



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 pandz@westportct.gov
www.westportct.gov

May 22, 2024

The following meeting of the Planning & Zoning Commission was held remotely using Zoom Technology:

Planning and Zoning Commission Minutes

May 20, 2024

Remote Meeting

Meeting Started: 7:00P.M.

P&Z Members in Attendance: Paul Lebowitz, Neil Cohn, Michael Calise, John Bolton and Amy Wistreich

P&Z Alternates in Attendance: Breanne Injeski and Nicole Laskin (sitting for Michael Cammeyer and Patrizia Zucaro)

Town Staff: Mary Young, P&Z Director

I. PUBLIC MEETING *(The following will be discussed and voted on as time permit. The public may observe the work session, but not participate.)*

- 1. 60 Compo Beach Road: Appl. PZ-24-00249**, Request for a report from the Planning and Zoning Commission, submitted pursuant to CGS §8-24, Municipal Improvement, by Rick Benson for the Westport Rotary Club, on behalf of the First Selectwoman, for Substantial Improvement to the Compo Beach Playground. The property is in the Residence A District, PID #D03164000. *(Must decide by 6/11/24)*

Action: Positive Report

Motion for a Positive Report: N. Cohn (2nd N. Laskin)

Vote: In favor (6-0-0): P. Lebowitz, N. Cohn, M. Calise, A. Wistreich, N. Laskin, B. Injeski, Mr. Bolton was unable to vote due to technical difficulties

See attached resolution

II. PUBLIC HEARING *(The public may observe, but not participate)*

- 2. Text Amendment #843:** #PZ-24-00197 submitted by Cindy Tyminski of Moon Gardens, LLC, to modify §31-9, Liquor Establishments, and §5-2, Retail Food Establishments, to allow for liquor service for on-site consumption at existing Retail Food Establishments located in residential zoning districts as of the adoption of the proposed amendment. The targeted benefitting property is 222 Hillspoint Rd., Old Mill Grocery and Deli by Romanacci. *(Must open by 06/26/24.)*

Action: Testimony received, hearing left open to June 3, 2024.

- 3. 50 Turkey Hill Road North:** Special Permit/Site Plan Appl. #PZ-24-00125 submitted by Michael Stone and David Nastasi, property owners, for structural restoration and renovation of existing barn into an Accessory Dwelling Unit (ADU), for a property located in the Residence AA district, PID #C10039000. *(Must open by 05/22/24.)*

Action: Testimony received. Hearing Closed. Application Granted

Motion to Approve: N. Cohn (2nd N. Laskin)

Vote: In favor: (6-0-0) P. Lebowitz, N. Cohn, M. Calise, A. Wistreich, N. Laskin, B. Injeski, Mr. Bolton was unable to vote due to technical difficulties

See attached resolution

4. *(Opened on 3/25/24 w/no testimony and cont. to 4/08/24 w/no testimony, and further cont. to 5/06/24 w/no testimony, and further cont. to 5/20/24) 50 Sylvan Road North: Resubdivision Appl. #PZ-24-00034 submitted by Richard Benson, R.B. Benson & Co., for property owned by Sazes Partners, L.P., for a requested 2-Lot Resubdivision of property located in the Residence AA district, PID#B09009000. (Must close by 5/29/24 with max extension on file.)*

Action: Testimony received. Application withdrawn due to time constraints as no time left to continue the public hearing to the next meeting.

III. WORK SESSION *(The public may observe, but not participate)*

5. **New Business:**

- Review of Current Bylaws.

Elected commissioners consensus was to start meetings at 6pm, and to revise the Bylaws to identify no new items will be heard after 10pm (instead of 11pm) unless voted to extend that evening by the sitting commissioners.

6. **Old Business:**

- No old business.

Ended: 12:16am

Respectfully submitted by K. Velky, May 22, 2024



WESTPORT

Planning & Zoning Department

Town Hall, 110 Myrtle Avenue, Room 203
Westport, CT 06880
www.Westportct.gov | pandz@westportct.gov
Telephone (203) 341-1030

Public Meeting: June 3, 2024

Decision: June 3, 2024

Honorable Jennifer Tooker, First Selectwoman
110 Myrtle Avenue
Westport, CT 06880

RE: 60 Compo Rd. South - Apartment #52B, #PZ-24-00310, Request for a Report pursuant to CGS §8-24 Municipal Improvement, for a residential month-to-month lease

Dear First Selectwoman Tooker:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on June 3, 2024 it was moved by Mr. Cammeyer and seconded by Mr. Lebowitz to adopt the following resolution:

RESOLUTION #PZ-24-00310

WHEREAS THE PLANNING AND ZONING COMMISSION met on June 3, 2024, and offered the following findings and recommendations:

FINDINGS

Background

1. 60 Compo Rd. South, also known as Barons South, is a 22⁺-acre Town-owned property, centrally located in Westport. The property is in the Dedicated Open Space and Recreational District #2 (DOSRD #2) and is improved with the Center for Senior Activities and associated parking lot, as well as multiple residential buildings.
2. Apartment #52B is in the eastern portion of Barons South and previously served as the garage to the dwelling at #52 Compo Rd. South. Apartment #52B is 1-bedroom, 1-bath, and has a 1-car garage. It was last occupied in June of 2023.

Proposal

3. The First Selectwoman forwarded a request from the Parks and Recreation Dept. for a report pursuant to CGS §8-24, Municipal Improvement, concerning a month-to-month residential lease of Apartment #52B to a Board of Education employee.

Department Comments

4. Referrals were sent to Town Departments. No objections were received.
5. The Fire Marshal in comments dated 6/3/24 confirmed Apartment #52B is compliant for smoke detection.
6. A report prepared by P&Z staff dated 5/30/24 describes in addition to review by the Planning and Zoning Commission pursuant to CGS §8-24, other Town boards are scheduled to review the proposed lease including:
 - A. The Board of Finance on 6/5/24; and
 - B. The Board of Selectwomen on 6/12/24.

Meeting Process

7. Neighboring property owners within 250-feet of the subject site, were notified of the application, procedures for accessing all available information including participation at the public meeting, with a notice letter sent in envelopes marked "Urgent Notice Letter," with receipt evidenced by a Certificate of Mailing.
8. Consistent with State law, a remote public meeting of the Planning and Zoning Commission was held. The meeting was live streamed on the Town's website and/or shown live on television on Optimum Government Access Channel 79 and Frontier Channel 6020.

NOW THEREFORE BE IT RESOLVED that a **POSITIVE REPORT** is issued for **Apartment #52B at 60 Compo Road South:** Appl. #PZ-24-00310 Request for a report pursuant to CGS §8-24, Municipal Improvement, forwarded by the First Selectwoman on behalf of the Parks and Recreation Department for review of a residential month-to-month lease for one of the Town-owned buildings on property known as Barons South. The building's tenant address is 52B Compo Road South. The property is located in the Dedicated Open Space and Recreation District (DOSRD) #2. Parcel ID #D09046000.

Reasons

1. There are benefits associated with offering Town-owned housing for rent to Town employees who might otherwise not be able to afford to live in Town to help reduce commute times for employees such as fireman and policeman whose work shifts occur over a 24-hour period.
2. The lease is consistent with the *2017 Plan of Conservation and Development (POCD)* that recommends considering ways to address housing needs and integrate affordable housing and workforce housing in addition to market rate housing (*Pgs. 85-88*).

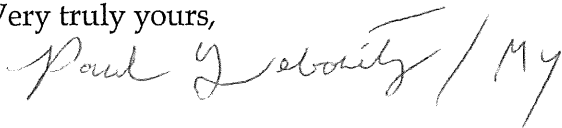
Recommendations

1. The lease should be reviewed by the Board of Finance prior to endorsement.
2. The lease should be reviewed by the Board of Selectwomen prior to endorsement.

VOTE:

AYES	-7-	{Lebowitz, Cohn, Cammeyer, Calise, Zucaro, Valante, Injeski}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz,
Chairman, Planning & Zoning Commission

cc: E. Flug, Assistant Town Attorney
Rick Giunta, Acting Parks and Recreation Dept. Director



**Town of Westport
Planning & Zoning Commission**

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WESTPORT

Meeting: May 20, 2024

Decision: May 20, 2024

May 21, 2024

Michael Stone and David Nastasi
50 Turkey Hill Road North
Westport, CT 06880

RE: 50 Turkey Hill Road North, Special Permit/Site Plan Appl. #PZ-24-00125 to Convert Barn into Accessory Dwelling Unit (ADU)

Dear Messrs. Stone and Nastari:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on May 20, 2024, it was moved by Mr. Cohn and seconded by Ms. Laskin to adopt the following resolution:

RESOLUTION #PZ-24-00125

WHEREAS, THE PLANNING AND ZONING COMMISSION met on May 20, 2024, and made the following findings:

Property Background

1. 50 Turkey Hill Road North is located in the Residence AA zone, is serviced by sanitary sewer and public water. The lot is approximately 1.11 acres, which is conforming in the Residence AA zone, where a minimum lot area of 1 acre is required. The lot has 962 SF of steep slopes and 5,408 SF of wetlands. The survey shows the property ranges in grade from approximately EL 72.7' at on the west property line and slopes down to up to EL 56.1' along the south property line near the drainage easement.
2. The property contains a 2-story frame residence constructed c. 1800 as listed on the Westport Historic Resource Inventory as the "Jonathan Burr House". The property also contains a 2-story frame barn, an inground pool with patio and a shed.

Proposal

3. The applicant is seeking Special Permit/Site Plan approval to convert the existing 2-story barn into an Accessory Dwelling Unit (ADU) per §11-2.4.8A. A balcony and dormers will be added to the barn; however, there will be no Floor Area expansion of the barn when converted to an ADU. As part of this project, a new detached garage with shed will also be constructed.

4. The proposed ADU has a Building Area (Footprint) of 1,571 SF which exceeds the Building Area of 850 SF for lots under 1½ acres therefore requiring Special Permit/Site Plan review.
5. Section 11-2.4.8A (c) permits Building Height of 26 feet from average grade to peak of the roof. The proposed ADU has a Building Height of 28 feet from average existing grade to the peak of the roof which requires Special Permit Site Plan review.
6. The Special Permit/Site Plan approval is required since the proposed ADU exceeds the following standards:
 - a. Building Area – The ADU is 302 SF larger than permitted as of right; and
 - b. Building Height – The ADU is 2 feet taller than permitted as of right.
7. The application was referred to Town Departments. No objections were received.
8. The Engineering Department submitted comments dated 3/25/24 identifying they have no comments. The Conservation Department submitted comments dated 3/22/24 identifying they have no comments. A sewer benefit assessment must requested from DPW before a Zoning Permit can be issued for the conversion of the barn to an ADU.
9. Planning and Zoning staff, in comments dated 5/15/24, identified the application if approved may be considered consistent with goals contained on the 2017 *Plan of Conservation and Development* including but not limited to the following:
 - a. *“Encourage the ongoing efforts of public and private owners to sensitively preserve and maintain historic structures and sites (purchase, maintain, use, etc.).” Pg 29*
 - b. *“Maintain the preponderance of single-family homes increase housing diversity as to size of units, and promote housing affordability.” Pg 79*
 - c. *“Special Permit request in residential zones will be carefully reviewed to ensure that they [are] appropriate and suitable for that location.” Pg 80*

Public Hearings

10. A public hearing was held on 5/20/24 to receive testimony from the public.
11. Written correspondence was additionally received from neighboring property owners.
12. The public hearing was held remotely consistent with State Statutes. The hearing was broadcast live on public access television, was live streamed on the Town's website, and anyone could join the meeting and offer testimony by accessing the meeting link published on the agenda one week prior to the meeting.
13. All application materials, and public comments received in writing prior to the meeting were posted on the Town's website to maintain transparency while conducting remote meetings.

NOW THEREFORE BE IT RESOLVED that **50 Turkey Hill Road North**: Special Permit/Site Plan Appl. #PZ-24-00125 submitted by Michael Stone and David Nastasi, property owners, for structural restoration and renovation of existing barn into an Accessory Dwelling Unit (ADU), for a property located in the Residence AA district, PID #C10039000 be **GRANTED** subject to the following modifications:

1. Conformance to Existing Conditions Survey, prepared by Gregory Kogan, dated 5/13/23.
2. Conformance to Proposed Survey, prepared by Gregory Kogan, dated 5/13/23, revised 2/29/24.
3. Conformance to Architectural Plans, prepared by Deidre O' Farrelly, dated 2/29/24, revised 2/29/24 (5 sheets).
4. All projects requiring permits from the Department of Public Works shall obtain permits before commencement of that work.
5. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced.
6. Prior to the commencement of any construction, site work, tree removal or demolition, the soil and erosion controls shall be installed and inspected by Staff.
7. Prior to the issuance of the Zoning Permit, the applicant shall provide:
 - A. Proof of filing the Special Permit resolution on the Westport Land Records.
 - B. Sewer benefit assessment from DPW;
 - C. Obtain approval from the Engineering Department; and
 - D. Obtain Conservation Department sign off.
8. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor.
9. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
10. All work approved pursuant to this Special Permit/Coastal Site Plan shall be completed within 5 years of date of approval, by May 20, 2029.
11. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

1. The proposed improvements will enable preservation and adaptive re-use of the Historic Barn located on the property.
2. The Planning and Zoning Commission finds the application is consistent with goals and recommendations contained in the *2017 Plan of Conservation a Development* including:

Chapter 4 (Maintain and Enhance Community Character) states, *"Encourage the ongoing efforts of public and private owners to sensitively preserve and maintain historic structures and sites (purchase, maintain, use, etc.)."* Pg 29

Chapter 10 (Guide Residential Development) states, *"Maintain the preponderance of single-family homes increase housing diversity as to size of units, and promote housing affordability."* Pg 79

"Special Permit request in residential zones will be carefully reviewed to ensure that they [are] appropriate and suitable for that location." Pg 80

3. The application has been found to be in conformance with the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE:

AYES	-6-	Lebowitz, Cohn, Calise, Wistreich, Laskin, Injeski
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz
 Chairman, Planning & Zoning Commission

- cc: K. Wilberg, Town Engineer
 Ted Gill, Engineering Department
 C. Kelly, Conservation Director
 Peter Howard, Building Official