



# Planning & Zoning Commission

Town Hall, 110 Myrtle Avenue, Room 203  
Westport, CT 06880  
Westportct.gov  
[pandz@westportct.gov](mailto:pandz@westportct.gov)  
Telephone (203) 341-1030

## Minutes

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

Wednesday, November 16, 2022, at 12:00pm

No physical location. Meeting held electronically.

#### P&Z Commissioners in Attendance:

Danielle Dobin, P&Z Commission Chair and Subcommittee Chair

Paul Lebowitz, P&Z Commission Vice Chair and Subcommittee Member

#### Public in Attendance

Matthew Mandell	Betsy	Ekrubidge	Jeff Wieser
Rick Redniss	Bill Rubidge	Elaine Daignault	Gloria Gouveia
Amanda Sayegh	Carol Martin	Harris Falk	Jessica Lawrence
Andrea Moore	Claudia Coplen	Ifeseyi	John Schwing
Joni Usdan	Lisa	Peter Romano	Sara Leydon
Steve Malloy			

#### Planning & Zoning Staff

Michelle Perillie, Deputy Planning and Zoning Director

Amanda Trianovich, Planner

#### Agenda

1. Discussion of Implementation Strategies for the Affordability Housing Plan.

Ms. Danielle Dobin, Chair of the Planning & Zoning Commission, introduced Paul Lebowitz, Vice Chair of the Planning & Zoning Commission, Michelle Perillie, Deputy Director of the Planning & Zoning Department, and Amanda Trianovich, Planner of the Planning & Zoning Department.

Ms. Dobin shared that we had the first implementation meeting regarding the Town's adoption of the affordable housing plan with the First Selectwoman, the chair of the board of finance, and the chair of the RTM committee. The meeting was to allocate different responsibilities for various parts of the plan.

Ms Dobin stated that a lot of positive feedback was received from advocates statewide as it relates to the idea of deed restricting existing residences on town owned property and creating actionable development plans for different pieces of land of town owned property. One of the parcels that was referenced in the plan is the Linxweiler House, 655 PRE. It is the location that Homes with Hope has been operating on behalf of the town for some time. There is a great deal of land there and potentially an opportunity to create additional units in collaboration with Homes with Hope. The

Linxweiler House may be the first pieces of land that we look at as a committee to see what could be developed there in terms of creating additional affordable units that's suitable in terms of walkability to amenities like grocery stores or drugstores and access to public transportation in a way that enhances the historic nature of that site.

Ms. Dobin excitedly reported that together, the First Selectwoman's office and P&Z worked with Homes with Hope to deed restrict the existing units for women that are vulnerable to homelessness at their secondary location at 124 Compo Road North.

Ms. Andrea Moore, Westport Selectwoman, responded that the First Selectwoman's Office worked with Homes with Hope regarding Susie's House, 124 Compo Road North, formerly known as Project Return, to deed restrict all 6 units as affordable. This is the first time this has happened in Westport's history, a terrific move forward, good job to everybody involved.

Ms. Dobin recognized Elaine Daignault, Human Services Director, who found grant money for Susie's House renovations. With the grant money, Homes with Hope are able to create separate bathrooms and kitchenettes for each of the residents. This provides an opportunity for woman who are homeless or at risk for being homeless to not only live somewhere safe but also have some privacy.

Ms. Gloria Gouveia, Land Use Consultants, stated the Linxweiler House does not have a formal deed restriction on it. You'll find that it cannot be developed beyond what it is.

Ms. Dobin thanked Gloria for her comments and stated that P&Z will conduct a thorough investigation on future development with the Linxweiler House and everything will be discussed with the public so they will be able to comment.

Ms. Dobin started the conversation regarding the Affordable Housing Trust fund. The fund would create flexibility for the town with regards to funding our own projects, our own renovations, and we will be able to take the driver seat in terms of finding public and/or private partnerships that work to increase the number of affordable units in town without necessarily creating a lot more density.

Mr. Matthew Mandell, P&Z RTM Chairman, District #1 ran through some of the concepts on how to create a fund. One concept involves a small percentage fee on the conveyance tax to be paid by the buyer rather than the seller of properties. Obtained from the Town Clerk's office, over last five years including this year, to date, Westport has sold \$5.3 billion worth of property. If you take any kind of percentage on something like this, it will help our town overall. To break it down, in 2018, \$818 million; in 2019, \$720 million; in 2020, \$ 1.1 billion; in 2021, \$1.3 billion; and up to this point in 2022, \$1.2 billion. That's a good amount that we can attach a small percentage to, and money will add up. Also discussed was any kind of improvement that you do to your home, such as, if you're doing a pool for \$100,000, you pay an additional 1% so \$1,000. I think it's something that should be on the table and discussed and then see where we go from there.

Mr. Mandell then went on to discuss the second concept which is far more intricate and would take the State being involved. The State is the one asking us to create affordability so what is the State offering to help the towns out. Talking with Francis Pickering, WestCOG, a breakdown of the conveyance tax was discussed. The breakdown of conveyance tax is the first \$800,000 of what you

buy gets conveyance tax of 3/4 of a percent, between \$800,000 and \$2.5 million, that extra amount is taxed at 1.25%, and anything over \$2 1/2 million dollars get taxed at 2.25% so there is an incremental increase that occurs as prices go up. Why is that important? Westport and other wealthy communities, where property and land are more expensive, incur a greater tax. The incremental increase is the money that the town generates because of its wealth. The concept would be to get this money back and dedicated to affordable housing. Here is the breakdown, in 2018 the total sales for the town were \$818 million, the full conveyance tax on that was \$9.7 million which goes to the state. The Town gets about 20% to 25% depending upon the machinations of land, commercial, residential etcetera. The extra conveyance tax difference between it being 3/4 of a percent to up to the 2.25% is 3 1/2 million dollars. We go to 2019 at \$721 million with conveyance of \$8 million, it's another \$3 million. In 2020 at \$1.8 billion that was \$13 million in conveyance tax and the difference differential between the three quarters to the higher amount is \$4.1 million. In 2021 it's \$11 million in conveyance and that comes out to \$5.7 million and to date with \$1.2 million with \$16 million worth of conveyance comes out to \$7.3 million. In total, over the last five years the differential is \$23.8 million. These numbers are not perfect because I can't pull out the commercial. Commercial gets billed at 1.25% so it's higher, so say that I'm 10% to 20% off, we're still talking at \$20 million over five years that the town, because of its wealth, is giving that much more back to the state. If that money was then turned around and dedicated to building affordable housing this would help all the wealthier communities create the affordable housing that the state is saying that the wealthy communities need to do. WestCOG is looking into this, and it should be brought forward as a possibility that our state representatives and senators could say that it is a reasonable thing, and the state should give back to be spent on creating affordable housing.

Mr. Mandell summarized his concepts and stated, "So we've got two things to do, we could look at a straight percentage on conveyance, a straight percentage on any improvement that we do to start building this fund which I think is a reasonable thing to do and in addition we could be looking at asking for the tiered increase on conveyance taxes back to the towns, not just us, all towns, to help create affordable housing."

Ms. Dobin thanked Matt for doing all the research and agreed that we should explore both concepts.

Ms. Dobin would like to put together something that can be forwarded to our state reps and those in Fairfield and Greenwich as all of them would be interested in it. There will be a lot of pushbacks from the state because the money goes to the general fund but if we don't start the conversation, we won't have the conversation and it's a great idea.

Ms Dobin would like to continue to explore ideas how to create the Affordable Housing Trust fund locally. Any decision to stop funneling money from all towns and cities to the general fund would probably take a long time to be effectuated. Focusing on our local efforts is the most important that we should still look at. Town owned land versus state owned land, we have a lot more flexibility regarding timing.

Mr. Paul Lebowitz, Vice Chair of the Planning & Zoning Commission, complemented Mr. Mandell's research and stated that finding money is always a quest. Regarding the numbers, 2020 and 2021 should be considered anomalies, in terms of dollar amounts you can accrue, 2018 is a more

normalized year and you could even look at 2017 to figure out how much dollars are in play. We are headed in the right direction.

Mr. Mandell committed to working with the Town Clerk to obtain 2017 numbers.

Ms. Dobin asked Mr. Mandell what committee on the RTM or any other committees would be involved so we have a better understanding of the process of creating an Affordable Housing Trust fund.

Mr. Mandell stated Finance, P&Z, Health, and Human Services?

Mr. Jeff Wieser, RTM Member District #4, agreed with Mr. Mandell. It would be useful to have a goal to shoot for in terms of an annual number that would be meaningful and make sense.

Ms. Dobin agreed with Mr. Wieser and committed to completing research with the P&Z Staff and other commissioners and come back with that information so not to overshoot. It'll be an interesting conversation on the RTM level as to how this should be funded. Should it be funded via a transfer tax, or should it be funded via improvements that people are making to their homes. Let's figure out how much money we're trying to get to 1st on an annual annualized basis and that's probably a better starting point.

Mr. Mandell included that the allocation of the fund procedure may be through an ordinance. Having a starting point would get the RTM to start talking about it.

Ms. Dobin added that it is important to know who would allocate the funds. It may reside in the First Selectwoman's office who have a lot of flexibility along with the typical funding bodies. P&Z is not a funding body so it would not be involved in the spending of the money. Nailing down who is making these decisions and what it can be used for is important. One of the easiest, least expensive ways, to create affordable housing and to help our ratio regarding 8-30g is to buy down market rate units in existing projects or projects that have been approved to be deed restricted in the future because those are being added to our bottom line anyway and so we are taking them out and turning them into affordable units. A big part of the conversation is how the money is spent because if the money can only be spent, for example, on ground up construction we're really limiting our options to create affordable housing in a timely fashion just given the cost of land and the cost of building materials so wanted to throw that out there for people to be considering and thinking about.

Mr. Mandell included that would also have to be in the ordinance that would be created, who the decision-making body is. It could also become a committee selected by the First Selectwoman and RTM. We should look at what other towns are doing in terms of their funds.

Ms. Dobin stated that Westport is unique because we have Homes with Hope which sets us apart from our peer towns that don't have similar organizations operating at the same scale. There's a lot of different public private partnership so I would hope the ordinance would be broadly written so that not everybody who asks receives funding but there's lots of opportunities for many different groups to try and help us attack this problem from all sides.

Ms. Carol Martin, Executive Director for Westport and Fairfield Housing Authority, Fairfield has a successful administration of this fund. If I recall, it's 1% of building permits is what they tied it to.

The conversation must start with money because you know at the end of the day it's going to take money to create more units whether it's preserving or ADU's.

Ms. Dobin provided an update as it relates to affordable housing regarding our current moratorium which is going to expire in March. The construction of the units by Summit Saugatuck was delayed by private litigation. Once that project is complete Westport will have more than sufficient points to secure our second moratorium and soon thereafter, we should also have sufficient points to secure our third moratorium, hopefully without a gap between those two moratoriums. The 8-30g denied by this Commission but overturned by the court, Wilton Rd and Kings Highway is pulling permits right now and the project at Lincoln Street which I believe is changing hands and the party buying it intends very much to build it as it was approved by the court settlement. In addition to that we have several other mixed income multifamily projects in town. The conversion of the Men's Wearhouse should be finished in about a year and a half, the project that's kind of a flag lot that's adjacent or behind the car wash is also 20% affordable. All of those are 20% affordable and a few others so we've a lot going on in town and there will be certainly many more affordable units coming.

Ms. Dobin thought it was a good opportunity to remind everybody that the way the statutes are drafted in the state of Connecticut, often times, the town officials try to do something, but we are unable to do something. The best thing we can do is proactively create affordable housing in a way that works for Westport which is why these meetings are so important. It is so critical for us to look at projects that we can control, where we can control the density, and also where we can create funding sources.

Ms. Joni Usdan, Realtor, asked why all the cottages or the units on existing properties, with that rental price, don't fall under the affordable housing category.

Ms. Dobin replied, it must be deed restricted to be affordable for it to count. The state statute 8-30g outlines, with great specificity, what does and doesn't count, it's not our decision. Everything that you see going up in town now, all the multifamily, is all 20% deed restricted affordable with a 40-year deed restriction. The reason the State requires the deed restriction is because the rents can change.

Ms. Usdan asked if it make any sense to have a voluntary participation for people that have those units and maybe shake out some additional units. Some people that I know firsthand are okay with not getting the biggest rent in the world. Maybe deed restricting could help defray some of their taxes.

Ms. Dobin stated the Fair Housing Act applies to everyone everywhere, there are no exceptions. Regarding asking people, we have reached out in the past, particularly multifamily buildings where the units are priced lower for a variety of reasons. Very few people are voluntarily willing to burden their property with a deed restriction because it makes it very challenging to sell it and to seek refinance.

Ms. Usdan asked if there could be some incentive for them to do deed restrict their cottage. There are some categories where people get tax incentives to do something.

Ms. Dobin responded that we can always ask if the RTM or the Board of Finance wants to look into a financial incentive. P&Z does not have any control over funding.

Ms. Michelle Perillie, P&Z Deputy Director, informed the group that it was about 15 years ago, P&Z had found all the illegal accessory apartments within single family homes in town. We had done an amnesty program where we told them to remove it, legalize it through the accessory apartment regulations which has an age restriction of 65 years or older, or they could deed restrict them as affordable and retain it. We found over 100 illegal accessory apartments and only 8 or 9 property owners decided to deed restricted as affordable. I just wanted you to know that we had gone through something like this in the past and it was difficult to get people to put the deed restriction on. We could look into this again, but I just wanted to put that history on the books.

Ms. Gouveia asked if the P&Z office had any projections as to how many units are likely to be finished before the moratorium expires.

Ms. Dobin replied that P&Z has a spreadsheet and will upload it to the website.

Ifeseyi ask what the incentive was for the property owners of the illegal accessory apartments to deed restrict them.

Ms. Perillie stated the incentive was that they were able to retain the apartment because otherwise somebody must be 62 or older so if they didn't fit in that category, they could deed restrict the apartment as affordable.

Ms. Dobin explained that historically in Westport you were only able to create an accessory apartment if the tenant was 62 years or older or deed restricted affordable. Very few people created these legal units because property owners did not want to have those type of restrictions. When P&Z investigated, they gave property owners options to eliminate it or create it as deed restricted affordable. When the State amended the zoning enabling act 18 months ago to require municipalities to allow the accessory units as of right they specifically made it illegal to require them to be affordable. The reason being that all the data we have from the state over the last 40 years shows if people are required to deed restrict an ADU or an accessory apartment they don't create it because nobody wants the deed restriction. That's what makes it so hard to get people to choose to do it.

Ifeseyi asked if the Town could create a taxable incentive to encourage property owners to deed restrict their accessory dwelling units or accessory apartment. Without some kind of benefit, it is not desirable for property owners to put that limitation on the ADUs.

Ms. Dobin replied that Matt Mandell, head of the RTM P&Z Committee could talk about it with the committee and see if it's worth looking into tax incentive to ask people to voluntarily deed restrict. In my experience unless you're waiving all the taxes forever, you're not going to do it. Once there's a deed restriction on the property it's there for a long time and it makes it much more challenging for people to refinance. There may be other places to spend the energy that would get us closer to compliance with 8-30g quicker.

Ms. Dobin stated that new perspectives are awesome and thanked the public for participation.

Ms. Perillie included that if you wish to be informed of future affordable housing discussions you can email [mperillie@westportct.gov](mailto:mperillie@westportct.gov) to be added on the notification list.

Ms. Usdan replied that all the Realtors should be informed about this because they're a resource.

Ms. Dobin included that Realtors would be a terrific source of feedback on the different options regarding the Affordable Trust Fund.

Ms. Dobin thanked everyone for attending and adjourned the meeting at 12:58pm.

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

**Respectfully Submitted By:**

Amanda Trianovich

November 30, 2022