



Town of Westport
Planning and Zoning Commission
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Minutes
Planning and Zoning Commission's
Zoning Regulation Revision Subcommittee
Friday, August 19, 2022, at 12:00pm

P&Z Commissioners in Attendance:

Danielle Dobin, P&Z Commission Chair and Subcommittee Member

Public in Attendance

Matthew Mandell
Peter Cadoux
Mark Donovan
Rick Hoag

Christina Gordon
John Jones
Gloria Gouveia
Eymard

Town Hall Staff

Michelle Perillie, Deputy Planning and Zoning Director
Amanda Trianovich, Planner

Agenda

1. Discussion of text amendment to modify §11-2.4.8A, Accessory Dwelling Units.

P&Z Zoning Regulation Revision Subcommittee Chairwoman Danielle Dobin welcomed meeting attendees and read **Agenda Item #1** into the record regarding modifying the text of §11-2.4.8A for Accessory Dwelling units.

Chairwoman Dobin also mentioned that the Subcommittee Meeting had been rescheduled from August 17, 2022, due the fact of improper Town noticing. The original Agenda did include an agenda item regarding Cupolas which was removed from the revised August 19, 2022, agenda.

Ms. Perillie of the P&Z Department stated that it has recently come to the Planning & Zoning Staff's attention after issuing a few Zoning Permits that the permitted height for Accessory Dwelling Units is not as clear as it should be. The goal of the amendment is to have a clearer understanding of what is permitted regarding height as it pertains to roof pitches and the need for additional headroom on the second floor by exempting dormers that meet certain criteria.

The changes included on the draft text amendment are:

1. Sec. 11-2.4.7, if you have an existing barn that you wish to convert to an Accessory Dwelling Unit, it may be permitted by seeking approval from the Planning and Zoning Commission pursuant to Sec. 11-2.4.8A(n).
2. Sec. 11-2.4.8A(a), to increase to the building area from 650 SF to 850 SF for lots under an acre and a half. The purpose is to provide more usable room.
3. Sec. 11-2.4.8A(c.), to clarify that **only** the Main roof line must comply to the maximum roof heights for both types of slopes. There is a noted asterisks for the purpose of this section providing a definition of a dormer.
4. Sec. 11-2.4.8A(i), lists the standard for dormers to be exempt from height.
5. Sec. 11-2.4.8A(n), states that existing non-conforming accessory structures are permitted to be converted into an Accessory Dwelling Unit with Special Permit approval.

A copy of the draft text amendment, which included examples of dormers which we are trying to achieve, can be view [here](#).

Ms. Dobin, P&Z Chairwoman, went into more detail about how this topic originated. The Planning & Zoning Staff received a Zoning Permit application for an Accessory Dwelling Unit with a roof slope greater than 6:12 having a height of 26 feet. The applicant also proposed dormers on both sides of the accessory structure, ultimately creating a flat roof. This was not the intention of the Planning & Zoning Commission when adopting the Accessory Dwelling Unit regulation but could see how the current regulation could be open for interpretation. It is important to define a dormer as it pertains to this section of the regulations, how big can the dormer be, and what roof slope would be best for the dormer.

Ms. Dobin, P&Z Chairwoman, also added that the reason why the applicant proposed the dormers was because there was very little usable space on the upper level having only a 650 SF footprint. If we want applicants to be able to have a staircase, bathroom, sleeping area, and any closet space arguably it needs to be a little bigger and an increase to 850 SF would be a good starting point. Overall, we are trying to create an aesthetic profile for the taller, 26 feet, Accessory Dwelling Units that match the vision of the Planning & Zoning Commission which was for taller buildings to have that New England style sloped roof.

Ms. Dobin, P&Z Chairwoman, opened the floor for members of the public to speak.

Mr. Mandell, RTM District #1, addressed the small attendance by stated that a meeting on a Friday in August may not be the best time to meet and feels like it may not be a pressing issue. Mr. Mandell wanted to confirm that existing 1,200 SF barns may be converted into Accessory Dwelling Units by way of Special Permit to the Planning & Zoning Commission and it is not as of right.

Ms. Dobin, P&Z Chairwoman, added that one of the goals is to preserve historic structures and felt this incentive would deter homeowners from tearing down a historic barn in order to construct a new Accessory Dwelling Unit.

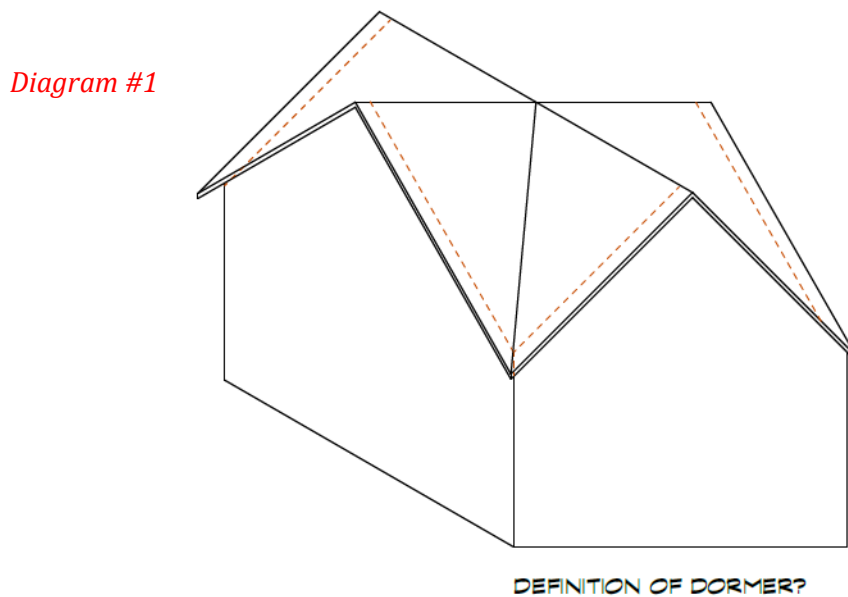
Mr. Mandell, RTM District #1, added that he has spoken with builders and Architects to get their opinion on what would work in terms of size for Accessory Dwelling Units. Most of the feedback was that the allowance of dormers would be the best route in order to maintain the affordability aspect. Increasing the footprint to 850 SF and having the dormers may reduce the affordability due to the increase in gross floor area and may not be necessary to start with. If adding the language regarding the dormers does not work and the increase in footprint is necessary, then an updated text amendment could be proposed. The whole goal of the Accessory Dwelling Unit is affordability.

Mr. Cadoux, Peter Cadoux Architects, spoke of how we measure height in Residential zones to the midpoint and with an Accessory Dwelling Unit we measure to the peak. Due to the different definitions, we do not want a pitched roof with dormers to look like a flat roof. We must be mindful on how people can interpret the regulations to something that was not the intent.

Ms. Dobin, P&Z Chairwoman, spoke to Mr. Mandell, RTM District #1, that the reason why this meeting needed to happen now is because we did not want additional situations like the flat roof dormer or another situation where someone builds something which may be a lawsuit and/or takes a lot of time and energy from the Town so it seemed important to address this quickly so no other issues come up.

Mr. Mandell, RTM District #1, responded by saying that he understands where we are coming from and does not want someone to build an Accessory Dwelling Unit then ask for permission later.

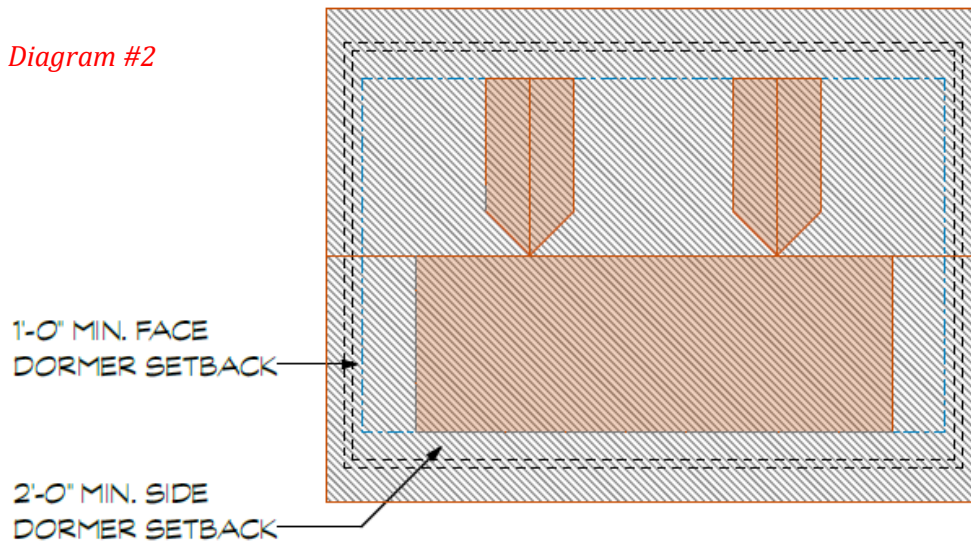
Mr. Cadoux, Peter Cadoux Architects, shared the below diagrams to see if we can define a dormer in order to prevent any future misinterpretations.



What the proposed draft text is saying is that we can limit the number of penetrations in the roof by a way of a shed dormer, or a gable dormer, and what percentage would make the most sense. One of the options that P&Z Staff and P&Z Commission came up with is

Setbacks for dormers and the amount of area that could be used for different types of dormers. See below diagrams.

Diagram #2





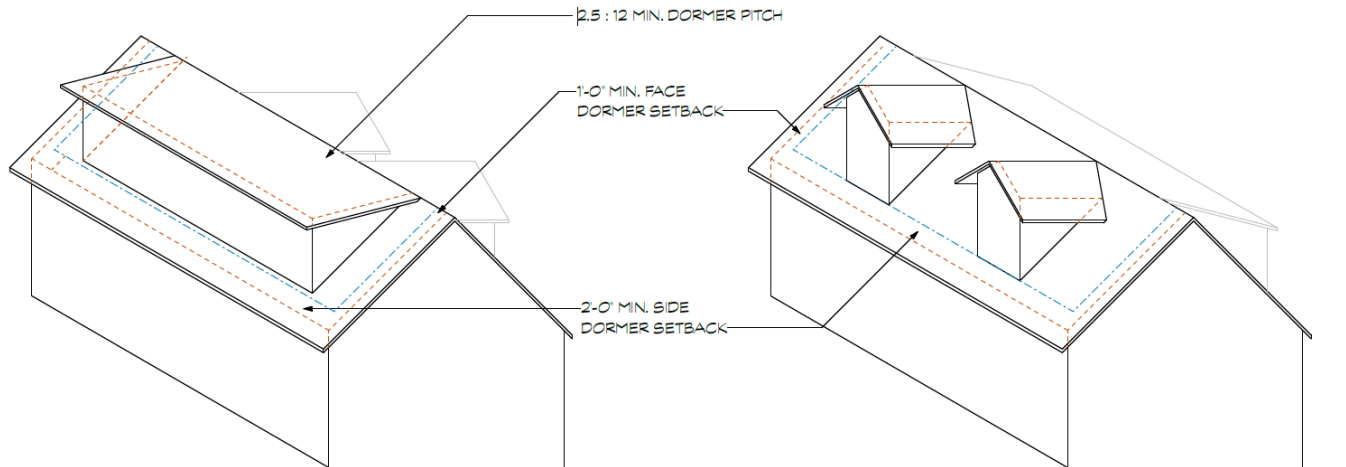
 A: TOTAL PLAN ROOF AREA (INCLUDING OVERHANG)
 B: TOTAL PLAN DORMER AREA (INCLUDING OVERHANG)
B / A = 60% MAX. DORMER ALLOWED

Diagram #3



Mr. Mandell, RTM District #1, asked for clarification regarding diagram #3, if the bottom left photo depicts an example of a flat roof dormer.

Mr. Cadoux, Peter Cadoux Architects, responded by saying it is a 2:5:12 slight pitch roof, pitched away from the ridge angling downward.

Mr. Mandell, RTM District #1, added that he can see the difference with the diagram #3, bottom right photo, citing the roof pitch is left and right from the back.

Mr. Cadoux, Peter Cadoux Architects, stated that we were trying to illustrate the two types of concepts. Whatever configuration or design might have this would be an example to help you get there. Referring the diagram #3, bottom left photo, if we're going to do shed

dormers, we may want to place a required pitch in the draft text amendment, so it is not flat. If another concept was to have two dormers with a shed dormer in between them, you would not be able to exceed 60% of the floor below. I believe coming up with a percentage is important.

Mr. Mandell, RTM District #1, asked if the shed dormer was a foot down from the ridge would that help and avoid the flat roof look?

Mr. Cadoux, Peter Cadoux Architects, asked Ms. Dobin, P&Z Chairwoman, for clarification if the 2 foot was to be from the eave side so it would not be flush with the wall below.

Ms. Dobin, P&Z Chairwoman, agreed with Mr. Cadoux with the dormer Setbacks. Ms. Dobin then sought clarification if we were measuring the percentage from the roof area or the floor area below.

Mr. Cadoux, Peter Cadoux Architects, responded by saying the reason why he said the floor area below is so that it would be consistent no matter the pitch of the main roof line. The concept would be if someone created a 14:12 pitch then the dormers could be even larger which would not protect what you are trying to accomplish which is to add charm to the building design wise and more functional.

Ms. Dobin, P&Z Chairwoman, asked if we should be making a distinction between a shed dormer and more typical dormers while trying not to overregulate things.

Mr. Hoag, Frederick William Hoag Architects, responded by saying he would lean towards less regulation and the more flexibility you have the more interest you'll have. If you are trying to control floor area Mr. Cadoux's idea makes sense that you stick to the floor area and you let them do anything they want above, it.

Ms. Perillie, P&Z Deputy Director, shared a picture of the Accessory Dwelling Unit with the shed dormers which preempted this conversation.



Mr. Hoag, Frederick William Hoag Architects, stated that if Westport would allow flatter roofs, then the Accessory Dwelling Unit in question may not have been constructed in such a

way. A shed dormer compared to two doghouse dormers could be just as terrible aesthetically. But he sees the problem.

Ms. Dobin, P&Z Chairwoman, responded that she appreciates the applicant in coming up with such a design as it moves Westport forward with different designs and taste is in the eye of the beholder.

Mr. Hoag, Frederick William Hoag Architects, stated that the issue is that the applicant was trying to create as much space as possible. Adding a slope to the dormer may not make it less or more objective.

Ms. Dobin, P&Z Chairwoman, stated that there is a different height standard for flat roof Accessory Dwelling Units purposely which is not based on aesthetics. It is because Accessory Dwelling Units are going in people's backyards closer to the setbacks, and we wanted to avoid large rectangular structures that people can see from the next house over. A sloped roof with smaller dormers is easier to hide within the landscaping. We need to be very clear on what the regulations are as everyone could have their own interpretation.

Ms. Gouveia, Land Use Consultants, stated that she has a property with an Accessory Dwelling Unit with a large, shed dormer and what made it more aesthetically pleasing is that the dormer was set back from the edge of the building. It could be more of a design issue than a scale issue and not a problem with the regulations.

Mr. Hoag, Frederick William Hoag Architects, agreed with Ms. Gouveia, there are ways to break down scale, volume, etc. aesthetically that isn't always connected to the actual volume of the space.

Ms. Dobin, P&Z Chairwoman, responded if the regulations do not address it then the misinterpretation will just happen again.

Mr. Cadoux, Peter Cadoux Architects, added that the Accessory Dwelling Unit in question takes the flat roof regulation and makes it two stories when if it is a flat roof, it is generally intended to be one story. The modified text being considered would not allow that even if whatever roof line happens it is not coplanar with the box below.

Mr. Hoag, Frederick William Hoag Architects, stated that if we are trying to control volume, so that the Accessory Dwelling Units are not massing to your neighbor and your own house, would be to portion out the square footage of the upper level to the lower level and by doing so you would be able to control the mass more.

Mr. Mandell, RTM District #1, asked if the usable space on the upper level that is only the area that is 5 feet 6 inches and more.

Mr. Hoag, Frederick William Hoag Architects, responded with saying that is how the regulations define attics and half stories. We will have to define square footage of the upper level that would help with the mass of the building.

Mr. Cadoux, Peter Cadoux Architects, confirmed that the definition of an attic is five and half feet and you could only use 25% of that space.

Ms. Dobin, P&Z Chairwoman, clarified that we are trying to leave the applicants with enough flexibility and not to define how many stories a Accessory Dwelling Unit could have.

We believe this will incentivize the construction of Accessory Dwelling Units. It may be best to control the size of the dormers relative to the first floor rather than the roof itself. Ms. Dobin ask if Staff approvals would be helpful prior to the approvals

Ms. Perillie, P&Z Deputy Director, responded that as of right zoning permits should not be subjective to the Staff.

Mr. Cadoux, Peter Cadoux Architects, stated that we can avoid some of the issues by using the diagrams he provided. Regulating the perimeter of the floor area below and by specifying that the building would not be coplanar to the dormers below. Other item to consider is how many forward-facing gables would you allow.

Ms. Perillie, P&Z Deputy Director, asked if we should include language to include a main ridge setback for the dormer and if the dormer roof pitch should be more than a 2:12 pitch while keeping in mind how this could affect usable space.

Mr. Hoag, Frederick William Hoag Architects, responded that 3:12 is the standard for an asphalt shingle.

Ms. Perillie, P&Z Deputy Director, stated that this is a good start in addressing the concerns.

Ms. Dobin, P&Z Chairwoman, stated that everyone should be mindful on the appropriate sizing while maintaining the affordability of the units. It is also important to keep in mind of usable space so it could be used by a single mom with two kids.

Mr. Mandell, RTM District #1, offered if anyone knows any 650, 850, 1,000 SF houses that we ask to look inside to see how much amenities they contain. Mr. Mandell also suggested the use of basement as habitable space.

Ms. Dobin, P&Z Chairwoman, stated that we do allow basements in Accessory Dwelling Units, but they are only approved for storage and not habitable space.

Ms. Dobin, P&Z Chairwoman, stated that she will work with staff to further refine this proposal.

Mr. Donovan asked if conversations are still being had regarding the soil and erosion challenges, the rising flood table, and the clear cutting of trees on residential properties.

Ms. Dobin, P&Z Chairwoman, stated that Mr. Donovan's concerns remain a top priority and we are continuing to work on the issues. Ms. Dobin said conversations will be had in the next coming months.

Ms. Perillie, P&Z Deputy Director and Ms. Dobin, P&Z Chairwoman, thanked Peter Cadoux for his help with the presentation.

Ms. Dobin adjourned the meeting at 12:53 pm.

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

Respectfully Submitted by Amanda Trianovich, P&Z Planner, on August 26, 2022.