



WESTPORT CONNECTICUT

PLANNING & ZONING
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Hearings: June 2, 2016
June 16, 2016
July 7, 2016
Decision: September 1, 2016

September 8, 2016

1175 PRE Associates, LLC
c/o Investment Capital Partners, LTD
P.O. Box 1307
Greens Farms, CT 06838
RE: **1177 Post Road East**
Site Plan Application #16-011
Affordable Housing Application
Pursuant to §8-30g of the Connecticut General Statutes

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on September 1, 2016, it was moved by Alan Hodge and seconded by Al Gratrix to adopt the following resolution.

RESOLUTION #16-011

WHEREAS, THE PLANNING AND ZONING COMMISSION met on July 21, 2016 and on July 28, 2016, and made the following findings:

FINDINGS:

I. Background

A. Process for Application Review

This application has been submitted pursuant to Connecticut General Statute (CGS) 8-30g.

B. Affordable Housing in Westport

Market rate and below-market-rate housing alternatives must be provided in a community to maintain a diversity of residents of all income levels. The housing inventory in the Town of Westport includes market rate housing, below-market-rate housing, and affordable housing as defined by the Connecticut General Statutes.

Affordable Housing

Affordable Housing is defined in §8-30g of the Connecticut General Statutes as:

- a) Assisted housing- a housing development that receives financial assistance under any government program; or
- b) Set-aside development- development where not less than 30% of the dwelling

units are conveyed by deed containing covenants or restrictions which require that, for at least 40 years after the initial occupation of the development, such dwelling units will be sold or rented at, or below, prices which are 30% or less of a persons or families annual income, where such income is less than or equal to 80% of the state median income or area median income, whichever is less.

For more information on affordable housing and the income guidelines for Westport, see attached memorandum *Affordable Housing as Defined in State Statutes §8-39a & §8-30g, dated 9/18/02, revised 5/10/16.*

The 2007 Plan of Conservation and Development recommends creating more affordable housing opportunities. Chapter 6, (*Create a Range of Housing Opportunities and Choices*), includes the following goals:

- “Seek ways to expand the variety of housing choices and options of Westport in order to help meet the needs of existing and future residents while maintaining the character and integrity of the town.” Pg. 6-1
- “As Westport work towards providing more housing choices, it will do so in ways that are appropriate for the community and that protect the public health and safety. In addition, Westport will consider ways of integrating affordable, workforce and market rate housing in future projects in partnerships with public and private organizations.” Pg. 6-3
- “Require that all housing construction in Westport either provide affordable housing units or pay into an affordable housing trust fund.” Pg. 6-4
- “Consider requiring that any multi-family development provide affordable housing units.” Pg. 6-4
- “The Town should adopt an inclusionary zoning regulation requiring some percentage of units in a multi-family development to be deed restricted to affordable levels.” Pg. 6-4
- “Strategies giving priority to residents and Town employees should be established to ensure affordable housing serves the needs of Westport.” Pg 6-4

The 1997 and 1987 Town Plan of Development also encouraged enacting zoning regulations to create below-market-rate housing. Since adoption of these plans Westport has made significant strides to implement these recommendations as follows.

A. Local Initiatives

In the 1990’s, Westport took the following significant steps to provide a variety of housing types including below-market-rate dwelling units:

1. Converted the Saugatuck School to moderately priced dwelling units for older adults.
2. Purchased 16 homes on Wassell Lane from the U.S. Government for low to moderate-income housing.
3. Adopted zoning regulations to authorize apartments that existed prior to 1959.
4. Adopted a zoning regulation that allows an increase in floor area for accessory apartments for individuals over the age of 62.
5. Amended §16, the Mobile Home Park regulations to allow for mobile home replacement units thereby creating a mechanism to avoid losing the existing below-market-rate housing stock if the existing mobile home units were not replaced when needed.

6. Adopted §32-15, a zoning regulation that allows for Managed Residential Communities with a density bonus based on the number of affordable units provided.

In the 2000's the Westport Zoning Regulations were amended to provide additional diversity in housing types and below-market-rate dwelling units including:

1. Adopted §19, Residential Affordable Housing Zone (R-AHZ), a "floating" zone applicable to public or privately owned residentially zoned property, that requires a portion of the total number of dwelling units to be affordable housing as defined by State Statutes, and subsequently approved a Map Amendment to rezone property located at Wilton Road and Edge Hill Lane from Res AA to R-AHZ.
2. Adopted §20, Municipal Housing Zone (MHZ), a floating zone applicable to Town-owned property and land owned by the Westport Housing Authority, that requires 100% of all dwelling units to be affordable as defined by State Statutes, and subsequently approved a Map Amendment to rezone property at Hales Court from Res AA to MHZ.
3. Adopted §32-17, a zoning regulation that allows for conversion of existing buildings and/or construction of new buildings on Town-owned land for at least 50% affordable housing and 50% middle-income housing.
4. Amended §19, Residential Affordable Housing Zone (R-AHZ), to modify specific provisions to encourage and promote affordable housing by making the R-AHZ regulations less risky and more workable for potential developers.
5. Adopted §24A, General Business District Saugatuck (GBD/S), a floating zone applicable to public or privately owned non-residentially zoned property that requires a portion of the total number of dwelling units to be affordable housing as defined by State Statutes. The Planning and Zoning Commission subsequently approved a Map Amendment to rezone property at 553, 570, 580 Riverside Avenue and 9 Ketchum Street from GBD to GBD/S and approved a Special Permit/Coastal Site Plan application to develop these properties for multi-family development including affordable housing. A second Map Amendment was also approved by the Planning and Zoning Commission to rezone property at 12, 16, 20 Ketchum Street and 518 Riverside Avenue from GBD to GBD/S. A Special Permit/Coastal Site Plan application to develop these properties for multi-family development including affordable housing is currently pending.
6. Adopted §32-1, a zoning regulation that allows for conversion of existing, or construction of new dwelling units applicable to public or privately owned, residentially zoned property, for Supportive Housing use requiring all units shall be affordable, and subsequently approved a development for 6 dwelling units at 10 West End Ave.
7. Modified §4-5 to exempt multi-family affordable housing from the cap of 10%. Also exempt any future affordable units from being included in the cap

of 10%.

8. Modified §18 to allow the redevelopment and/or adaptive reuse of existing non-residential buildings on Riverside Avenue into larger sized dwelling units on lots over two-acres in size in non-residentially zone lots or residentially zoned lots that are currently have a permitted non-residential use with a minimum of 200-feet of frontage on Riverside Avenue and served by public water and public sewer and to identify it is in the public interest to preserve the existing historic scale, massing and character of the affected area. This amendment requires that a minimum of fifteen percent (15%) of the total number of market rate dwelling units shall be designated as workforce or affordable housing.
9. Adopted §19A- Residential Affordable Housing Zone/Workforce (R-AHZ/W) to allow two-family and multi-family dwelling units including market rate dwelling units, affordable housing and workforce housing, subject to Special Permit/Site Plan approval on properties that are a minimum of 1-acre in size and no more than 4-acres in size; have a minimum width of 100 feet; have a lot shape that can contain a rectangle of 100 feet by 150 feet; are contiguous to or directly (on a perpendicular) across the street from a non-residential zone, with the exception of the Design Development District; have a minimum thirty (30) feet of frontage on an Arterial street; and have public water and sewer available.
10. Adopted §11-2.4.12B to allow Affordable Accessory Apartments no larger than 800 SF and no larger than 25% of the floor area of the house if a deed restriction is placed on the land records stating the apartment will be rented as “affordable” for at least 10 years.
11. In March 2007, the Planning and Zoning Commission again formally committed to find ways to address the existing shortage in affordable housing units in Town. An Affordable Housing subcommittee of the Planning and Zoning Commission was formed with the goal of continuing to develop regulations to promote affordable housing in Westport.
12. Adopted §39A, Inclusionary Housing Overlay District (IHZ), was authored by the Planning and Zoning Commission and became effective on 12/3/10 pursuant to Amendment #619. An Overlay Zone is defined as a zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone(s). The IHZ regulations allow “mixed-use” development of residential and non-residential uses with a requirement that 20% of the residential units shall be owned or rented as affordable units in accordance with C.G.S. §8-30g. There are forty-six (46) properties currently eligible for rezoning to IHZ, see list prepared by Michelle Perillie revised 12/21/15, available in the file.

The Planning and Zoning Commission, in Res. #10-034, cited four (4) reasons for adopting the IHZ regulations:

- 1) “The Planning and Zoning Commission finds the amendment is consistent with Westport Zoning Regulations.

- 2) The Planning and Zoning Commission finds the amendment is consistent with the 2007 Plan of Conservation and Development.
- 3) The amendment will provide opportunities to create affordable housing units, as defined in CGS §8-30g, in Westport where there is an existing shortage.
- 4) The amendment will provide opportunities to increase the diversity in housing types.

Following the Planning and Zoning Commission's adoption of Text Amendment #619 the amendment was appealed to the Representative Town Meeting (RTM). The RTM voted to sustain the Commission's action in December 2010. Following the RTM vote the Text Amendments were appealed to Superior Court by a Westport resident. On October 13, 2011, the Court found in favor of the Commission and did not overturn the amendment. No further appeals were taken.

13. Amended §39A in April 2012, pursuant to Text Amendment #642. Planning Consultant Mel Barr obtained approval to modify §39A to reduce the required non-residential floor area from 40% to 30% in the GBD, RBD, BCD, BCD/H and DDD#2 zones, to delete the non-residential floor area requirement in the RPOD, RORD and BPD zones, and to modify the Traffic Analysis requirement to grant the Commission discretion to waive this requirement.
14. Amended §39A in April 2013, pursuant to Text Amendment #660, to modify portions of §34 and §39A. The amendment was adopted in part (as modified), and denied in part. The proposed changes to §39A were denied and included:
 - a. §39A-3, Designation/Uses Permitted, to allow 25% of the parking and loading required to serve the non-residential use to be located in the Residence Zone on corner lots in the IHZ.
 - b. §39A-14, Parking, to allow parking and loading between the Non-Arterial street and the closest building on a corner lot in the IHZ.
 - c. §39A-14, Parking, to allow parking and loading between the Arterial street with shorter frontage and the closest building on a corner lot in the IHZ that has frontage on two Arterial Streets.
15. Amended §39A in December 2013, pursuant to Text Amendment #663, to require Public Waterfront Access as defined in §5-2 shall be provided in any IHZ site adjacent to the Saugatuck River.
16. Amended §32-8 in February 2016, Text Amendment #707, modified portions of §32-8, Excavation and Filling of Land, and modified portions of §39A.
17. Adopted Map Amendment #709, rezoning property located at 1141 Post Road East from Residence A/GBD to Residence A/GBD-IHZ on March 3, 2016.
18. Adopted Map Amendment #712, rezoning of property located at 785 Post Road East from Residence A/GBD to Residence A/GBD-IHZ effective May 28, 2016.

RECENT PROJECTS

The Planning and Zoning Commission has approved the creation of seven (7) affordable accessory apartments since 2007 as follows:

1. A development project at 19 Indian Hill/3 Bradley Lane/86 Saugatuck Avenue

was approved by the Planning and Zoning Commission in November 2007 which allowed for the construction of 20 multifamily units with 4 units being affordable per the State Statutes. The four (4) affordable units are sold to families whose income does not exceed 80% of the state median income.

2. A redevelopment project at 575 Riverside Avenue was approved by the Planning & Zoning Commission in February 2007 and allowed for the construction of 4 affordable units to be rented to families whose income does not exceed 80% of the state median income.
3. A redevelopment project at Hidden Brook/Sasco Creek (1655 Post Road East) was approved by the Commission on 9/6/12 and will allow for the construction of twenty-one (21) new affordable units.
4. A Special Permit/Site plan application was approved on 12/4/08 for development of the Hale's Court site. The project constructed 38 new units for rent.
5. A redevelopment project at 0 Church Lane was approved by the Planning & Zoning Commission on 8/15/13 and will allow for the construction of 5 affordable units to be rented to families whose income does not exceed 80% of the state median income. The project is under construction.
6. The first IHZ development was approved in February 2015 for property at 1135 Post Road East, pursuant to Res. #14-053 involving residential and non-residential development including construction of a building for a Bank with Drive Through and Office Use, a building for Retail Use, and four (4) residential buildings consisting of a total of twelve (12) dwelling units (of which 2 are affordable dwelling units). This project is currently under construction.
7. In March 2016, the Planning and Zoning Commission adopted Map Amendment #709, rezoning property located at 1141 Post Road East from Residence A/GBD to Residence A/GBD-IHZ.

As shown, the Planning and Zoning Commission has made significant progress in creating opportunities for affordable housing in Westport by approving the creation 81 new affordable units within the last 10 years.

B. State Initiatives

In addition to acting on recommendations from the local Plan of Conservation and Development, Westport's affordable housing efforts are also guided by policies established at the State level. The State of Connecticut established a goal that affordable housing should represent 10% of the total housing inventory in each municipality throughout the State.

The State of Connecticut enacted C.G.S. §8-30g in 1990. It provides a special appeals process to a developer, if a housing development containing a specified minimum amount of affordable housing units is denied by a local land use board. This appeals process is only applicable to those communities that do not meet the 10% affordable housing goal. While some cities and larger communities have met the 10% goal, most Connecticut

communities have not. A list was recently published that identifies those communities in Connecticut that obtained the 10% goal, see attached List of Municipalities Exempt from Affordable Housing Appeals Procedure, prepared by CCM, dated March 2016.

The affordable housing inventory in Westport equals 319 units, according to the most recently available data. This represents approximately 3.07% of the total housing inventory (10,065 single and multi-family dwelling units) as listed in the 2000 U.S. Census, see attached memorandum Affordable Housing Units, document, dated March 2016, and Maximum Sale Price of Affordable Units under §8-30g, dated 5/10/16.

C.G.S. §8-30g allows a **moratorium** to the appeals process if a community can demonstrate significant progress in meeting the State's goal. Westport does not yet qualify for this process. Westport needs 208 moratorium points to qualify for a moratorium. An analysis has been done by staff that identifies Westport has 118.75 existing moratorium points based upon projects that have received certificates of occupancy (C.O.'s), with a potential total of **171** moratorium points if all the already approved projects, are constructed. If approved, the subject project would provide an additional 67.25 moratorium points. See computation below:

The proposed project at 1177 Post Road East proposes 94 units, 65 market rate and 29 mixed income affordable. The statute requires 15% at 80% SMI and 15% at 60% SMI. Assuming there are 15 units at 60% SMI (2 points per unit= 30) and 14 units at 80% SMI (1.5 points per unit= 21) Westport would receive a total of 51 points for affordable units. Since this is a set aside The Town would also get 0.25 per market rate unit so 16.25 point (0.25 x 65). Therefore, for this development we would get 51 points for affordable units and 16.25 points for market rate units so 67.25points. Since we need 38 to reach moratorium it appears this project would trigger the threshold for qualifying for a moratorium.

For further clarification on C.G.S. §8-30g and the moratorium process see memorandum State Moratorium on Affordable Housing (§8-30g (I): State Certificate of Affordable Housing Completion, Moratorium on Applicability of C.G.S. §8-30g to Certain Affordable Housing Applications, revised 5/12/16, available in the file.

Westport has not yet met the 10% goal or the number of moratorium points required which makes the Town subject to the appeals process in cases where a development application that includes affordable housing is denied, or an affordable housing development application is approved with such restrictions that the project is no longer viable.

The appeals process outlined in C.G.S. §8-30g is unique in that the burden of proof is shifted to the Planning and Zoning Commission to demonstrate the reasons for their decision. To avoid revisions to, or reversal of, a decision, C.G.S. §8-30g specifically requires that the record show:

1. The decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider;
2. Such public interest clearly outweighs the need for affordable housing;
3. Such public interest cannot be protected; and
4. The decision from which the appeal is taken and the reasons given for the decision are supported by sufficient evidence in the record.

I. Property Description/History

The property located at 1177 Post Road East is improved with a 2-story (19,260 SF) office building and parking lot constructed in 1980. Portions of the property are located within the Waterway Protection Line Ordinance (WPLO) area and also partially within the 100-year Flood Hazard Zone AE' Elevation 32' NAVD.

The adjacent property is the process of completing a hydraulic study of the floodway and it is anticipated the flood heights will increase by 3 feet. The applicant has agreed to modify the plans to comply with this proposed new flood height by converting the area below the proposed Base Flood Elevation to non-residential space.

II. Proposal

The applicant has submitted a Text Amendment application (#714) to create a new §19B, Residential-Rental Housing Opportunity/Workforce Zone District (R-RHOW).

The applicant has submitted a Map Amendment application (#715) to rezone the property at 1177 Post Road East from GBD to the new R-RHOW.

The applicant has also submitted a Site Plan proposal with the following elements:

- A renovation to the existing 2-story, 19,260 SF building and a new 4 story addition for a new residential development project containing 94 rental dwelling units including (52) studio apartments, (36) one bedroom units and (6) two bedroom units.
- Twenty-nine (29) of the units will be affordable dwelling units at prices and income limits that are in accordance with CGS §8-30g and the approved affordable housing plan submitted with the application.
- 152 parking spaces with 52 located below the proposed building;
- In addition to the one Entrance/Exit driveway that exists on Post Road East, the proposal includes a new emergency access along the eastern side lot line providing full access around all sides of the building and dual access to Post Road East;
- and landscaping and lighting which will be in compliance with Westport's Zoning Regulations;

The submitted application includes a traffic report, sewage report, site plan, landscape plan, sedimentation & erosion control plan, architectural plans, lighting plan and Affordability Plan and other plans needed to make an informed decision.

Peer Review of Traffic Report

Staff hired CDM Smith to conduct a peer review of the applicant's Traffic Access and Impact Study and site plan. In a letter dated June 16, 2016, the Commission's traffic consultant, Sharat Kalluri of CDM Smith determined that after minor revisions, the traffic, access, and circulation associated with the site and development proposal is acceptable.

Sewer Report

On July 28, 2016, Stephen Edwards, the Public Works Director, issued a memo stating: “This office has received a report from the engineer for the applicant dated March 7, 2016 and revised July 7, 2016, that evaluates the existing sewer conditions downstream of the project site. While a complete analysis of the report will be forthcoming before the Water Pollution Control Authority, a preliminary review of the data supports the position that capacity is not a concern in this portion of the sewer shed. This area is serviced by Pump Station #9 and Pump Station #1, both of which have capacity available for the proposed development.”

Conservation Commission Report

The Conservation Commission reviewed the project and approved it at a meeting on July 20, 2016.

Landscape and Lighting Plan

The Landscaping and lighting were reviewed and the Commission requested revisions that would conform to the zoning regulations. The Applicant submitted new plans and after a review by the Commission and the Tree Warden, they are determined to be acceptable.

Dumpster Location

The Commission noted the proposed dumpster location in the front of the building was inappropriate and not easily navigable for removal. It was requested that the applicant find an alternate location and revised plans now locate the dumpster in the rear parking area where garbage trucks can perform maneuvers to exit the site.

Emergency Access

The Fire Department expressed concerns about the manner in which access would be provided through the emergency access driveway on the east side of the building. The plans were modified to meet their recommendations to install a gate with a knock box to prevent through traffic but allow emergency vehicles unimpeded access to the site.

Fire Suppression

The Fire Marshal recommended that to solve the problem of providing adequate fall zones outside of the building, the entire building should be equipped with a full NFPA 13 Sprinkler System. The applicant has agreed to install that specific system.

Flood Zone - FEMA

The subject property is located in the 100-year flood plain with a base flood elevation requirement of 32' MSL. The applicant is aware of a flood study that is being performed by the owners of adjacent property at 1141 Post Road East to determine if the base flood level is correct or has changed. Preliminary data has indicated that the base flood elevation will likely be raised by three (3) feet (35' MSL). The applicant is aware of this development and has agreed to and shall eliminate the five (5) residential units on the ground level if, as a result of this study, the Federal Emergency Management Agency (FEMA) base flood elevation is officially changed prior to the issuance of a zoning

permit, resulting in these five (5) residential units being below the permissible FEMA line for residential units.. In such event, these units shall be relocated by the applicant to the upper floors with the submittal of revised floor plans and affordability plan subject to a site plan modification.

Affordability Plan

The applicant submitted an Affordability Plan pursuant to §8-30g, identifying 15% of the dwelling units will be affordable and will be offered to families whose income is less than or equal to 60% of the area or statewide median incomes, whichever is less, and 15% of the dwelling units will be affordable and will be offered to families whose income is less than or equal to 60% of the area or statewide median incomes, whichever is less. The Affordability Plan describes the rental amounts and they appear to be consistent with §8-30g requirements.

This project is considered an Affordable Housing Set-aside Development which means it is a development where not less than 30% of the dwelling units will be conveyed by deed containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the development, such dwelling units will be sold or rented at, or below, prices which are 30% or less of their annual income, where such income is less than or equal to 80% of the state or area median income, whichever is less. According to the 2015 figures, the state median income is \$87,800 and the area median income is \$131,300, therefore, the state median income would be used for these purposes.

- Of the 30% affordable units, at least 50% of the dwelling units shall be sold or rented to families whose income is less than or equal to 60% of the state median income (\$87,800), or no more than \$52,680, adjusted for family size.
- The remainder of the dwelling units shall be sold or rented to families whose income is less than 80% of the state median income, or no more than \$70,240, adjusted for family size.

OTHER CONSIDERATIONS

Maximum Allowable Multi-Family Dwellings

§4-5 of the Westport Zoning Regulations requires the total number of multi-family dwelling units shall not exceed 10% of the total number of single family dwelling units within the Town as reported in the most recent official U.S. Census. The 2000 Census report shows that of the 10,065 dwelling units in Town, there are 8,755 single-family dwelling units, therefore 876 multi-family dwelling units are permitted. The limit imposed by §4-5 has not yet been exceeded, but the Town is growing closer to exceeding the cap. To date, Planning and Zoning staff calculates there are already 818 multi-family dwelling units approved by the Planning and Zoning Commission (but not all yet constructed), allowing only 58 more units to be approved before the cap is exceeded, see memorandum, "Maximum Allowable Multi-Family Dwelling Units under §4-5, prepared by M. Perillie, revised 4/29/16," available in the file.

Nevertheless, since this application is proposed pursuant to Conn. Gen. Stat. §8-30g, the limit in §4-5 does not apply.

Standards and Requirements

§44-5 lists the Site Plan Standards and Objectives the Planning and Zoning Commission should consider in reviewing an application; however, the applicant's position that they are exempt from them by virtue of the application originating under CGS §8-30.

The Commission recognizes that the policies underlying Conn. Gen. Stat. §8-30g are the law of the State, and the Commission supports the need to provide affordable housing in Westport. Indeed, the Commission has taken a number of initiatives in recent years to encourage affordable housing in Westport and welcomes the additional units provided by this application. In this application, however, the Commission would have preferred a maximum height of three stories and an architecture that was more typically New England and complementary to the surrounding buildings. However, given the procedural constraints of the §8-30g process, those changes could not be mandated. On balance, the Commission remains supportive of the application as presented.

NOW THEREFORE, BE IT RESOLVED that 1177 Post Road East, Application #16-011 by Christopher Smith, of Shipman Goodwin, LLP, for property owned by 1177 PRE Associates, LLC c/o Investment Capital Partners, Ltd., for a four (4) story addition and conversion of an existing 2 story commercial building for use as a (94) unit residential affordable housing development and associated site improvements under Connecticut General Statutes §8-30g areas for property located in a GBD/Res A, PID #G09029000 be **GRANTED** subject to the modifications listed below:

Unless modified herein, the project shall comply with the following CONDITIONS:

1. The project is proposed with a density of 94 units. However, the applicant agreed that the preliminary findings of a flood study being conducted on the subject property and adjacent property at 1141 Post Road East could result in the prohibition of five (5) proposed units in the ground level (i.e., the lowest level of the building). The Commission hereby approves the project with a density of 94 units, subject to the potential relocation of the five (5) ground level units as set forth above in the "Flood Zone" section of this Resolution. The terms of that "Flood Zone" paragraph herein are hereby made a condition of this approval.
2. The units shall be considered as follows: (65) shall be market rate, and (29) or 30% shall be affordable. Of the (29) affordable units, (15) shall be offered at 60% of the state median income and (14) shall be offered at 80% of the state median income.
3. The total points for this project toward a moratorium will be 67.5.
4. The Commission strongly recommends that the applicant consider modifying the exterior façade of the building to provide materials and detail that better reflect a more residential New England style character. Any future façade modification shall be reviewed and approved the Commission in a work session.

5. The Commission acknowledges an approval by the Conservation Commission of the project dated July 20, 2016, approving the "Alternate Plan."
6. Prior to the issuance of a zoning permit to begin construction the applicant shall obtain a modified WPLO approval from the Conservation Commission approving original design plans which shall be submitted to the Planning and Zoning Department.
7. Conformance to Existing Conditions Map, prepared by Milone & Macbroom, dated March 10, 2016, and revised on June 8, 2016.
8. Conformance to Site Plan prepared by Milone & Macbroom, dated March 10, 2016, and revised on June 8, 2016.
9. Conformance to Sediment and Erosion Controls Plan prepared by Milone & Macbroom, dated March 10, 2016, and revised on June 8, 2016.
10. Conformance to Grading and Utilities Plan prepared by Milone & Macbroom, dated March 10, 2016, and revised on June 30, 2016.
11. Conformance to Surfaces Finishes Plan prepared by Milone & Macbroom, dated March 10, 2016, and last revised on June 30, 2016.
12. Conformance to Landscape Plan prepared by Milone & Macbroom, dated March 10, 2016, and last revised on June 30, 2016.
13. Conformance to all other plan set sheets prepared by Milone and Macbroom, dated March 10, 2016.
14. Conformance to Architectural Building Plans prepared by Rose Tiso & Co., entitled "Workforce Housing, 1177 Post Road East", Prepared for 1177 Post Road East Associates, LLC, Westport, CT, pages A-100 to A-203 (12 total) dated January 4, 2016, and last revised on February 24, 2016.
15. Prior to the issuance of a zoning permit, the applicant shall obtain approval of the Water Pollution Control Authority (WPCA) for sewer use and hook up. A copy of said approval shall be provided to the Planning & Zoning Department.
16. All projects requiring permits from the Department of Public Works shall obtain permits before commencement of that work.
17. The applicant shall periodically maintain the stormwater detention system and green vegetated roof in accordance with the Operations and Maintenance Plan dated June 29, 2016.
18. Prior to the issuance of a Zoning Permit please submit the following documents to the office:
 - a. Surety in the form of a bond satisfactory to the Town Attorney shall be prepared on the Planning and Zoning Bond estimate Form, approved by the Town engineer, and posted with the P&Z Office to guarantee completion of all site work, and landscaping.
 - b. A Connecticut DOT Permit shall be obtained for work in the State Right-of-Way.
 - c. A copy of the sewer permit from the Westport Department of Public Works for sewer disconnect/reconnect shall be submitted.
 - d. A WPLO permit from the Conservation Department.

- e. If the five (5) residential units on the ground floor are required to be relocated as set forth in the "Flood Zone" section of this Resolution, the floor plans shall be revised to reflect these changes, and the location of the affordable units on the plans shall be redesignated.
- 19. A certified A-2 "As-Built" survey shall be submitted prior to an issuance of a Certificate of Zoning Compliance.
- 20. All new utilities shall be placed underground.
- 21. Trees shall not be removed from Town property.
- 22. A zoning permit shall be obtained within one year of this approval or said approval shall become null and void.
- 23. All plantings shown on an approved Site Plan shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition throughout the duration of the use. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.

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.

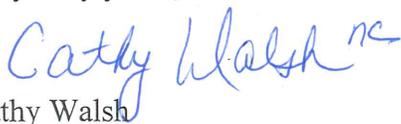
Reasons:

- 1. The importance of providing 8-30g affordable housing in Westport is a primary goal of this Commission; and
- 2. No evidence of a significant public interest that clearly outweighs the need for affordable housing in Westport has been presented.

VOTE:

AYES	-5-	{Hodge, Liebowitz, Walsh, Gratrix, Lessing}
NAYS	-1-	{Whittle}
ABSTENTIONS	-0-	

Very truly yours,



Cathy Walsh
 Chair, Planning & Zoning Commission

cc: James Marpe, First Selectman
Ira Bloom, Town Attorney
Christopher Smith, Shipman Goodwin, LLP
Alicia Mozian, Conservation Director
Tax Assessor
Andy Kingsbury, Fire Chief
Edward Zygmant, Fire Marshal
Foti Koskinas, Police Chief
Peter Ratkiewich, Town Engineer
Bruce Lindsay, Tree Warden
Mr. Sharat Kalluri, CDM Smith, 111 Foundation Plaza, Suite 1600, East Hartford, Ct 06108