

Memorandum

To: Members, Planning and Zoning Commission

From: Michelle Perillie, AICP CFM, Planning and Zoning Director

Date: January 20, 2026

Re: **Text Amendment #864/App. #26-00024 to Modify the Definition of Special needs Housing and to permit offsite Affordable Housing in the Inclusionary Housing Overlay District (IHZ)**

785 Post Road East, Special Permit/Site Plan #PZ-26-00023, Modification to Res. #16-036 to permit changes to the approved commercial building and potential on/off site affordable housing solution

Statutory Timelines

Application Submission Date: 1/12/26

Application Receipt Date: 1/12/26

65 Days from Date of Receipt (*when public hearing must open*): 3/18/26

Public Hearing Opened (*scheduled to Open*): 1/26/26

35 Days from Hearing Commencing (*when hearing must close*): 3/2/26

65 Days from Close of Public Hearing (*when decision must be rendered*):

Summary

Have all documents been submitted as required pursuant to §42?	Yes.
Has the application received all necessary prior approvals?	Prior approvals are not required. All comments received are listed herein. Outstanding comments when received will be forwarded to Commissioners via email and uploaded to the Town's website alongside the application materials.
Other comments?	Members of the Planning and Zoning Commission should consider whether the text amendment is consistent with the Zoning Regulations, Zoning Map and the <i>2017 Plan of Conservation and Development</i> as required pursuant to C.G.S. §8-2, <i>Regulations</i> . The Commission should also determine if the amendment will benefit the Town, pursuant to §42 of the Westport Zoning Regulations.

Description of Application

Applicant	Richard Redniss, Redniss and Mead
Requested Action	Text Amendment approval and Special Permit/Site Plan Modification
Purpose	<p>The proposal is to:</p> <ol style="list-style-type: none"> 1. Modify §5, Definition of Special Needs Individuals, to reference U.S. Code 42 U.S.C. §15002 in order to serve a wider range of individuals, and 2. Modify §39A, Inclusionary Housing Overlay District, to permit offsite affordable housing at the discretion of the Planning and Zoning Commission if deemed “superior” to onsite. Criteria for consideration by the Planning and Zoning Commission when reviewing offsite option are also proposed. <p>The proposal also includes modification to Special Permit/Site Plan #16-036 to allow the conversion of the second and third floor of the approved commercial building to house two (2) residential units, minor vertical expansion of the third floor and potential on/off site affordable housing solution.</p>
Location	In §39A-2, Standards for Eligibility, indicate lots must be split zoned Res. AA, A or B and GBD, RPOD, RORD, BPD, RBD, BCD, BCD/H or DDD #2 Non-Residential zoning districts.
2017 Plan of Conservation and Development	<p>Chapter 10, (<i>Guide Residential Development</i>) states:</p> <p>§10.1 Overview-Maintain the preponderance of single-family home, increase housing diversity as to size of units and promote housing affordability;</p> <p>§10.4, Monitor Changing Housing Needs; and</p> <p>§10.5, Continue to Address Housing Needs.</p> <p>Relevant recommendations to achieves these goals include:</p> <ul style="list-style-type: none"> • “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

	<ul style="list-style-type: none"> • <i>“Consider ways of collaborating with public and private organizations in terms of addressing housing needs.” Pg. 85</i> • <i>Continue to address housing needs in Westport (affordable, aged, special needs, ADA). Pg. 88</i> • <i>“Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.” Pg. 88</i>
<p>Recent Zoning History for 785 Post Road East</p>	<p>April 21, 2025 Site Plan/Special Permit PZ-25-00073 adopted to modify Site plan/ Special Permit #16-036 to change retaining walls, grading, landscaping, parking, unit count, retail food area, and office space.</p> <p>March 11, 2025 Variance ZBA-24-00737 granted for excavation and fill work exceeding zoning standards</p> <p>Nov. 3, 2016 Site plan/ Special Permit #16-036 adopted for mixed use commercial and residential</p> <p>April 28, 2016 Map Amendment #712 granted to rezone the property to GBD/A – IHZ. Effective 5/28/16.</p> <p>Nov. 25, 2015 Application submitted to amend the zoning map by placing the Inclusionary Housing Overlay Zone (IHZ) on 785 Post Road East. Application withdrawn February 3, 2016.</p>
<p>Applicable Regulations</p>	<p>§5, Definitions; §39A, Inclusionary Housing Overlay District (IHZ); and §42, Amendment of Zoning Regulations</p>

Background on Housing Opportunities in Westport

Over several decades, the Planning and Zoning Commission has adopted zoning regulations intended to expand housing choice while preserving the Town’s character and integrity. Although detached single-family homes remain the predominant housing type in Westport, the regulations allow for a range of housing types with differing locational and affordability requirements (see memorandum, [Summary of Affordable Housing in Westport, 05-07-25](#)).

Six (6) sections of the Zoning Regulations permit alternatives to providing affordable housing units on-site:

1. §18 – Residence C District (Fee-in-Lieu Option)

[§18, Residence C](#) permits, though it has never been utilized, payment of a fee in lieu of constructing affordable units on-site. Pursuant to §18-17.2, the fee is a one-time cash contribution to a Town-administered housing trust fund and must be paid prior to issuance of a Zoning Permit. The funds are to be used for the construction, rehabilitation, or repair of

housing affordable to low- and moderate-income households meeting C.G.S. §8-30g income limits.

The fee is calculated at 225% of the HUD-published SMSA Median Family Income for a family of four. Applications under C.G.S. §8-30g in the Residence C District are not eligible to elect this option. Illustrative Example:

- On-site requirement: 15% of 37 market-rate units = 6 affordable units (43 units total).
- Fee-in-lieu option: 17.5% requirement = 7 affordable units.
- Minimum on-site requirement: 5% (2 units).
- Off-site obligation: 5 units paid via fee.
- Fee calculation: $\$111,000 \times 225\% = \$249,750$ per unit.
- Total fee: \$1,248,750.
- Fee must yield a minimum of five C.G.S. §8-30g-compliant off-site units.

2. §24A - General Business District/Saugatuck (GBD/S)

[§24A, General Business District/Saugatuck](#), permits off-site deed-restricted affordable housing units as an alternative method of complying with this section, in accordance with C.G.S. §8-30g at the sole discretion of the Planning and Zoning Commission.

- Approval of off-site affordable units is contingent upon a finding that the proposal:
 - Is desirable, and
 - Will further affordable housing opportunities in the Town by producing a greater number and higher percentage of affordable units than would be achieved through on-site construction alone.
- Approved off-site affordable units shall be deducted from the total number of required on-site affordable units.
- All off-site affordable units shall be located within Saugatuck Center, as specifically defined in the regulations.
- As part of this alternative compliance method, at least 50% of the required affordable units within the zone shall be located in the GBD/S zoning district.
- The location and design of off-site affordable units shall be subject to Commission approval.
- Comparability shall be evaluated by the Commission in the aggregate, allowing for offsetting attributes.
- Off-site affordable units shall be additional and shall not displace or replace existing deed-restricted affordable housing units.

There have been two mixed use developments (20 Ketchum /518 Riverside Avenue and 575 Riverside Avenue) under GBD/S but neither requested off site affordable units.

3. §24B – General Business District/Residential (GBD/R)

[§24B, General Business District/Residential \(GBD/R\)](#) permits affordable units to be provided either on-site or off-site. The Commission must condition issuance of a Zoning Certificate of Compliance (ZCC) for the residential project upon dedication of deed-restricted off-site affordable units.

Examples:

- **54 Wilton Road (Res. #18-002, 2018):** Twelve residential units required two off-site affordable units. The ZCC for the project was conditioned on approval of the affordability plan and issuance of ZCCs for the affordable units.
- **Modification (May 9, 2022):** The two affordable units were designated at 44 Church Lane.

4. §32-26 - Adaptive Reuse and Redevelopment of Nonresidential Buildings

[§32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing](#) requires 20% affordable housing, which may be provided on-site or off-site. If all off-site affordability conditions are not satisfied at the time a final ZCC is sought, the Commission may require some or all units to be provided on-site.

Examples:

- 41 Richmondville Avenue ([#PZ-20-00132](#), 2020): Thirty-three residential units required seven affordable units, either on-site or off-site, subject to Commission approval of unit number, location, and design.
- Modification (2021): Designation of five units at 136 Riverside Avenue for Special Needs Housing was approved as superior to on-site affordable housing due to deeper income affordability.

5. §39A – Inclusionary Housing Overlay District (IHZ)

For Assisted Living, Full Care Living, and Independent Living Facilities (ALFCIL), the [39A-18.4, Inclusionary Housing Overlay District \(IHZ\)](#) requires:

- 10% of Independent Living units,
- 5% of Assisted Living units,
- 0% of Full Care units
to be affordable.

The Commission must approve the location and design of the affordable units and condition issuance of a ZCC upon dedication of deed-restricted off-site units.

Example:

- 1141 Post Road East (Res. #18-007, 2018):
 - 69 Assisted Living units required three affordable units.

- Condition #7 required Commission approval of unit location and design prior to ZCC issuance.
- Condition #10 required a \$1,000,000 contribution to the Housing Development Fund, resulting in the purchase and perpetual deed restriction of two homes located at 4 Oak View Lane and 23 Crescent Park Road.

6. §24C-18 – General Business District/Saugatuck Marina (GBD/SM)

Offsite affordable units are permitted in the GBD/SM but required to equal 25% of the proposed onsite market rate units; or onsite affordable units will have to equal 20% of all onsite market rate units.

- a. Offsite compliance shall be satisfied by meeting the following:
 - Units shall be equal to 25% of all proposed market rate units located within the proposed site or the Integrated Site.
 - Fractional units at 0.5 and above shall be rounded up. In any case at least one (1) unit must be affordable.
 - The affordable units shall be located within a quarter mile of a Saugatuck train station house to ensure walkability to the train station.
 - The affordable units shall have finishes and appliances comparable with existing affordable units that have been constructed in Westport since 2017.
- b. Onsite compliance shall be satisfied by meeting the following:
 - Units may be dispersed throughout the Lot or Integrated Site at the discretion of the applicant.
 - Construction quality and materials for onsite compliance shall be consistent with the existing affordable units that have been constructed in Westport since 2017.

A mixed use development project with 14 affordable off site units within a quarter mile of the Saugatuck Train Station property was denied on July 28, 2025, pursuant to Res. #PZ-25-00067.

Proposal/Analysis

- I. [Text Amendment #864 dated 1/9/26](#) proposes to modify §5, Definition of Special Needs Individuals, to reference U.S. Code 42 U.S.C. §15002 in order to serve a wider range of individuals. The proposed amendment broadens and clarifies the definition of *Special Needs Individuals* by:
 - Retaining coverage for individuals who are blind, physically disabled, or have intellectual disabilities under Connecticut General Statutes.
 - Adding individuals who are homeless or at risk of homelessness as an explicitly recognized group.
 - Including persons with developmental disabilities as defined under federal law (42 U.S.C. §15002(8)), regardless of the age at which the disability began.

- Clarifying that individuals residing in Special Needs Housing must be provided supportive services by the Westport Housing Authority, the Town of Westport, or a qualified nonprofit organization.
- Specifying examples of supportive services, including health and employment case management, mental health services, substance addiction services, and employment support.

Overall, this change modernizes and expands eligibility while clearly tying Special Needs Housing to supportive service provision.

[Text Amendment #864 dated 1/9/26](#) also proposes to modify §39A, Inclusionary Housing Overlay District (IHZ), to allow offsite affordable housing, at the discretion of the Planning and Zoning Commission if it determines that the offsite proposal is “**superior**” overall to onsite affordability. “Superior” does **not** need to be met on every criterion, but the overall package must clearly satisfy the Commission.

The amendment provides clear standards and flexibility for off-site affordable housing by:

- Allowing the Planning and Zoning Commission, through a Special Permit, to approve some or all affordable units off-site.
- Requiring the Commission to determine that the alternate proposal is “superior” overall to on-site units, based on a balancing of multiple factors rather than strict compliance with every criterion.
- Requiring off-site units to be administered by a qualified nonprofit, the Westport Housing Authority, or the Town.
- Allowing fee-in-lieu payments, in whole or in part, to approved housing entities or the Westport Affordable Housing Trust Fund.
- Establishing a non-exclusive list of evaluation criteria, including floor area, number of people served, affordability level, location, amenities, moratoria points, and fee-in-lieu contributions.

The [Narrative prepared by Redniss and Mead dated Jan. 9, 2026](#) indicates the following purpose of the proposal:

“it to amend the IHZ regulations to expand the offsite affordable opportunity from just ALFCIL facilities to residential developments only when working with the Town and/or Westport Housing Authority (WHA) and/or other non-profit organizations with expertise in affordable housing. This creates non-profit management experience and expertise as well as opportunities to provide superior housing than what would otherwise be provided onsite: more people served; lower affordability levels; residential amenities (attics, basements, outdoor space, etc.); deed restriction without a 40-year expiration; specialized nonprofit expertise; or other attributes are all potential positive results of this amendment.”

Similar proposals (Text Amendment #848, #852, #854 and #855) have been submitted by the applicant however only testimony was taken on #852 which took place on 5/12/25, 6/23/25 and 6/30/25. The application was ultimately withdrawn.

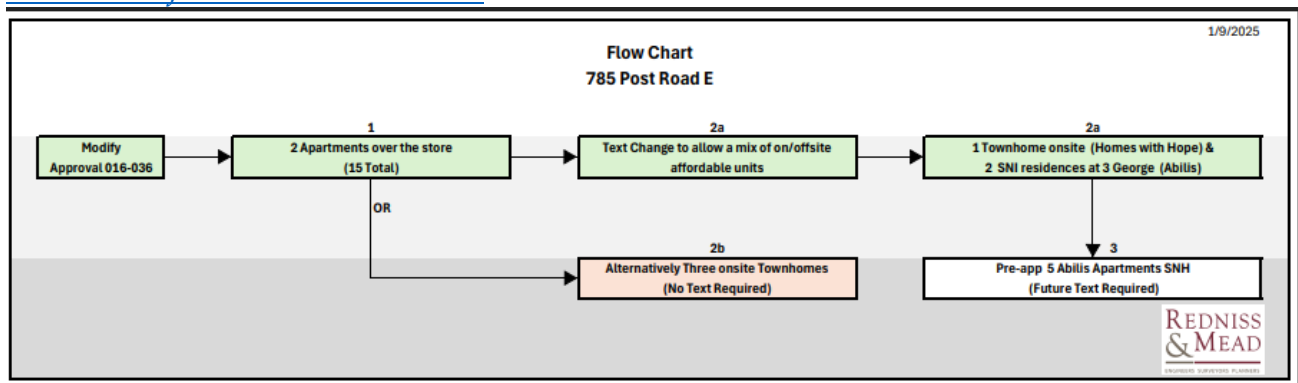
Properties Eligible for IHZ

Planning and Zoning staff analyzed the number of properties eligible for rezoning to IHZ and found there were 48 lots. This analysis does not consider lots that could merge and become eligible.

II. Modification to 785 Post Road East

Mr. Redniss's narrative explains the site proposed to be the beneficiary of the offsite option is 785 Post Road East. The multifamily development at 785 Post Road East was granted Special Permit/Site Plan approval ([Res. #16-036](#)) in 2016 for 14 units with 3 affordable units to be rented. The residential portion of the construction has been completed and the applicant wishes to transition to for-sale condominiums.

Flow Chart for 785 Post Road East



1. The applicant is proposing to convert the second and third floor of the approved commercial building to house two (2) residential units. This would increase the number of units by one unit to 15 with three (3) units required to be affordable. The units will consist of one 2-bedroom unit and one 3-bedroom units. The building will be increased by 500 SF due to the increased height of the 3rd floor.
2. In order to satisfy the requirement that three units be affordable, the applicant is proposing **one** of the following:
 - a. Deed restrict one unit townhome onsite for Homes with Hope and donate the existing 2-family home at 3 George Street to Abilis for Special Needs Individuals. (*Text Amendment #864 must be approved for this proposal*)
 - b. Alternatively if the Commission prefers the affordable units remain onsite only, three (3) townhomes will be deed restricted as affordable and the changes from the approval are proposed as follows:

Approved			Proposed			Change
Location	Beds	SF	Location	Beds	SF	
Multi-Fam Bldg.	1	830	Townhome	2	1,302	+ 472
Multi-Fam Bldg.	2	1,101	Townhome	2	1,302	+ 201
Townhome	2	1,302	Townhome	2	1,302	-
Total	5	3,233	-	6	3,906	+ 673

A [Pre-Application Request for 3 George Street](#) was submitted and will also be discussed on 1/26/26. The lot is a 3,500SF± nonconforming, 2-family home, with 3 car garage, detached commercial garage, garden, and associated landscaping. If encouraged by the Commission, Abilis will then have the option to submit a Text Change to formally convert 3 George into 5 independent Special Needs Housing units similar to 136 Riverside Ave. This is not a part of this Special Permit application and further explained in the accompanying Pre-App.

Comparison of Proposals

	Approved	Proposal 2a	Proposal 2b	Proposal 3
<i>Number of Units</i>	14	15	15	15
<i>Affordable Units Req'd</i>	3	3	3	3
<i>Affordable On-site or Off-Site</i>	3 on-site	1 on-site rental, 2 off-site units (Special Need Housing Group Home)at 3 George St	3 on-site	1 on-site, 5 Special Needs Housing units at 3 George St
<i>Text Amend Req'd?</i>	No	Yes, Amend #864	No	Yes, pre-app only for amendment
<i>Moratorium Points</i>	4.5	3	4.5	9-12 points

Feedback received from local/regional/state departments, agencies, and boards

Following receipt of Text Amendment #855 it was referred for comments to Town departments, regional planning agencies, and the Department of Energy and Environmental Protection (DEEP) as required by State Statutes for any Text Amendment that could impact properties located within 500' of the municipal boundary line and/or properties located within the Coastal Area Management boundary. Comments from [CT DEEP dated 9/16/25](#) indicate they find the text amendment in consistency with the Connecticut Coastal Management Act.

[WestCOG submitted comments](#) dated 9/25/25 concluding it is "the opinion of regional staff that the proposed amendment provides valuable flexibility to the existing Inclusionary Housing Overlay and does not otherwise compromise its efficacy".

The Metropolitan Council of Governments or MetroCOG is a regional planning agency that represents the interests of Towns located east of Westport including Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull. A referral was sent to MetroCOG as properties within 500' of the Westport/Fairfield Town-line could be impacted by the Text Amendment if adopted. [MetroCOG submitted comments](#) undated concluding there is "no regional significance however there may be equity concerns that should be explored in balance with ensuring diversity if housing choices."

Conservation Department [Comments dated 9/19/25](#) indicate their support of efforts to increase affordable housing opportunities in the town in area of town that have public water and sewer and have access to public transit. The comments also encourage Low Impact Development (LID) such as pervious driveways and walkways and the use of rain gardens and swales for runoff.

[Comments dated 12/16/25 from P. Gelderman](#) state "... if the Commission is going to permit off-site affordable housing to satisfy the minimum requirement, there should be some case-by-case discretion to ensure that the proposed off-site location is appropriate. The Commission needs to state the reasons why an off-site location is either appropriate or not. So, as long as the discretion is reasonably exercised and reasons are given (maybe add language that requires the Commission to state its reasons), I think the amendment is probably ok."

The other comments received offered "No Comments," until a specific proposal is received.

Public Participation

The application will be reviewed at a remote public hearing of the Planning and Zoning Commission. The Town of Westport provides access to public hearings in real-time, by live stream on the Town's website, and/or by broadcast television on Optimum Govt. Access Channel 79. Additionally, anyone can join the remote meeting by accessing the meeting link published on the agenda prior to the meeting. Meeting agendas are available at www.westportct.gov on the "[Meeting List and Calendar](#)" web page. A [press release](#) regarding the meeting was prepared by P&Z Staff, distributed to local media, and posted on the Town's website to enhance public participation.

Considerations

The Planning and Zoning Commission acting in their legislative capacity has the authority to adopt, deny, or modify the amendment. The Commission may approve changes to one section without obligation to also approve another section. If the Planning and Zoning Commission adopts the amendment an effective date must be established.

Prior to rendering a decision on the amendment, the Commission should consider the requirements for reviewing a text amendment listed in the Westport Zoning Regulations and the Connecticut General Statutes. §42-3.3 of the Zoning Regulations describes the process for

submission of a text amendment. Words to be deleted shall be bracketed and stricken out and additions shall be underlined. The application as submitted conforms to this requirement.

§42-3.5 requires submission of an Explanatory Statement explaining the need for the amendment and identifying any benefits to the Town. The benefits may be summarized as expanding options within the regulatory framework of the Zoning Regulations to help increase and diversify Westport's housing stock.

C.G.S. §8-2, *Regulations*, requires consideration by the Planning and Zoning Commission that regulations shall be made in accordance with a comprehensive plan (Zoning Regulations and Zoning Map) and in adopting such regulations the Commission shall consider the Plan of Conservation and Development. The amendment appears to be consistent with the comprehensive plan and goals listed in the *2017 Plan of Conservation and Development*, in particular:

Chapter 10, Maintain Residenital Character, which states:

- *“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. Support and encourage non-profit organizations that help address housing needs in ways that maintain the character and integrity of Westport”*. Pg 85
- *“Consider ways of collaborating with public and private organizations in terms of addressing housing needs”*. Pg 85
- *Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developer*. Pg 88
- *“Continue to address housing needs in Westport (affordable, aged, special needs, ADA).”* Pg 88

Department Comments

Aspetuck Health District Director:	Referral sent.
Building Official:	Referral sent.
Conservation Director:	Comments dated 9/19/25 indicate their support of efforts to increase affordable housing opportunities in the town in area of town that have public water and sewer and have access to public transit. The comments also encourage Low Impact Development (LID) such as pervious driveways and walkways and the use of rain gardens and swales for runoff.
Fire Chief:	Referral sent.
Finance Director:	Referral sent.

Fire Marshal:	<i>"The FD has no comment." 9/9/25</i>
HDC/ARB/JC:	Referral sent.
Human Services Director:	Referral sent.
Parks & Rec. Director:	Referral sent.
Police Dept.:	<i>"Westport Police Department has no comments". 9/8/25</i>
Public Works Dept.:	Referral sent.
Town Attorney's Office:	Comments dated 12/16/25 from P. Gelderman state <i>"... if the Commission is going to permit off-site affordable housing to satisfy the minimum requirement, there should be some case-by-case discretion to ensure that the proposed off-site location is appropriate. The Commission needs to state the reasons why an off-site location is either appropriate or not. So, as long as the discretion is reasonably exercised and reasons are given (maybe add language that requires the Commission to state its reasons), I think the amendment is probably ok."</i>
MetroCOG:	MetroCOG submitted comments undated concluding there is <i>"no regional significance however there may be equity concerns that should be explored in balance with ensuring diversity if housing choices."</i>
WestCOG:	WestCOG submitted comments dated 9/25/25 concluding it is <i>"the opinion of regional staff that the proposed amendment provides valuable flexibility to the existing Inclusionary Housing Overlay and does not otherwise compromise its efficacy"</i> .
DEEP:	Comments from CT DEEP dated 9/16/25 indicate they find the text amendment in consistency with the Connecticut Coastal Management Act.

Materials are Available in the File and Online on the Town's website [here](#):