



Planning & Zoning Commission

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Minutes Planning and Zoning Commission's Affordable Housing Subcommittee

Wednesday, May 31, 2023, at 12:00pm

No physical location. Meeting held electronically.

P&Z Commissioners in Attendance:

Danielle Dobin, P&Z Commission Chair and Affordable Housing Subcommittee Chair
Paul Lebowitz, P&Z Commission Vice Chair
Neil Cohn, P&Z Commission Member and Affordable Housing Subcommittee Member

Public in Attendance

Ross Burkhardt	Stacie Curran	Steve Malloy	John Schwing
Peter Cadoux	Elaine Daignault	Matthew Mandell	Claudia Shaum
Michael Calise	Wendy Epstein	Rebecca Martin	Lauren Soloff
Gus Christensen	Tom Foran	Helen McAlinden	Jeff Wieser
Claudia Coplen	Gloria Gouveia	Kayla Mutchler	Ralph Yearwood Sophia

Planning & Zoning Staff

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

Agenda

1. Discussion of progress on the Affordable Housing Plan

Danielle Dobin, P&Z Commission Chair and Affordable Housing Subcommittee Chair started the meeting and read the first agenda item into the record.

Ms. Dobin listed the town owned rental properties that have been deed restricted for affordable housing which had positive results: 136 Riverside Avenue, Susie's house managed by Project Return, and the Gillespie Center was deed restricted for 15 years.

Ms. Dobin mentioned that there has been great progress with the establishment of the Affordable Housing Trust. Matthew Mandell, RTM District #1 and Planning and Zoning Committee Chair and the RTM committee hope to have a plan in place by the Fall.

Ms. Dobin stated there are 7 to 8 affordable housing private developments under construction.

Ms. Dobin explained that the Board of Selectwoman will be reviewing possible development on town owned land. The Planning & Zoning Commission will be reviewing the need for a new zoning district or a text change to accommodate deeply affordable housing on town owned land and to reduce zoning barriers. The goal is to encourage sustainable development of modular construction and prefab cottages to create cottage clusters communities.

Ms. Dobin asked for feedback on a possible Text Amendment for the development of affordable housing cottage clusters on town owned land as it relates to density, parking, and setbacks. The approval would be through a Special Permit/Site Plan application to make sure we achieve the below central communal open space.



Ms. Dobin reiterated that the criteria would only apply to town owned land and to entirely affordable projects at 60% to 40% state median income levels. There wouldn't be a minimum lot size for any dwelling unit but would be max out at 850 sf as a footprint. Existing antique houses would be exempt so Linxweiler and Adams Academy could be preserved while additional cottages might be placed around them.

Ms. Dobin provided some ideas on the specifics in creating the cottage clusters. There would be at least 10 feet in between each of the cottages, a 15-foot setback between the cottage cluster and any residential use, but only a 10-foot setback if the cottage cluster backs up to either a road or commercial use. Off-street parking would be required and determined during the special permit and site plan phase based on the size of the cottages.

Ms. Dobin would like the Architectural Review Board to weigh in on design. Thought will have to go into how to zone for the minimum open space to ensure a type of community with porches opening onto a central green.

Ms. Dobin shared examples of the layout of the cottages. Cost ranges in size but were relatively under \$180,000. The idea is to create something that is high quality and affordable.



Mary Young, Planning and Zoning Director, stated this would create a new category that doesn't exist which is consistent with the affordable housing plan which recommends adding to the diversity of housing choices and creates opportunities where they don't already exist.

Michelle Perillie, Planning and Zoning Deputy Director added this is an exciting new possibility in creating affordable housing for the town.

Ms. Dobin spoke on behalf of Paul Lebowitz, P&Z Commission Vice Chair stating that he's having technical difficulties and cannot weigh in but that he's very supportive of the idea of exploring in the subcommittee process and would really love for us as a group here to vet it and then bring it up to the Commission level.

Neil Cohn, P&Z Commission Member and Affordable Housing Subcommittee Member, agreed that it is a good development.

Claudia Shaum asked if the funding would be through the town or through a future affordable housing fund.

Ms. Dobin offered thoughts that the funding may come from the future affordable housing fund or through ARPA funds that are controlled by the Department of Housing. The idea wouldn't be to determine the funding but to set up the zoning so that if the Board of Selectwomen wanted to create an affordable cottage cluster that zoning would not be an obstacle to moving forward.

Ms. Shaum also asked if the residents would rent from the Town of Westport and if that rent goes into the maintenance of the cottages and the land.

Ms. Dobin replied that it would be site specific and that would be part of the process of the Board of Selectwomen and Board of Finance.

Ms. Dobin offered examples of how other affordable town owned properties are being maintained. The Linxweiler House is leased to Homes with Hope which maintains the property. There are other town owned properties that are deed restricted and operated by different nonprofit partners that are obligated to maintain the properties which do not involve the Planning and Zoning Commission whose role is to set the zoning parameters.

Jeff Wieser agreed that the cottage cluster idea looks great, but asked if it optimizes the town properties in terms of number of units. Mr. Wieser asked if there was a comparison of how many cottage clusters could be put on the Adams Academy or Linxweiler compared to putting up a modestly sized building.

Ms. Dobin suggested that Adam's Academy isn't a great example because there's a road on either side and it's a triangular lot. Anything with Adams Academy short of cottage cluster would have to go through hoops with the ZBA because of the issues with the shape of the land. Linxweiler is a better comparison and if somebody decided to build a 4 and a half story traditional apartment style building, they would achieve a lot more units in terms of the density.

Ms. Dobin stated the cottage cluster text amendment wouldn't obligate the town to use the land only for that, but it does pave the way for an easier zoning process.

Claudia Coplen asked if the text amendment would only apply to town owned land or could independent developers also construct cottage clusters.

Ms. Dobin replied at this time it would only be applicable to town owned land. Currently there is not a market for developers to purchase land and build entirely affordable cottage clusters. If we wanted to look at creating a cottage cluster regulation for private developments, it would probably have to look more like a mixed income project where 80% of the cottages would be market rate and 20% of them would be affordable. We must be cautious to not create really high-end cottage clusters for the majority as it does not serve the town to have that density if we're not creating the affordability at the same time.

Ms. Coplen stated that seems that we are creating a situation where we will have people who can rent an affordable unit in Westport and at some point, assuming they do well and flourish here they will be making too much money to continue to qualify to live in affordable housing. Is there any way that we can look to also create affordable housing that people can buy and own?

Ms. Dobin stated that she is a huge fan of letting people have opportunities to buy in but unfortunately the state legislature adopted 8-30g and 8-30g provides very few points for housing that can be purchased as opposed to rented.

Gloria Gouveia asked if there was any consideration towards elderly housing developments.

Ms. Dobin replied that because something is not deed restricted specifically for seniors it does not mean that seniors won't have the same opportunity as everybody else to live in the cottage clusters as consideration will go into ADA compliance so seniors may age in place.

Ms. Dobin added that 8-30g assigns a lower point basis for senior housing as opposed to the same type of housing that is open to everybody not just to seniors. That is criticism for people to take up with our state legislators and specifically with the housing committee chairs and the planning and development chairs. There is a crisis statewide regarding affordable housing for seniors and towns are incentivized against deed restricting new affordable housing for seniors because we're penalized for doing that.

Stacie Curran stated that our town works extremely hard at educating our children with disabilities that become our adults with disabilities. Ms. Curran asked if we could write something so Westport residents with disabilities would have a better opportunity regarding housing.

Ms. Dobin replied that special treatment cannot be given to anybody regarding housing. Ms. Dobin offered opportunities to create housing that is self-funded by private groups for adults with special needs. Group homes are allowed as of right in the entire state. Possibly up to 6 people who are not related who are part of a protected class can live together.

Matthew Mandell, RTM District #1 and Planning and Zoning Committee Chair agreed that the cottage clusters make sense on town property and not on private property to regulate the density.

Mr. Mandell also mentions that smaller detached homes as opposed to having large apartment buildings are in line with the character of the community as it relates to development in the town.

Mr. Mandell expressed concern over the 10-foot space between the cottages being too tight. Usable green open space is important to have places for children to play, for people to sit out in the sun, and to enjoy.

Mr. Mandell also expressed concern over the decreasing parking standard stating it may work in an urban setting but certainly not on a piece of property such as one of ours. The subject areas are not near anything else. There are some things within walking distance, but the jobs are sometimes not on the major corridors.

Ms. Dobin mentioned that ownership isn't relevant in this case as the town wouldn't be selling the land.

Paul Lebowitz, P&Z Commission Vice Chair stated the cottage cluster idea is certainly a good one to explore and hoping to identify the parcels in town that would be suitable. Alleviating the zoning barriers for a project such as this on town owned land is imperative.

Ms. Dobin clarified we can achieve the same affordability goal while controlling density. A 70-unit project containing 56 market rate luxury units and 14 units being affordability is the same as 14 cottage clusters entirely affordable without having the additional 56 units at market rate.

Ross Burkhart mentioned there is a model for home ownership on town owned land like a condominium at Wassell Lane. The homeowners would lease the cottage from the town and would be responsible for maintaining the home.

Ms. Coplen asked if the affordable housing trust fund initiatives have been implemented yet.

Ms. Dobin replied that the RTM panel is taking steps to create an affordable housing trust fund. The RTM will be exploring funding through zoning permit fees which are controlled by the RTM pursuant to the town charter. Also potentially looking at a transfer tax.

Mr. Mandell stated that the fees come from Planning and Zoning. There is a 3-step process, one is creating a fund, second is creating the oversight of that fund and who's going to be administering the funds, and the third is funding the fund which could come through a percentage of building construction. Another funding option is a conveyance tax.

2. Discussion of meeting with Department of Housing Commissioner

Ms. Dobin read the second agenda item into the record which discussed a meeting with the Commissioner of Housing who came to Westport and toured a few properties with the First Selectwoman.

Ms. Dobin explained that the Commissioner has been involved in negotiating the transfer of about 2 and a half acres of state-owned land on West Parish to the Department of Housing from the Department of Transportation.

Ms. Dobin mentioned that the Commissioner is putting together a research group to look at best practices to work with a modular builder in Connecticut to potentially create an entirely affordable community for families on the site.

Ms. Dobin also mentioned that they toured Linxweiler House, one of the town's affordable housing units. Ms. Dobin stated the Commissioner of Housing agreed that creating cottage clusters was a wonderful idea as she was a builder for a nonprofit affordable housing developer. Ms. Dobin also mentioned that the Commissioner was very supportive of the idea of working with one of the nonprofit partners that the town relies on to explore further the idea of creating a cottage cluster with potential funding through ARPA funds.

3. Status report on affordable housing developments under construction

Ms. Dobin read the third agenda item into the record which discussed the ongoing construction of affordable housing units in the town.

Ms. Dobin listed the projects that have been completed so far. 793 Post Road East, 33 Elm Street, 4 Oakview Lane, 23 Crescent Park Road, Belden Place, 260 to 264 Riverside, and 1480 Post Road which contributed 30 points overall and they range from 32 units 29 units 14 units to single family houses, all at least 20% affordable.

Ms. Dobin listed the projects under construction right now. 136 Riverside which will be housing for adults with special needs that's deed restricted then we have 785 Post Road East 14 units at 20% affordable, 54 Wilson Road having off site affordable units located at 50 to 52 Church Lane, one of which is deed restricted at the 60% rental, Susie 's house at 124 Compo Road which is currently being renovated to be individual units, and then 122 Wilton Road, the 8-30g with 19 units. The zoning permit should be imminent for Cross Street/Lincoln Street which is 68 units and is 30% affordable and looks to be completed potentially in October 2024.

Ms. Dobin added the Hiawatha project is not under construction because it is still subject to an ongoing private litigation effort and will be keeping our eyes on that.

Ms. Dobin included that we need about 156 points for our next moratorium and once everything, short of Hiawatha, we're quite close so it's possible that one of the cottage clusters could really make a difference for the town in terms of compliance.

Ms. Dobin mentioned there is an 87-page zoning bill just released. Once reviewed an update will be provided.

Ms. Coplen asked if any applications have come before P&Z that look problematic.

Ms. Dobin replied that there are no applications but there was talk of a 30-unit project on less than an acre on Hiawatha Lane.

Ms. Dobin also mentioned that New Canaan is engaged in litigation with the state and there was a ruling that could be interpreted that if a town creates so much affordable housing, and we have more points than we need for a moratorium, we cannot bank the additional points.

Ms. Dobin said that it is a terrible idea to not allow towns to bank points as it discourages towns from approving larger projects. It also discourages towns from providing certificates of occupancy. If we knew we wouldn't get the benefit of the vast majority of points, we would want to retain the opportunity to have those points count.

Mr. Mandell added that the problems with the numbers and the points are problematic if we cannot bank them. If you have 150 units and you only need 25 units, the 125 units get swept up and it is not right.

Ms. Dobin agreed that public policy should be focused on creating opportunities for affordable housing where people are given access to those units as quickly as possible to help address the affordable housing crisis in state not where towns are concerned that approving too much can end up being problematic in the end.

Ms. Dobin thanked everyone for attending and adjourned the meeting at 1:06 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

June 2, 2023