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 28, 2025

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

Planning & Zoning Commission Meeting

July 28, 2025 **Remote Meeting** **Meeting Started: 6:00 P.M.**

P&Z Members in Attendance: Paul Lebowitz, Neil Cohn, Michael Cammeyer, Amy Wistreich, Michael Calise, Bre Injeski, Patrizia Zucaro, John Bolton

Town Staff: Michelle Perillie, Planning and Zoning Director

I. PUBLIC HEARING

1. **1620 Post Road East:** Special Permit/Site Plan Appl. #PZ-25-00345 submitted by 1620 PRE Associates, LLC, property owner, for modification of Site Plan Resolution #PZ-23-00478 to remove the 10:00pm limitation of the rooftop dining area to be consistent with §32-20 (Special Requirements for Outdoor Eating Area), located in the General Business District/Res A-Inclusionary Housing Overlay District (GBD/Res. A-IHZ), PID #H09174000.

P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, P. Zucaro, J. Bolton sat on the item.

Motion to Approve: M. Cammeyer (2nd A. Wistreich)
Vote: (6-1) AYE: P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, J. Bolton
Abstained: P. Zucaro
See Resolution Attached

2. **Text Amendment #851:** #PZ-25-00211 submitted by Brian Cleveland, to modify Sec. 22-2.5, Mixed Use Requirements in RORD #3, to exempt required residenital use if the existing use is pre-existing nonconforming; and to modify Sec. 22-8.2, Maximum Expansion, to eliminate the limitation on additions to an existing principal building, allowing such additions up to the maximum limits permitted for newly constructed buildings in the district. in the RORD #3. 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.

P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, P. Zucaro, J. Bolton sat on the item.

Motion to Adopt: J. Bolton (2nd P. Lebowitz)
Vote: (7-0) AYE: P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, P. Zucaro, J. Bolton
Effective Date: 8/22/25

3. **12 Little Fox Ln:** Special Permit/Site Plan Appl. #PZ-25-00340 submitted by Michale Ippolito, for Osai LLC for Excavation and Fill to authorize regrading associated with construction of a fire pit , retaining walls and stairs, located in the Residence AAA district, PID #C14021000.

No discussion. To be further continued to 9/8/25.

II. WORK SESSION

Old Business:

4. **601, 606, and 609 Riverside Ave, 91 and 96 Franklin St, 2 and 16 Railroad Place (The Hamlet at Saugatuck):** Special Permit/Coastal Site Plan #PZ-25-00067 submitted by Eric D. Bernheim, Esq. FLB Law, for property owned by Robert Sloat, Hanes Realty Corp, TGN Properties LLC, Railroad Place of Westport LLC, for Special Permit/Coastal Site Plan approval for a mix of non-residential, hotel and residential uses as part of an integrated site development, for property located in the General Business District/Saugatuck Marina (GBD/SM), PID # C06002000, B05101000, C05001000, B05097000, B05096000, C05003000, B05100000.

P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, P. Zucaro, B. Injeski sat on the item.

Motion to Deny: P. Lebowitz (2nd P. Zucaro)
Vote: (4-3) NAY: P. Lebowitz, A. Wistreich, M. Calise, P. Zucaro
Abstained: N. Cohn, M. Cammeyer, B. Injeski
See Resolution attached

5. **Text Amendment #852:** #PZ-25-00223 submitted by Richard W. Redniss, FAICP, to modify Sec. 39A, Inclusionary Housing Overlay District, to permit offsite affordable

housing at the discretion of the Planning and Zoning Commission with standards for review. 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.

The application was withdrawn.

6. **785 Post Road East:** Special Permit/Site Plan Appl. #PZ-25-00303 submitted by the Richard W. Redniss, FAICP, on behalf of 785 Post Rd E LLC, property owner, for modification of Special Permit/Site Plan #16-036 to permit three (3) required affordable units to be provided offsite pursuant to Text Amendment #852, Appl. ##PZ-25-00233, for property located in the General Business District/Residence A-Inclusionary Housing Overlay District, PID #E09191000.

The application was withdrawn.

7. **980 Post Road E:** Special Permit/Site Plan Appl. #PZ-25-00086 submitted by Apple Montessori Schools, LLC, for property owned by Sterling Development Company of Connecticut, LLC, to convert an existing commercial building into a private school and to utilize an "Other" parking standard pursuant to Section 34-5 of the Zoning Regulations, located in the Highway Service District(HSD) and A district, PID #F09058000.

P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, J. Bolton, B. Injeski sat on the item.

Motion to Deny: P. Lebowitz (2nd N. Cohn)
Vote: (7-0) NAY: P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, J. Bolton, B. Injeski sat on the item.
See Resolution attached

New Business: None

The meeting concluded at 9:42pm.

Town of Westport
Planning & Zoning Commission

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
Telephone (203) 341-1030 | Fax: (203) 454-6145
pandz@westportct.gov | www.westportct.gov

Meeting: July 28, 2025
Decision: July 28, 2025

July 29, 2025

Emily Zobl
1620 PRE Associates, LLC
1620 Post Road East
Westport, CT 06614

RE: 1620 Post Road East, Special Permit/Site Plan Appl. PZ-25-00345 for Modification of Site Plan Res. #PZ-23-00478 to remove limitation on Outdoor Dining Area

Dear Ms. Zobl:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on July 28, 2025, it was moved by Mr. Cammeyer and seconded by Ms. Wistreich to adopt the following resolution:

RESOLUTION #PZ-25-00345

WHEREAS THE PLANNING AND ZONING COMMISSION met on July 28, 2025 and made the following findings:

FINDINGS

Property Description/Background

1. The properties at 1608, 1610 and 1622 Post Road East were rezoned from General Business District (GBD) to Inclusionary Housing Overlay Zone- General Business District (IHZGBD), effective 8/28/23. The lots are developed with a one story and partial two-story retail strip totaling approximately 25,431+/- SF of floor area. The primary building is currently occupied by Redi-Cut Carpet, Innovation Luggage, Nantucket Bagg, Pane E Bene restaurant. There is a shed and a landscape storage area at the rear of the building.
2. The building was constructed in the 1940's and there is also a 2-story 2,323 SF +/- minor warehouse space (that is to be demolished) and 55 surface parking spaces. The landscaping and parking areas are rundown and there are multiple curb cuts with little landscaping along the Post Road. There are 19 parking spaces along the eastern property line that are partially located on the adjacent property at 1655 Post Road East (Lansdowne).

3. Planning and Zoning staff signed a Lot Consolidation Map on August 23, 2023 which merges the four lots into one lot. The map was filed on the land records (WLR #10575) on 8/17/23. The Assessor's records have not yet been updated to reflect the consolidation of the lots.
4. Text Amend. #827, submitted by Rick Redniss of Redniss and Mead, was adopted on 7/24/23, and became effective 8/27/23, permitted the General Development Plan (GDP) process as well as removed barriers to the creating of affordable housing including among other changes additional height for elevators and mechanical screening if fully screened from neighbors. Map Amendment #829 was granted on 7/24/23, and became effective on 8/28/23, and rezoned the properties at 1608, 1610, 1620 and 1622 Post Road East from General Business District (GBD) to General Business District - Inclusionary Housing Overlay District (GBD-IHZ).
5. General Development Plan(GDP)/Special Permit #PZ-23-00316 was granted on 7/24/23, and became effective on 8/29/23, and approved base parameters for the proposed redevelopment to include a golf entertainment facility and multi-family development in the rear per §39A, Inclusionary Housing Overlay (IHZ). The General Development Plan proposed development of the properties at 1608, 1610, 1620 and 1622 Post Road East, consisting of 3.06 acres of land located on the south side of Post Road East and at the terminus of High Gate Road.
6. Site Plan #PZ-23-00478 was granted on 10/16/23 and approved the redevelopment of existing retail/restaurant space into a new 8,459 SF family golf entertainment and restaurant facility and residential development in a future phase subject to Site Plan approval.
7. Zoning Permit #ZN-DINING-25-00159 was issued on 3/14/25 for final approval for the outdoor dining use within the approved and constructed roof deck area serving "The Clubhouse". The roof deck outdoor dining area and service area bar are located within a screened-in enclosure entered from a 2nd floor lobby which via an internal stair & elevator provide ADA compliant access to the outdoor area from within the 1st floor of "The Clubhouse". In accordance with prior approvals PZ-00316 & PZ-00478 the outdoor dining area will terminate use at 10PM as well as comply with all other special requirements of §32-20.

Proposal

8. The applicant is seeking Special Permit/Site Plan modification from the Planning and Zoning Commission to remove the 10:00pm limitation of the rooftop dining area to be consistent with §32-20 (Special Requirements for Outdoor Eating Area) which permits the hours of operation in commercial zones be limited to 6:30 a.m. to 11:00 pm Sundays through Thursdays and 6:30am to 12:00 midnight on Fridays and Saturdays. There shall be no music in any Outdoor Eating Area after 9:00 p.m.
9. Condition #4D of GDP/Special Permit #PZ-23-00316 states,

"Compliance with §32-20, Special Requirement for Outdoor Eating Areas; with the added requirement that the use terminates at 10:00pm daily as agreed to by the applicant in

response noise concerns expressed by some of the abutting property owners at Lansdowne."

10. Per comments by the Police Department dated 7/23/25, there have not been any noise complaints since the outdoor dining permit was issued.

Public Hearing

11. A public hearing was held, and testimony was received on July 28, 2025.
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. The Commission members heard testimony from neighbors that there are shipping containers on the property which contain contractor materials associated with the development of the Clubhouse.
14. The Commission recommends that applicant work to ensure the shipping containers are removed from the property as soon as possible.

NOW THEREFORE, BE IT RESOLVED that 1620 Post Road East: Special Permit/Site Plan Appl. #PZ-25-00345 submitted by 1620 PRE Associates, LLC, property owner, for modification of Site Plan Resolution #PZ-23-00478 to remove the 10:00pm limitation of the rooftop dining area to be consistent with §32-20 (Special Requirements for Outdoor Eating Area), located in the General Business District/Res A-Inclusionary Housing Overlay District (GBD/Res. A-IHZ), PID #H09174000 is GRANTED subject to the following modifications:

Modifications

1. Conformance to §32-20 (Special Requirements for Outdoor Eating Area) which permits the hours of operation in commercial zones be limited to 6:30 a.m. to 11:00 pm Sundays through Thursdays and 6:30am to 12:00 midnight on Fridays and Saturdays. There shall be no music in any Outdoor Eating Area after 9:00 p.m.
2. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced without the consent of the Town's Tree Warden.
3. 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.
4. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
    A. Proof of filing the Resolution on the Land Records.
5. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
6. All new utilities shall be placed underground.
7. 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.

8. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by July 28, 2030.
9. 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:

The application as modified has been found to be in conformance with all applicable zoning regulations, with the 2017 Plan of Conservation and Development, and the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE:

AYES	-6-	{Lebowitz, Cohn, Cammeyer, Wistreich, Calise, Bolton}
NAYS	-0-	
ABSTENTIONS	-1-	{Zucaro}

Very truly yours,

Paul Lebowitz
Chairman, Planning & Zoning Commission

cc: Edward Gill, Town Engineer
Colin Kelly, Director of Conservation
Donna Douglass, Architectural Review Board Administrator
Luci Bango, Director of Health
Staff Corporal Al D'Amura, Westport Police Department
Terrence Dunn Jr., Fire Marshall
Peter Howard, Building Official

Town of Westport
Planning & Zoning Commission

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
Telephone (203) 341-1030 | Fax: (203) 454-6145
pandz@westportct.gov | www.westportct.gov

Public Hearings: July 28, 2025
Decision: July 28, 2025

July 29, 2025

Brian Cleveland
631 Main St.
Monroe, CT, 06468

RE: Text Amendment #851/PZ-25-00211, to modify §22, Restricted Office-Retail Districts #1, 2, &3 (RORD)

Dear Brian Cleveland:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on July 28, 2025, it was moved by J. Bolton and seconded by P. Lebowitz to adopt the following resolution:

RESOLUTION #PZ-25-00211

WHEREAS, THE PLANNING AND ZONING COMMISSION met on July 28, 2025, and made the following findings:

Background

1. §22, Restricted Office-Retail District (RORD), was created in 1975 by the Planning and Zoning Commission. Three sub-districts exist within the RORD (#1, #2, and #3). RORD #3, which is the targeted district of the proposed text amendment, was established by Text Amendment #285A on 12/16/82. This new sub-district was created to allow for office and residential uses only, and required 30% of the building floor area on a lot to be dedicated to residential units.

2. The purpose of RORD as stated in the regulations is:

> *"The purpose of the RORD is to allow for the limited use of land and existing buildings for offices, retail stores, multiple-family dwellings and combinations thereof. These provisions are designed to create zone classifications, which would afford a reasonable and desirable combination of compatible uses along the Post Road, Riverside Avenue and Saugatuck Avenue adjacent to and in scale with established residential areas. Frame residential structures on small lots with topographic limitations in the proximity of commercial areas tend to become economically depressed as the demand for fire resistant buildings on larger and more accessible sites increases. Such areas were originally more residential in architectural design, building scale and physical features of the land. These provisions are intended to retain the residential scale and massing of the existing buildings and are not intended to lead to the wholesale redevelopment of those areas to new commercial uses. Consequently, a mixed-use type of zone is required to conserve the value of such property and to recognize the intensity of uses while preserving such areas from the standpoint of compatible land uses, architectural design, building scale and physical appearance."*

Proposal

3. The applicant, Brian Cleveland, submitted Text Amendment #851 seeking to amend §22, RORD, in the Zoning Regulations to eliminate the requirement for 30% of the building floor area be dedicated to residential dwelling units as per §22-2.5. The proposed text would exempt only existing non-conforming uses.
4. Additionally, the applicant is proposing to modify §22-8.2 (Maximum Expansion) to allow for expansions of existing buildings within the RORD #3 district greater than 25% of the ground floor area and 50% of the gross floor area. This regulation would still apply to RORD #1 and #2.
5. Only two properties, 260 Riverside Ave, and the targeted property, 240 Riverside Ave would potentially be affected by Text Amendment #851.
6. The applicant's Explanatory Statement revised 5/30/25 describes why Text Amendment #851 would benefit the town.

> *"The Mixed-Use Requirement of 22-2.5 in the RORD #3 assumes that only office and residential uses will coexist on a lot. It does not take into consideration the presence of an existing use which may not be compatible with a residential use. We propose that where an existing use that does not meet the definitions of office or residential exists on a lot and the existing use is determined to be incompatible with residential, that the requirement of this section to provide 30% of the floor area as residential shall not be required."*

Department Comments

7. Referrals were sent to the applicable departments, and no objections were received.

Public Hearing

8. A public hearing was held on July 28, 2025 to receive testimony from members of the public as required pursuant to State Statutes.
9. 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 interested parties were provided with the opportunity to join the meeting and offer live testimony.
10. A press release was also distributed to enhance public participation consistent with guidelines established in 2018 by the Planning and Zoning Commission's Communications Subcommittee.
11. All application materials, and public comments received in writing prior to the meeting were posted on the Town's website and available within the Planning & Zoning Department.

Findings

12. The amendment to §22-2.5 and §22-8.2 of the Zoning Regulations was adopted to provide greater flexibility for existing non-conforming properties within the RORD #3 district and to encourage the continued use, maintenance, and reinvestment in existing buildings. Specifically, the modification to §22-2.5 eliminates the requirement that a minimum of 30% of the building floor area be dedicated to residential dwelling units on properties with existing non-conforming uses. This change recognizes the limitations and economic challenges associated with converting or retrofitting older structures and allows for more practical reuse of such buildings without undermining the overall intent of the RORD district.
13. The amendment to §22-8.2 permits existing buildings within the RORD #3 district to expand beyond the current limits of 25% of the ground floor area and 50% of the gross floor area. This revision reflects the unique development pattern and lot characteristics within RORD #3 and facilitates reasonable expansion opportunities while maintaining consistency with neighborhood character. The current expansion limits will continue to apply to RORD #1 and RORD #2, thereby preserving the more sensitive scale and context of those areas.

14. These changes support incremental reinvestment, preserve the architectural integrity of existing structures, and promote land-use flexibility while remaining consistent with the purpose of the RORD zones and the goals of the Town Plan of Conservation and Development.

15. This amendment is consistent with the 2017 POCD
    a. From Chapter 9, *(Guide Business and Economic Development):*
        i. *"Business and economic development in Westport enhances the community by increasing the grand list, providing jobs, making goods and service available, and enhancing the quality of life in the community." Pg. 73*

NOW THEREFORE, BE IT RESOLVED that **Text Amendment #851:** #PZ-24-00211 submitted by Brian Cleveland, to modify Sec. 22-2.5, Mixed Use Requirements in RORD #3, to exempt required residential use if the existing use is pre-existing nonconforming; and to modify Sec. 22-8.2, Maximum Expansion, to eliminate the limitation on additions to an existing principal building, allowing such additions up to the maximum limits permitted for newly constructed buildings in the district in the RORD #3 is **ADOPTED.**

REASONS:

16. The proposed amendment to §22-2.5 acknowledges the unique challenges faced by existing non-conforming uses in RORD #3, where the 30% residential floor area requirement may act as a barrier to reasonable reinvestment or adaptive reuse. By exempting such properties, the amendment offers a practical path to continued or improved use without mandating residential construction that may not be physically or economically viable.

17. The exemption for existing non-conforming uses does not undermine the broader purpose of the RORD district to encourage a mix of compatible uses. Rather, it applies narrowly and selectively, ensuring flexibility for legacy buildings while preserving the residential requirements for all new conforming development in RORD #3.

18. The ability to expand existing structures beyond current limitations in RORD #3 encourages reinvestment in older buildings that may no longer meet modern functional needs. Expansion under these provisions would still be subject to design review and zoning standards, ensuring compatibility with surrounding scale and character.

19. By retaining existing expansion limitations in RORD #1 and #2, the amendment ensures that the most sensitive areas-often immediately adjacent to residential neighborhoods continue to be protected from over-intensification. This reflects a balanced and context specific regulatory strategy.
20. The proposed changes incentivize the continued use and modest enhancement of existing structures rather than full redevelopment. This approach aligns with smart growth principles, reduces demolition and construction impacts, and contributes to sustainability goals.
21. The amendment remains consistent with the Town Plan of Conservation and Development by promoting revitalization of existing commercial corridors, supporting mixed-use where appropriate, and encouraging reinvestment that respects scale and context.

VOTE:

AYES	-7-	Lebowitz; Cammeyer; Cohn; Wistreich; Calise; Zucaro; Bolton
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,

P. Lebowitz MT

Paul Lebowitz
Chairman, Planning & Zoning Commission

The effective date of this amendment is: August 22, 2025

cc: Jen Tooker, First Selectwoman
Ira Bloom, Town Attorney
Thomas Keily, Operations Director
Matt Mandell, RTM P&Z Committee Chairman

Text Amendment for expansion of existing uses in RORD #3

Text Amendment #851
Submitted: 4/2/25
Received: 4/7/25
Public Hearing: 7/28/25
Adopted: 7/28/25
Effective Date: 8/22/25

Deleted language is ~~[struck out and in brackets]~~; New language is underlined.

§22 RESTRICTED OFFICE-RETAIL DISTRICTS #1, 2 & 3 (RORD)

22-2.5 Mixed Use Requirements in RORD #3

Only office and residential uses, and no retail uses shall be permitted in RORD #3 and at least 30% of the total building floor area on the lot shall be used for residential dwelling units.

For the purpose of this calculation, total building floor area shall exclude parking areas and cellars, and the residential floor area shall include storage areas, stairs, halls, foyers, and other similar spaces used in common with the dwelling unit(s).

Creation of residential dwelling units on a lot with an existing non-conforming use shall not be required.

22-8.2 Maximum Expansion

In the RORD #1 and RORD #2 zones, an existing principal building may be expanded provided that such additions are made an integral part of the interior and exterior of the existing structure and provided that the maximum area of expansion on the ground shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure existing as of the date of zoning change ~~[for any]~~ **to a** RORD **#1 and RORD #2** area, and in no case shall any expansion exceed fifty percent (50%) of the gross floor area of the principal structure existing as of the date of zoning change to a RORD **#1 and RORD #2** area and further provided that no such expansion shall exceed the maximum allowable building area for any one building.

WESTPORT

Planning & Zoning Department

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

Hearings: 3/10/25, 3/24/25, 4/28/25, 5/5/25, 5/19/25, 6/2/25, 6/11/25, 6/16/25
Decision: 7/28/25

July 29, 2025

Eric Bernheim, Esq.
FLB Law
315 Post Road West
Westport, CT 06880

RE: Hamlet at Saugatuck, 601, 606 and 609 Riverside Avenue, 14 and 60 Railroad Place, 91 and 96 Franklin Street, Special Permit/Coastal Site Plan Appl. #PZ-25-00067, Mixed Use Development

Dear Attorney Bernheim:

This is to certify that at a meeting of the Planning and Zoning Commission held on July 28, 2025, it was moved by Paul Lebowitz and seconded by Patrizia Zucaro to adopt the following resolution:

RESOLUTION #PZ-25-00067

WHEREAS, THE PLANNING AND ZONING COMMISSION met on July 28, 2025, and made the following findings:

Background

1. The Planning and Zoning Commission adopted Text Amendment #819 (#PZ-22-00387) which created a new zoning district, §24C, General Business District/Saugatuck Marina (GBD/SM) on December 12, 2022. Properties eligible for rezoning to GBD/SM are required to be at least 3,049 SF in size or 0.07- acres, and shall be located northerly of the Saugatuck Train Station, southerly or easterly of Charles St., and south of Interstate 95. Members of the Planning and Zoning Commission requested and received changes to the text before the public hearing closed that limited the size, intensity and density of development.

2. On December 12, 2022, Map Amendment #820 (#PZ-22-00391) modified the Zoning Map to rezone eleven (11) properties comprising a total of 4.82-acres from GBD to GBD/SM, in anticipation of redeveloping eight (8) properties consisting of 3.54-acres subject to approvals from the Planning and Zoning Commission for Text Amendment #819 and future Special Permit/Coastal Site Plan, including:

1. 0.09 acres at 2 Railroad Place
2. 0.16 acres at 16 Railroad Place
3. 0.07 acres at 36 Railroad Place
4. 0.59 acres at 40 Railroad Place
5. 0.37 acre at 601 Riverside Avenue
6. 1.50 acres at 606 Riverside Avenue
7. 0.81 acres at 609 Riverside Avenue
8. 0.62 acres at 611 Riverside Avenue
9. 0.10 acres at 91 Franklin Street
10. 0.37 acres at 96 Franklin Street
11. 0.14 acres at 21 Charles Street.

Property Description

3. The proposal includes seven of the above referenced properties including 601, 606 and 609 Riverside Avenue, 14 and 60 Railroad Place and 91 and 96 Franklin Street. The proposed Integrated Site is 3.382-acres (147,338 SF) and situated between Railroad Place to the south, Charles Street (CT-136) to the north, Franklin Street to the west and the Saugatuck River to the east. All streets surrounding the Integrated Site are State and Town streets.

4. 601 Riverside Avenue is located in the General Business District/Saugatuck Marina (GBD/SM) and is 0.367 acres. The lot slopes from El. 14 at Riverside Avenue to El. 4 at the Saugatuck River. The property is in the Special Flood Hazard Area (SFHA) with the 100-year base flood elevation (BFE) as designated by FEMA on this property at elevation 13 ft. The boundary of the 100 year floodplain roughly intersects the middle of the existing building. The building was constructed in 1940 and is approximately 9,911± SF in size. Uses of the building include Restaurant and Office. The rear Black Duck "building" was constructed in 1953, is approximately 3,389 SF and used as a Restaurant with nine (9) boat slips.

5. 606 Riverside Avenue is located in the General Business District/Saugatuck Marina (GBD/SM) and is 1.504 acres. The lot slopes from El. 16 in the center to El. 13.65 at Riverside Avenue and El. 10 at Charles Street. The property is in the Special Flood Hazard Area (SFHA) with the 100-year base flood elevation (BFE) as designated by FEMA on this property at elevation 13 ft. The boundary of the 100-year floodplain transects two of the buildings.

6. There are three buildings on the lot at 606 Riverside Avenue: one 18,764 SF building constructed in 1900 used as Office/Retail (dry cleaner); one 5,338 SF building constructed in 1912 and used as auto repair shop and shown on the Historic Resource Inventory (HRI); and one 20,730 SF building constructed in 1912 and used as a parking garage.

7. 609 Riverside Avenue is located in the General Business District/Saugatuck Marina (GBD/SM) and is 0.756 acres. The lot slopes from El. 14 at Riverside Avenue and slopes down to El. 3.3 (Mean High Water Line). The property is in the Special Flood Hazard Area (SFHA) with the 100-year base flood elevation (BFE) as designated by FEMA on this property at elevation 13 ft. The boundary of the 100-year floodplain envelopes a majority of the site. There is one building on the lot which is 21,598 SF and used as a marina.

8. 16 Railroad Place is located in the General Business District/Saugatuck Marina (GBD/SM) and is 0.2 acres. The rear of the lot shows an elevation of 22. The property is not in the Special Flood Hazard Area (SFHA). There is one building on the lot which sits at the street edge across from the Westport Railroad Station. The building is approximately 17,503 SF with Restaurant/Retail/Residential uses. The building is shown on the HRI and was constructed ca. 1865.

9. 2 Railroad Place is located in the General Business District/Saugatuck Marina (GBD/SM) and is 0.756 acres. The lot slopes from El. 10 on west side of the lot and slopes down to El. 3.3 (Mean High Water Line). The property is in the Special Flood Hazard Area (SFHA) with the 100-year base flood elevation (BFE) as designated by FEMA on this property at elevation 13 ft. The boundary of the 100-year floodplain envelopes the entire site. There is one building on the lot which is 6,330 SF and used as an Office building.

10. 91 Franklin Street is located in the General Business District/Saugatuck Marina (GBD/SM) and is 0.116 acres. The lot slopes from El. 12 to El. 10 at Franklin Street. The property is in the Special Flood Hazard Area (SFHA) with the 100-year base flood elevation (BFE) as designated by FEMA on this property at elevation 13 ft. The boundary of the 100-year floodplain transects the building. There is one building on the lot originally constructed in 1860 and significantly renovated in 2004. It is approximately 3,832 SF, used as Office/Residential and shown on the Historic Resource Inventory (HRI).

11. 96 Franklin Street is located in the General Business District/Saugatuck Marina (GBD/SM) and is 0.367 acres. The lot slopes from El. 18 to El. 14 from south to north. The lot is improved with a 50 space parking lot.

Proposal

12. Attorney Eric Bernheim of FLB Law represents Roan Development Ventures LLC and seeks Special Permit/Coastal Site Plan approval for a mix of non-residential, hotel and residential uses as part of an Integrated Site Development, utilizing §24C, including:

- Construction of seven (7) new buildings with a mix of retail, spa, amenity space and residential units on the upland side of the project.
- Construction of four (4) new buildings with a mix of retail and hotel use on the waterward side of the project.
- The Floor Area Ratio for all buildings proposed is 1.59 (234,194 SF floor area/147,338 SF lot area).
- Environmental remediation is associated with construction of the new buildings.
- Subsurface parking garage including a dual stacking parking program with 277 parking spaces 22 of which are EV spaces (224 spaces on upland underground garage; 53 spaces on waterside underground garage) utilizing a Parking Management Plan.

- Converting Franklin Street in the areas adjacent to the Integrated Site to be reconfigured to two-way traffic as well as other offsite improvements including a roundabout, a loading dock and on-street parking changes.
- Outdoor public amenity space accessible to the public including Public Waterfront Access (PWA).
- Off-site affordable housing (14 units) within ¼ mile of Saugatuck Train Station property.
- Site access is proposed via two new driveways. A full-access driveway will be added on Railroad Place, east of Riverside Avenue, and will be utilized by hotel guests and some residents. Hotel guests will enter the driveway on Railroad Place and their vehicles will be valet parked within the hotel parking garage; residents will be able to park below grade; and
- Adding new lighting and landscaping.

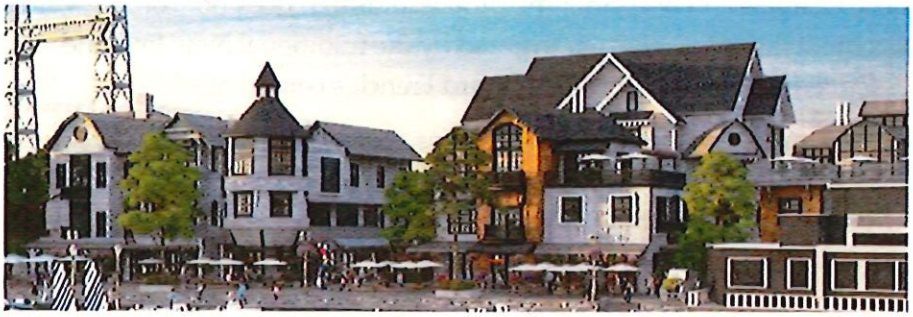
13. A new marina component within the Hamlet is not part of this application.

14. §24C-2 of the zoning regulations describe the Purpose of the General Business District/Saugatuck Marina (GBD/SM) is *"to give priority to Water Dependent Uses (see §31-10.4) and encourage a mix of residential development including affordable housing on site or within a quarter-mile (see §24C-18) and non-residential development including commercial, office, hotel and retail resulting in sites developed to enhance and conserve the area's aesthetic appeal, pedestrian access, and recreational Water-Dependent Uses and views consistent with the Town Plan of Conservation and Development. The GBD/SM is a non-residential zoning district. Parcels shall be eligible for district designation if they are at least 3,092 square feet and located northerly of the Saugatuck Train Station and southerly or easterly of Charles Street."*

15. In accordance with Zoning Regulations §24C-11, ***Architectural Design in the GBD/SM Zone,*** the proposed architectural design including, among other elements, the exterior building material, color, roof-line, and building elevations *"shall be designed in the style and vernacular inspired by a New England coastal village aesthetic consistent with the building renderings below, thereby improving the appearance and beauty of the community".*

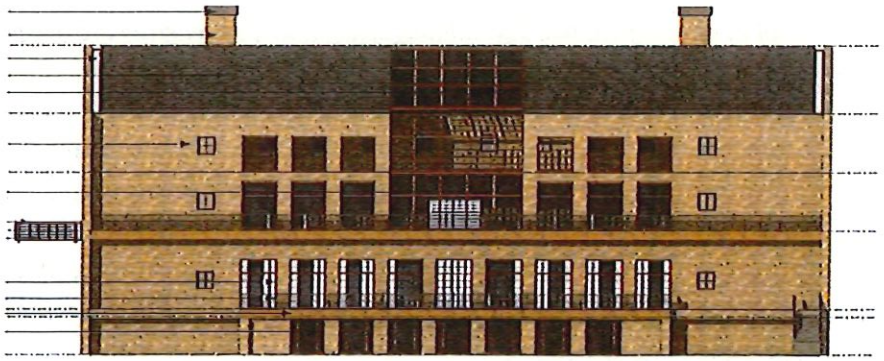
16. The section includes the following Sample Rendering Depicting Preferred Design Aesthetic:

Sample Renderings Depicting Preferred Design Aesthetic



17. The Architectural Plans were revised numerous times in response to the Commission comments with the most recent rendering dated 6/3/25, shown below:

WaterView



Barn

18. The Commission finds that the proposed design does not comply with §24C-11 as it fails to reflect the style and vernacular inspired by the traditional New England coastal village aesthetic as described in the ARB Chairman Ward French's comments dated 6/11/25 below:

> *The core architectural issue remains a scale mismatch. The charming New England detailing chosen and required by the text amendment for The Hamlet falls apart when applied to four- and five-story structures. Details that offer warmth on a small scale become repetitive and monotonous on large facades, leading to a loss of human scale. Elements that are perfectly balanced for smaller homes appear undersized or flimsy when scaled up to these larger elevations. This isn't just a matter of taste; it's a fundamental architectural misjudgment that undermines the very character it aims to capture. Ultimately, achieving genuine New England charm and contextual integrity requires reducing some proposed structures by at least one story. This adjustment would allow the chosen detailing to be more effective and appropriate for the building's scale.*

19. Testimony was received from local architects that the proposal does not reflect the style and vernacular inspired by the traditional New England coastal village aesthetic and is out of scale with the area. Roger Ferris, AIA, RIBA, Architect practicing in Westport for 50 years, stated during the 6/16/25 public hearing, *"These buildings do not have the scale of a village or even a town.... This is not a New England vernacular village."* Mr. Ferris also indicates, *"This doesn't relate to your renderings."*

20. Testimony was received from David Parker, David Scott Parker Architects, practicing in Southport, CT for over 36 years. During the 6/16/25 public hearing, Mr. Parker when asked whether the buildings were designed in the style and vernacular inspired by a New England coastal village aesthetic, stated, *"Not in my opinion. No. It basically comes down to the question of size, scale and massing. If you just think of a New England coastal village, what's presented here most of buildings are 4 or 5 stories which in a New England Village isn't typically what you would typically expect."*

21. Mr. Parker stated the following when asked during the 6/16/25 public hearing if the proposed buildings were consistent with the sample rendering in the zoning regulations,

> *Not in my opinion. No. The buildings shown in the rendering are in general smaller and not 4 or 5 story structures. And the other thing, it would be helpful actually to show this, if you look at virtually all the buildings that are being proposed there's a monotony about the window and the repetition of the windows that you do not find in the images that were part of the amendment. That's very apparent. The monotony is a consequence of the scale of the buildings and of the gestures and also the roofline. There's a very distinct character of the rooflines that is more or less absent when you look at the buildings which tend to have a straight line which is a flat roof that typifies the top of those structures.*

22. The applicant was asked by Commission members to return to ARB so they could review the modified design but Attorney Bernheim claimed that since ARB review was considered advisory only he refused to bring any architectural design revisions to them.

23. In accordance with Zoning Regulations §24C-11, *Architectural Design in the GBD/SM Zone,* the development *"shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, or Westport Historic Resources Inventory."*

24. The Commission finds the project will not adequately protect and preserve the historic structures located within the project site since it will result in the demolition of 16 (aka 20, 26 and 30) Railroad Place constructed during or before 1865.

25. The Commission finds that the design and construction of the proposed development will irreversibly alter the fundamental historic integrity and fabric of the area.

26. The Applicant's Narrative submitted 1/29/25 indicates the request for approval of a Parking Management Plan by the Commission. Attorney Bernheim describes the Parking Management Plan is summarized in the Parking Analysis under the Parking Operation header. All parking located on the subsurface garage was proposed as valet service. The Parking Management Plan proposed the parking would work similarly to garages in New York City.

27. In accordance with Zoning Regulations §24C-13, *Parking and Loading in the GBD/SM Zone,* properties located within the GBD/SM zone that propose to meet parking requirements through alternatives to traditional self-park spaces—including reductions in the required number of non-residential spaces, automated parking systems, or other non-conventional methods—may seek approval of a Parking Management Plan (PMP) by Special Permit from the Planning and Zoning Commission, as defined in §5-2. The PMP must detail all proposed on-site parking strategies, technologies, and demand management measures. Additionally, it must demonstrate, to the satisfaction of the Commission, that employee parking—whether on-site or off-site—has been adequately considered and will be reasonably addressed.

28. The Parking Management Plan prepared by Walker Consultants, dated 1/28/25, revised 3/3/25 was submitted which indicated Parking Operations for the development.

29. During the 4/28/25 public hearing, the applicant indicated they were withdrawing the proposal regarding use of Lot 7 for employee parking and were instead proposing to make a condition of approval that employee parking be provided off site due to the fact that construction will take approximately three years. The applicant proposed that all onsite parking will be available for customers and residents of the Hamlet and employees may be required to take the train to work from other locations.

30. The Commission finds that the Parking Management Plan does not demonstrate to their satisfaction that employee parking has been reasonable addressed since it is unknown where off-site employee parking will be located. The applicant's proposal indicates employees, even those from Westport, would be required to take the train to work which is unreasonable to the Planning and Zoning Commission.

31. In accordance with *§24C-10 and §31-10.7.4, Public Waterfront Access*, at least 25% of the frontage of any site adjacent to the water shall allow views of the water from the street. These views shall not be blocked by landscaping, fencing or walls.

32. The Public Amenity Plan dated 6/3/25 indicates the Total Waterfront Frontage for 601 Riverside Avenue, 609 Riverside Avenue and 2 Railroad Place was 141.55 feet, requiring 35.4 feet (25%) Water View Frontage.

33. The Public Amenity Plan indicates the Water View Frontage is 39.0 feet or 27.6% of Total Waterfront Frontage; however, the Water View Frontage is actually 27 feet (19%) when measured from the narrowest dimension between Buildings L and M.

34. The Total Waterfront Frontage does not include 611 Riverside Avenue which is in the General Business District/Saugatuck Marina and part of the Integrated Site. Inclusion of 611 Riverside Avenue would increase Total Waterfront Frontage by 429 feet, requiring an additional 107 feet of Water View Frontage.

35. The Commission finds that the proposal does not comply with *§24C-10 and §31-10.7.4, Public Waterfront Access* since Water View Frontage is less than 25%.

36. In accordance with Zoning Regulations *§24C-2, Permitted Uses*, a Traffic Analysis in accordance with §44-2.5 shall be required in all instances, even if not required by §44-2.5. This analysis or a separate analysis shall be required in all instances, and shall be subject to the satisfaction of the Planning and Zoning Commission. This analysis shall study the parking demand and proposed supply to demonstrate proposed uses will be supported by on-site parking and/or available railroad parking accessible to the public without a permit after 3:00pm.

37. §44-2.5, *Requirements for Traffic Impact Analysis*, permits the Commission to require additional data and analysis, which the Commission deems necessary to supplement, improve and enhance the accuracy of the traffic data related to the application.

38. The Commission finds the Traffic Impact Analysis dated 1/23/25 and subsequent amendments to the Analysis, prepared by SLR did not take into consideration the following:

a. Adjacent intersections in the vicinity of the project including:

   A. Ketchum Street;

   B. Ferry Lane and Saugatuck Avenue;

   C. Saugatuck Avenue and Park Street; and

   D. Riverside Avenue and Bridge Street (north of the Cribari Bridge).

b. Proper traffic data collection was lacking data from an average weekday. The analysis was taken on only four days. Two of which were Saturdays and one of which was the Jewish holiday, Rosh Hashanah;

c. The use of commuter parking spaces in railroad lots by patrons of the development; and

d. Loading spaces.

39. Commission members requested the traffic study consider adjacent interrelated intersections and the requested study information was not provided.

40. The Commission finds the application does not comply with *§44-6, Special Permit Standards,* regarding traffic impacts which states,

> *a. "In granting any Special Permit, including any change in a Special Permit Use, the Commission shall determine that the proposed use conforms to the overall intent of these regulations and shall consider each case whether proposed use will: 5. Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation."*

41. The numerous changes to the plans caused additional questions by the Planning and Zoning Commission which were unanswered due to statutory timelines. **The Commission requested that the applicant withdraw and resubmit the application to allow additional time to review the outstanding issues but the applicant declined.**

42. Conflicting testimony between the traffic peer review consultant and Town staff regarding the Waterside Garage resulted in last-minute changes that were not adequately vetted. As a result, the Commission was unable to determine whether the Waterside Garage entrance and exit were safe. **The Commission requested that the applicant withdraw and resubmit the application to allow additional time to review the outstanding issues but the applicant declined.**

43. This conflicting testimony was found when Traffic Engineer and Peer Review Sharat Kalluri from CDM Smith provided comments dated 4/25/25 which recommended adding a "STOP AHEAD" sign on Ferry Lane, between the railroad bridge abutment and the existing overhead clearance warning sign (10'-7").

44. Mr. Kalluri then provided the following comments dated 6/11/25 which indicate a "STOP" sign on Railroad Place may cause driver confusion at the hotel garage exit. He instead recommended:

a. Consider restricting left turns at the garage exit and angling the driveway to the right to improve sight lines.

b. Add high-visibility pavement markings on Ferry Lane/Railroad Place to reinforce the STOP sign.

c. Revise traffic analysis using the actual peak hour factor from traffic counts, instead of the assumed 0.92.

d. Clarify if alternative access points to the Waterside Garage have been considered, due to limited sight distance at the current driveway.

45. David Sullivan, Traffic Engineer with SLR, responded to Mr. Kalluri's comments in a letter dated 6/13/25 regarding options for including a STOP sign and not including a STOP sign at the Hotel Driveway.

46. The Police Department comments dated 4/28/25 indicated they were not supportive of a STOP sign at Waterside Garage entrance/exit onto Railroad Place and subsequent comments dated 6/6/25 indicated they agreed with Mr. Kalluri regarding the need for a STOP sign.

47. The Commission finds the design of the entrance to the Waterside Garage was not adequately reviewed and as proposed would pose a significant safety concern due to limited sight distance at the current driveway.

48. The Westport Planning and Zoning Commission has determined that this project is consistent with the policies identified in sections §22a-92 (b)(1) and §22a-92 (b)(2) of the Coastal Management Act; it will not adversely affect adjacent coastal resources (General Resources, Coastal Hazard Areas, Coastal Waters, Developed Shorefront, Intertidal Flats, Shorelands and Tidal Wetlands) identified in §22a-93 (a)(7) of said Act.

Public Hearing

49. Public hearings were held, and testimony received on March 10, 2025, March 24, 2025, April 28, 2025, May 5, 2025, May 19, 2025, June 2, 2025, June 11, 2025 and June 16, 2025.

50. All hearings, aside from 4/28/25, were held remotely consistent with State Statutes. The meetings were broadcast live on public access television, were live streamed on the Town's website, and anyone could join the meetings and offer testimony by accessing the meeting links published on the agenda one week prior to the meeting.

51. The 4/28/25 hearing was held in the Auditorium of Town Hall, 110 Myrtle Avenue., Westport, CT 06880. Attendance at the hearing exceeded 250 people.

52. A field trip of Planning and Zoning Commission was conducted on March 28, 2025 to inspect the site.

NOW THEREFORE, BE IT RESOLVED that 601, 606, and 609 Riverside Ave, 91 and 96 Franklin St, 2 and 16 Railroad Place (The Hamlet at Saugatuck): Special Permit/Coastal Site Plan #PZ-25-00067 submitted by Eric D. Bernheim, Esq., FLB Law, for property owned by Robert Sloat, Hanes Realty Corp, TGN Properties LLC, Railroad Place of Westport LLC, for Special Permit/Coastal Site Plan approval for a mix of non-residential, hotel and residential uses as part of an integrated site development, for property located in the General Business District/Saugatuck Marina (GBD/SM), PID # C06002000, B05101000, C05001000, B05097000, B05096000, C05003000, B05100000 be DENIED for the following reasons:

1. The application does not comply with *§24C-11, Architectural Design*, which states,

A. *"The Commission shall find that the proposed architectural design including, among other elements, the exterior building material, color, roof-line, and building elevations shall be designed in the style and vernacular inspired by a New England coastal village aesthetic consistent with the building renderings below, thereby improving the appearance and beauty of the community. New construction or reconstruction shall adhere to the design principles and purposes of this district, in whole or in part.*

Where applicable and appropriate, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, or Westport Historic Resources Inventory."

i. The Architectural Review Board (ARB) recommended denial of the original design at their 4/22/25 meeting.

ii. The Architectural Review Board Chairman Ward French's comments dated 6/11/25 indicate: *"The core architectural issue remains a scale mismatch. The charming New England detailing chosen and required by the text amendment for The Hamlet falls apart when applied to four- and five-story structures. Details that offer warmth on a small scale become repetitive and monotonous on large facades, leading to a loss of human scale. Elements that are perfectly balanced for smaller homes appear undersized or flimsy when scaled up to these larger elevations. This isn't just a matter of taste; it's a fundamental architectural misjudgment that undermines the very character it aims to capture. Ultimately, achieving genuine New England charm and contextual integrity requires reducing some proposed structures by at least one story. This adjustment would allow the chosen detailing to be more effective and appropriate for the building's scale.*

We continue to be open to and advocate for the Applicant to present the changes made to the project since the previous application was denied. Our collective responsibility as the Architectural Review Board is to ensure that any new development's size, scale, and character are appropriate for its existing surroundings. A fragmented, "piecemeal" approach to gathering our comments, as suggested, without the benefit of the applicant returning to present the changes to the application, is unfortunate. It would be a disservice to the process and negate the ARB's role in safeguarding Westport's character, while further opening the door to a mischaracterization of the board's efforts to date in supporting this project, while suggesting adjustments appropriate to Saugatuck."

iii. Testimony was received from local architects that the proposal does not reflect the style and vernacular inspired by the traditional New England

coastal village aesthetic and is out of scale with the area. Roger Ferris, AIA, RIBA, Architect, practicing in Westport for 50 years, stated during the 6/16/25 public hearing, *"These buildings do not have the scale of a village or even a town.... This is not a New England vernacular village."* Mr. Ferris also indicates, *"This doesn't relate to your renderings."*

iv. Testimony was received from David Parker, David Scott Parker Architects, practicing in Southport, CT for over 36 years. During the 6/16/25 public hearing Mr. Parker, when asked whether the buildings were designed in the style and vernacular inspired by a New England coastal village aesthetic, stated, *"Not in my opinion. No. It basically comes down to the question of size, scale and massing. If you just think of a New England coastal village, what's presented here most of buildings are 4 or 5 stories which in a New England Village isn't typically what you would typically expect."*

v. Mr. Parker stated the following when asked during the 6/16/25 public hearing if the proposed buildings were consistent with the sample rendering in the zoning regulations,

> *"Not in my opinion. No. The buildings shown in the rendering are in general smaller and not 4 or 5 story structures. And the other thing, it would be helpful actually to show this, if you look at virtually all the buildings that are being proposed there's a monotony about the window and the repetition of the windows that you do not find in the images that were part of the amendment. That's very apparent. The monotony is a consequence of the scale of the buildings and of the gestures and also the roofline. There's a very distinct character of the rooflines that is more or less absent when you look at the buildings which tend to have a straight line which is a flat roof that typifies the top of those structures."*

vi. **Commission members requested the applicant reduce the size of the buildings in response to the testimony received but the applicant declined.**

vii. §24C-11 encourages preservation of architectural features of historic buildings. The project will not adequately protect and preserve the historic structures located within the project site, nor will it protect and preserve the historic character of the area.

viii. The proposed development will result in the demolition of 16 (aka 20, 26 and 30) Railroad Place constructed during or before 1865.

ix. The Commission finds that the design and construction of the proposed housing development will irreversibly alter the fundamental historic character of the area.

2. The application does not comply with *§24C-13, Parking Management Plan,* since it does not reasonably address employee parking to the satisfaction of the Planning and Zoning Commission.

    i. During the 4/28/25 public hearing, the applicant indicated they were withdrawing the proposal regarding use of Lot 7 for employee parking and were instead proposing to make a condition of approval that employee parking be provided off site due to the fact that construction will take approximately three years.

    ii. The Commission finds that the Parking Management Plan does not demonstrate to their satisfaction that employee parking has been reasonable addressed since it is unknown where off-site employee parking will be located.

    iii. The applicant's proposal indicates employees, even those from Westport, would be required to take the train to work which is unreasonable to the Planning and Zoning Commission.

3. The application does not conform to *§24C-10 and §31-10.7.4, Public Waterfront Access,* which requires, *"At least 25% of the frontage of any site adjacent to the water shall allow views of the water from the street. These views shall not be blocked by landscaping, fencing or walls."*

    i. The Public Amenity Plan dated 6/3/25 indicates the Total Waterfront Frontage for 601 Riverside Avenue, 609 Riverside Avenue and 2 Railroad Place was 141.55 feet, requiring 35.4 feet (25%) Water View Frontage.

    ii. The Public Amenity Plan indicates the Water View Frontage is 39.0 feet or 27.6% of Total Waterfront Frontage; however, the Water View Frontage calculated is actually 27 feet (19%) when measured from the narrowest dimension between Buildings L and M.

    iii. The Total Waterfront Frontage does not include 611 Riverside Avenue which is in the General Business District/Saugatuck Marina and part of the Integrated Site.

    iv. Inclusion of 611 Riverside Avenue would increase Total Waterfront Frontage by 429 feet, requiring an additional 107 feet of Water View Frontage.

4. The application does not comply with *§44-6, Special Permit Standards,* regarding traffic impacts which states,

    a. *"In granting any Special Permit, including any change in a Special Permit Use, the Commission shall determine that the proposed use conforms to the overall intent of these regulations and shall consider each case whether the proposed use will: '5. Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation." "*

i. The numerous changes to the plans caused additional questions by the Planning and Zoning Commission which were unanswered due to statutory timelines. **The Commission requested that the applicant withdraw and resubmit the application to allow additional time to review the outstanding issues but the applicant declined.**

ii. Conflicting testimony between the traffic peer review consultant and Town staff regarding the Waterside Garage resulted in last-minute changes that were not adequately vetted. As a result, the Commission was unable to determine whether the Waterside Garage entrance and exit were safe. **The Commission requested that the applicant withdraw and resubmit the application to allow additional time to review the outstanding issues but the applicant declined.**

iii. The Commission finds the design of the entrance to the Waterside Garage was not adequately reviewed and poses a significant safety concern due to limited sight distance at the current driveway.

5. The application does not comply with §44-2.5, *Requirements for Traffic Impact Analysis,* which permits the Commission to require additional data and analysis, which the Commission deems necessary to supplement, improve and enhance the accuracy of the traffic data related to the application.

    i. The Commission finds the Traffic Impact Analysis dated 1/23/25 prepared by SLR did not take into consideration the following:

        1. Adjacent intersections in the vicinity of the project including:

            A. Ketchum Street;

            B. Ferry Lane and Saugatuck Avenue;

            C. Saugatuck Avenue and Park Street;

            D. Riverside Avenue and Bridge Street (north of the Cribari Bridge).

        2. Traffic data collection on an average weekday as counts were conducted on Rosh Hashanah;

        3. The use of commuter parking spaces in railroad lots by patrons of the development; and

        4. New loading spaces.

    ii. Commission members requested the traffic study consider adjacent interrelated intersections. The requested study information was not provided.

VOTE:

AYES	-4-	{Lebowitz, Wistreich, Calise, Zucaro}
NAYS	-0-	
ABSTENTIONS	-3-	{Cohn, Cammeyer, Injeski}

Very truly yours,

Paul Lebowitz

Paul Lebowitz
Chairman, Planning & Zoning Commission

cc: Jen Tooker, First Selectwoman
Al D'Amura, Staff Corporal, Westport PD
Dave Farrell, Police Chief
Luci Bango, Aspetuck Health District Director
Colin Kelly, Conservation Department Director
Terry Dunn, Fire Marshal
Ted Gill, DPW
Keith Wilberg, Town Engineer
Peter Howard, Building Official

Town of Westport
Planning & Zoning Commission

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
Telephone (203) 341-1030 | Fax: (203) 454-6145
pandz@westportct.gov | www.westportct.gov

Meetings: May 5, 2025 & June 30, 2025
Decision: July 28, 2025

July 29, 2025

Amy E. Souchuns, Esq.
HURWITZ SAGARIN SLOSSBERG & KNUFF, LLC
135 Broad St.
Milford, CT 06460

RE: 980 Post Road East, Special Permit/Site Plan Appl. PZ-25-00086 for Apple Montessori School

Dear Amy E. Souchuns, Esq.:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on July 28, 2025, it was moved by P. Lebowitz and seconded by N. Cohn to adopt the following resolution:

RESOLUTION #PZ-25-00086

WHEREAS THE PLANNING AND ZONING COMMISSION met on July 28, 2025, and made the following findings:

FINDINGS

Property Description/Background

1. 980 Post Road East, located on lots #24, 25, and 26 of the 35-lot subdivision recorded on WLR Map #295, predates the adoption of the Subdivision Regulations in 1937. In March 1964, a certificate of approval for a used car dealer's license was granted for lots #24 and #25. Around July 1964, these lots, along with #26, were combined.
2. In August 1964, a variance was obtained to allow the entirety of lot #26 to be used in accordance with the requirements of the Highway Service District, despite part of the lot being in the Residence A District.
3. A gas station certificate was approved in December 1970, followed by a Special Permit for a bank/office building in October 1977.
4. Over the years, various approvals for signage and other developments were also granted, including those for non-conforming signs. Most recently, in April 2005, a variance was given for a free-standing sign within the required setbacks and exceeding 32 SF in size.

5. The lot is conforming, measuring 0.96 acres in a zone that requires a minimum of 0.5 acres. It is a split lot, with the majority of the property located in the Highway Service District and a smaller portion in the Residential A District.
6. The lot is a corner property, abutting Post Road East, a state road, and Colonial Road, a town road. Additionally, it is outside the Coastal Area Management Boundary and the 100-year flood hazard zone.
7. Commercial businesses are located to the north, east, and west of the lot, while residential properties are situated to the south.
8. The property is improved with a two-story commercial building, which includes on-site parking. Previously occupied by Bank of America, the building has office space on the second floor and includes a bank drive-thru.

Proposal

9. The applicant is requesting Special Permit/Site Plan approval to covert the existing vacant commercial building to an Apple Montessori School.
10. The proposed changes to the exterior commercial building include enclosing the bank drive through lanes totaling 1,211 square feet. Changes to the windows, doors, and siding are also proposed. There is no increase in building coverage as the enclosure is under the existing second floor and all structures appear to comply with setbacks.
11. The height of the building will also remain unchanged. New roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides and shall not exceed the height of the existing roof top mechanicals.
12. The proposed maximum floor area is 8,143 SF where 10,000 is permitted and the F.A.R. is proposed at 0.19 where 0.25 is permitted.
13. Interior renovations are also proposed to both the first and second floors. Classrooms are distinct to the age group (Infant; Toddler; Pre-School; and Kindergarten). Administrative and staff offices along with a reception area are also proposed.
14. The applicant proposes improvements to the existing three curb cuts to ensure safe ingress and egress onto the surrounding roadways. These curb cuts were in place in 1978 when a special permit and site plan were approved to convert the existing gas station and three-bay garage into a two-story office building. According to current regulations, a maximum of two curb cuts was established in 1981 through Text Amendment #245. Therefore, the existing three curb cuts are considered legally pre-existing.
15. The proposed site plan designates a single entrance from the western side of Post Road, with two exits—one onto Colonial Road and the other onto the eastern side of Post Road. All entrances, exits, and one-way aisles will be clearly marked with signage.
16. Additionally, sidewalks with ADA-compliant ramps are proposed within the state right-of-way.

17. The parking lot and travel path will be paved and restriped to include 18 standard size parking spaces, 5 small car spaces, and 1 ADA parking space.
18. The applicant proposes an "Other Use" parking standard pursuant to §34-5. One space per employee (20), requiring 20 parking spaces. In accordance with §34-9.2, up to twenty percent (20%) of the required parking spaces may be designated for small cars. For a 20-space requirement, 20% equals 4 small car spaces.
    a. As such, the parking configuration may consist of:
        i. 18 standard spaces (9′ x 18′) & 2 small car spaces (8′ x 16′).
    b. Additionally, the plan includes four surplus spaces:
        i. One (1) ADA-compliant parking space & One (3) additional small car parking space.
19. The existing landscaping areas are proposed to be retained and enhanced to provide better screening. Additional landscaping includes:
    a. 4 shade trees along Post Road East
    b. 6 shade trees along Colonial Road
    c. 3 shade trees in the parking lot
    d. 175 foot buffer strip with 18 evergreen trees
20. A proposed dumpster, enclosed and supported by a retaining wall, is located in the northeast corner of the parking lot, outside the front landscaping buffer.
21. As part of the proposed site use, the rear of the lot will feature 7,849 square feet of outdoor play and learning areas, incorporating both impervious and pervious surfaces. Planned improvements include play structures and an 800-square-foot in-ground swimming pool, all enclosed by a 6-foot decorative aluminum fence. The pool is designed with a depth ranging from 2 to 5 feet.
22. A detailed lighting plan includes four (14 feet in height) parking lot and travel path lighting posts, six (12 feet in height) wall sconces on the building, and eight (3.5 feet in height) lighting bollards surrounding the inground swimming pool.

Public Hearing

23. A public hearing was held, and testimony was received on May 5, 2025, and June 30, 2025.
24. During the May 5, 2025, Planning and Zoning Commission meeting, the Commission members determined it was appropriate for the Planning and Zoning Staff to hire an outside traffic expert pursuant to §43-6.4. As a result, the Planning and Zoning Department retained CDM Smith, who provided a peer review of Dynamic Traffic Impact Study.

25. 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.

NOW THEREFORE, BE IT RESOLVED that **980 Post Road East,** Special Permit/Site Plan Appl. #PZ-25-00086 submitted by Apple Montessori Schools, LLC, for property owned by Sterling Development Company of Connecticut, LLC, to convert an existing commercial building into a private school and to utilize an "Other" parking standard pursuant to Section 34-5 of the Zoning Regulations, located in the Highway Service District(HSD) and A district, PID #F09058000 is **DENIED.**

Reasons:

1. The proposed application fails to meet the required parking standards as outlined in the local zoning regulations. The intended use has been determined to fall under the category of a Day Care Center or Nursery School, as defined in the regulations. Pursuant to §34-5, this use requires one (1) parking space per ten (10) children, in addition to one (1) space per employee. The number of spaces proposed is insufficient to meet this standard and does not adequately accommodate staff, parents, and visitors. As a result, there is a significant concern that parking demand will spill over onto neighboring properties, including adjacent commercial uses.

   The formula based on lowest capacity of 124 Children and 20 Employees:

   a. Daycare/Nursery School Standard: 12.4 + 20 = 32 parking spaces required and 24 parking spaces provided.

2. The Commission finds that the proposed use raises substantial safety concerns for both pedestrians and vehicular traffic. Specifically:

   a. The sight line analysis did not adequately address visibility concerns at the driveway entrance/exit, particularly given the traffic volume on Post Road;

   b. Circulation within the site remains problematic, especially with respect to emergency vehicle access and maneuverability;

   c. Turning movements onto and off of the Post Road are constrained and pose safety risks in the context of a heavily trafficked corridor.

3. The proposed use would significantly increase traffic at an already burdened intersection and along the Post Road corridor. While some assumptions were made regarding internal traffic flow, the impact on external traffic is evident and concerning. The cumulative effect, when combined with nearby residential streets and commercial uses, poses a clear risk of congestion and delays.

4. The scale and operational demands of the proposed use exceed what the site can safely support. The property lacks adequate space and layout for critical functions such as drop-off and pick-up logistics, outdoor activity areas, emergency vehicle access, and internal circulation. These deficiencies make the location unsuitable for the intended use.
5. While the Commission welcomes Apple Montessori School to Westport and supports the addition of educational institutions, the proposed site does not align with the existing conditions of the surrounding area. The intensity of the proposed use—including increased traffic, parking needs, and daily operational activity—conflicts with the site's limitations.

VOTE:

AYES	-7-	Lebowitz; Cohn; Cammeyer; Calise; Wistreich; Bolton; Injeski
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,

Paul Lebowitz A.T.

Paul Lebowitz
Chairman, Planning & Zoning Commission

cc: Edward Gill, Town Engineer
Colin Kelly, Director of Conservation
Donna Douglass, Architectural Review Board Administrator
Luci Bagno, Director of Health
Staff Corporal Al D'Amura, Westport Police Department
Terrence Dunn Jr., Fire Marshall
Peter Howard, Building Official

Town of Westport
Planning & Zoning Commission

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
Telephone (203) 341-1030 | Fax: (203) 454-6145
pandz@westportct.gov | www.westportct.gov

Meetings: May 5, 2025 & June 30, 2025
Decision: July 28, 2025

July 29, 2025

Amy E. Souchuns, Esq.
HURWITZ SAGARIN SLOSSBERG & KNUFF, LLC
135 Broad St.
Milford, CT 06460

RE: 980 Post Road East, Special Permit/Site Plan Appl. PZ-25-00086 for Apple Montessori School

Dear Amy E. Souchuns, Esq.:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on July 28, 2025, it was moved by P. Lebowitz and seconded by N. Cohn to adopt the following resolution:

RESOLUTION #PZ-25-00086

WHEREAS THE PLANNING AND ZONING COMMISSION met on July 28, 2025, and made the following findings:

FINDINGS

Property Description/Background

1. 980 Post Road East, located on lots #24, 25, and 26 of the 35-lot subdivision recorded on WLR Map #295, predates the adoption of the Subdivision Regulations in 1937. In March 1964, a certificate of approval for a used car dealer's license was granted for lots #24 and #25. Around July 1964, these lots, along with #26, were combined.
2. In August 1964, a variance was obtained to allow the entirety of lot #26 to be used in accordance with the requirements of the Highway Service District, despite part of the lot being in the Residence A District.
3. A gas station certificate was approved in December 1970, followed by a Special Permit for a bank/office building in October 1977.
4. Over the years, various approvals for signage and other developments were also granted, including those for non-conforming signs. Most recently, in April 2005, a variance was given for a free-standing sign within the required setbacks and exceeding 32 SF in size.

5. The lot is conforming, measuring 0.96 acres in a zone that requires a minimum of 0.5 acres. It is a split lot, with the majority of the property located in the Highway Service District and a smaller portion in the Residential A District.
6. The lot is a corner property, abutting Post Road East, a state road, and Colonial Road, a town road. Additionally, it is outside the Coastal Area Management Boundary and the 100-year flood hazard zone.
7. Commercial businesses are located to the north, east, and west of the lot, while residential properties are situated to the south.
8. The property is improved with a two-story commercial building, which includes on-site parking. Previously occupied by Bank of America, the building has office space on the second floor and includes a bank drive-thru.

Proposal

9. The applicant is requesting Special Permit/Site Plan approval to covert the existing vacant commercial building to an Apple Montessori School.
10. The proposed changes to the exterior commercial building include enclosing the bank drive through lanes totaling 1,211 square feet. Changes to the windows, doors, and siding are also proposed. There is no increase in building coverage as the enclosure is under the existing second floor and all structures appear to comply with setbacks.
11. The height of the building will also remain unchanged. New roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides and shall not exceed the height of the existing roof top mechanicals.
12. The proposed maximum floor area is 8,143 SF where 10,000 is permitted and the F.A.R. is proposed at 0.19 where 0.25 is permitted.
13. Interior renovations are also proposed to both the first and second floors. Classrooms are distinct to the age group (Infant; Toddler; Pre-School; and Kindergarten). Administrative and staff offices along with a reception area are also proposed.
14. The applicant proposes improvements to the existing three curb cuts to ensure safe ingress and egress onto the surrounding roadways. These curb cuts were in place in 1978 when a special permit and site plan were approved to convert the existing gas station and three-bay garage into a two-story office building. According to current regulations, a maximum of two curb cuts was established in 1981 through Text Amendment #245. Therefore, the existing three curb cuts are considered legally pre-existing.
15. The proposed site plan designates a single entrance from the western side of Post Road, with two exits—one onto Colonial Road and the other onto the eastern side of Post Road. All entrances, exits, and one-way aisles will be clearly marked with signage.
16. Additionally, sidewalks with ADA-compliant ramps are proposed within the state right-of-way.

17. The parking lot and travel path will be paved and restriped to include 18 standard size parking spaces, 5 small car spaces, and 1 ADA parking space.
18. The applicant proposes an "Other Use" parking standard pursuant to §34-5. One space per employee (20), requiring 20 parking spaces. In accordance with §34-9.2, up to twenty percent (20%) of the required parking spaces may be designated for small cars. For a 20-space requirement, 20% equals 4 small car spaces.
    a. As such, the parking configuration may consist of:
        i. 18 standard spaces (9' x 18') & 2 small car spaces (8' x 16').
    b. Additionally, the plan includes four surplus spaces:
        i. One (1) ADA-compliant parking space & One (3) additional small car parking space.
19. The existing landscaping areas are proposed to be retained and enhanced to provide better screening. Additional landscaping includes:
    a. 4 shade trees along Post Road East
    b. 6 shade trees along Colonial Road
    c. 3 shade trees in the parking lot
    d. 175 foot buffer strip with 18 evergreen trees
20. A proposed dumpster, enclosed and supported by a retaining wall, is located in the northeast corner of the parking lot, outside the front landscaping buffer.
21. As part of the proposed site use, the rear of the lot will feature 7,849 square feet of outdoor play and learning areas, incorporating both impervious and pervious surfaces. Planned improvements include play structures and an 800-square-foot in-ground swimming pool, all enclosed by a 6-foot decorative aluminum fence. The pool is designed with a depth ranging from 2 to 5 feet.
22. A detailed lighting plan includes four (14 feet in height) parking lot and travel path lighting posts, six (12 feet in height) wall sconces on the building, and eight (3.5 feet in height) lighting bollards surrounding the inground swimming pool.

Public Hearing

23. A public hearing was held, and testimony was received on May 5, 2025, and June 30, 2025.
24. During the May 5, 2025, Planning and Zoning Commission meeting, the Commission members determined it was appropriate for the Planning and Zoning Staff to hire an outside traffic expert pursuant to §43-6.4. As a result, the Planning and Zoning Department retained CDM Smith, who provided a peer review of Dynamic Traffic Impact Study.

25. 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.

NOW THEREFORE, BE IT RESOLVED that **980 Post Road East,** Special Permit/Site Plan Appl. #PZ-25-00086 submitted by Apple Montessori Schools, LLC, for property owned by Sterling Development Company of Connecticut, LLC, to convert an existing commercial building into a private school and to utilize an "Other" parking standard pursuant to Section 34-5 of the Zoning Regulations, located in the Highway Service District(HSD) and A district, PID #F09058000 is **DENIED.**

Reasons:

1. The proposed application fails to meet the required parking standards as outlined in the local zoning regulations. The intended use has been determined to fall under the category of a Day Care Center or Nursery School, as defined in the regulations. Pursuant to §34-5, this use requires one (1) parking space per ten (10) children, in addition to one (1) space per employee. The number of spaces proposed is insufficient to meet this standard and does not adequately accommodate staff, parents, and visitors. As a result, there is a significant concern that parking demand will spill over onto neighboring properties, including adjacent commercial uses.

   The formula based on lowest capacity of 124 Children and 20 Employees:

   a. Daycare/Nursery School Standard: 12.4 + 20 = 32 parking spaces required and 24 parking spaces provided.

2. The Commission finds that the proposed use raises substantial safety concerns for both pedestrians and vehicular traffic. Specifically:

   a. The sight line analysis did not adequately address visibility concerns at the driveway entrance/exit, particularly given the traffic volume on Post Road;

   b. Circulation within the site remains problematic, especially with respect to emergency vehicle access and maneuverability;

   c. Turning movements onto and off of the Post Road are constrained and pose safety risks in the context of a heavily trafficked corridor.

3. The proposed use would significantly increase traffic at an already burdened intersection and along the Post Road corridor. While some assumptions were made regarding internal traffic flow, the impact on external traffic is evident and concerning. The cumulative effect, when combined with nearby residential streets and commercial uses, poses a clear risk of congestion and delays.

4. The scale and operational demands of the proposed use exceed what the site can safely support. The property lacks adequate space and layout for critical functions such as drop-off and pick-up logistics, outdoor activity areas, emergency vehicle access, and internal circulation. These deficiencies make the location unsuitable for the intended use.
5. While the Commission welcomes Apple Montessori School to Westport and supports the addition of educational institutions, the proposed site does not align with the existing conditions of the surrounding area. The intensity of the proposed use—including increased traffic, parking needs, and daily operational activity—conflicts with the site's limitations.

VOTE:

AYES	-7-	Lebowitz; Cohn; Cammeyer; Calise; Wistreich; Bolton; Injeski
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,

Paul Lebowitz A.T.

Paul Lebowitz
Chairman, Planning & Zoning Commission

cc: Edward Gill, Town Engineer
Colin Kelly, Director of Conservation
Donna Douglass, Architectural Review Board Administrator
Luci Bagno, Director of Health
Staff Corporal Al D'Amura, Westport Police Department
Terrence Dunn Jr., Fire Marshall
Peter Howard, Building Official