

**Planning and Zoning Commission's**  
**Affordable Housing Subcommittee**

**Wednesday, April 13, 2022, 12:00 PM**

**No physical location. Meeting held electronically.**

**ACTION MINUTES**

P&Z Commissioners and Town Hall Staff in Attendance:

Danielle Dobin, Subcommittee Chair and Planning and Zoning Commission Chair

John Bolton Planning and Zoning Commission member

Patrizia Zucaro, Planning and Zoning Commission member

Mary Young, Planning and Zoning Director

Michelle Perillie, Deputy Planning and Zoning Director

Michael Kiselak, Planning and Zoning Planner

Public in Attendance:

Lynn Brooks Avni (New Canaan Co-Director of Land Use)

Margarita Alban (Greenwich P&Z Commission Chair)

Claudia Colen

Emily Duszlak

Harris Falk

Mike Mavredakis

Richard Redniss

W. Nelson

Wendy Batteau

Jacque

Helen MacAlinden

Peter Cadoux

Anna Rycenga

E. Rubidge

Phil Glick

Jeff Wieser

Matthew Mandell

Jerry Romano

Mark Kirby

Ellen Lautenberg

Michael Dinshaw

Dick Lowenstein

Danielle Dobin, the Planning and Zoning Commission Chair and Affordable Housing Subcommittee Chair, welcomed all attendees and introduced the first agenda item.

**1. Discussion of strategy for drafting the §8-30j Affordability Plan.**

Ms. Dobin started by asking Michelle Perillie, P&Z Deputy Director, to provide background information on the Affordability Plan.

Ms. Perillie explained the background and recent efforts. There have been two recent public outreach meetings (one on 3/23/22, one last night 4/12/22) regarding the Affordability Plan. Robust public comment was provided at both meetings. The Planning and Zoning Department plans to

post the draft Affordability Plan to the Town's website (link below) next week for review by the public. The Town's website also contains all relevant information for the Affordability Plan. The public is encouraged to submit comments on the plan to [PandZ@westportct.gov](mailto:PandZ@westportct.gov). The P&Z Department will also be posting and distributing a survey during the week of 4/25/22.

<https://www.westportct.gov/government/affordable-housing-plan>

Ms. Perillie also announced that there is a Zoom meeting in May planned as an opportunity for the public to comment on and discuss the draft plan. On May 23<sup>rd</sup>, the P&Z Commission plans to discuss the draft plan at a public hearing. The Commission plans to adopt the final plan by the 6/1/22 deadline established by the State.

Ms. Dobin provided an overview of the presentations given by herself and Mary Young, P&Z Director, on 4/12/22, which are available on the Town's website. Ms. Dobin added that good feedback was received at the 4/12/22 meeting, such as recommendations for adaptive re-use of the red barn at the YMCA and recommendations by David Waldman for putting Town parking and/or admission fees towards affordable housing.

Ms. Dobin introduced the second agenda item:

## **2. Discussion with New Canaan Co-Director of Land Use Lynn Brooks Avni regarding implementing an Affordable Housing Trust Fund.**

Ms. Dobin introduced Lynn Brooks Avni, the New Canaan Co-Director of Land Use, to explain New Canaan's Affordable Housing Trust Fund.

Ms. Brooks Avni explained that the Fund was created 14 years ago by the Planning and Zoning Commission in New Canaan to collect money to develop affordable housing. A fee of \$10 per \$1000 of project value is assessed on every zoning permit for new buildings or additions, collected by the Building Department. The money is put into the Fund, and Fund moneys have been put towards affordable housing redevelopment projects, rehab/repair projects, new construction, and other similar projects. The funds are used to supplement other funding streams (grants and state/federal funding). Ms. Brooks Avni noted that fees are not assessed on affordable housing projects themselves and fees are pro-rated for projects that contain a mix of affordable and market-rate units.

Ms. Brooks Avni said that the amount raised varies annually based on permits issued, but generally an average of \$100,000-\$200,000 is collected per year, up to \$400,000 in recent years. The fees are assessed any time a building footprint is expanded or an accessory structure is erected. Fees are not assessed for driveways. Ms. Brooks Avni clarified that the fees only apply to residential project, not commercial, but they are applied across all zoning districts.

Ms. Dobin asked how decisions to spend the money are made? She expressed concern that, if Westport created a similar fund, money could go into the fund but never be spent.

Ms. Brooks Avni explained that the New Canaan Housing Authority and other qualified non-profit organizations are beneficiaries and can use the funds. The Board of Selectman and Board of Finance generally direct the funds.

John Bolton, Planning and Zoning Commission member, asked what Westport's and New Canaan's affordable housing percentages are?

Ms. Dobin answered that Westport has more overall affordable housing as a percentage, but New Canaan has added more recently than Westport.

Mr. Bolton asked about assistance from the State for new infrastructure to accommodate additional multi-family units.

Ms. Brooks Avni responded that New Canaan hasn't had those same issues because most projects have been upgrades/renovations to existing affordable housing sites and they're generally located along major state roads that can handle the traffic.

Ms. Young asked Ms. Brooks Avni if the affordable housing fee has been a deterrent to residents moving to or remaining in New Canaan?

Ms. Brooks Avni responded it has not been a deterrent because the fee is one among many that have been in place for many years. Other factors, such as passenger rail access, are probably bigger deterrents.

Ms. Young asked Ms. Brooks Avni to confirm that the affordable housing fee is assessed on top of zoning fees, which Ms. Brooks Avni confirmed.

Ms. Perillie asked if rebuilding within the same footprint triggers the affordable housing fee, and Ms. Brooks Avni said yes it would.

Jeff Wieser asked how New Canaan identifies projects to direct trust funding to and if the Fund increases the stock of affordable housing?

Ms. Brooks Avni said the original intent was for repair or construction, but in practice the use has been to redevelop or densify existing affordable housing projects.

Mr. Wieser said he would like if money could clearly be used for land acquisition and increasing the number of units. Mr. Wieser said it's a good concept worth pursuing.

Matthew Mandell said if Westport were to set up the trust fund, it should be designated for creating new affordable housing units, not for repairing existing units. Mr. Mandell also asked if buying down market-rate units to an affordable level would be on the table?

Ms. Dobin answered yes because buying down units can be an efficient way to achieve the Town's housing goals, but the Town would ultimately have to decide on a case-by-case basis.

Wendy Batteau thought the 4/12/22 presentations were terrific and extremely useful. Ms. Batteau said this trust fund idea sounds terrific, except that she's not in favor of using up open space due to climate issues. She would like to look for ways to use affordable housing funds to create greener projects.

Ms. Dobin said the P&Z's Sustainability subcommittee is looking into the development of green zoning incentives. With respect to affordable housing, Ms. Dobin said she doesn't want to disincentivize creation of more units by increasing costs.

Harris Falk said he agrees with using the potential funds for new affordable housing stock.

Mr. Bolton asked who would determine and direct the fees for Westport's fund?

Ms. Dobin responded that P&Z would suggest the idea of the affordable housing fund to the Board of Selectwomen and Board of Finance. Those boards would have to work out the details.

Ms. Young added that CGS §8-2i is the enabling State legislation. She said when a municipality creates such a fund, it should be considered a “lockbox” to be used on specific goals.

Ms. Brooks Avni agreed with Ms. Young.

Ms. Dobin reiterated concerns that the funds wouldn't be spent, not that it would be misspent, because it can be difficult to get people to agree on allocation. Ms. Dobin thinks setting up the fund so it's only for building, not for feasibility studies, would be setting it up for failure. She said it's important to be able to study projects locally without federal/state funding.

Ellen Lautenberg said the trust fund sounds amazing and wants to move forward with it. She asked how long it would take for Westport to implement?

Ms. Dobin said it would be great to get into motion quickly. It could be implemented quickly if there's a dedicated group within the RTM. She added that fees can always be changed if they end up not working.

Ms. Young agreed that an ordinance would need to be adopted by the RTM. The process could potentially be condensed into 3 months if the RTM acts quickly.

Mr. Mandell, the RTM P&Z Committee Chair, suggested the P&Z Commission create a plan first and refer it to the RTM for consideration.

Jerry Romano said he likes the idea but asked if existing tenants in market-rate units would be displaced if units were bought-down to affordable levels.

Ms. Dobin discussed using ARPA funds to study the feasibility of affordable housing at the West Parish site and said additional money could be used to buy down market-rate units. She said deed restrictions would be placed on units from the onset so nobody would be displaced from a market rate unit.

Anna Rycenga, the Conservation Commission Chair, said she agrees with Mr. Mandell about the RTM acting upon to an established plan referred by P&Z. She asked if New Canaan also charges an application fee for the purchasing of open space.

Ms. Brooks Avni said New Canaan does not and that the affordable housing fee is at the administrative level for zoning permits.

Matt Kirby asked how much money would be needed to achieve the statutory 10% affordable housing goal. That value could help determine the application fee he said.

Ms. Dobin said affordable housing development through the private sector doesn't cost the Town any money and that removing zoning barriers to building more affordable housing is necessary. She said the cost Mr. Kirby asked about fluctuates based on the cost of land; the Town already owns some land and structures that could be converted into affordable housing units (for example, Barons South and Longshore). Ms. Dobin said she thinks it costs approximately \$250,000 per door to deed restrict at 80% levels based on conversations she's had with developers.

Margarita Alban, the Greenwich P&Z Commission Chair, said that what Ms. Dobin mentioned about using funds to enhance affordability is something Greenwich is now considering. She said Greenwich recently created a Board of Trustees for making fund allocation decisions based on Stamford's model. She said CGS §8-30j dictates what the trust fund can do. The Greenwich RTM opted to fund the trust through grant money and private donations, not through a fee assessed on

permits. Ms. Alban also said that Greenwich applied for ARPA funds for the trust fund and their Board of Finance has provisionally allocated \$650,000 for the trust fund.

Ms. Alban said the Trustees were appointed by Greenwich's nominating group and confirmed by the RTM; she said Westport could appoint nominees through the Board of Selectwomen and confirm them by the RTM. She stated that New Canaan didn't adopt their affordable housing trust fund as an ordinance, but that's how most communities do it now.

Ms. Brooks Avni affirmed that New Canaan adopted their fund through a zoning regulation shortly after CGS §8-2i was adopted.

Ms. Dobin followed that zoning text amendments can be adopted quickly through the P&Z Commission but this type of fund has broader appeal which makes it appropriate to adopt through the RTM.

Michael Dinshaw asked if the forthcoming §8-30j Affordability Plan will address only statutory (§8-30g) affordable housing or if it will be a broader housing plan.

Ms. Dobin answered that the plan will speak to both considerations. The primary focus is §8-30g affordability but changes that Westport P&Z has made (i.e., ADUs) don't technically count as statutory affordable housing. The plan will be a roadmap to affordable housing in general. Ms. Dobin said she's open to suggestions for housing outside of the §8-30g statute.

Ms. Dobin said the next steps regarding the Affordability Plan are to send out the survey and incorporate the results into the final plan. The draft plan will be made available to the public soon and the public can email suggestions comments aside from the survey to the P&Z Department.

Ms. Dobin thanked everyone for attending and adjourned the meeting at 1:14pm.

A full audio recording of the meeting is archived and available on the Town of Westport's website, [here](#).

**Respectfully Submitted By:**

Michael Kiselak; Planner

April 25, 2022