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

June 23, 2025 **Remote Meeting** **Meeting Started: 6:00 P.M.**

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

Town Staff: Michelle Perillie, Planning and Zoning Director

I. PRE-APPLICATION

1. **455 Post Rd E:** Submitted by Richard W. Redniss, FAICP, for review of a potential all residential redevelopment at 455 Post Rd E.

Feedback provided by the Commissioners.

II. PUBLIC HEARING

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

2. **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.

Opened and continued without testimony to 7/28/25

3. **Text Amendment #852:** #PZ-25-00223 submitted by Richard W. Redniss, FAICP, to modify Sec 5, Specific Terms, to modify the Definition of Special Needs Individuals; to modify Sec. 32-27, Special Needs Housing, to permit a General Development Plan on State and Town owned property and to authorize the Planning and Zoning Commission to reduce Setback up to five (5) feet on Town owned land; and 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.

Continued from 5/12/25 with testimony received and further continued to 6/2/25 with no testimony received. On 6/23/25 testimony was received. Continued to 6/30/25.

4. **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.

Opened and continued with testimony to 6/30/25.

III. WORK SESSION

Old Business: None
New Business:

4. **Text Amendment #849:** #PZ-24-00720 submitted by the Planning and Zoning Commission, to modify §40, Dedicated Open Space and Residential District (DOSRD) #2, of the Zoning Regulations to add a new §40-3.4 to permit, subject to Special Permit/Site Plan approval, two-family and multi-family use of existing buildings in the DOSRD #2 and to modify §40-3.3 to clarify uses permitted must be Municipal. 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.

All Commissioners in attendance sat on the item. A motion to adopt the application was made with the following modifications: use of buildings except for golden shadows, no parking standard reduction, no new roadways cam be created but existing can be improved/widened.

Motion to Adopt as Modified: A. Wistreich (2nd N. Cohn)
Vote: (6-1) AYE: Paul Lebowitz, Neil Cohn, Amy Wistreich, Patrizia Zucaro, John Bolton, Bre Injeski
NAY: Michael Calise

The meeting concluded at 10:09pm.

Text Amendment for Modifications to§ 39A-18.1

Text Amendment #852
Submitted: 4/2/25
Received: 4/7/25
Revised: 6/20/25
Public Hearings: 5/12/25, 6/23/25, 6/30/25
Adopted: _____
Effective Date: _____

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

§39A INCLUSIONARY HOUSING OVERLAY DISTRICT (IHZ)

39A-18 Affordability Requirement and Plan

39A-18.1

In conjunction with residential units proposed as part of this regulation, at least twenty percent (20%) of the floor area of all residential units shall be deed restricted as affordable and at least twenty-percent (20%) of all proposed units shall be deed restricted as affordable in accordance with CT General Statutes §8-30g or the equivalent provided as offsite affordable housing at the discretion of the Planning and Zoning Commission. An affordability plan must be submitted at the time of application in accordance with same. Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable. These units must be affordable to households whose income does not exceed 80% of the state or area median income, whichever is lower. The state and area median income figures are from the United States Census and are periodically updated by the U.S. Department of Housing and Urban Development (HUD). When approving the equivalency, the Planning and Zoning Commission, may allow the number of units offsite to be less than the number of units onsite provided that they make a determination that offsite is equal to or superior to onsite. The criteria for determination may include but not limited to size, number (up to twenty-five percent 25%), number of people served, moratoria points, affordability level, location, amenities, and non-profit involvement or other comparative attributes and may include fee-in-lieu contribution consistent with the offsite (fee-in-lieu) equation in §18-17.2.b. If the Affordability Plan for some or all of the offsite affordable housing is not satisfied at the time a final ZCC is being sought, the Planning and Zoning Commission may require that some or all of the required affordable housing be provided onsite or guaranteed by an acceptable form of surety including contributions to the Affordable Housing Trust Fund.

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Public Hearings: Feb 3, 2025, Mar 3, 2025

Decision: June 23, 2025

June 24, 2025

RE: Text Amendment #849/PZ-24-00720, Request to amend the Zoning Regulations to modify §40, Dedicated Open Space and Recreation District (DOSRD)#2 to permit Adaptive Re-Use of Existing Buildings to Residential Development

To whom it may concern:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on Juen 23, 2025, it was moved by Mr. Cohn and seconded by Mr. Lebowitz to adopt the following resolution:

RESOLUTION #PZ-24-00720

WHEREAS THE PLANNING AND ZONING COMMISSION met on June 23, 2025, and made the following findings:

Proposal

1. Text Amendment #849 proposes to amend the Zoning Regulations §40, Dedicated Open Space and Recreation District (DOSRD) #2, as follows:
    A. §40-3.3, Municipal Uses, to clarify the uses permitted must be Municipal;
    B. §40-3.4, Adaptive Re-Use of Existing Buildings to Residential Development, to permit the renovation and expansion of the existing buildings for two-family or multi-family dwellings.
2. Text Amendment #849 proposes to modify §40, DOSRD, in the Zoning Regulations to add a new §40-3.4 to permit, subject to Special Permit/Site Plan approval, two-family and multi-family use of existing buildings all of which would be deed-restricting as affordable housing as defined in CGS §8-30g.
3. The proposal permits a density of 12 units per acre which is similar to that which is permitted on the residentially zoned portion of the Inclusionary Housing Overlay District (IHZ).

4. §40, Dedicated Open Space and Recreation District (DOSRD), was created in 2004 by the Planning and Zoning Commission. Three sub-districts exist within the DOSRD (#1, #2, and #3). Six (6) Town-owned properties are zoned DOSRD, including two designated DOSRD #1; one designated DOSRD #2; and three designated DOSRD #3. 60 Compo Rd. South, aka Barons South, is zoned DOSRD #2).

Department Comments

5. No objections were received in response to referrals sent to Town Departments and others.
6. The Town Attorney's Office advised on October 28, 2024 they have no legal objections and defer to the Commission on all policy decisions.

Public Hearing

7. Public hearings were held on February 10, 2025 and March 3, 2025 to receive testimony from members of the public as required by State Statutes.
8. The public hearing was held remotely in accordance with State Statutes. The hearing was broadcast "live" on public access television, "Live" on-line on the Town's website, and anyone could join the meeting and offer "Live" testimony.
9. All application materials, and public comments received in writing prior to the meeting were posted on the Town's website to maintain transparency while conducting remote meetings.
10. A field trip was held to inspect the vacant building on February 25, 2025.
11. Testimony was received at the March 3, 2025 public hearing from Commission members that the adaptive reuse should be limited to buildings along the perimeter of the property in order to maintain open space and recreation on the interior for the benefit of all members of the community.
12. Testimony received at the March 3, 2025 public hearing from Commission members questioned the need for a reduction in parking and there was discussion regarding unclear language in the Utilities section.

NOW THEREFORE, BE IT RESOLVED Text Amendment #849: #PZ-24-00720 submitted by the Planning and Zoning Commission, is **ADOPTED as MODIFIED**, to modify §40, Dedicated Open Space and Residential District (DOSRD) #2, of the Zoning Regulations to add a new §40-3.4 to permit, subject to Special Permit/Site Plan approval, two-family and multi-family use of existing buildings in the DOSRD #2 and to modify §40-3.3 to clarify uses permitted must be Municipal.

MODIFICATIONS

1. §40-3.4 was modified to limit eligible buildings to the perimeter of the property (within 250 feet) in order to maintain open space and recreation on the interior for the benefit of all members of the community.

2. §40-3.4.2, *Unit Types*, was modified to remove spaces deemed as bedrooms.
3. §40-3.4.3, *Parking*, was modified to remove the parking reduction.
4. §40-3.4.4, *Affordability Requirement and Plan*, was modified to include language that the units will be owned by the Town of Westport.
5. §40-3.4.5, *Utilities*, was also modified to simplify the language regarding the connection to sewers.
6. §40-3.4.7, *Roadways*, was added to prohibit new roads from being constructed and existing roadways or driveways not included in the development plan must be maintained and converted into landscaped walking paths exclusively.

REASONS

1. Adopting Text Amendment #849 will provide opportunities to address the growing regional demand for below-market rate housing.
2. The proposal allows the opportunity to use Town assets in an efficient way to address the housing needs.
3. Adaptively re-using existing buildings at Baron's South has been identified as a strategy to achieve some of the residential housing goals. Specifically making internal changes to accommodate more dwelling units while simultaneously preserving the buildings' facades many of which represent a chapter in Westport's architectural history.
4. The amendment will provide opportunities to create affordable housing units, as defined in CGS §8-30g, in Westport where there is an existing shortage.
5. The amendment will provide opportunities to increase the diversity in housing types in Westport.
6. The amendment is consistent with the *Town of Westport Affordable Housing Plan, 2022-2027* which recommends drafting zoning regulations to promote more deed-restricted affordable housing on Town property.
    - *"Deed restrict existing town-owned rental properties."* Pg. 41
    - *"Develop location specific plans for Town-owned land to expand existing rental housing."* Pg. 41
7. The Commission finds the amendment is consistent with the Comprehensive Plan (Zoning Regulations and Zoning Map), and the *2017 Plan of Conservation and Development* that recommends:
    - *"Seek ways to address changing housing needs while maintaining the character and integrity of Westport."* Pg. 85
    - *"Consider ways of integrating affordable and workforce housing in future projects."* Pg. 85
    - *"Support and encourage non-profit organizations that help address housing needs in ways that maintain the character and integrity of Westport."* Pg. 85

- *"The demand for affordable housing in Westport outstrips the supply. As a result, the Planning and Zoning Commission will continue to seek ways to address the need for 'below market rate' housing." Pg. 87*
- *"Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers." Pg. 88*
- *"Continue to address housing needs in Westport (affordable, aged, special needs, ADA)." Pg. 88*

The effective date of the amendment is: **July 7, 2025.**

VOTE:

AYES	-6-	{Lebowitz, Cohn, Wistreich, Calise, Bolton, Injeski}
NAYS	-0-	{Calise}
ABSTENTIONS	-0-	

Very truly yours,

Paul Lebowitz,
Chairman
Planning & Zoning Commission

Attachment

cc: Ira Bloom, Town Attorney
Nick Bamonte, Town Attorney's Office
Lucienne Bango, Aspetuck Health District Director
Alan D'Amura, Staff Corporal, WPD
Terry Dunn, Fire Marshal
Eric Barbieri, Parks and Recreation Director
Dave Farrell, Westport Police Chief
Matt Mandell, Chairman, RTM P&Z Committee
Jeff Wieser, RTM Moderator
Peter Ratkiewich, DPW Director

Text Amend. #849 to Modify DOSRD #2 Regulations

Submitted: 12/13/24
Received: 12/16/24
Revised: 6/20/25
Public Hearing: 2/3/25, 3/3/25
Adopted: 6/23/25
Effective date: 7/7/25

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

§40 DEDICATED OPEN SPACE AND RECREATION DISTRICT #1, #2 AND #3 (DOSRD)

The purpose of the Dedicated Open Space and Recreation District Zone is to encourage the acquisition and retention of Town-owned parks and other Town-owned land for public use and the enjoyment of visitors. It is in the public interest to provide areas where the citizens of Westport can have places to enjoy a peaceful and tranquil environment and to pursue recreation and leisure uses. It is intended to permit the reasonable use of open space land. The objective of the Dedicated Open Space and Recreation District is to protect environmentally vulnerable land, permanently preserve certain open spaces and recreational areas within the Town and to maintain the natural appearance, beauty, ecosystem, and recreational value of these areas in order to contribute to the health, safety and general welfare of the community.

The purpose of a Dedicated Open Space and Recreation District #1 designation is to allow certain Town-owned open space park areas to be maintained for passive and/or non-organized recreation. This includes undeveloped parkland, beaches, wooded areas, meadows and riverside areas.

The purpose of a Dedicated Open Space and Recreation District #2 designation is to allow certain Town-owned open space areas to be maintained for passive and/or organized recreation in a natural and undeveloped setting with no new buildings or structures being erected and to allow certain uses and structures, which are legally existing as of the date of such designation, that would be otherwise Non-Conforming Uses of Non-Conforming Structures (each, as defined in §5-2) to be conforming, thereby legalizing such previously Non-Conforming Uses of Non-Conforming Structures (which legalizations shall be hereinafter defined respectively as a "Legalized Use" or a "Legalized Structure" as applicable) and further thereby allowing certain Legalized Uses or Legalized Structures to grow and expand in a manner consistent with the objective of the Dedicated Open Space and Recreation District, while limiting the introduction of new uses and controlling more intense development

The purpose of a Dedicated Open Space and Recreation District #3 designation is to allow certain Town-owned open space park areas to be maintained for passive or non-organized recreation in a completely natural and undeveloped setting. No buildings or structures shall be erected.

40-2 Permitted Improvements and Facilities in a DOSRD #1, DOSRD#2 and DOSRD #3

40-2.1 Principal Improvements and Facilities permitted in DOSRD#1 and DOSRD#2

The following specific improvements and facilities are permitted in a DOSRD#1 and DOSRD #2.

a. Walks, paths, gardens and pond natural water features, picnic tables and benches;

b. Temporary free-standing restrooms and water fountains.

40-2.2 Principal Improvements and Facilities allowed in DOSRD#3

The following non-commercial passive or non-organized recreational Improvements and Facilities are permitted in a DOSRD #3:

a. Walks, paths, gardens and natural water features, picnic tables and benches;

b. Nature preserves;

c. Arboretums as defined in (§5-2).

40-3 Special Permit Uses Improvements and Facilities in a DOSRD #2.

The following non-commercial recreational, improvements and facilities may be permitted in DOSRD #2, subject to a special permit and site plan approval in accordance with §43 herein.

40-3.1

Renovation and/or expansion of Legalized Structures that existed on the subject parcel prior to 2003. Renovation and/or expansion of such Legalized Structures may be permitted within the same building footprint, and may occupy up to an additional 10% of the original building footprint. Building features necessary to provide handicap access shall be excluded from the calculation of building footprint. Any renovation or expansion of such Legalized Structures shall maintain and be consistent with the architecture of the original Legalized Structure.

40-3.2

Renovation and expansion of Legalized Structures first built on the subject parcel after 2003 and prior to 06-12-16. Renovation and/or expansion of such Legalized Structures may be permitted with the same floor area or footprint of the original building and may occupy up to an additional 50% of the original floor area or footprint of such Legalized Structure, whichever is greater. Such Legalized Structures may be used for the Legalized Use or any other use permitted by this Section.

40-3.3 Municipal Uses

Permitted municipal uses for the purpose of this section shall be limited to recreation facilities, municipal offices, administrative headquarters, the leasing of Legalized Structures, and parking necessary for approved uses and other municipal uses the Commission finds to be consistent with the purpose of the DOSRD #2 and low intensity of uses contemplated by these regulations.

40-3.4 Adaptive Re-Use of Existing Buildings to Residential Development

Renovation of existing buildings, located within 250 feet of the property line, for two-family or multi-family dwellings is permitted. Renovation of existing buildings may be permitted with the same footprint as the original. The goal is to provide residential use of existing buildings on the eastern perimeter of the property while maintaining open space and recreation on the interior for the benefit of all members of the community.

40-3.4.1, Density

The number of Dwelling units shall not exceed twelve (12) per acre.

40-3.4.2, Unit Types

Residential dwellings shall be limited to efficiency, one-bedroom, two-bedroom and three- bedroom dwelling units.

40-3.4.3, Parking

Parking shall be required as provided in §34-5. Tandem parking may be allowed subject to the discretion of the P&Z Commission.

40-3.4.4, Affordability Requirement and Plan

100% of housing units on the lot shall be owned by the Town of Westport and deed restricted as affordable in accordance with CT General Statutes §8-30g. An affordability plan must be submitted at the time of application in accordance with same.

40-3.4.5. Utilities

All units must be connected to the sewer and water lines. All utilities and conduits within the site shall be underground.

40-3.4.6 Roadways

No new roadways may be created within the lot. Existing roadways or driveways not included in the development plan must be maintained and converted into landscaped walking paths exclusively.

40-4 Special Events

Nothing in this regulation shall prevent special events from taking place in an area designated as a Dedicated Open Space and Recreation District #1 or #2. Permission for a special event requires prior approval from the Parks and Recreation Department and/or the Board of Selectman. Special events shall not be permitted in a Dedicated Open Space and Recreation District #3.

40-5 Lot Area, Location and Shape

No mandatory requirement.

40-6 Setbacks

Except for buildings or structures that have become Legalized Structures as a result of a DOSRD designation made pursuant to the §40, no buildings or structure shall extend closer than thirty (30) feet from any street line or twenty five (25) feet from any side or rear lot line unless the property occupied by such buildings or structures abuts a Res AAA zoned property and in such case, such buildings or structures shall not extend closer than 50 feet from any street line or other property line.

40-7 Height

Except for buildings or structures that have become Legalized Structure as a result of a DOSRD designation made pursuant to this §40, no principal buildings or structure shall exceed a height of twenty-six (26) feet. No accessory structure shall exceed a height of sixteen (16) feet. In DOSRD#2 no Legalized Structure shall exceed a height of the existing structure of thirty five (35) feet, whichever is greater.

40-8 Coverage

The total coverage shall not exceed twenty-five percent (25%) of the lot area.

40-9 Architectural Design

The architectural design, scale and mass of buildings and other structures, including among other elements, the exterior building material, color, roof-line, and building elevations shall harmonize and be compatible with the neighborhood, so as to protect the property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Architectural Review Board review is required for all Special Permit uses. There shall be no buildings or structures located within the DOSRD #3. Bridges may be constructed.

40-10 Signs

Signs shall be permitted in accordance with §33-4, §33-5 and §33-6 of the Supplementary Regulations.

40-11 Parking and Loading

The required number of parking spaces will be determined in consultation with the Parks and Recreation Director. A parking lot will require a Special Permit in the DOSRD #1, DOSRD #2 and DOSRD #3. Parking lots are allowed within the 30-foot front landscape area but must meet a 25 feet side and rear setback from residentially zoned properties. (Also see §31-7, Setbacks from Waterbodies, Watercourses and Wetlands). In the DOSRD #3 there shall be no more than 0.33 parking spaces per acre and no less than 3 parking spaces.

40-12 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.

40-13 Final Approval

An application for a Dedicated Open Space and Recreation District shall adhere to all of the approval and compliance requirements of the Zoning Regulations. The Commission may approve a Dedicated Open Space and Recreation District if it finds that the purposes, application procedure, standards and conditions meet the Zoning Regulations and that the proposed Dedicated Open Space and Recreation District will not be detrimental to the public health, safety, and general welfare and property values of the neighborhood. The Planning and Zoning Commission may attach such conditions to a Special Permit in a Dedicated Open Space and Recreation District #2 that it deems necessary to preserve the purpose, objective and intent of the Zoning Regulations of the Dedicated Open Space and Recreation District.