associated with residential Coastal Site Plans will remain in effect including notice to neighbors upon submission of the application, opportunity for residents to communicate any support or objection by sending letters or emailing the Commission at pandz@westportct.gov, preparation of staff reports and referrals for comments from other Town departments for consideration by the Commission prior to rendering their decisions, and continuing items to future meetings if a majority of Commissioners determine missing information is integral to making a decision rather than requiring its submission prior to issuance of a Zoning Permit if approved.
18. In an effort to address concerns raised by at least one Commissioner, the Subcommittee Chairman offered for consideration by the full Commission potential process mechanisms to mitigate unanticipated consequences. For example, should a majority of the Commission determine during their administrative review a public hearing should instead be held on a particular application, a legal notice could be published and the application scheduled for a future public hearing. It was additionally suggested if the amendment is adopted it could be reevaluated in the future to determine if the new process is working as intended.
19. A comment was received from attorney Eric Bernheim dated 1/29/21, suggesting if the Commission is inclined to deny an application, that too should be an instance when a public hearing should be scheduled and a legal notice published allowing the applicant to address whatever concerns suggest a denial should be issued.

Department Comments

20. Text Amendment #779 was referred to Town Officials, regional planning agencies, and the State of CT Department of Energy and Environmental Protection (DEEP) for comments.
21. The Building Department, Engineering Department, Fire Department, Police Department, and Town Attorney's Office offered no objections to the amendment.
22. The Conservation Director submitted comments dated 3/10/20 opposing the amendment suggesting less analysis would be completed by staff, and suggesting resident's concerns would not be considered; both suggestions are not accurate.

23. DEEP offered comments dated 2/21/20 that confirm the amendment is consistent with state statutes, and additionally recommended further modifications to make clear what is intended. P&Z Staff along with Town Attorney Office staff reviewed these comments and offer a minor modification to the proposal to address DEEP's comments.

Proposed Modification

24. Should the Planning and Zoning Commission adopt Text Amendment #779, it should include a modification to make clear what is intended and to remove ambiguous language in §43-5.2 clarifying the Commission reserves the right to hold a public hearing when deemed necessary. The Commission is authorized to adopt any text amendment with minor modifications. The following modification to §43-5.2 should be included as part of adoption of the amendment:

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

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan review. [~~other than an application for a Site Plan review covered by 43-5.1 & 43-5.2 above.~~]

Public Participation

25. A hearing was held on Feb. 4, 2021 to receive testimony from members of the public as required pursuant to State Statutes.
26. 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.
27. 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 Text Amendment #779: Appl.#PZ-20-00139 submitted by the Planning and Zoning Commission, **IS ADOPTED AS MODIFIED** to change the process for Planning and Zoning Commission review of certain Coastal Site Plan applications. 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, is on file in the Westport Planning and Zoning Office and is included herein.

MODIFICATION

1. §43-5.2 is modified as follows consistent with recommendations received from DEEP on 2/21/20 to make clearer what is intended and to remove ambiguous language clarifying the Commission reserves the right to hold a public hearing when deemed necessary:

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

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan review. [~~other than an application for a Site Plan review covered by 43-5.1 & 43-5.2 above.~~]

REASONS

1. Adopting the amendment will help facilitate a more streamlined and efficient approval process for all parties concerned consistent with the Mission Statement of the Planning and Zoning Commission's Process Efficiency Subcommittee.
2. Streamlining the approval process by removing the public hearing requirement for some activities occurring within the Coastal Boundary will afford an expedited approval process for the affected applicants, the residents of Westport, and may reduce expenses to Westport residents associated with the need to hire consultants and others to present an application at one or more public hearing.
3. Reducing the number of activities that warrant a public hearing for Coastal Site Plan review to non-residential activities and/or Shoreline Flood and Erosion Control Structures is more consistent with the Coastal Management Act.
4. The process changes are consistent with the *2017 Plan of Conservation and Development* that cites improving regulatory processes to be an important goal:

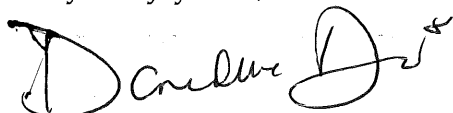
"Westport has an incredibly beautiful coastal area, and as a result, considerable pressure for coastal development. An appropriate balance needs to be maintained between protecting coastal resources and managing coastal development." Pg. 45

VOTE:

AYES	-4-	{Dobin, Lebowitz, Cammeyer, Cohn}
NAYS	-3-	{Walsh, Stephens, Olefson}
ABSTENTIONS	-0-	

The effective date of this amendment is: March 4, 2021

Very truly yours,



Danielle Dobin, Chairman
Planning & Zoning Commission

Attached

Adopted Text Amendment #779, as modified

cc: Jim Marpe, First Selectman
Alicia Mozian, Conservation Director
Matt Mandell, RTM P&Z Committee Chairman
Velma Heller, RTM Moderator
Peter Gelderman and Ira Bloom, Town Attorney's Office

Text Amendment #779

Submitted: Feb. 10, 2020

Received: Feb. 13, 2020

Public Hearing: Feb. 4, 2021

Adopted as Modified: Feb. 4, 2021

Effective date: March 4, 2021

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

The Following is From §31, Regulations Applying to All Districts:

[~~31-10.7.5 Public Hearing~~]

~~[In reviewing a Coastal Site Plan in accordance with the requirements of §22a-109 of the CAM Act, the Commission or Board will hold a public hearing on a Coastal Site Plan if required by these regulations.]~~

The Following is From §43, Special Permit and/or Site Plan Review Procedures:

43-5.2 Site Plan Review and Hearings

Site Plan approval by the Planning & Zoning Commission shall be required for construction, addition or alteration of a non-residential building involving more than five hundred (500) square feet of building coverage or containing more than five hundred (500) sq ft of gross interior floor space, or any of the uses or activities listed below:

- 1) A Change of Use pursuant to §5-2.
- 2) ~~[Activities located with the Coastal Boundary pursuant to §31-10.6].~~
Non-residential activities pursuant to §31-10.6 of these regulations and any Shoreline Flood and Erosion Control Structure as defined in CGS §22a-109 located within the Coastal Boundary as described in CGS §22a-94.
- 3) Truck trailer storage for more than 7 days pursuant to §32-8.1.
- 4) Excavation and fill activities that are not exempt pursuant to §32-8.1.
- 5) Outdoor Special Events, pursuant to §32-23, that:
 - (a) Exceed ten (10) days in duration and are located in a non-residential district.
 - (b) Exceed two (2) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located in a residential district.
 - (c) Exceed seven (7) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located on a privately-owned property in a residential district containing a Special Permit Use.

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan review. ~~[, other than an application for a Site Plan review covered by 43-5.1 & 43-5.2 above.]~~