

# PLANNING AND ZONING COMMISSION ACTION MINUTES

February 11, 2016

AUDITORIUM  
7:00 P.M

## I PUBLIC HEARING

1. **Amendment #707:** *(The following application is continued from 1/14/16. Testimony was taken)* Appl. #15-062 by 785 Post Road East, LLC and 1141 Post Road East, LLC for a text amendment to the zoning regulations to add language to modify §32-8.3.2 to authorize the Planning and Zoning Commission in consultation with the Town Engineer to allow manmade earth slopes to exceed a 5:1 or 20% slope and to allow grading or slope changes within five feet (5') of any lot line, provided no significant adverse effects are anticipated on adjacent property or on public health and safety; to modify §39A-4, Lot Area and Shape, to substitute the location requirement from frontage on an arterial street that is equal to at least fifteen percent (15%) of the perimeter of the lot, to a location requirement of frontage of seventy-five feet (75') on an arterial street; to modify §39A-6, Setbacks, to authorize additions to and redevelopment of existing buildings located within setbacks provided the existing non-conforming setback is not further reduced; to modify §39A-7, Height, to authorize the Planning and Zoning Commission to grant a height of up to three (3) stories for buildings located in a residential zone, to accommodate sloping sites or floodplain conditions on lot of two acres or more provided that Total Coverage does not exceed sixty percent (60%); and to modify §39A-14, Parking, to exclude residential buildings located in the residentially zoned portion of an IHZ lot from the 5,000 SF limitation described in §34 Off-Street Parking Diagram 4, that authorizes reductions in driveway widths.

**Seated:** Chip Stephens, David Lessing, Jack Whittle, Catherine Walsh, Carolanne Curry, Al Gratrix, Aaron Greenberger

**Action:** Adopted in part/denied in part, effective date: 3/1/16

**Vote:** 7 - 0

**RE: §32-8.3.2, (standards listed in §32-8, Excavation and Filling of Land)**

The Planning and Zoning Commission finds the applicant's proposal to modify §32-8.3.2, for all properties in Westport, to authorize the Planning and Zoning Commission, in consultation with the Town Engineer, to allow manmade earth slopes to exceed a 5:1 or 20% slope and to allow grading or slope changes within five feet (5') of any lot line, provided no significant adverse effects are anticipated on adjacent property, or on public health and safety, or on environmental site features, should be **DENIED**.

The motion on this vote was made by Mr. Stephens and seconded by Mr. Gratrix.

**VOTE:**

AYES	-7-	{Stephens, Lessing, Walsh, Whittle, Gratrix, Curry, Greenberg}
NAYS	-0-	
ABSTENTIONS	-0-	

**RE: Modifications to §39A-4, Lot Area and Shape**

The Planning and Zoning Commission finds the request to add language allowing sites over 2-acres in size, to substitute “frontage of 75’ on an arterial street” for the existing requirement of “frontage on an arterial street that is equal to at least fifteen (15%) of the perimeter of the lot,” should be **ADOPTED**.

The motion on this vote was made by Mr. Stephens and seconded by Mr. Whittle.

**VOTE:**

AYES	-7-	{Stephens, Lessing, Walsh, Whittle, Gratrix, Curry, Greenberg}
NAYS	-0-	
ABSTENTIONS	-0-	

**RE: Modifications to §39A-6, Setbacks**

The Planning and Zoning Commission finds the request to authorize Side Setback relief for additions to and redevelopment of existing buildings located in a non-residential district, that are non-conforming to setback requirements, provided the existing non-conforming setback is not further reduced should be **DENIED**.

The motion on this vote was made by Mr. Whittle and seconded by Mr. Stephens.

**VOTE:**

AYES	-7-	{Stephens, Lessing, Walsh, Whittle, Gratrix, Curry, Greenberg}
NAYS	-0-	
ABSTENTIONS	-0-	

**RE: Modifications to §39A-7, Height**

The Planning and Zoning Commission finds the request to authorize the Commission to grant an additional half-story of height, for buildings located in a residential district, in cases where the adjacent single-family properties are located at a higher elevation than the IHZ site, to accommodate sloping sites or floodplain conditions on lots of two acres or more provided that Total Coverage is reduced from an allowable seventy-percent (70%) to fifty-five percent (55%), should be **DENIED**.

The motion on this vote was made by Ms. Curry and seconded by Mr. Gratrix.

**VOTE:**

AYES	-5-	{Stephens, Lessing, Whittle, Gratrix, Curry}
NAYS	-0-	
ABSTENTIONS	-2-	{Walsh, Greenberg}

**The Planning and Zoning Commission unanimously approved the findings listed herein, and the individual actions/votes listed above.**

**VOTE:**

AYES	-7-	{Stephens, Lessing, Walsh, Whittle, Gratrix, Curry, Greenberg}
NAYS	-0-	
ABSTENTIONS	-0-	

- 2. **Amendment #709:** *(The following application is continued from 1/14/16. Testimony was taken)* Appl. #15-064 by 1141 Post Road East, LLC for an amendment to the zoning map to rezone property located at 1141 Post Road East, owned by Kowalsky Properties Inc., from Residence A/GBD zone to Residence A/GBD-IHZ zone, PID #G09028000.

**Seated: Chip Stephens, David Lessing, Jack Whittle, Catherine Walsh, Carolanne Curry, Al Gratrix, Aaron Greenberger**

**Action: Hearing continued to 3/3/16. Testimony was taken at this hearing**

- 3. **Amendment #708:** *The following application was WITHDRAWN by the applicant)* Appl. #15-063 by 785 Post Road East, LLC for an amendment to the zoning map to rezone property located at 785 Post Road East, owned by 785 Post Rd E, LLC, from Residence A/GBD zone to Residence A/GBD-IHZ zone, PID # E09191000.

**Action: Application was withdrawn by applicant**

**II WORK SESSION**

*(The following items will be discussed and voted on as time permits. The public may observe the work session but not participate).*

**New Business**

**Old Business**

- 4. **Amendment #703:** *(The following application is anticipated to be discussed on 2/25/16. No discussion at this meeting)* Appl. #15-050 by William J. Fitzpatrick, III for a text amendment to the zoning regulations to add a new section 30A, Riverwalk District, (RD) with a purpose statement that stating the intent of the zone is to preserve the visual character and appearance of a Historic Structure, to mitigate traffic impacts on local streets and intersections, to mitigate traffic generation and parking demand, to encourage residential land uses and allow office/retail uses, to encourage visual and physical access to

and along the waterfront and to encourage off-site improvements to serve these purposes. Additionally, there are proposed sections stating: locational requirements, allowable uses by Special Permit, setback, height, coverage and floor area ratio limits, architectural design requirements, public waterfront access requirements, parking and loading exceptions, floodplain regulation exemptions and affordable housing requirements. (Full Text Available at [www.westportct.gov](http://www.westportct.gov) ).

**Action: No action at this hearing**

#### **Other Items**

- a) **Sub Committee Reports - none**
- b) **Discussion on signage for tenants below first floor – *On 2/11/16, the Planning and Zoning Commission reviewed the memo dated 12/16/15 by L. Montagna regarding signage. A determination was made that going forward tenants located below the first floor are permitted signage per Sec. 33-8.1, subject to zoning permit issuance.***
- c) **35 Beachside Avenue, Planning and Zoning Resolution #08-019, request for release of bond – request granted. Bond reduced as recommended in Larry Bradley’s memorandum dated 2/1/16.**
- d) **0 Newtown Turnpike, request to modify condition on Subdivision Map – request granted**
- e) **14 Sunny Lane, Planning and Zoning Resolution #08-057, request for release of bond – not released at this time**
- f) **128 Beachside Avenue, Planning and Zoning Resolution #14-030, request for modification – request granted**

#### **ANNUAL MEETING CONTINUED – NO ACTION**

- 1. Appointment of Alternates
- 2. Update on Planning and Zoning Issues
- 3. Planning and Zoning Goals and Objectives
- 4. Planning and Zoning By-Law Review
- 5. Other