



**Town of Westport
Planning and Zoning Commission**

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To be inserted in the Norwalk Hour

On: Thursday, June 6, 2024

LEGAL NOTICE OF DECISION

Notice is hereby given that at a special meeting held on **June 3, 2024**, the Westport Planning and Zoning Commission took the following actions:

- 1. ADOPTED AS MODIFIED: Text Amendment #843/#PZ-24-00197**, submitted by Cindy Tyminski of Moon Gardens, LLC, seeking 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 in the Residence B zone as of the adoption of the proposed amendment. The targeted benefitting property is 222 Hillspoint Rd., to allow liquor service at Old Mill Grocery and Deli by Romanacci. A copy of the text amendment is available on-line at www.westportct.gov on the Planning & Zoning Office web page under "P&Z Pending Applications & Recent Approvals." A copy may also be viewed at Town Hall, 110 Myrtle Ave., in the Town Clerk's Office and Planning & Zoning Office. **Effective Date: 6/17/24**
- 2. GRANTED: 170 Riverside Avenue.** Special Permit/Site Plan Appl. #PZ-24-00211 submitted by Peter Romano of LANDTECH, for property owned by the Town of Westport, to replace the Police Athletic League (PAL) Clubhouse at Doubleday Field, on property in the Residence A zone, PID #C08032000.
- 3. GRANTED: 33 Bayberry Lane,** Special Permit/Site Plan Appl. #PZ-24-00229 submitted by Curt Lowenstein of LANDTECH, for property owned by Kristen Ripka, to permit non-exempt excavation and fill, on property in the Residence AA zone, PID #C11099000.

Dated at Westport, Connecticut this 6th day of June 2024 Paul Lebowitz, Chairman, Planning and Zoning Commission.

Text Amendment #843

Authored by: C. Tyminski, Moon Gardens LLC

Submitted: 4/08/24

Received: 4/22/24

Revised: 5/31/24

Public Hearing: 5/20/24, and continued to 6/3/24

Adopted as Modified: 6/3/24

Effective date: 6/17/24

Deleted language is [~~struck-out and in brackets~~]; New language is underlined. Modified language in **red**.

FROM §5, DEFINITIONS

5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

Food Establishment Retail:

A retail food establishment shall mean any business where food or non-alcoholic beverages are sold to the public for either on premises or off premises consumption~~[- except that]~~ **and** the sale of alcoholic beverages must be for off-premises consumption~~[-]~~ **only, except such establishments that exist in the Residence B district as of the adoption of this regulation, June 3, 2024, may provide alcoholic beverages for on-premise consumption**. A retail food establishment may have no more than 10 indoor patron seats. Such establishments shall not be considered Restaurants and no additional parking will be required provided that they have indoor seating for no more than 10 patrons. For outdoor seating – See §5-2 & §32-20 Outdoor Eating Areas.

FROM §31, REGULATIONS APPLYING TO ALL DISTRICTS

31-9 Liquor Establishments

31-9.1

The sale of alcoholic liquor for on premises consumption shall be limited to Non-Residential Zoning Districts except for

1. [~~liquor~~] **Liquor** establishments in Residential Districts that have a valid liquor permit issued by the Connecticut Liquor Control Commission as of the effective date of this regulation August 9, 2010; [and]
2. **Retail Food Establishments existing in the Residence B district as of the adoption of this regulation, June 3, 2024, provided the operator of such Retail Food Establishment may not allow for liquor sales after 9 p.m. and such liquor sales shall not exceed fifty (50%) percent of the total gross sales of such Retail Food Establishment (percentage of gross sales derived from the sale of liquor) to be verified by the operator annually by filing an affidavit with the Planning & Zoning Department; or**
3. Special Events that obtain a temporary liquor permit approved by the P&Z Director, the Police Chief and issued by the Connecticut Liquor Control Commission.