



# Planning & Zoning Commission

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## Minutes Planning and Zoning Commission's Zoning Regulation Revision/Sustainability Subcommittee

Wednesday, June 7, 2023, at 12:00pm

No physical location. Meeting held electronically.

### P&Z Commissioners in Attendance:

Danielle Dobin, P&Z Commission Chair, Zoning Regulation Revision Subcommittee Chair, and Sustainability Subcommittee Member

Neil Cohn, P&Z Commission Member and Sustainability Subcommittee Member

Michael Cammeyer, P&Z Commission Member, Zoning Regulation Revision Subcommittee Member, and Sustainability Subcommittee Member

### Public in Attendance

Leo Smith	John Schwing	Patrick Jean	Jamie Walsh	Johanna Martell
Peter Cadoux	Laureen	Leo Smith	Jay Lapham	Wendy Batteau
CRODA	Lou Mall	Jen Fava	Gately Ross	Jesse Harte
Donna Douglass	Matthew Mandell	Lee Goldstein	David Pinto	Mark
Grayson Braun	Michael Vantorino	Ted Hunyadi	Rick Redniss	

### Planning & Zoning Staff

Mary Young, Planning and Zoning Director

Michelle Perillie, Deputy Planning and Zoning Director

Amanda Trianovich, Planner

### Agenda

#### 1. Discussion of draft text amendment on lighting at schools.

Danielle Dobin, P&Z Commission Chair, Zoning Regulation Revision Subcommittee Chair, and Sustainability Subcommittee Member, started the meeting and read the first agenda item into the record.

Ms. Dobin informed the group that there has been a stipulated legal settlement in place for some time that has impacted whether additional fields at our schools could be lit, specifically at Staples. This has had an inadvertent impact on opportunities for town sports.

Ms. Dobin would like to explore streamlining the process and potentially adding lights to the fields at the high school in the future. Ms. Dobin noted that engaging with the neighbors is crucial and would like representatives from both Woody Lane and High Point to attend and provide feedback at the next Zoning Regulation Revision Subcommittee meeting (date TBD).

Ms. Dobin stated that there have been a lot of wonderful changes regarding how lights are designed.

Ms. Dobin mentioned the premise isn't going to be as of right, but the idea would be based on the fact that we understand a request will come in to create more lighting at the schools and it would be best to set up a framework that makes sense for our community with regard to the type of lighting, hours, and days of the week.

Michael Cammeyer, P&Z Commission Member, Zoning Regulation Revision Subcommittee Member, and Sustainability Subcommittee Member, stated that West Rocks Middle School has its own separate lighting that does not spill into the parking lot which is 2 feet from the field and does not spill onto the neighboring properties.

Mr. Cammeyer recommended that P&Z staff look into their lighting plan to see if Westport could benefit as it pertains to outside sporting events.

Ms. Dobin stated we must give thoughtful consideration to the issues of light pollution and noise from playing during the days and nights of the week.

Neil Cohn, P&Z Commission Member and Sustainability Subcommittee Member, added that he has researched the benefits of [dark skies](#) which has done a lot around sports field lighting. Mr. Cohn stated that he is very optimistic that we can find solutions that work.

Mary Young, Planning & Zoning Director, provided a background when the regulations were adopted to allow athletic field lighting in 2009. Ms. Young reminded the group of the meeting when the YMCA discussed the lighting of the athletic fields. It was quite a divisive discussion, those for versus those against, at that point there was none so there was a lot of fear of the unknown. Fast forward 15 years later the sky did not fall and there has been a learning curve and room for improvement still.

Ms. Young stated she looks forward to working with neighboring residential property owners so that one can be in harmony with one another. It is overdue that we revisit the lighting regulations to bring them into the 21st century.

Ms. Dobin added that it is important, as part of this process, to make sure we're bringing the neighbors in as early as possible so that instead of hearing about it from an RTM member at an appeal instead they're part of crafting what can be a thoughtful compromise where everybody's needs are being met or at least sufficiently met.

Ms. Dobin also added that hopefully we can add a little bit more lighting to some of the fields but do it in a way that doesn't impact the quiet enjoyment of neighbors.

Lee Goldstein, Board of Education Chair agreed with Ms. Dobin and stated that we want to be good neighbors and everything we do is important to us.

Ms. Goldstein informed the group that they have restriped some of the main fields to allow for different gender sports, but it is not the right turf. Ms. Goldstein added that it is important to be able to offer lit fields to more of our teams and to our girl teams.

Ms. Dobin agreed with Ms. Goldstein adding it is important to us as a community to ensure equal opportunity for our girls to play on lit fields and we don't want that to be at the cost of some of the

boys is being able to practice. Ms. Dobin also added that it is a way for us to come together as a community and take a modern approach to ensure that there is access for our children.

Jen Fava, Parks & Recreation Director, stated that technology has changed dramatically over the years regarding field lighting and the town fields should be updated. Ms. Fava also added that there is a need for the ability to be able to do more lighting whether it be at the high school or some of the other schools.

Ms. Fava included that we must have fair play and the number of kids that are playing is immense, having around 7,000 kids in different organizations that are out playing. Ms. Fava also mentioned that when it comes to the shoulder seasons in the fall and spring it is dark at 5 o'clock so everything must be wrapped up.

Ms. Fava stated that if permanent lights aren't put in maybe temporary lighting, is an option. The demand for our field use is incredibly high so whatever can be done to help streamline that process is necessary while being good neighbors.

Matthew Mandell, RTM District #1 and Planning and Zoning Committee Chair, stated this is clearly about augmentation of the sun and that is what the issue was back in the day when we were looking at the difference between Staples and PJ Romano Field in the springtime. People can practice until 7, 8 o'clock at night because the sun is up but, in the fall, you can't practice at 7 or 8 o'clock at night because the sun goes down.

Mr. Mandell added that from the perspective of neighbors, is having lights going to change the use of the field in terms of competitions. Are more people coming and making more noise rather than a practice and that is the thing that needs to be looked at.

Ms. Dobin pointed out that Mr. Mandell made great points and maybe Lee, Ted, and Jen could dig into whether creating the opportunity simply for more practice is sufficient or if it's also an ongoing issue in the fall regarding the games. It would be interesting to know and important to get the feedback from the neighbors at future meetings.

Leo Smith, Dark Skies Association CT Chair, stated that with sports field lighting, a lot has to do with the lighting levels. There are 4 different lighting levels specified by the Illuminating Engineering Society depending on the field of play. It has to do with how many spectators you have and how far away they are from the field in that you need more light for the viewer to be able to see you play on the field. Talking about practices, you probably need a lot less light than even the specified by the Illuminating Engineering Society. An example back in 1960, they had a field of play specification for baseball. In the outfield they testified that you had 10-foot illumination. When high intensity discharge lighting came along, they found that created dark spots, so they bumped it to 20 feet. Then when LED's came along which were directional they could eliminate the problem of dark spots in the outfield simply by having directional LED's. It could be very helpful to have a dimmer where you would be able to operate on the field depending on the amount of light you need.

Gately Ross, Sustainable Westport Co-Director, stated that the [International Dark Skies Association](#) has developed criteria for community friendly outdoor sports lighting. They have a criteria system

they use to evaluate and grade. They talk about spill light, glare, and sky glow but also dimming and we should look into ways to incorporate that.

Ms. Dobin recapped the meeting and stated we will look into the standards and resources provided by the International Dark Skies Association, and we will look into West Rocks Middle School field lighting.

Ms. Young asked for the Board of Education to help us understand the need and define the needs so that our focus and attention can be on what is needed.

Mr. Cammeyer also suggested that we talk to the Staples athletic director.

Ms. Dobin stated that we will get a priority list of where the need is greatest and reach out to those adjacent neighbors so that they're involved in the process.

## **2. Discussion of draft text amendment to codify standards for maintenance and repair relating to off-street parking and loading regulations.**

Ms. Dobin read the second agenda item into the record.

Ms. Dobin provided a background that it came to the attention of a few Commissioners that our current standards are really handcuffing the town and private owners from feeling as though they can properly maintain or pave or improve parking lots without feeling as though they're forced to comply with updated standards which will lead to the elimination of existing parking spaces.

Ms. Dobin added that a lot of times regulations look great on paper and made sense when it was adopted but the reality is it is leading to people not improving or repaving parking lots for fear of having to change the size or assortment of spaces or losing spaces entirely.

Ms. Young stated with respect to maintenance and repair that's when you see people restriping because there's a need for maintenance and repair. That is not an activity that Westport Planning and Zoning Department regulates. We do not want to become a hindrance to people doing the necessary maintenance and repair. The regulations currently read when designing a parking lot, parking shall be 9 x 18 dimensions because it is assuming a blank slate. There is not a page to turn to that says but what if the parking lot already exists and you'd like to do maintenance. When you have non-conforming conditions such as a parking space less than 9 x 18, the rights are to be able to retain that and restripe it and maintain it and repair it.

Ms. Dobin added that it is easy to misinterpret what the regulations say and adding clarity seems worthwhile.

Michael Ventrino sought clarification if we were or weren't revising the text in the regulations clarifying that property owners have a vested right to maintain existing conditions if general repair and maintenance was performed.

Ms. Dobin responded that we are looking to adopt a text amendment to make it clear if you are simply repaving a lot, you are not obligated to change the size of the spaces.

### 3. Discussion of draft text amendment on Dark Sky compliance for non-residential properties.

Ms. Dobin read the third agenda item into the record.

Michelle Perillie, Deputy Planning and Zoning Director, stated the reason we want to limit lighting on non-residential properties over residential properties is that it would be difficult to regulate residential properties as they are not subject to Site Plan/Special Permit approval as non-residential properties are.

Ms. Young added that we have an in to regulate non-residential activities much more so than we do residential properties. It is important to regulate proactively not retroactively.

Amanda Trianovich, Planner, added that the dark sky initiative is important when it comes to sustainability as it pertains to commercial properties abutting residential properties. Air quality and light quality are important factors for communities to live in harmony.

Mr. Cohn asked if we could consider residential even if it is difficult to enforce. There are a few situations where lights are shining on people's properties, and it disrupts their ability to feel at peace.

Mr. Cammeyer added when directing lights, we should be respectful of neighbors.

Mr. Mandell agreed with Mr. Cohn stating we should be looking at residential as well. A program should be provided to the residents to explain quality of lights and how it spreads during all hours of the day and why it is important to prevent waste.

Mr. Mandell added in terms of commercial we should regulate the spread of the lights and the angle of the lights. Mr. Mandell also added that we should regulate the State lots as well due to the glare Greens Farm train station emanates. It's not just the quality of the light it's how it's angled and shielded. It's better for the quality of life and it harms the animals as well.

Ms. Dobin suggested that Sustainable Westport could help get the word out regarding proper residential lighting. Ms. Dobin also added that the State is not subject to our zoning, but we can let the DOT know of any changes in our regulations as it pertains to lighting.

Mr. Smith stated there is a building code that was passed in 2004 that requires full shielding of all commercial lighting. Anybody who put in an LED fixture in 2007 or 2009 or any time after that and did not comply with the fully shield requirement, it was a building code violation enforced by the town Building Department.

Mr. Smith suggested that included in our regulations should be requirements for outdoor lighting not to exceed 2,700K and a correlated color temperature. The blue light that comes from LEDs results in a tremendous amount of light pollution. Mr. Smith also suggested that if we do not do it already, we should require a commercial lighting plan with applications.

Ms. Young responded by saying we do have standards for photometric plans, but they are probably outdated. Ms. Young asked if Mr. Smith knew of a good model that can be shared.

Mr. Smith agreed to share the updated standards.

Ms. Dobin stated drafts of this text amendment can be emailed to everybody who's interested in this topic and to reach out to [PandZ@westportct.gov](mailto:PandZ@westportct.gov) to get added to the list.

Wendy Batteau, RTM District #8, also agreed with Mr. Cohn's statement as there are so many different aspects to the question of lighting. From a wildlife perspective, particularly during certain times of the year, we really do need to try and do better. An ordinance like our noise ordinance could benefit. We should also look at public safety problems as well. There has been so much crime, particularly at night, and people have been leaving their lights on.

Ms. Batteau agreed that she would like to see something go on with the state but did not know if this would be a preemption issue or if we'd have to talk to DEEP.

Ms. Batteau included the number of birds that are being killed as they're migrating is extraordinary and it would be great if Westport could find a way to improve this with the help of Mr. Mandell, Planning and Zoning, the Environment Committee, Health and Human Services, and Public Protection.

Ms. Dobin agreed that we need to be careful to balance public protection issues at the same time do better about the type of lights that we're using and the way that they spread out to our neighbors as well.

#### **4. Discussion of draft text amendment to incentivize solar panels.**

Ms. Dobin read the fourth agenda item into the record.

Ms. Dobin recommended that we focus on incentivizing builders to install solar panels and incorporate green building technologies for residential use rather than commercial use at this time.

Ms. Dobin offered incentivized ideas such as additional coverage and/or height.

Mr. Cohn stated that he has been looking at a few efficiency examples not just in Connecticut but nationally and internationally. Looking at your home energy efficiency and if you have solar geothermal heat pumps and/or pollinator gardens is a good start to figure out what incentives can be given. Starting with some basic parameters and point systems is great.

Ms. Dobin mentioned that on the 06880 podcast, Dan Woog asks Rob Haroun how often he uses solar panels. Rob said never as nobody ever wants to do it. Because of this it is important to incentivize builders because nothing exists in the regulations right now, that's giving them that kick in the pants to want to do it.

Johanna Martell, Sustainable Westport Co-Director, stated they would be in full support of this, and it reminds them of the Green Building awards with the Building Department. The Sustainable Westport website provides guidance on a whole range of things. Taking a holistic approach to your home from pollinator gardens to insulation and energy efficiency and then going further with geothermal and other things would be amazing and go a long way in the community.

Ms. Young mentioned that a coverage incentive may be contrary to the idea of being sustainable that allows them more footprint on the ground.

Peter Cadoux, Peter Cadoux Architects, added these are all great ideas and getting together and having these conversations is helpful in terms of alternative energy uses, solar power being one of them. Mr. Cadoux mentions that there has been a lot more interest in the rising energy costs. Education and allowing people to put solar energy panels on their roof without too much trouble

with height and roof setbacks along with the rebates from the State are kinds of incentives that might be helpful.

Mr. Cadoux adds that the roof setbacks for solar have been a hindrance for several clients that have smaller homes. It does not give them a lot of surface area to work with.

Mr. Cammeyer adds one more thing to think about is new construction and people taking their homes down to the studs and doing a complete gut renovation. How can we incentivize those people to add solar?

Ms. Batteau agreed with Mr. Cammeyer, adding it would be great to brainstorm and be able to come up with some way to reach those people before they come up with their plans. Ms. Batteau also adds that geothermal is becoming so much more feasible that that might be something we can talk about. Coming up with a fund could incentivize people to use some kind of sustainable initiative. Information for people who have houses which are not suitable for solar can give them ideas for things like solar arrays or solar awnings.

Ms. Batteau included information pertaining to a fellow called Doug McDonald who built a passive house and was taking people on tours through it. You can find it on the Internet, and it was an example of great insulation and air flow and solar and so on so that's another idea.

Ms. Ross confirmed that there are good incentives and rebates at the state and the national levels. Sustainable Westport has a fair amount of information on the website so there's all sorts of information out there. Ms. Ross also adds they are working hard to try to connect that information with residents and are looking to do an upcoming residential energy efficiency series on solar geothermal and heat pumps.

Ms. Ross mentions they have been working with the Building Department and the Conservation Department as it pertains to demolition. There are a multitude of different levels where the town can be responsible for demolition and deconstruction in terms of how to reuse the materials and where they can go for information.

Ms. Young asked the commercial and multifamily developers if they have a take on mandating sustainable initiatives such as bike racks or things that are basic that could make a dent in the sustainability initiatives.

Rick Redniss, Redniss & Mead, offered to work with staff on things that have been done elsewhere and added that P&Z should not shy away from requiring sustainable initiatives.

Ms. Dobin was more inclined to have requirements, not incentives, for multifamily developers. Some of the residents in multifamily buildings in Westport are looking for more amenities to be included like bike racks.

##### **5. Discussion of draft text amendment to remove obstacles to historic preservation.**

Ms. Dobin read the fifth agenda item into the record.

Ms. Young mentioned that she had a meeting with Grayson Braun and Donna Douglass with the Historic District Commission recently about what if any incentives are left in our zoning regulations to encourage historic preservation. Back in 2008 there was an initiative that came out of the Historic

District Commission to work with the Planning and Zoning Commission to create §32-18, Historic Residential Structures, giving authority to the Planning and Zoning Commission to act like a ZBA and granting incentives in forms of setback and height relief. What was used by many property owners over the years was the use relief allowing those property owners to not take down that barn but maybe convert that barn into a second dwelling unit. When the State of Connecticut identified that all communities needed to allow accessory dwelling units as of right that sort of took the wind out of the sails of making these uses special or unique historic properties.

Ms Young added there is a need to do more than what's left in the books, and we want to be proactive to encourage historic preservation.

Grayson Braun, HDC Chairwoman, agreed with Ms. Young citing they would like to see what can be done to clean up some of the language around §32-18 to make it a little bit easier for people to understand and to further incentivize it to get it to be used more regularly.

Ms. Braun stated there were 30 properties that took advantage of §32-18 since 2008. HDC has formed a Subcommittee to draft an initiative and will share it with P&Z for consideration.

Ms. Dobin thanked everyone for attending and adjourned the meeting at 1:17 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 8, 2023