



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

August 30, 2024

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to State law there will be no physical location for this meeting. This meeting will be held electronically and live streamed on www.westportct.gov and/or shown on Optimum Government Access Channel 79 and Frontier Channel 6020. The public may attend and offer testimony during the meeting by using the meeting link published on the agenda prior to the meeting. The meeting agenda is available at www.westportct.gov on the "[Meeting List and Calendar](#)" web page. Written comments may also be received prior to the Public Meeting and should be sent to PandZ@westportct.gov by 12:00pm on the day of the meeting if intended to be distributed for consideration by members of the Planning and Zoning Commission. Written comments received after 12:00pm on the day of the meeting will be entered into the record but will not be distributed until the next business day. Meeting materials submitted are available at www.westportct.gov, on the Planning and Zoning Department web page under "[P&Z Pending Applications & Recent Approvals](#)".

Instructions to Attend ZOOM Meeting:

Phone: + 1 646 876 9923 US (New York)

Meeting ID: 822 4082 6339

Passcode: 478851

ZOOM Link: <https://us02web.zoom.us/j/82240826339?pwd=ZWRLdUpHQVo3RFVxa0V6K2MvZmozUT09>

AGENDA

PLANNING & ZONING COMMISSION MEETING

Monday, September 9, 2024, 6:00pm,

Remote Meeting

I. WORK SESSION

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

Old Business:

1. **50 Sylvan Road North:** Resubdivision Appl. #PZ-24-00321 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 decide by 10/2/24)

Sitting on this application: PL, NC, Mike C, Michael C, AW, JB, NL (for PZ)

II. PUBLIC HEARING

(The following will be discussed and voted on as time permits. The public may observe and participate at the public hearing.)

2. *(Continued from 7/29/24 to 9/9/24 with no testimony received on 7/29/24)* **14 Lyons Plains Road:** Special Permit/Site Plan Appl. PZ-24-00244 submitted by Ruth Fontilla, for property owned by The First Unitarian Church of Fairfield County, in the Residence AAA zone, PID # D16054000. The request is to remove Condition #4 from the Planning and Zoning Commission Special Permit/Site Plan Resolution #99-007 requiring, "The use of the building shall be for Church functions only. It shall not be used for rentals to outside groups or expansion of the nursery school." The building was identified as the Parsonage in 1999 and is now known as the Meeting House. *(Must close by 10/2/24 w/max. ext.)* **Application Presentation Time: 10 Minutes**
3. **16, 18, 20 Fresenius Road:** Special Permit/Site Plan Appl. #PZ-24-00350 submitted by Bryan Nesteriak for property owned by Paul Richter, for eliminating steep slopes and regrading, and adding a retaining wall, on property in the Residence A/AA zones, PID #F09098000. **Application Presentation Time: 10 Minutes**
4. **35 Beachside Avenue:** Special Permit/Site Plan Appl. ##PZ-24-00442 submitted by John Fallon, Esq., for property owned by Greens Farms Academy INC., to construct a new athletic facility attached to an existing sports facility consisting of a 29,230 sf, on property located in the Residence AAA district, PID#H05001000. **Application Presentation Time: 20 Minutes**
5. **Text Amendment #844:** #PZ-24-00434 submitted on behalf of the Planning and Zoning Commission to modify §42, Amendments, to clarify the notice requirements for a zone change to the Official Building Zone Map versus a text change to the Zoning and Subdivision Regulations, and to require a digital application submission when submitting a zone change or text change. 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. **Application Presentation Time: 10 Minutes**
6. **Text Amendment #845:** #PZ-24-00465 submitted on behalf of the Planning and Zoning Commission to modify Sec. 5-2, the definition of Front Setback. 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. **Application Presentation Time: 10 Minutes**

III. WORK SESSION

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

New Business:

7. **Request for interpretation from P&Z Staff** on administering the Accessory Dwelling Unit (ADU) regulations.

8. **Approval of July Minutes: 07/15/24 and 07/29/24.**

Text Amendment #844, submitted on behalf of the P&Z Commission

Submitted: 7/30/24, Rev. 8/15/24

Received: 9/3/24

Public Hearing: _____

Adopted: _____

Effective date: _____

Proposed Text Change

Note: Proposed new language is shown in **red, highlighted, and underlined.**
Proposed deletions are shown in **[bracketed, struck through and highlighted]**

FROM CHAPT. 42, AMENDMENT OF ZONING REGULATIONS

42-1, Authority

The Planning and Zoning Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these regulations. However, no change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time parties-in-interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended.

42-2, General

Any person, firm or corporation desiring an amendment or change in the Zoning Regulations and/or Official Building Zone Map of the Town of Westport, may submit an application proposing such amendment or change to the Planning and Zoning Commission. Before the Commission shall consider any such application the following requirements shall be met and the following information submitted.

42-3, Application for Change of Zone

All proceedings to change the zoning boundaries or the zoning text of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to, and in a form prescribed by, the Commission. Applications shall be signed by the applicant and shall be considered in accordance with the procedures adopted by the Commission, as amended, from time to time.

42-3.1 Zoning Boundary Changes

The application shall describe the existing and proposed zone boundaries of the property and shall give a metes and bounds description of the property or identification by Assessor's Map and Lot Number of the lots, or parts thereof to be included in the [amendment or] change, **as required below.**

42-3.1.1 Existing Land Use Map

One (1) **hard** copy **and one digital copy** of a map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing land uses in the standard color key of the Commission, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map. The Standard Color Key of the Commission is as follows:

- Yellow - residential
- Red - commercial
- Blue - light and dark - water and institutional
- Green - open space
- Brown - multi-family residential
- Purple – industrial

42-3.1.2 Existing Conditions Map

One (1) **hard** copy **and one digital copy** of a map shall be submitted with the application showing all existing streets, existing buildings and structures, existing waterbodies and watercourses, the existing contours at a contour interval not to exceed two (2) feet, and any existing wetlands boundary lines, flood boundary lines and/or mean high water lines, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of the area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map.

42-3.1.3 Proposed Zoning Map

In addition to the above maps one (1) **hard** copy **and one digital copy** of a separate zoning map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map or accompanying list shall also show both the names and addresses of property owners within two hundred fifty (250) feet of the area affected by the application, as indicated in the current records of the Westport Assessor's Office.

42-3.1.4 Map Sources

The above listed maps shall be drawn to a scale of one hundred (100) feet or two hundred (200) feet to the inch and may be based on the Town's Geographic Information System (GIS) and may show any other information considered pertinent by the applicant.

42-3.1.5 Conceptual Site Plan

Applications for a Change of Zone to General Business District/Saugatuck (GBD/S) shall be accompanied by one (1) copy of a conceptual site plan, drawn to scale, showing building locations (footprint), driveways, parking areas and other improvements related to site development (See §24A). An electronic version of the plan in PDF format shall also be submitted.

42-3.2 Notice Mailing

A list of names and addresses of all property owners located in and within 500 feet of the proposed zone change line shall be submitted along with Certificates of mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

42-3.3 Zoning Text Changes

~~The application shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added to the regulations. Deletions shall be bracketed and stricken out, "[---]" and additions shall be underlined. One (1) copy of the proposed text shall be submitted.~~

42-3.4 Fees

~~All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.~~

42-3.5 Explanatory Statement

~~All applications shall be accompanied by one (1) copy of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.~~

42-4, Completeness, Date of Submission and Date of Receipt

~~An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §42-3, Application. The planning staff shall note on the application the date of submission to the Commission.~~

~~The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the Commission, of a complete application or thirty five (35) days after such submission, whichever is sooner.]~~

42-4, Zoning Text Changes

42-4.1 All proceedings to change the zoning text of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to, and in a form prescribed by, the Commission. Applications shall be signed by the applicant and shall be considered in accordance with the procedures adopted by the Commission, as amended, from time to time.

42-4.2 The application shall precisely set forth the existing provisions in full context of the remainder of the chapter, the specific provisions to be changed, and the provisions to be substituted, deleted or added to the regulations. Deletions shall be bracketed and stricken out, "[---]" and

additions shall be underlined. One (1) digital copy and one hard copy of the proposed text shall be submitted.

42-5. Fees

All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.

42-6. Explanatory Statement

All applications shall be accompanied by one (1) copy of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.

42-7. Completeness, Date of Submission and Date of Receipt

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §42-3, Application. The planning staff shall note on the application the date of submission to the Commission.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the Commission, of a complete application or thirty-five (35) days after such submission, whichever is sooner.

42-~~5~~8. Regional and Municipal Referral

Any proposed change of zone or regulation affecting the use of a zone within five hundred (500) feet of the Town Line shall be referred to the Regional Planning Agency and adjoining municipality in accordance with the Connecticut General Statutes.

42-~~6~~9. Public Hearings

Within sixty-five (65) days after the date of receipt of a complete application, the Commission shall hold a public hearing on said application. Notice of a public hearing shall be published in accordance with the Connecticut General Statutes.

42-~~6.1~~10 Additional Information

The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

42-[7]11, Commission Action

Within sixty-five (65) days after completion of the public hearing, the Commission shall adopt or deny the change of zone or amendment to the regulations. Whenever the Commission adopts any change of zone or amendment to the regulations, it shall state upon its records the reason why such change was made.

42-[8]12, Extension of Time

The applicant may consent in writing to an extension of the time periods in accordance with the Connecticut General Statutes.

42-[9]13, Effective Date

Zoning regulations, zoning district boundaries and any amendments or changes thereto, shall become effective at such time as may be fixed by the Commission, pursuant to the Connecticut General Statutes, provided that both a copy of such regulation, boundary or change shall be filed with the Town Clerk and notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the Town before such effective date.

Text Amendment #845

Submitted: 8/9/24

Revised: 8/12/24

Received: 9/9/24

Public Hearing: _____

Adopted: _____

Effective date: _____

Proposed Text Change.

Note: Proposed new language is shown in **red, highlighted, and underlined.**

Proposed deletions are shown in **[bracketed, struck through and highlighted]**

FROM CHAPTER 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:

Setback, Front:

The minimum required horizontal distance from the front lot line(s) ~~[or street line (s)]~~ to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the front lot line(s). **On lots where the property line lies within a right-of-way, the setback shall be taken from the edge of the boundary line o**