

Memorandum

To: Members, Planning and Zoning Commission

From: Mary Young, Planning and Zoning Director

Date: September 29, 2020

Re: §8-24 Municipal Improvement Request PZ #20-00608, for a Report on a 1-Year Lease of Town Property (Cabin #1) to a Town Employee, Located at 260 Compo Road South, Longshore Club Park, in the Residence AAA District, Parcel ID #C0400100

Statutory Timelines:

Application Submission Date: 9/3/20

Public Meeting Scheduled: 10/8/20

35 Days from Submission Date (*when decision is required*): 10/8/20 + 90-day extension if needed per EO#71

I. Project Description

The Assistant Town Attorney, on behalf of the First Selectman is seeking a report from the Planning and Zoning Commission pursuant to CGS §8-24, Municipal Improvement, concerning a one-year residential lease of Town property (Cabin #1) located at 260 Compo Road South, Longshore Club Park, to a Town employee who works for the Westport Police Department. The lease term sheet revised 9/28/20 describes the following:

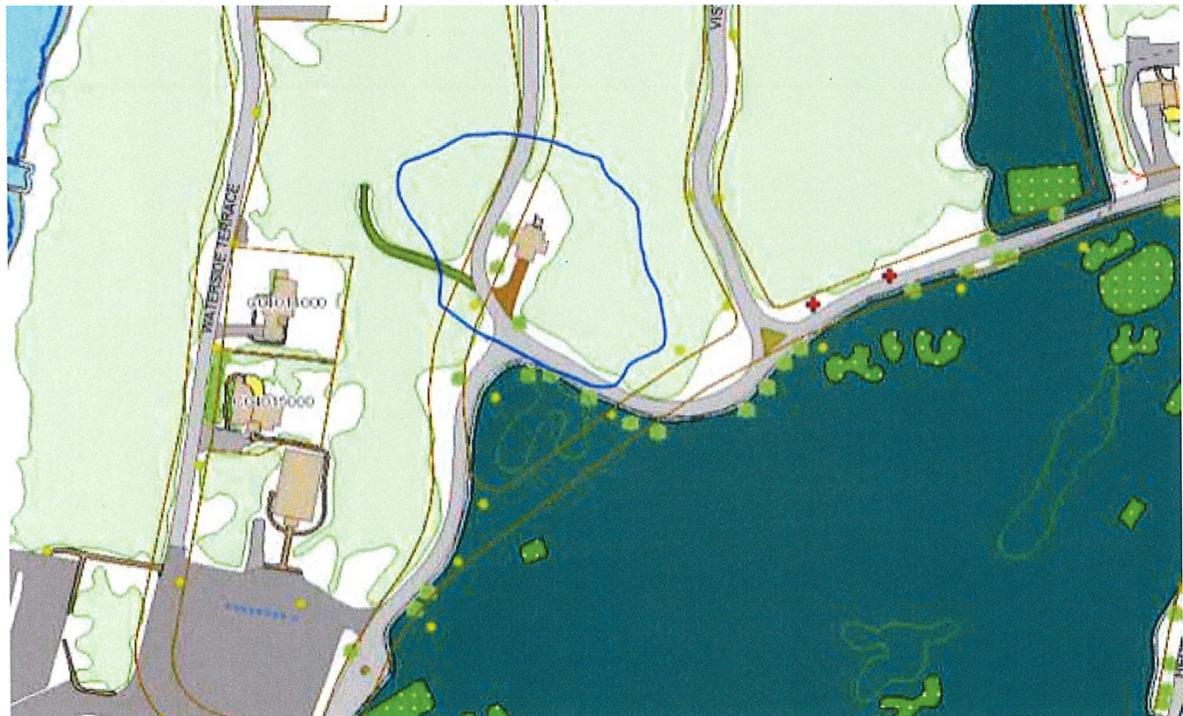
- A. **LANDLORD:** Town of Westport
- B. **TENANT:** Phil Restieri
- C. **PROPERTY LOCATION:** 260 Compo Road South, Cabin #1
- D. **RENT:** \$1,400/month
- E. **TERM:** One year commencing November 1, 2020
- F. **OPTION TO RENEW:** None
- G. **SECURITY DEPOSIT:** \$1,400.00
- H. **TOWN SERVICES REQUIRED:** Town is responsible for major maintenance and repair involving anticipated or actual costs in excess of \$500.

II. Property Description

Cabin 1 is one of nine (9) dwelling units offered by the Town of Westport for residential lease. Six of these units are located at Longshore Club Park including: three detached dwelling units (Cabins 1, 9, and 10), and three apartments in Knoll House (Apartments 1, 2, and 3).

Cabin 1 is listed on the Historic Resources Inventory that identifies it was constructed circa 1930. Cabin 1 is a one-story building that contains 2-bedrooms, 2 bathrooms, stackable W/D, off-street parking, is connected to the public sewer and has public water. Cabin #1 is located at the corner of Julian Brodie Road and Waterside Terrace.

Cabin 1 Photo and Location Map submitted by the Town Attorney's Office:



III. Background and Other Approvals Required

Leasing of Town property is subject to review by the Planning and Zoning Commission, Board of Finance, and Board of Selectman (no RTM review is required). The last time the Commission reviewed a lease for Cabin 1 was in 2005. Cabin 1 was leased subsequently without an §8-24 review. Consistent with the Commission's Procedures for §8-24 Reports described below, the Town Attorney's Office forwarded the lease for the Commission's review. The lease is scheduled for review by:

- The Board of Finance at their 10/7/20 meeting;
- The Planning and Zoning Commission at their 10/8/20 meeting; and
- The Board of Selectman at their 10/14/20 meeting.

IV. Process Requirements for the Planning and Zoning Commission

A. CGS §8-24, Municipal Improvement

The Planning and Zoning Commission shall provide a report prior to the leasing of any public building as described in §8-24 that states *[emphasis added]*:

“Sec. 8-24. Municipal Improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefore shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.”

B. Procedures to be Followed for §8-24 Municipal Improvement Reports

The Planning and Zoning Commission at their 2/6/20 meeting revised their “*Procedures to be Followed for §8-24 Reports*,” that was further clarified and corrected with a revised date of 3/5/20. These procedures serve in part to require notifications to neighbors where the state statutes are silent, requiring property owners within 250-feet to receive letters as evidenced through a Certificate of Mailing, informing them upon submission to the P&Z Department of an §8-24 Request, in envelopes marked “*Urgent Notice Letter*” in red ink. Due to COVID-19 the notice requirements were modified to allow use of regular mail (and other means) to provide notice consistent with Governor Lamont’s Executive Order No. 7B. The applicant, in this case, submitted a copy of the Notice Letter, and list of neighbors notified by regular mail which includes the P&Z Department that received the Notice Letter.

The §8-24 Policy also identifies the Commission should hold a Public Meeting to invite residents to testify and offer comments in person on any §8-24 Request before the Commission issues their Report. At this time, however, traditional public meetings are not being held due to the Coronavirus Pandemic, the First Selectman’s Declaration of a *Local Civil Preparedness Emergency*, and related concerns on public assembly. Consistent with Executive Order No. 7B, the Commission’s public meeting will be held remotely, will be recorded, and all information was made accessible to the public on the Town’s website in advance of the meeting. The Town of Westport has the resources and capacity and therefore plans to make the remote meeting accessible to the public as it will be live streamed on the Town’s website, and accessible on Optimum Government Access Channel 79 and Frontier Channel 6020.

Public comments will not be received during the meeting but will be collected prior to the meeting and shared with the Commission in advance. The application materials were made available on the Town’s website more than 3-weeks prior to the meeting. Notice of the meeting was provided 10-days prior to the meeting via the Town’s website. Therefore while not taking public comments during the meeting may be contrary to the §8-24 Procedures issued by the Commission, understanding and flexibility is needed in the opinion of staff while the Town is trying their best to get things done during a *Local Civil Preparedness Emergency*. The Planning and Zoning Commission will be conducting their work in a manner above and beyond what is required under the Governor’s Executive Order to both enhance public transparency and to keep the public, the applicant, and the Commissioner’s safe by practicing social distancing.

C. Policy for Residential Housing Units

The Town of Westport adopted a *“Policy for Rental of Residential Housing Units”* in 2000 that was last amended on 11/1/13 by the Board of Selectman. This policy describes when a vacancy occurs for any residential units owned by the Town, it shall be offered to all Full-Time employees (as defined by the Personnel Department which does not include BOE employees), and a lottery is drawn to select a winner if/when more than one employee expresses interest. In the event no employee expresses interest, the residential unit is advertised for rental to the general public.

It is presumed the policy originated in part to offer housing close to work for employees such as fireman and policeman whose work shifts occur over a 24-hour period to reduce long commute times. The Planning and Zoning Commission may want to recommend to the Board of Selectman that language be added to the *“Policy for Rental of Residential Housing Units”* to include BOE employees alongside Town Employees if/when there is a vacancy and a lottery is held as all employees who serve the residents of Westport could benefit from a shorter commute.

The policy also describes management responsibilities are at the direction of the Parks and Recreation department. Actual maintenance when required is performed by the Department of Public Works. A request was made by P&Z Staff for a list of maintenance performed at Cabin 1 and it was provided. The list confirms smoke and carbon monoxide detectors were installed which addresses a comment received from the Building Official listed later in this report.

V. Analysis and Considerations

A. 2017 Plan of Conservation and Development (POCD)

The Planning and Zoning Commission is acting in its planning capacity when reviewing an §8-24 Request, therefore the Commission should consider any guidance offered in the Plan of Conservation and Development (POCD). There is no general guidance offered in the POCD concerning leasing of Town-property nor is there any specific reference to Cabin 1. The POCD does include a Chapter on residential development that includes the following recommendations:

- *“Seek ways to address changing housing needs while maintaining the character and integrity of Westport.”*
- *“Consider ways of integrating affordable and workforce housing in future projects.”*
- *Continue to address housing needs in Westport (affordable, aged, special needs, ADA).*

The Planning and Zoning Commission as part of any Positive Report might want to recommend to the Board of Selectman language be restored to the “Policy for Rental of Residential Housing Units,” omitted when revised in 2013, to require leasing of residential units should be at Workforce Housing rates, and modify the prior policy to require these rates should be calculated as defined in §5-2 of Zoning Regulations:

From §5-2: Workforce Housing:

A dwelling unit for sale or rent at a price that is affordable for a person or family whose income is not more than 110% of the most recently published United States Department of Housing and Urban Development Standard Metropolitan Statistical Area (HUD – SMSA) Median Family Income for a Family of Four encompassing Westport. Example: (\$111,000 x 110% = \$122,100) NOTE: This number is for example purposes ONLY. The Median Family Income changes on an annual basis.

Currently, the Area Median Income applicable to Westport is \$143,400.

Such a recommendation would be consistent with the recommendations contained in the POCD, and recommendations contained in the Commission’s last §8-24 Report for leasing of cabins at Longshore, that stated:

“The units need to continue to be available to town employees as a priority through a lottery system. Specifically, the units would first be offered by lottery to town emergency service personnel, which include Fire Department, Police Department, Public Works Department and Parks and Recreation Department, the rent would be 30% of their household monthly income if they are income eligible which means that their salary cannot exceed 80% of the Westport area median income. Then the units would be offered by lottery to any other Town of Westport or Board of Education employees with rents at 30% of their household monthly income if they are income eligible as described above. Lastly, the units would be eligible to the general public with rentals at market rates.”

B. Next Steps:

Ordinarily the Planning and Zoning Commission must act within 35 days of receipt of an §8-24 Municipal Improvement Request by issuing a Positive or Negative §8-24 Report. The application was received on 9/3/20 and 35-days equals 10/8/20. Governor Lamont’s Executive Order No. 7I added a 90-day extension to the 35-day rule to grant flexibility during COVID-19 so if additional time is needed to render a decision such time is available.

If the Planning and Zoning Commission issues a Positive §8-24 Report the Board of Selectman will review the lease (scheduled for 10/14/20). A negative §8-24 Report by the Commission can be overturned by the RTM by a 2/3 vote of the full RTM. A Draft §8-24 Report need not be prepared in advance of the Commission’s meeting. A formal §8-24 Report can be created and distributed after the meeting summarizing the findings and recommendations as articulated by the Commission at the meeting.

VI. Comments received from Town Officials and Residents

Comments received from Town Officials are listed below. A letter of support was received from a resident at 242 Compo Road South. Any additional comments received after the issuance of this staff report will be forwarded to Commissioners for their consideration at the Oct. 8, 2020 public meeting.

Building Official:	<i>"Cabin should be inspected for smoke and carbon monoxide detectors." 9/28/20</i>
Conservation Director:	<i>"No comments." 9/4/20</i>
Fire Chief:	<i>"No comments." 9/8/20</i>
Fire Marshal:	<i>"No objections. A full fire inspection of Cabin 1 is scheduled for 9/29/20 at noon." 9/29/20</i>
Parks & Rec. Director:	<i>"No comments." 9/8/20</i>
Westport Weston Health District:	<i>"No objections." 9/25/20</i>

Available in the File and On-Line on the Town's website [here](#):

- §8-24 Municipal Improvement Application form received 9/3/20
- Draft Lease prepared by Eileen Flug, Assistant Town Attorney, revised 9/28/20
- Lease Term Sheet prepared by Eileen Flug, Assistant Town Attorney, revised 9/28/20
- Picture of Cabin 1 and GIS Location Map showing 260 Compo Road South
- Tax Assessor's Field Card for Cabin 1 at 260 Compo Road South
- Letter of support received from John Loynes, 242 Compo Road South

Background Information including:

- P&Z Commission's Procedure on CGS, §8-24 Municipal Improvements, revised 2/6/20, clarified 3/5/20
- Work Order Summary List for Cabin 1 Improvements provided by DPW dated 9/10/20
- BOS Policy for Rental of Residential Housing Units, Effective 11/1/13 (CURRENT)
- (Previous) BOS Policy for Rental of Residential Housing Units (SUPERSEDED)
- §8-24 Report for leasing of Dwelling Units at Longshore, dated 5-5-05