

Memorandum

To: Mary Young, Deputy Planning and Zoning Director

From: Michelle Perillie, Planning Assistant

Date: October 7, 2010

Re: Baron's South Property, 60 Compo Road South (PID #D09046000) - History

<i>Date</i>	<i>Application</i>	<i>Action</i>
July 15, 2010	Pre-Application meeting with the P&Z Commission to discuss construction of housing on Barons' South.	
Sept. 2005	An §8-24 Request for lease of 68 Compo Road South for temporary housing for a family rendered homeless by Hurricane Katrina.	Withdrawn
July 7, 2005	Text Amendment #548 adopted changes to add §32-17, Affordable and Middle Income Housing on Town Owned Property.	Approved
May 13, 2004	Zoning Permit #33262 issued for one-sided free-standing sign for special permit "Westport Center for Senior Activities - Town of Westport".	ZCC not issued.
Mar. 14, 2003	Zoning Permit #32256 issued for 2-story Senior Center with partial cellar and unfinished 2 nd floor.	ZCC 7/28/10
Feb. 27, 2003	Modified Res. #01-078 in response to Superior Court memorandum of decision dated January 7, 2003, in reference to the case of Robert P. Scholl vs. Westport Planning and Zoning Commission; the Superior Court Judge modified Resolution #01-087 with respect to Condition #17. The Judge's modification instead required submission to the Planning and Zoning Commission at a public hearing of a revised traffic report analyzing whether the application has complied with subsection (d) of §44-2.5 of the Westport Zoning Regulations by providing for "the improvement of said inadequate condition."	Mod- ification
Jan. 3, 2002	Site Plan Application #01-078 submitted for Special Permit/Site Plan approval to construct Senior activities center: one (1) story building with partial basement, parking & landscaping on Town of Westport property. Lawsuit subsequently filed by neighbor Bob Scholl.	Approved
Dec. 19, 2002	Positive §8-24 Report regarding the leasing of 52 Compo Road South and 70 Compo Road South. Negative report for leasing 68 Compo Road South.	Positive/ Negative
Jan 3, 2002	Positive §8-24 Report regarding the construction of the proposed Senior Center.	Positive
Dec. 20, 2001	Positive §8-24 Report regarding the demolition of the building at 23 Imperial Avenue to provide a safe vehicular entrance to the Baron's South Property, and the proposed Senior Citizens Center.	Positive
June 21, 2001	Positive §8-24 Report regarding the demolition of the building at 23 Imperial Avenue to provide a safe vehicular entrance to the Baron's South Property, and the proposed Senior Citizens Center.	Positive

Feb. 17, 2000	Positive §8-24 Report regarding leasing of one of the existing buildings on site for an apartment, plus use of other buildings for various storage requirements.	Positive
Mar. 13, 1997	Positive §8-24 Report recommending that the Town acquire the property. One of the Findings of that report was <i>"The buildings on the site may lend themselves to reuse for certain Town functions."</i> Another recommendation noted that <i>"Future development of the property will require further reviews by the Planning and Zoning Commission. A master plan should be developed for the entire site."</i>	Positive
April 1997	An §8-24 Request to purchase the entire parcel and then sell eight (8) acres of the Baron's South property was withdrawn at the Public Hearing.	Withdrawn

Attached:

- Text Amend. #548, approved 7/7/05
- Res. #01-087, approved 2/27/03
- Res. #01-087, approved 1/3/02
- §8-24 Report, approved 1/3/02
- §8-24 Report, approved 12/20/01
- §8-24 Report, approved 6/21/01
- §8-24 Report, approved 2/17/00
- §8-24 Report, approved 3/13/97

Memorandum

To: Members, Planning and Zoning Commission

From: Mary Young, Deputy Planning and Zoning Director

Date: October 19, 2010

Re: §8-24 Request for Conceptual Use of Town-Owned Property known as Baron's South, 60 Compo Road South, Map D09 Lot 46, Zone Res A, GBD, and RPOD

I. DESCRIPTION

A. §8-24 Request

The First Selectman is seeking conceptual approval for use of Town-owned property located at 60 Compo Road South a.k.a. Baron's South, for a senior living community. This request was submitted to the Planning and Zoning Commission on 10/8/10 and must be responded to within 35 days or by 11/12/10 pursuant to §8-24 of the Connecticut General Statutes. An approval is required from the Planning and Zoning Commission (or a 2/3 vote of the Representative Town Meeting if a disapproval is issued) for any Municipal Improvement pursuant to C.G.S. §8-24 that states:

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefore shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, public ways or buildings.

B. Property Description

Baron's South is Town-owned property, 22+ acres in size, and centrally located in Westport. It is situated between Imperial Avenue, Post Road East, and Compo Road South. Vehicular access is currently available from both Imperial Avenue and Compo Road South. Trails and limited access roads also exist on Baron's South.

The property is a Through Lot as defined in the Westport Zoning Regulations as it has frontage on more than one street. The "Official Building Zone Map" shows the majority of the lot is located in the Res A zoning district with a small area on the west side located in the Restricted Professional Office District (RPOD), and a small area on the north side located in the General Business District (GBD).

Portions of Baron's South lie in the Coastal Area Management (CAM) zone; the eastern area adjacent to Compo Road South is outside the CAM zone. The property is predominantly located outside any floodplain (Zone X), with a small percentage located in the 500-year floodplain and 100-year floodplain (AE 10', MSL) adjacent to Imperial Avenue, according to the Town's Geographic Information System (GIS).

Baron's South is outside the Waterway Protection Line Ordinance (WPLO) jurisdiction and does not contain inland wetlands or watercourses, according to the "Map Showing Approximate Location of Wetlands and Watercourses Boundaries Under the Jurisdiction of the Conservation Commission of the Town of Westport." A "potential" wetland area is shown on conceptual development plans for the property prepared by Weston and Sampson. This area appears to require further study by a soil scientist to confirm if it is an area regulated by the Conservation Commission.

Baron's South contains steep slopes and rises over one-hundred feet in elevation from west to east, from a low of El. 12', MSL along Imperial Avenue, to a high of El. 116', then descends again to El. 80' along Compo Road South. The property is heavily wooded and contains many mature trees.

Baron's South is improved with multiple detached residential buildings (#52-72 Compo Road South) located on the east side, and a 11,000 +/- SF building occupied by the Westport Center for Senior Activities (a.k.a. the "Senior Center") and parking lot, located on the west side of the property. Two (2) of the residential buildings are listed on the Historic Resources Inventory (HRI); 52 and 72 Compo Road South. HRI inventories however are not available for these buildings and clarification is required from the Historic District Commission to confirm which buildings are "Historic."

The residential buildings are served by individual septic systems. The Senior Center building was built less than 10 years ago and is connected to the Town sewer available on Imperial Avenue. Some of the residential buildings are currently occupied others are vacant. The Parks and Recreation Department reports the following uses for the residential buildings as of 10/14/10:

- 52 Compo Road South - Currently being offered for rental housing
- 52 ½ Compo Road South - Occupied rental housing
- 68 Compo Road South - Storage for the Westport Library and United Nations Day
- 70 Compo Road South - Vacant
- 72 Compo Road South - Storage for the Department of Public Works

Maps of the Baron's South property exist and include a survey prepared by David Laferrere, dated 2/2/04 attached herein, and a GIS generated map available in the §8-24 application file that additionally shows topography on site.

C. Project Description

Creating a unique senior living community is the vision proposed for Baron's South. The project narrative describes a conceptual development including an Independent Living Facility (ILF) and a Skilled Nursing Facility (SNF) to complement the Westport Center for Senior Activities located on site at 21-23 Imperial Avenue. The ILF will consist of below-market rate rental units designed to address the growing need for affordable senior housing. Assisted living services will be accessible for those residing in the ILF, but there will be no separate assisted living facility. The SNF is a medical facility that provides skilled nursing care and is designated for those who require constant nursing care and have significant deficiencies with activities of daily living. The proposed senior living community is designed to allow seniors to live independently, receive assistance within their own units, and utilize skilled nursing on the same campus. The vision once implemented is intended to allow aging in place and allow couples to stay together.

To help make the project financially viable it is proposed the Town will donate the land and partner with a development team that will include a non-profit service provider. Contributing Town-owned land to provide affordable housing and continuing health care for seniors is proposed to address a growing need that is not currently being met due to the high costs of land in Westport.

The overall objective of the project is described as:

"To use town owned property to retain our seniors, whose contribution to the Town has been invaluable and impossible to calculate. The core of this concept is to use a Town resource to fulfill a critical town need-to provide affordable housing for our seniors with the assurance of continuing care."

Independent Living Facility

The project narrative describes the Independent Living Facility (ILF) as a 66-unit senior housing development of which at least 60% or 40 units will be Affordable pursuant to Connecticut General Statutes §8-30(g), and the remainder will be Workforce, available to persons earning no more than 110% of the Area Median Income, see attached *Memorandum on Maximum Rental and Income dated 10/14/10* for current figures on eligible incomes for affordable and workforce housing units. Income and asset testing will be utilized to determine eligibility according to the project description. The project vision is to provide housing choices for Westport seniors, as well as non-residents, in accordance with the Fair Housing Act.

A Conceptual Development Plan prepared by Perkins Eastman Architects shows construction of a building to house the Independent Living Facility (ILF) that will be accessed from Compo Road South, see attached plan dated 5/27/10. The project narrative describes the ILF building will be integrated into the sloping site and:

- Contain 66 apartments with 900 SF and 1,100 SF, 1-bedroom and 2-bedroom units, plus common spaces, storage spaces, and maintenance facilities;
- Have two identical 3 ½ story wings, each with 10 apartments per wing or 20 apartments per floor with 6 apartments located on the 4th floor or ½ story;
- Include five (5) levels with a ground floor and four (4) levels above, and elevator;
- Measure 45' tall from the 1st floor to the peak, with the ground floor 11-12' below;
- Provide for a 66-space underground parking lot (or structured parking depending on final building design and site layout), plus 33 surface parking spaces; and
- Consist of 118,900 SF in floor area, and comprises 29,650 SF in building footprint.

Skilled Nursing Facility

The project narrative describes the Skilled Nursing Facility (SNF) will contain 84 beds with priority given to the Independent Living residents and Westport residents. The design is based on a "household" model with dedicated households or pods for short term rehabilitation, advanced dementia, and hospice care. Six (6) households are proposed. The households may have designations such as Memory Care/Dementia, Chronic Care, or may be a combination of residents with different needs. At least one of the households will be dedicated to short-term rehabilitation for those in need of post-acute hospitalization care. Another household will be dedicated to those who are receiving palliative/ hospice care services. The remaining four (4) households will be dedicated for long term care, where people move in with the expectation of being there for the balance of their lives.

Fourteen (14) private rooms will be located in each household for fourteen (14) individuals. Each household, like a private home, will have a kitchen, dining room, living room, balcony or porch and support space (laundry room, den). Each household is additionally proposed to have sufficient staff to meet the medical and social needs of the residents.

The Conceptual Development Plan prepared by Perkins Eastman Architects dated 5/27/10 shows the Skilled Nursing Facility (SNF) located in three (3) new buildings designed in an array around the existing Mansion building (68 Compo Road South) and connected to the Mansion building by a common lobby. The Mansion building is proposed to be renovated as common space for use by the residents and their guests. The project narrative further describes the SNF building as:

- Including three (3) households on each of the two (2) floors (with each household containing 14 private rooms equivalent to 42 beds per floor); with a lower level for some parking, mechanical and staff facilities, and a kitchen that will prepare or receive, reheat and deliver pre-prepared meals to each of the "houses;"
- Measuring 2-stories and 35' tall from the 1st floor to the peak with the ground floor 11-12' below; and
- Providing a 70-space underground parking lot (or structured parking depending on final building design and site layout), plus 12 surface parking spaces; and
- Consisting of 114,875 SF in floor area (14,400 SF Mansion + 100,475 SF new construction), and 43,325 SF in building footprint including the Mansion.

What It's Not

The project is proposed as unique and can be distinguished from other senior living communities available in Fairfield County (see project narrative for a description of these related facilities and the services they offer). The project narrative identifies the proposal is not attempting to duplicate or compete with these existing facilities. The proposed senior living community will provide affordable rental housing and skilled nursing care and will offer Westport seniors and others a continuum of care. The conceptual plan for a senior living community at Baron's South is:

- Not an Assisted Living Facility (ALF);
- Not a Continuing Care Retirement Community (CCRC);
- Will not require residents to sign contracts agreeing to continuum of care; and
- Will not requiring residents pay entrance fees or life care fees.

II. BACKGROUND

A. History-Property Use:

The Town-owned property known as Baron's South is part of the former estate of Baron Walter Langer von Langendorf of Evyan Perfumes. The property was acquired by the Town of Westport in 1999 according to the project narrative, and may be used for general municipal purposes; it is not dedicated open space.

i. Prior reviews by the Planning and Zoning Commission for use of the property.

The Planning and Zoning Commission issued a Positive §8-24 Report for acquisition of Baron's South in 1997 and included the following finding:

"The buildings on the site may lend themselves to reuse for certain Town functions."

The Commission also made the following recommendation in their §8-24 Report:

"Future development of the property will require further reviews by the Planning and Zoning Commission. A master plan should be developed for the entire site."

The Planning and Zoning Commission has reviewed multiple §8-24 Requests for use of the property since its' acquisition as described in the Zoning History prepared by Michelle Perillie dated 10/7/10, attached herein. Site Plan/Special Permit approval was granted by the Planning and Zoning Commission in 2002 pursuant to Res. #01-087 for construction of the Westport Senior Center. Positive §8-24 Reports were issued by the Commission over the past ten (10) years for use of some of the five (5) residential buildings (Unit #'s 52, 52 ½, 68, 70, 72 Compo Road South). The Commission in 2001 issued a Positive Report for use of the building at 70 Compo Road South to the Department of Public Works for storage. A Negative Report was issued by the Commission in 2002 for residential leasing of 68 Compo Road South, known as the "Mansion." A Positive Report was issued for residential leasing of the buildings at 52 and 70 Compo Road South in 2002. Other uses of the property include book storage by the Westport Library in the Mansion, and canine training by the Westport Police Department.

Most recently a Pre-Application Meeting was held in July 2010 wherein the First Selectman presented to the Planning and Zoning Commission the concept of using the Baron's South property for senior housing and a skilled nursing facility. This forum provided an opportunity for dialogue between the First Selectman and members of Planning and Zoning Commission about the project; it was not a regulatory review, and pursuant to C.G.S. §7-159b, neither the plans nor ideas presented nor comments made by any Commissioner are binding on any application subsequently submitted. The Pre-Application Meeting process does not provide a forum for public comment.

ii. Master Plan for use of the property.

~~A Master Plan was prepared in 2007 on behalf of the Board of Selectman by the firm (Weston and Sampson) for Jesup Green and Baron's South. The Plan was prepared to:~~

"Evaluate the existing Baron's South and Jesup Green properties and develop a master plan that will result in the best use of each property while balancing the overall needs and priorities of the Town of Westport."

During the completion of the Master Plan the Town also requested Weston and Sampson evaluate Winslow Park for possible development associated with the Westport Weston Family Y.

The Master Plan for Baron's South was limited in its' evaluation of potential uses due to the existing conditions of the property. The consultants offered the following explanation for refining their study:

"The development of the property should protect the existing resources to the extent practical and look to work with the existing site elevation changes. This type of development will eliminate clear cutting of the trees on the property and will blend more readily into the residential development that bounds the site on the south, east, and west. For these reasons, intensive developments were not considered prudent for the development of the Baron's South property."

The Master Plan identifies the following development concepts were evaluated:

- Fire, Police, EMS, and Animal Control Facility;
- Westport Weston Family Y; and
- Housing including Senior Housing, Work Force Housing, and Mixed Income Housing.

The evaluation performed by Weston and Sampson in 2007 did not contemplate a Skilled Nursing Facility at Baron's South at that time.

The Master Plan concludes with the recommendation that development of housing is the best use of the property. Eight (8) alternative housing development layouts were included in the appendices for consideration with one (Conceptual Layout H), identified as the preferred alternative. The Plan also identifies the following items should be addressed to allow for any housing project to move forward:

- *"The method of development and funding sources need to be identified. The funding source and method of development may impact the mix of housing required.*
- *The present layout and building selection may not be compatible with the Residence District AA requirements. The Senior Housing buildings and the Mixed Income Housing need to be reviewed along with the zoning regulations to determine what method would be most appropriate to obtain site plan approval.*
- *Preliminary designs of the housing needs to be completed to refine the conceptual layouts presented and make a final determination on the type of buildings, number of units, layout of roadways and parking areas.*
- *Traffic analysis needs to be completed to verify that the proposed driveway entrances and roadways will be acceptable and roadway improvements, if any, identified.*
- *Evaluation of the downstream sewer is needed to verify capacity. The Town has indicated that the wastewater generated from the development should not impact the downstream sewer and pump station, but want to verify this conclusion.*
- *Verification of available service for electric, water and gas (if required) should be completed and obtained in writing.*
- *Determination of the ramifications of the remaining environmental issues identified in the report and how they will effect the development. This process would be identified as the preliminary design is complete."*

B. 2007 Town Plan of Conservation and Development:

Goals are contained in the 2007 Town Plan of Conservation and Development that support both preservation of and improvement to Town-owned land. The Plan documents there are competing needs and limited resources in Town. The Preface to the Plan states it is, "Intended to serve as a guide to enhance the quality of life and the community character of Westport."

Specific references to future use of Baron's South include the following:

- *"A plan should be created for Winslow Park." Pg. 7-10*
- *"Integrate Baron's South and Winslow Park with easy access, outdoor art, eating areas, and other beautification improvements, with a clear separation between people space and dog space." Pg. 7-10*
- *"Any improvement of Baron's South and Winslow Park should be done in a fashion that endeavors to preserve their natural beauty and terrain." Pg. 7-10*
- *"Encourage public access to Baron's South and Winslow Park with improved parking at both facilities." Pg. 7-10*
- *"Review the 2007 Weston and Sampson report and consider its recommendations as the Town determines appropriate land uses for the Baron's South/Jesup Green area." Pg. 7-16*
- *"To expand the utility of the Baron's South property the Town should consider acquiring properties along Imperial Ave. and the Post Rd." Pg. 9-24*

The Town Plan contains some more general goals and objectives that are not site-specific, but may additionally be considered when reviewing whether the proposed project for a senior living community at Baron's South is consistent with the 2007 Town Plan of Conservation and Development.

The following goals, objectives, and strategies are listed in the 2007 Town Plan to meet the challenges and needs Westport may face during the next decade and beyond:

- *"Preserve and enhance open space and create pedestrian connections within and between open space areas." Pg 4-1*
- *"Preserve historic structures and other significant amenities in order to retain Westport history over time." Pg 4-1*
- *"Assure that Westport, as it changes, retains a sense of community, beauty, and history." Pg 4-1*
- *"Preserve open space and greenways. It will help protect natural resources; provide flood storage, wildlife habitat, and tree canopy; enhance overall community appearance; and enhance the quality of life of residents and visitors." Pg 4-2*
- *"Acquire and Maintain Open Space. Along with the preservation of open space for active and passive recreation is the enhancement and maintenance of the land. The Parks and Recreation Commission and Department should make all of their recreation areas welcoming and available with adequate signage, parking areas, vegetation and appropriate facilities for their designated uses. Funds must be provided to develop and maintain these properties. Consider zoning additional parcels of land as park zones, some for passive use and others for active use, in order to help protect their use as open space." Pg 4-4*
- *"Protect and Enhance Scenic Resources." Pg 4-6*

- *“Protect Historic Resources. Westport must protect its inventory of significant historical properties from destruction or architectural degradation by employing the full range of methods available to protect and enhance Westport’s historic and cultural resources.” Pg 4-8*
- *“Protecting residential neighborhoods is a fundamental philosophy of the Plan. To implement this policy:*
 - *Residential neighborhoods will continue to be protected from the intrusion of commercial activities.*
 - *Boundaries between residential neighborhoods and non-residential zoning districts shall remain clear.*
 - *Transitions from residential neighborhoods to non-residential zoning districts should be logical and have appropriate buffering, as necessary.*
 - *Regulations protecting residential districts and zoning standards must be maintained, strengthened, improved where needed, and enforced.*
 - *Special Permit uses in residential zones must be reviewed to ensure that they are still suitable for neighborhoods, especially since so little undeveloped property remains.*
 - *Review Special Permit criteria and enforce the Special Permit standards to meet the regulations. Pg. 5-2*
- *“It is a goal of this Plan to seek ways to expand the variety of housing choices and options of Westport in order to help meet the needs of existing and future residents while maintaining the character and integrity of the town.” Pg. 6-1*
- *“Westport should continue efforts to help seniors who may not want or need large single-family houses to remain in Westport and to provide opportunities for others. Since single-family detached housing may not meet the needs of all people, the Plan recommends that Westport explore ways to diversify the housing portfolio of the community.” Pg. 6-2*
- *“Future planning must recognize the relationship between adding to housing supply and the effect on traffic congestion, increased demand for services and manpower, increased enrollment in the schools, over-crowding at the beaches and other municipal facilities and the impact on the overall quality of life for residents of Westport.” Pg. 6-2*
- *“Promote housing affordability. As Westport works toward providing more housing choices, it will do so in ways that are appropriate for the community and that protect the public health and safety. In addition, Westport will consider ways of integrating affordable, workforce, and market rate housing in future projects in partnerships with public and private organizations.” Pg. 6-3*
- *“Require that all housing construction in Westport either provide affordable housing units or pay into an affordable housing trust fund.” Pg. 6-4*
- *“Consider requiring that any multi-family development provide affordable housing units.” Pg. 6-4*
- *“Strategies giving priority to residents and Town employees should be established to ensure affordable housing serves the needs of Westport.” Pg 6-4*
- *“Create a vigorous program for obtaining and retaining land for municipal requirements, recreational purposes, and open space buffering to assure that future needs will be met as available land diminishes.” Pg. 9-1*

- *"Expand Utilization of Existing Sites:*
 - *Be cautious about disposing of existing facilities since such facilities may be desirable for future community needs.*
 - *Acquire land adjacent to existing facilities when it would provide a reasonable opportunity or flexibility to address community needs.*
 - *Consider modifying the zoning regulations to allow municipal facilities to have greater coverage (building and impervious) through a Special Permit." Pg. 9-7*
- *"Promote Sustainable Initiatives and green strategies, including:*
 - *Preserve to the greatest extent possible, existing mature forested areas.*
 - *Promote tree planting, other plants and ground covers on Town property. Encourage this practice in private and commercial spaces." Pg. 11-5*

The Baron's South property is shown on the following maps contained in the 2007 Town Plan of Conservation and Development:

- The property is designated as "Municipal" on the "*Existing Land Use Map.*"
- The property is depicted as a "Scenic Area" on the "*Scenic Resources Map.*"
- The property is located in the "Open Space Primary Area," on the "*Open Space and Greenway Plan.*"
- The property is located in the "Coastal Area" on the "*Coastal Resources Map.*"
- Portions of the property are located in "Westport Center," as shown on the "*Westport Center Map.*"
- The property is located in a "Priority Sidewalk Area" on the "*Bicycle and Pedestrian Plan.*"
- The property is identified as "Other Municipal Use" on the "*Municipal Facilities Map.*"
- The property is within the "Sewer Limit Line" on the "*Sewer Service Plan.*"
- The property is within the "Existing Public Water Service Areas" on the "*Water Service Plan.*"
- The property is designated as "Municipal Facility/Institutional" on the "*Future Land Use Plan.*"

C. Development Potential:

The Westport Zoning Regulations permit development at Baron's South for any:

- Principal residential use pursuant to the Res A district regulations listed in §13;
- Special Permit use pursuant to §11-2.2; and
- Special Permit Uses subject to Special Conditions pursuant to §11-2.3 and §32.

The 22+ acre property is also eligible for subdivision. A surveyor could identify how many building lots may be possible in a conventional or open space subdivision that meet the Res A half-acre minimum lot area requirements, the 100' x 150' lot shape requirements, the 20' street frontage requirements, and after deductions are taken for areas containing steep slopes and any wetlands.

The Westport Zoning Regulations currently limit the measurement of development potential at Baron's South to land located in the Res A district. Land located in the GBD and RPOD districts may not be used for purposes of demonstrating compliance with the underlying zoning district requirements.

III. ANALYSIS

Municipal land is used for purposes of providing for the general welfare of a community. Recreational facilities, public parks, and schools are some of the more common uses of municipal land. Traditional thinking on how municipal land should be used is expanding to facilitate the evolving needs of communities. The project narrative cites examples throughout Fairfield County wherein municipal land is being used to address the growing regional housing and healthcare needs of its' citizens.

Housing Needs in Westport

The project narrative describes there is a community need for below market rate housing in Westport. Many seniors, young families, teachers, and others are currently "priced out" of living in town. The waiting list for below market rate dwelling units far outweighs the available supply according to the Department of Human Services.

The State of Connecticut also recognizes the need for more below market rate housing. The State established a goal that 10% of the housing units in each municipality shall be affordable. Communities that do not currently meet the 10% goal are subject to the Affordable Housing Appeals Procedure, or Connecticut General Statutes §8-30(g), a statute that impacts the way courts review municipal zoning decisions affecting affordable housing projects. If a municipality does not have 10% of their housing units designated as affordable, a developer denied an opportunity to build affordable housing by local authorities, may appeal the rejection in court and the burden of defense is placed on the municipality. Under the appeals law, the judge must determine whether the town's reasons for its denial "clearly outweigh the need for affordable housing." Westport is subject to C.G.S. §8-30(g) as the number of affordable units in town is 232 units or 2.31 %.

Earlier conceptual plans for Baron's South envisioned a blended housing development comprised of senior affordable housing and workforce housing according to the project narrative. These plans addressed the growing housing demands of both demographic groups and such plans are supported by the 2007 Town Plan of Conservation and Development. The 2007 Town Plan recommends creating below market rate housing opportunities and increasing housing diversity. The project narrative chronicles the earlier concept for dual senior housing and workforce housing did not appear to be supported by the Representative Town Meeting's Long Range Planning Committee when presented in 2008 and was therefore abandoned. The need for workforce housing however remains in town. Future reconsideration may be appropriate for use of land at Baron's South to also address the need for workforce housing in Westport.

Continuing Care Needs in Westport

The project narrative describes the current demand for beds in a skilled nursing facility (SNF) exceed the available supply in Westport, and future needs are projected to rise. Industry norms are cited that estimate the demand for SNF beds is 100/1,000 in the 75 and over population, and Westport has approximately 2,100 in that age category indicating an approximate demand for 215 SNF beds. Available resources in town at the Westport Health Care Center (formerly Mediplex) provide 120 beds resulting in an estimated 95-bed deficiency; therefore close to half or 44% of those in need have to travel outside Westport to seek the health care services they require. The project narrative explains advanced age and low-income place older adults at greater risk for chronic illness and disability, consequently in greater need of health and long term care services. The senior living community is designed to link independent senior living with health and supportive services so that older residents can remain in their community, are able to age in place, and allow couples to stay together.

Project Implementation Plan

Various land use approvals are required to implement the proposed conceptual senior living community at Baron's South. A Code Enforcement Meeting is additionally recommended to provide a forum for Town departments and related agencies to raise issues and concerns that may be addressed by the development team if and when selected. The following land use approvals will be required based upon the submitted conceptual plan and project description:

1. Text Amendment approval from the Planning and Zoning Commission to create regulations allowing the combined uses, density, and height as proposed, pursuant to §42 of the Westport Zoning Regulations. Map Amendment approval may additionally be required to modify the *Official Building Zone Map*, depending on how the new zoning regulations are constructed.
2. Approval from the Planning and Zoning Commission pursuant to C.G.S. §8-24 for leasing of, and substantial improvement to, public property.
3. Development approvals from Town Departments and agencies other than the Planning and Zoning Commission, pursuant to §44-2 of the Westport Zoning Regulations, prior to final development approval by the Planning and Zoning Commission.
4. Development approvals from State Departments and agencies including, but not limited to, the State of Connecticut Department of Transportation (ConnDOT) and the State Traffic Commission (STC) if the site development access is onto Compo Road South (Rte. 136), and the project contains over 100,000 SF of new floor area; as well as the State of Connecticut Department of Social Services responsible for issuing a Certificate of Need (CON) for a Skilled Nursing Facility.
5. Coastal site development approval from the Planning and Zoning Commission pursuant to §43 of the Westport Zoning Regulations, and Coastal Area Management (CAM) approval pursuant to §31, to authorize construction of the senior living community pursuant to any adopted zoning regulations.

Project Timeline

The project narrative includes a forecast for obtaining the necessary approvals. It begins with the current §8-24 conceptual approval request, and concludes in Spring 2012 with submission of the site development application to the Planning and Zoning Commission. The project narrative describes a Request for Proposal (RFP) will be prepared during the approval process to find a partner to develop the Town-owned property. Depending on what response is received to the RFP the senior living community may be developed over phases with senior housing in one phase and the skilled nursing facility in another.

IV. **CONSIDERATIONS**

The request should be evaluated in comparison to the goals and objectives and site specific references to Baron's South listed in the 2007 Town Plan of Conservation and Development. The Planning and Zoning Commission may find the 2007 Town Plan of Conservation and Development supports a development of Town-owned land that is sensitive to the existing conditions of the property and that provides for efficient use of land designed to meet the needs of the community while simultaneously maintaining as much open space as possible, and preserving the existing scenic and historic structures on site.

The request should also be evaluated for consistency with the Westport Zoning Regulations. The housing and medical components of the senior living community are uses already allowed in the Zoning Regulations and may therefore be considered consistent. A text amendment will be required to allow combining the uses on one site. The following Zoning Regulations describe similar uses and contain development standards that may be useful for comparing the individual project components:

- §19, Residential Affordable Housing Zone;
- §19A, Residential affordable Housing Zone/Workforce;
- §20, Municipal Housing Zone;
- §32-2, Elderly Housing Municipal;
- §32-3, Hospitals and Other Medical Institutions;
- §32-15 Managed Residential Communities; and
- §32-17 Affordable and Middle Income Housing on Town-Owned Property;

The Independent Living Facility with a proposed total of 66 dwelling units plus the Skilled Nursing Facility with a proposed total bedroom count of 84 equals 150, if each "bed" was counted as a "dwelling unit." This would conservatively create a "density" of 150/22+ acres or 6.8 per acre. This density is comparable to the above-referenced zoning regulations that allow between 6-8 dwelling units per acre.

Recommendations

More detailed project information is required before specific recommendations can be provided. The Planning and Zoning Commission may find it appropriate to offer the suggestions listed below as part of their §8-24 Report at this preliminary stage:

1. The target population for the senior living community should be clarified. Is it persons over 55? Over 62? Over 65? "Senior" is not a defined term in the Westport Zoning Regulations. §5-2 defines "Elderly" as age 62 years or over. When and if a text amendment is submitted to modify the Zoning Regulations the term "Senior" should be substituted for "Elderly," and the age modified if necessary.
2. Clarification should be provided regarding the eligibility requirements for the Independent Living Facility (ILF) including how the proposed income and asset test will be performed and by whom.
3. How/what public utilities will be provided should be identified, including how potable water will be supplied and how wastewater will be disposed.
4. A Traffic Engineer should be hired to assess potential impacts to surrounding intersections that may result from the senior living community and to help shape the design to mitigate and/or reduce potential traffic impacts. A traffic study was performed in 2007 by Frederick P. Clark Associates on behalf of Fairfield County Bank located at 20 Compo Road South. A copy of this report is available in the P&Z Office. The report noted that of the surrounding intersections the greatest traffic delays occur at the intersection of Route 1 and Route 136 (Post Road East and Compo Road South). Six Levels of Service (LOS) from A to F have been established as measures of vehicle delay at intersections with A being best and F being worst or unacceptable. Level of service at this intersection ranges from C to E during the peak hours on weekday mornings, weekday afternoons, and Saturday midday.

A Traffic Engineer will also be required to prepare an application to the State of Connecticut Traffic Commission (STC) when final plans are designed.

5. A determination should be made of the ramifications of the remaining environmental issues (presence of underground storage tanks, possible soil impacts, etc.) identified in the Weston and Sampson report and how they will effect the development.
6. A soil scientist should be hired to verify if the "potential" wetland areas exist as shown on the Weston and Sampson plans to determine if future development will be subject to review by the Conservation Commission prior to development review by the Planning and Zoning Commission.
7. A new survey of the Baron's South property should be prepared documenting existing conditions and including the lot area calculations and coverage calculations pursuant to Appendix D of the Westport Zoning Regulations.
8. Clarification should be requested from the Historic District Commission regarding which of the existing residential buildings are listed on the Historic Resources Inventory (HRI) and whether future site design should consider retaining and potentially integrating these structures.
9. An affordability plan should accompany any future site development application and it should identify the senior affordable dwelling units will be deed restricted to 80% of state median income and the rents charged will conform to these calculations so the units may be calculated as "affordable" pursuant to C.G.S 8-30(g) to increase the current rate of affordable housing in Westport and move closer towards the 10% State goal.
10. Future re-consideration should be given to using land at Baron's South to address the community need for workforce housing in Westport.

Department Comments

Building Official:	See attached dated 10/14/10
Conservation Director:	Referral sent
Fire Chief:	Referral sent
Historic District Commission:	Referral sent
Human Services Director:	Referral sent
Parks and Recreation Director:	Referral sent
Police Chief:	See attached dated 10/15/10
Public Works Director:	Referral sent
Town Attorney:	Referral sent
Westport Weston Health District Director:	See attached dated 10/14/10

Attachments

- §8-24 Request from the First Selectman and Summary of Proposal, dated 10/7/10, received by P&Z 10/8/10
- Existing Conditions Map, prepared by Town of Westport Engineering Dept., WLR Map #9617, dated 2/2/04
- Conceptual Site Plan, prepared by Perkins Eastman, dated 5/27/10
- Email from the Building Official, dated 10/14/10
- Email from the Police Chief, dated 10/15/10
- Memorandum from the Westport Weston Health District Director, dated 10/14/10
- Zoning History prepared by Michelle Perillie dated 10/7/10 (minus attachments)
- Memorandum on Maximum Rental and Income, prepared by Michelle Perillie, dated 10/14/10

Available in the file

Master Plan for Jesup Green and Baron's South, prepared by Weston and Sampson, dated September 2007
Pictures of residential buildings at Baron's South, generated from the Tax Assessor's Office
Attachments from Zoning History prepared by Michelle Perillie dated 10/7/10 including:

- Text Amend. #548, approved 7/7/05
- Res. #01-087, approved 2/27/03
- §8-24 Report, approved in part/denied in part, 12/19/02
- §8-24 Report, approved 1/3/02
- Res. #01-087, approved 1/3/02
- §8-24 Report, approved 12/20/01
- §8-24 Report, approved 6/21/01
- §8-24 Report, approved 2/17/00
- §8-24 Report, approved 3/13/97

Perillie, Michelle

From: Smith, Stephen
Sent: Thursday, October 14, 2010 9:26 AM
To: Perillie, Michelle
Subject: RE: 8-24 Request, Baron's South

At this point the plans are very conceptional and as such difficult to make building code comments. The over all idea is fine however. My only concern would be the conversion of the existing mansion to this new use. The cost to do this may be prohibitive.
Steve

-----Original Message-----

From: Perillie, Michelle
Sent: Thursday, October 14, 2010 08:52
To: McCarthy, Stuart; Cooper, Mark; Ackley, Christopher; Fiore, Al; Mozian, Alicia; Edwards, Stephen; Smith, Stephen; Kelly, Gail; Leahy, Carol; Butler, Barbara
Cc: Young, Mary; Bradley, Laurence
Subject: 8-24 Request, Baron's South

Please see attached transmittal and request for comments on the §8-24 request for development of the Baron's South property for senior housing and a skilled nursing facility.

Thanks,

Michelle Perillie

Planning and Zoning
110 Myrtle Avenue
Westport, CT 06880
PH: 203 341-1076
FAX: 203 454-6145

Perillie, Michelle

From: Fiore, Al
Sent: Friday, October 15, 2010 3:05 PM
To: Perillie, Michelle
Subject: RE: 8-24 Request, Baron's South

At this point I have no comments, I am sure that as the process moves along we will have questions regarding traffic flow and impact on the local roads but I am sure a traffic study will address that at some point.

-----Original Message-----

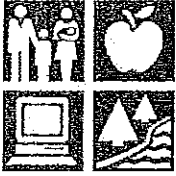
From: Perillie, Michelle
Sent: Thursday, October 14, 2010 08:52
To: McCarthy, Stuart; Cooper, Mark; Ackley, Christopher; Fiore, Al; Mozian, Alicia; Edwards, Stephen; Smith, Stephen; Kelly, Gail; Leahy, Carol; Butler, Barbara
Cc: Young, Mary; Bradley, Laurence
Subject: 8-24 Request, Baron's South

Please see attached transmittal and request for comments on the §8-24 request for development of the Baron's South property for senior housing and a skilled nursing facility.

Thanks,

Michelle Perillie

Planning and Zoning
110 Myrtle Avenue
Westport, CT 06880
PH: 203 341-1076
FAX: 203 454-6145



2010

October 15, 2010

Michelle Perillie, Planning Assistant
Westport Planning & Zoning Department
Westport Town Hall
110 Myrtle Avenue
Westport CT 06880

RE: 60 Compo Road South (Baron's South Property), §8-24 Request for senior housing and a skilled nursing facility

Dear Ms. Perillie,

Responsive to your October 13th transmittal regarding the above referenced matter, I have reviewed the documents provided which outline the project from a conceptual basis. Conceptually, the Westport Weston Health District would have no objection to the use of the Baron's South property for senior housing and a skilled nursing facility. As the project narrative noted, there is a growing need for affordable and assisted living housing for senior citizens. Such housing can be instrumental in meeting the individual health and societal needs of one Westport's greatest assets.

It should be noted that the project documentation was silent on how potable water, and conversely wastewater, would be provided and disposed of. Presumably, the project would be connected to the public water supply and the municipal sewer system. Assuming this presumption is correct, the Westport Weston Health would have no issues with the project and would recommend approval.

If on the other hand the presumption is not correct, much more information about the anticipated water usage and how potable water would be supplied would be needed. Much greater detail would also be needed regarding the disposal of wastewater.

Should you have additional questions or comments concerning this matter, please feel free to contact me directly.

Mark A.R. Cooper, Director of Health
Westport Weston Health District