



**Town of Westport**  
Planning and Zoning Commission  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Tel: 203-341-1030 Fax: 203-454-6145  
[www.westportct.gov](http://www.westportct.gov)

February 18, 2022

**SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:**

*Pursuant to Sections 147-153 of the Governor's Public Act 21-2, there will be no physical location for this meeting. This meeting will be held electronically and live streamed on [www.westportct.gov](http://www.westportct.gov). This meeting will also be shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Public comments may be received PRIOR to the Public Hearing and should be sent to [PandZ@westportct.gov](mailto:PandZ@westportct.gov) by 12:00pm the day of the hearing. Meeting materials are available at [www.westportct.gov](http://www.westportct.gov), on the Planning and Zoning Department web page under "P&Z Pending Applications & Recent Approvals".*

**Instructions to Attend ZOOM Meeting:**

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

Meeting ID: 853 6491 2924

Passcode: 075189

ZOOM Link: <https://us02web.zoom.us/j/85364912924?pwd=ZUVCL3BLWmxkMXdxUGtUV01uOWxiQT09>

**AGENDA Revision #1**

**PLANNING & ZONING COMMISSION**

**MONDAY, February 28, 2022,**

**START TIME: 7:00 PM**

**I PRE-APPLICATION**

Submitted by Richard Redniss of Redniss and Mead to discuss a potential text amendment to §32-12 (inclusionary 2-family and multi-family dwellings) in support of a proposed development to adaptively reuse and redevelop the Historic building on site, as part of a multi-family development including affordable housing located at 50 Post Road West in the Restricted Office and Retail District (RORD) #1, PID #C09064000.

**Presentation and Feedback Time Allotment: 20 minutes.**

**II PUBLIC HEARING**

- 1. Text Amendment #809 (Continued from 2/7/22 with testimony received):** Appl. #PZ-22-00025 submitted by the Westport Planning and Zoning Commission to modify §40, Dedicated Open Space and Recreational District (DOSRD) to modify purpose section to permit organized recreation in the DOSRD #2 and to correct language on permitted uses in the DOSRD #1 and #3. A copy of the proposed text amendment is available on-line at [www.westportct.gov](http://www.westportct.gov) is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office. Seated on 2/7/22: Dobin, Lebowitz, Cammeyer, Cohn, Olefson, Tesler, Falk.

2. **Proposal to opt-out of multi-family parking requirements set forth in Public Act 21-29.** This proposal is the Planning and Zoning Commission's official notice of intent to initiate the process by which a municipality may opt out of the provisions of subsection (p) and subdivision (9) of subsection (d) of section 8-2 of the Connecticut General Statutes, regarding limitations on required parking spaces for multi-family dwelling units. **Applicant Presentation Time: 10 minutes.**
3. **Proposal to opt-out of accessory apartment requirements set forth in Public Act 21-29.** This proposal is the Planning and Zoning Commission's official notice of intent to initiate the process by which a municipality may opt out of the provisions of subsection (o) of section 8-2 of the Connecticut General Statutes, regarding limitations on Accessory Apartments and Accessory Dwelling Units. **Applicant Presentation Time: 10 minutes.**
4. **Text Amendment #808:** Appl. #PZ-21-00927 Submitted by Rick Redniss to modify the Unified Shopping Center definition in §5-2. A copy of the proposed text amendment is available on-line at [www.westportct.gov](http://www.westportct.gov) is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office. *(Must close by 4/4/22)*  
**Applicant Presentation Time: 15 minutes.**
5. **1680 Post Road East:** Site Plan Appl. #PZ-22-00016 for a Change of Use from Retail to Tacombi Restaurant at former AJ's Farmstand/SoNo Baking Co. property, with proposed changes to the parking lot to re-stripe, add landscaping, and new sidewalk, for property located in the General Business District *(must decide by 3/19/22)*.  
**Applicant Presentation Time: 15 minutes.**

### III WORK SESSION

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

#### Old Business

- a. **Request for interpretation on allowable 2<sup>nd</sup> floor signage in the BCD/H submitted by Jeremy Tuttle of Pause and Purpose, a Healthcare Professional located at 40 Post Road East (aka 21 Jesup Road) (no action deadlines).**
- b. **33 Riverside Ave:** CAM Site Plan Appl. #PZ-22-00029 submitted by Enrico Costantini Esq. for property owned by Abbey Road Riverside LLC. to add one non-residential balcony and to find consistency with the Coastal Area Management Act, for property located in the General Business District, PID#C09120000 *(must decide by 3/26/22)*.

Submitted: 1/14/22

Received: 1/20/22

Public Hearing: 2/7/22, 2/28/22

Revised: 2/15/22

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

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

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

#### 40-1 Purpose

The purpose of the Dedicated Open Space and Recreation District Zone is to encourage the acquisition and retention of Town-owned parks and other Town-owned land for public use and the enjoyment of visitors. It is in the public interest to provide areas where the citizens of Westport can have places to enjoy a peaceful and tranquil environment and to pursue recreation and leisure uses. It is intended to permit the reasonable use of open space land. The objective of the Dedicated Open Space and Recreation District is to protect environmentally vulnerable land, permanently preserve certain open spaces and recreational areas within the Town and to maintain the natural appearance, beauty, character and recreational value of these areas in order to contribute to the health, safety and general welfare of the community.

The purpose of a Dedicated Open Space and Recreation District #1 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 designation is to allow certain Town-owned open space areas to be maintained for passive and/or non organized recreation in a natural and undeveloped setting with no new buildings or structures being erected and to allow certain uses and structures, which are legally existing as of the date of such designation, that would be otherwise Non-Conforming Uses of Non-Conforming Structures (each, as defined in §5-2) to be conforming, thereby legalizing such previously Non-Conforming Uses of Non-Conforming Structures (which legalizations shall be hereinafter defined respectively as a "Legalized Use" or a "Legalized Structure" as applicable) and further thereby allowing certain Legalized Uses or Legalized Structures to grow and expand in a manner consistent with the objective of the Dedicated Open Space and Recreation District, while limiting the introduction of new uses and controlling more intense development

The purpose of a Dedicated Open Space and Recreation District #3 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation in a completely natural and undeveloped setting. No buildings or structures shall be erected.

#### 40-2 Permitted Improvements and Facilities in a DOSRD #1, DOSRD#2 and DOSRD #3.

##### 40-2.1 Principal Improvements and Facilities permitted in DOSRD#1 and DOSRD#2

The following specific improvements and facilities are permitted in a DOSRD#1 and DOSRD #2.

- a. Walks, paths, gardens and ~~pond~~ natural water features, picnic tables and benches;

- b. Temporary free-standing restrooms and water fountains.

#### 40-2.2 Principal Improvements and Facilities allowed in DOSRD#3

The following non-commercial passive or non-organized recreational Improvements and Facilities are permitted in a DOSRD #3:

- a. Walks, paths, gardens ~~and natural water features, picnic tables,~~ and benches;
- b. Nature preserves;
- c. Arboretums as defined in (§5-2).

#### 40-3 Special Permit Uses Improvements and Facilities in a DOSRD #2.

The following non-commercial recreational, improvements and facilities may be permitted in DOSRD #2, subject to a special permit and site plan approval in accordance with §43 herein.

##### 40-3.1

Renovation and/or expansion of Legalized Structures that existed on the subject parcel prior to 2003. Renovation and/or expansion of such Legalized Structures may be permitted within the same building footprint, and may occupy up to an additional 10% of the original building footprint. Building features necessary to provide handicap access shall be excluded from the calculation of building footprint. Any renovation or expansion of such Legalized Structures shall maintain and be consistent with the architectural character of the original Legalized Structure.

##### 40-3.2

Renovation and expansion of Legalized Structures first built on the subject parcel after 2003 and prior to 06-12-16. Renovation and/or expansion of such Legalized Structures may be permitted with the same floor area or footprint of the original building and may occupy up to an additional 50% of the original floor area or footprint of such Legalized Structure, whichever is greater. Such Legalized Structures may be used for the Legalized Use or any other use permitted by this Section.

##### 40-3.3 Municipal Uses.

Permitted uses for the purpose of this section shall be limited to recreation facilities, municipal offices, administrative headquarters, the leasing of Legalized Structures, and parking necessary for approved uses and other municipal uses the Commission finds to be consistent with the purpose of the DOSRD #2 and low intensity of uses contemplated by these regulations.

#### **40-4 Special Events**

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Nothing in this regulation shall prevent special events from taking place in an area designated as a Dedicated Open Space and Recreation District #1 or #2. Permission for a special event requires prior approval from the Parks and Recreation Department and/or the Board of Selectman. Special events shall not be permitted in a Dedicated Open Space and Recreation District #3.

#### **40-5 Lot Area, Location and Shape**

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No mandatory requirement.

#### **40-6 Setbacks**

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Except for buildings or structures that have become Legalized Structures as a result of a DOSRD designation made pursuant to the §40, no buildings or structure shall extend closer than thirty (30) feet from any street line or twenty five (25) feet from any side or rear lot line unless the property occupied by such buildings or structures abuts a Res AAA zoned property and in such case, such buildings or structures shall not extend closer than 50 feet from any street line or other property line. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands).

#### **40-7 Height**

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Except for buildings or structures that have become Legalized Structure as a result of a DOSRD designation made pursuant to this §40, no principal buildings or structure shall exceed a height of twenty-six (26) feet. No accessory structure shall exceed a height of sixteen (16) feet. In DOSRD#2 no Legalized Structure shall exceed a height of the existing structure of thirty five (35) feet, whichever is greater.

#### **40-8 Coverage**

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The total coverage shall not exceed twenty-five percent (25%) of the lot area.

#### **40-9 Architectural Design**

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The architectural design, scale and mass of buildings and other structures, including among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect the property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Architectural Review Board review is required for all Special Permit uses. There shall be no buildings or structures located within the DOSRD #3. Bridges may be constructed.

#### **40-10 Signs**

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Signs shall be permitted in accordance with §33-4, §33-5 and §33-6 of the Supplementary Regulations.

#### **40-11 Parking and Loading**

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The required number of parking spaces will be determined in consultation with the Parks and Recreation Director. A parking lot will require a Special Permit in the DOSRD #1, DOSRD #2 and DOSRD #3. Parking lots are allowed within the 30-foot front landscape area but must meet a 25 feet side and rear setback from residentially zoned properties. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands). In the DOSRD #3 there shall be no more than 0.33 parking spaces per acre and no less than 3 parking spaces.

#### **40-12 Landscaping, Screening and Buffer Areas**

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Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.

#### **40-13 Final Approval**

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An application for a Dedicated Open Space and Recreation District shall adhere to all of the approval and compliance requirements of the Zoning Regulations. The Commission may approve a Dedicated Open Space and Recreation District if it finds that the purposes, application procedure, standards and conditions meet the Zoning Regulations and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, and general welfare and property values of the neighborhood. The Planning and Zoning Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose, objective and intent of the Zoning Regulations of the Dedicated Open Space and Recreation District.

Text Amendment #808/#PZ-21-00927 to Modify the §5-2 Definition of “Unified Shopping Center”

Submitted: 12/14/21

Received: 12/16/21

Revised: 1/10/22

Revised: 2/14/22

Public Hearing: 2/28/22

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

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

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

## From §5 Definitions

### 5-2 Specific Terms

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#### Unified Shopping Center:

~~{A retail or mixed retail and office shopping area containing six (6) or more retail tenants in one or more buildings, all situated on one lot.}~~

A shopping area consisting of six (6) or more tenants, with at least one retail tenant combined with other non-residential uses such as Office, Restaurant, Healthcare Professional or Medical, located in one or more buildings, all situated on one lot.

#### For Reference:

### 34-5 Parking Requirements Table

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USE	MINIMUM REQUIRED PARKING SPACES
Unified Shopping Centers in the General Business District, as described in §24-11:	a. First Floor, 1 space per each 200 SF of gross floor area. b. Areas above the First Floor, 1 space per each 300 square feet of gross floor area. c. Warehouse Storage space above the First Floor, 1 space per each 500 square feet of gross floor area. d. Basement and/or Cellar space, 1 space per each 500 square feet of gross floor area. e. Rugs/Furniture/Fabric Stores on any floor, 1 space per each 400 square feet of gross floor area ( <u>764</u> , 02/10/2019; <u>792</u> , 05/27/2021)