



**WESTPORT™**

# 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 Zoning Regulation Revision/Sustainability Subcommittee

Wednesday, September 13, 2023, at 12:00 pm

No physical location. The meeting was held electronically.

### P&Z Commissioners in Attendance:

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

Paul Lebowitz, P&Z Commission Vice Chair, Zoning Regulation Revision Subcommittee Member

Neil Cohn, P&Z Commission Member, and Sustainability Subcommittee Co-Chair

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

### Planning & Zoning Staff in Attendance:

Mary Young, Planning and Zoning Director

Michelle Perillie, Deputy Planning and Zoning Director

Amanda Trianovich, Planning and Zoning Planner

### Members of the Public In Attendance:

Wendy Batteau	Sal Liccione	Mark Demmerle	Paul Raeder
Claudia Coplen	David Pinto	Gately Ross	Harris Falk
Jennifer DeLeonardo	John Suggs	John Schwing	Kayla Mutchler
Gloria Gouveia	Lee Goldstein	Matthew Mandell	Rick Redniss
Madeline Dennis Raleigh			

### Agenda

#### 1. Update on Affordable Housing Plan goals regarding Cottage Clusters and Baron's South.

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.

Michelle Perillie, Deputy Planning and Zoning Director stated in keeping in line with the 5-year Affordable Housing Plan, the [Cottage Cluster Text Amendment #835](#) was submitted as a formal application and is on track to be scheduled for the October 2, 2023, meeting.

Matthew Mandell, RTM District #1 and Planning and Zoning Committee Chair stated a draft ordinance for an affordable housing fund that was submitted to the RTM for recommendations, and it will be reviewed at the [9/26/23 RTM Ordinance Committee Meeting](#).

Ms. Perillie outlined a [draft Text Amendment to change §18, Residence C District](#), to permit Affordable Multifamily Development on Town-Owned Property (Baron's South). There are no properties that are zoned Res. C so this wouldn't cause any conflicts or nonconformities.

Ms. Dobin added a few comments regarding the proposed Text Amendment to change §18:

- The size limit and the unit size language should be eliminated as Baron's South buildings are older and are going to be adaptively reused and it should be flexible.
- Lighting should be Dark Skies compliant.
- Additional language is needed to ensure new buildings aren't constructed.
- Building coverage should reflect the existing conditions to further exclude the addition of any new buildings and preserve the open space.
- Parking services should be permeable.

Paul Lebowitz, P&Z Commission Vice Chair, Zoning Regulation Revision Subcommittee Member added this is a great way to increase our affordable housing. Additional comments included:

- Accessory uses should be limited.
- The density should be free form, allowing creativity with the number of units.
- Solar panels should be exempt from height if not already.
- Building coverage and building area appear fine.
- The building spacing seems a little tight.
- Floor area and how many units should be created, 1,000 SF is generous, 1,600 SF seems large.
- Architectural design and parking loading appear fine.
- There should be a proper landscaping buffer between neighbors.

Mr. Lebowitz asked how much of the building needs to be saved to call it adaptively reused.

Ms. Dobin stated the purpose is to preserve the footprint and all the exterior walls to every extent possible.

Mary Young, Planning and Zoning Director stated during the last P&Z Zoning Regulation Revision Subcommittee meeting, the First Selectwoman and the P&Z Chairwoman agreed this is an appropriate next step with respect to implementing our affordable housing plan. To take existing town assets and make better use of them and simultaneously try to increase our affordable housing inventory.

Ms. Young also added that life at Baron's South should not look different. What we're trying to achieve is making better uses while simultaneously improving the interior of these existing buildings to allow for accommodation for dwelling units. The only change would be more parking to support the dwelling units.

Ms. Young suggested instead of rezoning Baron's South perhaps adding another special permit use in the existing zoning district ([DOSRD](#)) could be effective. Creating a new zoning district has its challenges and in keeping it simple our goal is to allow for more density than exists now and to require that the people who occupy these dwelling units meet our affordable income requirements.

Ms. Dobin agreed with Ms. Young that if there is a simpler way of accomplishing our goals, we should explore that path.

Mr. Lebowitz also agreed to add a new special permitted use which allows for more density in the existing zone and seems like a clear path.

Ms. Dobin added that Baron's South is in the DOSRD, and we can carve the area for affordable multifamily so it wouldn't be applicable to any other zone.

Neil Cohn, P&Z Commission Member, and Sustainability Subcommittee Co-Chair expressed support and agreed that we should expand what we have and not create text from scratch.

Michael Cammeyer, P&Z Commission Member, Zoning Regulation Revision Subcommittee Member, and Sustainability Subcommittee Member also expressed support and made note that while we have not adopted any Dark Sky regulations yet, this change should reflect that initiative.

Ms. Perillie confirmed that all sections refer to §35, Landscaping and Buffers, and §44-5.5 for Lighting and Noise.

Sal Liccione RTM District #9 asked if a field trip with P&Z, RTM, and the Public for an overview at Baron's South could be scheduled.

Ms. Dobin stated the idea of adaptively reusing the existing historic buildings at Baron's South is already in the town's adopted affordable housing plan. The Commission would be delighted to try and arrange a site visit when the draft text is approved by this Subcommittee and a formal application is submitted to the full Commission.

Mr. Liccione inquired about the maintenance of Baron's South.

Ms. Dobin replied that we are in the early stages of drafting a text change to allow for the use at Baron's South as the Administration cannot ask the Planning & Zoning Commission through an §8-24 process or Site Plan/Special Permit approval because the use is currently not permitted. If a text amendment is adopted and the First Selectwoman applies for a change in use, at that stage we would visit the maintenance of the property.

Mr. Liccione if feedback was received by the Fire Department.

Ms. Dobin stated formal comments from the Town Department's would be received during the §8-24, Special Permit/Site Plan phase.

Wendy Batteau, RTM District #8 and Planning and Zoning Committee Member appreciated the environmental improvements that were suggested.

Ms. Batteau asked if this text only applies to adaptively reusing the existing buildings at Baron's South and is not applicable to all historic buildings owned by the Town.

Ms. Dobin replied this is specific to Baron's South.

Ms. Batteau asked that no healthy trees be cut down and if there was a way to incentivize the installation of solar.

Ms. Dobin replied that we do not have control over what the plan will look like. The Planning and Zoning Commission places a lot of value on preserving native trees. With the need to create parking and access for the fire department, we cannot reasonably include it in the regulations or prohibit the removal of any trees at all. We can communicate with the Administration when they are seeking to develop a plan that they look at retaining as many mature native trees as possible.

Ms. Young appreciated all the insights and recommendations offered and thought they were better placed during the site design and site development stage not in the drafting of the regulations. Concerns about native species, tree preservation, and sustainability are all important goals, and particularly as this is on town property one likes to think the town will set a higher standard for itself in which case, we won't have to dictate it.

Mr. Cohn concurred with Ms. Batteau that perhaps we can look at ways of incentivizing renewable components without going into much detail during the drafting of the regulation.

Mr. Mandell stated this is a good use for those buildings and it is important to be clear that only the buildings and driveways would be affected and not the rest of the property.

Mr. Mandell also added that the affordable housing fund comes in very well here. 1,600 SF of floor area does seem large. Carving out language in the property's current zone is a good idea rather than creating a new zone. This is along the right lines of taking something that we have and making it affordable and helping us reach our goal of creating more affordable housing.

John Suggs expressed support for amending the current district regulations and does not support rezoning Baron's South.

Mr. Suggs added that he has seen reports that it is simply too expensive to rehab these for housing. He also added that it is not too early to seek out preliminary comments from the Town's Fire Department as they may need to build a new road into Baron's South to be able to accommodate the trucks which would be a major expense.

Mr. Suggs recommended that Helen Garten, Selectwoman's Real Property Committee member, be included as she has worked for years on adaptively reusing this property.

Gloria Gouveia, Land Use Consultants, showed support in keeping Baron's South in the DOSRD zone and modifying the regulations to allow affordable housing. Ms. Gouveia also added that it is vital that we put these buildings to use and to put them to use in what we need most in town and that's affordable housing.

Mark Demmerle agreed that it's a wonderful plan. One of the things that will make any building affordable will be durability regarding heating and cooling so that when people occupy the spaces, they can afford to stay in them. The Commission should explore the idea of single-point access.

Mr. Demmerle asked if there was a plan on the size and number of units yet.

Ms. Dobin replied that the stage we are in is the best means to authorize the First Selectwomen to look at creating a plan. The more we prescribe what it needs to look like inside in terms of the size and type of units the more difficult we make the project. The goal is to create affordable housing and retain as many design elements as possible.

Ms. Dobin recommends that P&Z Staff take another look at this via the Special Permit use.

## **2. Discussion of school athletic field lighting.**

Ms. Dobin informed the attendees that a stipulated legal settlement excluded the Town in the past from lighting additional fields, particularly at Staples and Bedford. The stipulated legal settlement is expiring, and we wanted to explore how to approach this issue with great sensitivity toward the neighbors.

Mr. Cammeyer stated that he had a meeting with the school's facility manager and the athletic director to get an idea of what we have and what we don't have. From that meeting, the athletic director created a matrix that showed every school and what they have regarding lighting and the type of activities.

Mr. Cammeyer added that he has reached out to neighbors on High Point and Woody Lane to schedule a meeting to seek feedback when the time is right. Initial conversations were that the neighbors would like their children to use the fields outside of school hours.

Mr. Cammeyer also added that he sought guidance on the installation of lighting in other town fields. The biggest concern was light projecting past the fields. Other towns remedied this with LED lights that are no splash LED lights. They are fully covered and down-facing. West Rocks Middle School is one of the fields that use this type of lighting. It is a new technology that requires a lot less power.

Mr. Cammeyer stated the next steps are to hear feedback from the subcommittee, neighbors, and Parks and Rec. and then create a plan.

Ms. Dobin asked P&Z Staff if information on this topic could be posted on the P&Z webpage so neighbors would have access to it.

Ms. Cammeyer stated that he would compose a survey to obtain feedback from the neighbors on High Point and Woody Lane.

Mr. Lebowitz agreed that getting information out to people who would be affected should be a top priority and supports moving forward.

Mr. Cammeyer stated that he would obtain more details on the new lighting technology.

Ms. Dobin agreed that it would be interesting for the neighbors to hear about the technology and about practices versus games.

Lee Goldstein, Board of Education Chairwoman, thanked the P&Z Commission, the Athletic Director, and the Director of Facilities for taking on this task.

Ms. Goldstein also expressed appreciation for seeking out the neighbor's feedback in advance. The whole idea of equality in sports between boys and girls is imperative.

Ms. Young stated a text amendment is needed to set the stage and to set the parameters. The language that's adopted can then make future approval subject to administrative or zoning permit sign-off to expedite reviews.

Ms. Dobin recommended that Mr. Cammeyer work with P&Z Staff on composing a lighting spec sheet and distribute it to the surrounding Staples athletic field neighbors to obtain feedback. Once obtained, work with P&Z Staff to draft a text amendment to expand opportunities for lighting.

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

Amanda Trianovich, Planning and Zoning Planner provided a background on the Dark Sky movement. Also, the revised [draft text amendment](#) to lighting to promote Dark Sky Principles was reviewed.

Mr. Cohn is looking to move this text forward and expressed the need to incorporate the Dark Sky principles into residential properties.

Mr. Cammeyer expressed concern over limiting it to 3,000k in color as it pertains to a landscaping point of view.

Mr. Lebowitz hopes this change to the lighting regulations will decrease the number of lights that go beyond what they're intended to do.

Ms. Dobin asked if P&Z Staff could reach out to developers to obtain feedback as it pertains to lighting intensity and color.

Ms. Dobin also added that while she appreciates the need to apply to residential properties, we must be sensitive to public safety and the need for property owners to protect their property. Ms. Dobin included that in the future as the lighting technology improves, we could revisit the residential portion.

Mr. Mandell stated that luminosity is an important aspect of color temperature. 3,500k is a bluish kind of light and that doesn't work at night. 2,700k is not an unreasonable color temperature for nighttime especially in a commercial entity because they're putting a lot of lights.

Mr. Mandell agreed with Mr. Cohn that this should apply to all new residential construction. Trying to fix everybody who already has their lights on is very difficult but all new projects coming forward should respect the Dark Skies movement.

Gately Ross, Sustainable Westport, stated that Dark Sky principles are a good place to start on the commercial side. Ms. Ross added with respect to specific numbers, she always looks at what the recommendations are.

Ms. Ross agreed that the local developers should get involved and provide feedback. Dark Sky regulations around athletic field lighting is also a very big movement. Education is key to getting people to understand why this is important.

Ms. Ross also agreed that she would like to see this applied to residential properties yet understands the limitations.

Ms. Batteau mentioned that there is new technology all the time and there are bulbs that are constructed so that they direct the light down. A recent Cornell University Ornithology Lab Report detailed the devastation on birdlife as it pertains to lighting.

Ms. Batteau urged the committee to go forward with this initiative.

Ms. Dobin requested that Mr. Cohn provide feedback on the revised draft text.

Mr. Cohn asked if there was a way to look at existing egregious abuse of lights such as floodlights shining into neighbor's properties.

Ms. Dobin sought guidance from P&Z Staff as it pertains to residential lighting and if somebody installed something and it wasn't regulated it's grandfathered, we can't retroactively require compliance.

Ms. Young agreed.

Ms. Dobin also stated there's no way to require somebody who's lighting their house in a way that's egregious now to comply with new regulations unless they're redoing their lighting after such time the new regulations have been adopted.

Mr. Cammeyer recommended exploring how sports courts might gain the same Coverage benefits as tennis courts (only 50% count in Coverage). He also suggested modifications to the Zoning Regulations to make it easier to demonstrate compliance with Height requirements (perhaps revamp the Attic definition).

Mr. Mandell recommended a discussion on modifying the Cellar and Basement definitions to reduce what is allowed to be exposed above grade and be excluded from counting as a Story when defined as a Cellar.

Ms. Dobin recapped the meeting stating that Mr. Cammeyer will work on the bullet list and the term sheet for the lighting for the neighbors. P&Z Staff will provide an update on how to approach the multifamily appearance at Baron's South and Mr. Cohn will review the Dark Sky draft text.

Ms. Dobin thanked everyone for attending and adjourned the meeting at 1:45 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

September 15, 2023