

# STATEWIDE ZONING PROPOSALS

THE IMPACT ON WESTPORT

# ZONING 101: CURRENT STATE LAW

10% of their housing deed restricted  
affordable

- Only 31 of CT's 169 towns are compliant with 8-30g
- In towns that aren't compliant, developers can bypass local zoning rules regarding height, density and location if their proposed project is at least 30% affordable.
- 8-30(j) is a newer statute that requires all towns to create an affordability plan every five years.
- The first Affordability plan is due next Summer

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## WESTPORT HAS A LOT TO REPORT IN OUR AFFORDABILITY PLAN

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There has been a town-wide effort to thoughtfully and deliberately diversify housing in Westport. This effort has involved the P&Z, the Board of Selectman, the Westport Housing Authority and TEAM Westport.

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Several hundred new mixed income apartments have been approved & built in the last few years. All of these buildings are at least 20% affordable on site or provided funds for deed restricting other Westport homes.

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The P&Z Affordable Subcommittee has partnered with the Board of Selectman and the Westport Housing Authority to spearhead the development of a new affordable community for families in central Westport.

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Westport has a new regulation expanding opportunities for deeply affordable semi-independent units for adults with special need.

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The P&Z Affordable Subcommittee voted unanimously to eliminate Westport's multifamily cap and permit freely rentable accessory apartments and accessory dwelling units. This ADU text amendment is in front of the full P&Z this Thursday.

# WHO LIVES IN ALL THE MIXED INCOME NEW APARTMENTS?

~~ALL THE PEOPLE WE WANT TO ATTRACT TO OUR TOWN~~

Young people! 30% of the residents at 1177 Post Road East are under the age of 30.

People who work in Westport, including school admins (like one of our elementary school principals!), teachers and other municipal employees.

Seniors who have sold their homes in Westport and want to stay in town.

Seniors who moved to Westport to be closer to their adult children and their families.

People looking to purchase a home here...it's tough out there in this market!

New people who have just discovered Westport and didn't have the opportunity to live here before.

**THESE BUILDINGS AREN'T  
POPPING UP BY DEFAULT, THE  
P&Z COMMISSION HAS  
PLANNED – HAS DESIGNED –  
WESTPORT'S REGULATION TO  
PROMOTE A NEW DIVERSITY  
OF HOUSING HERE. THIS  
PROCESS STARTED YEARS AGO  
WITH ELLIE LOWENSTEIN. THE  
FIRST IHZ PROJECT WAS  
APPROVED UNDER CATHY  
WALSH'S LEADERSHIP.**

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# HB 6107: UPDATING ZONING & AFFORDABILITY PLANS

## PART OF THE HOMEJECT AGENDA

### Section 1

Requires updates to zoning codes to promote housing diversity, protect the environment and affirmatively further the Fair Housing Act. Eliminates the use of “character” in zoning decisions.

### Section 2

Firms up requirements for creating and publicizing the 8-30(j) Affordability Plans for review & comment.

### Section 3

Creates a working group to make recommendations for compliance with updated zoning requirements and the 8-30(j) plans.

## SPECIFIC CONCERNS FOR WESTPORT

- Concern #1 Language (in line 106) requiring towns to provide a process for transferable development rights (like air rights in NYC) should be eliminated.
- Concern #2 The working group in Section 3 must be truly inclusive of stakeholders including representatives from small town and suburban planning boards, different regions in CT and experts in sanitation, conservation & soils. Let's start from a place of yes together with the understanding that the solution to a problem in A town doesn't necessarily work in EVERY town. Nuance has been missing. Let's use this opportunity to modernize how we plan for affordability.
- Not a Concern: The Westport P&Z DOES NOT look to "character" when making zoning decisions.

# HB 6611: THE FAIR SHARE PROPOSAL

## SPONSORED BY THE OPEN COMMUNITIES ALLIANCE

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- This bill assesses the regional need for affordable housing and allocates that need to each town in the region as their “fair share”. Our region spans the coast and a beyond the Merritt from Greenwich to Bridgeport.
- Each town must create a 10-year plan based on their allocated “fair share” and must file this plan with the state.
- The allocation is based on four factors: (i) median income, (ii) percentage of multifamily, (iii) equalized grand list and (iv) poverty rate. The “fair share” is capped at 20% of the overall units in a town.
- If approved, the plan can be filed with the courts for approval and a certificate of compliance.
- Towns must check-in every few years to confirm benchmarks have been met.



## POSITIVES FOR WESTPORT IN THE FAIR SHARE PLAN

- It allows towns to plan for affordability where and how they choose.
- Points are awarded for supportive housing (missing from 8-30g) and for senior housing (disincentivized by 8-30g). Multiple points are earned by 2 and 3 bedroom units.
- The certificate of compliance is a little like the 8-30g moratorium in that towns get a multi-year reprieve from applicants bypassing local regulations.
- It is driven by a focus on creating affordable and deeply affordable units.
- Almost every town & city is assigned a fair

## NEGATIVES FOR WESTPORT IN THE FAIR SHARE PLAN

- Westport's allocated "fair share" is about 1800 affordable units.
- In Westport approximately 8 market rate units are created for every 2 affordable units so this means approximately 9000 additional units overall over 10 years, almost doubling the size of the town! To put it mildly, this is an unrealistic goal.
- The bill eliminates the need for legal standing in lawsuits and broadly defines the "aggrieved parties" that can sue to question the plan to include anyone income eligible for a "fair share" unit (even if they, like a student, have no intention of moving to a town), any developer (even if they don't own land in a town), a neighboring town with a compliance certificate and nonprofits.
- The certificate of compliance issued by the court isn't really a safe harbor as "aggrieved parties" can

# CAN THE FAIR SHARE PLAN WORK FOR CT: SIGNIFICANT CHANGES ARE NECESSARY

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Regional need must be balanced by an assessment of local capacity for redevelopment, realistic understanding of sewer capacity, soils, environmental conditions and infrastructure constraints.

The 20% cap isn't helpful because affordable units aren't created without many, many more market rate units. The cap must be realistic and should relate to overall units created.

The idea of an "aggrieved party" concept to replace legal standing is deeply flawed and should be eliminated entirely. Legal standing exists for a reason as a bedrock principal.

The current bill asks towns to pay legal fees for prevailing parties. This should be reciprocal. Town legal fees aren't paid by some corporation, they are paid by taxpayers.

This needs far more study but there's a value in finding a more modern framework to replace 8-30g and the proponents have a lot of credibility as advocates.

# SB 961: INCREASING SEWER CAPACITY

- This bill relates to sewers and alternative septic systems – who regulates them and what capacity should look like.
- The purpose is increasing sewer and alternative waste systems increases the opportunity for development and density.
- I am not a sanitary engineer or sewer expert.
- Conservation directors, health district directors & sanitation experts need to be heard on this proposal.
- The actual experts on the ground – in different towns -should weight in about what sewer capacity makes sense for smart, sustainable planning given local conditions.

# SB 1024: ZONING CODE CHANGES, ACCESSORY DWELLING UNITS & MODEL ZONING CODE

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- The original version of this bill included “as of right” smaller multifamily complexes, without parking, in certain areas of every town and city in CT. This language was removed by the P&D Committee showcasing how the process can work. Many testified that these proposals– that may work in A town but don’t work in ALL towns – were flawed and the Committee opted to remove these elements from the bill.
- I want to compliment our team of legislators: Rep. Thomas provided terrific testimony at the P&D committee. Rep Steinberg graciously allowed me his “time” for my testimony and shared his own concerns in 30 seconds. Senator Hwang worked hard (for 24+ hours straight!) to ensure that we, and many other constituents, were heard.
- I want to compliment Chair Cristin McCarthy Vahey and all the P&D members for their marathon 24 hour hearing mostly on this proposal. It’s encouraging to see the system work and the responsiveness of legislators.

## SB 1024: FEEDBACK ON THE REVISED LANGUAGE

- Sec. 4 contains many different requirements for updating zoning codes, these require close review. HB 6107 accomplishes a lot of the same but in simpler, easier to understand language that's less prone to leading to litigation.
- Sec. 5 relates to Accessory Dwelling Units. The language works with Westport's proposed regulation except the requirement in Line 383 that requires detached ADUs and single family homes share the same standards re height, design, landscaping, etc.
- RE Sec. 5, Westport's proposed regulation is carefully crafted to relate height to design (i.e. ADUs with peaked roofs can be higher than those with flat roofs) and we exempt ADUs from benefitting from the height bonus awarded FEMA compliant homes in the flood zone. I've included photos on the next slides to illustrate the issue clearly.
- Sec. 7 forms a working group to create opt-in model zoning regulations. Again, this group must be inclusive of stakeholders and experts. Lack of representation will lead to a flawed result.
- Secs. 9 - 11 Speak to sewers and alternative wastewater systems. Again, these sections must be thoroughly vetted by both state and local conservation, health district and public works experts who are trained to evaluate whether these proposals are reasonable. Feedback thus far suggests major issues.

EXAMPLE OF ADU STYLES PERMITTED BY WESTPORT'S PROPOSED REGULATIONS. ONLY ONE ADU OR ACCESSORY UNIT WILL BE PERMITTED ON ANY PROPERTY AND THE DETACHED ADU ONLY IF COVERAGE ALLOWS (THOUGH SMALLER PROPERTIES RECEIVE A COVERAGE BONUS TO ENCOURAGE ADUS).

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FLAT ROOF ADU HEIGHT LIMITED TO 16 FEET OVERALL



SLOPED ROOF ADU HEIGHT LIMITED TO 26 FEET OVERALL



## OTHER NOTABLE BILLS INCLUDING TRANSPORTATION

- SB 1026: Training for commissioners. Requires five hours of training within a year of election or appointment.
- “Dummy Bills” – Two open concept bills were advanced with no text. The legislators can provide context to understand their purpose.
- HB 6570: This bill advanced through the Transportation Committee, chaired by Senator Will Haskell
- Gives the DOT discretion to choose five properties near transit for a RFI for possible development.
- Requires towns, as part of their 8-30(j) plans, to include ideas for development of mixed income or affordable housing on five state or town owned lots. Follows the template created by Westport’s P&Z & BOS at West Parish. Terrific tool for the P&Z and community looking broadly at crafting Westport’s affordability plan.