

Submitted by A2 Staff



WESTPORT CONNECTICUT

PLANNING & ZONING
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Hearing: Oct. 28 and Nov. 4, 2010
Decision: Nov. 4, 2010

November 5, 2010

Honorable Gordon Joseloff, First Selectman
110 Myrtle Avenue, Town Hall
Westport, CT 06880

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

Dear Mr. Joseloff:

I. Description

The request is for approval to locate a senior living community on Town-owned property located at 60 Compo Road South a.k.a. Baron's South. The project narrative and testimony offered by the applicant describes a preliminary plan that might consist of constructing an Independent Living Facility and a Skilled Nursing Facility to complement the existing Westport Center for Senior Activities located on site. Testimony was offered at the public hearing clarifying the project is at a preliminary stage, and the specific type of housing and any healthcare services offered will be refined in the future. At this time approval is requested to locate a senior living community that includes below market rate housing opportunities for seniors and a healthcare component consisting of medical and extended care services to be offered by a non-profit service provider. The proposal conceives that the Town may donate the land and partner with a development team including a non-profit service provider.

The proposal once implemented is intended to allow aging in place and allow couples to stay together. The overall project vision 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."

II. Findings

- A. Baron's South is 22+ acres in size and is located in the Res A, General Business District, and Restricted Professional Office District. Portions of the property lie in the Coastal Area Management (CAM) zone. It is outside the Waterway Protection Line Ordinance (WPLO) jurisdiction and does not contain inland wetlands or watercourses. The property contains steep slopes, is heavily wooded, and contains many mature trees.
- B. Baron's South was acquired by the Town of Westport in 1999.
- C. The property was transferred to the Town without restrictions and may be used for general municipal purposes.
- D. The property is improved with multiple detached residential buildings (#52-72 Compo Road South). Two (2) of these buildings are listed on the Historic Resources Inventory (HRI). Some of these buildings are used for rental housing; others for storage.

E. The Historic District Commission (HDC) submitted comments dated 11/2/10 clarifying the buildings on the HRI are the one-story Tudor Revival style building at 52 Compo Road South and the two-story Tudor Revival style building at 72 Compo Road South. The HDC requested any additions made to 68 Compo Road South, the Baron's Mansion, be sensitive to the existing architectural style or if departing from that style, should not visually overwhelm the core structure, particularly on the front façade.

F. The Planning and Zoning Commission granted approval to construct the Westport Center for Senior Activities on the property in 2001. It was completed in 2004.

G. A Master Plan prepared by Weston and Sampson in 2007 was completed to identify whether any of the following other uses were feasible to locate on the property:

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

H. The Master Plan concluded housing was the best use of the property. The consultants observed due to the dramatic changes in elevation on site, housing is the best use as it can be built into the land; while emergency services facilities are normally constructed on a generally flat site.

I. There is a community need for affordable senior housing and continuing care facilities that the conceptual plan seeks to address according to the information submitted as part of the §8-24 Request.

J. Future development of the land may be considered consistent with the 2007 Town Plan of Conservation and Development if it will serve the needs of Westport's seniors.

K. There are community needs for open space and recreational facilities according to the Parks and Recreation Director's comments dated 10/28/10, that identify the Baron's South property provides an important link in the chain of recreation and open space properties located in the downtown area.

L. The Planning and Zoning Commission finds Town owned land should be used to meet Town needs, and a balance should be sought between competing Town needs.

M. The Planning and Zoning Commission finds future development of the land should be sensitive to the existing conditions of the property in an effort to retain the scenic resources and historic structures on site.

N. The Planning and Zoning Commission designated the property as "*Municipal Facility/Institutional*" on the "*Future Land Use Plan*" contained in the 2007 Town Plan of Conservation and Development.

O. The Zoning Regulations allow Elderly Housing (§32-2), Hospitals and Other Medical Institutions (§32-3), Managed Residential Communities (§32-15), and Affordable and Middle Income Housing (§32-17) on residentially zoned properties; therefore the conceptual plan for the property may be considered consistent with the Westport Zoning Regulations and consistent with the 2007 Town Plan of Conservation and Development.

P. A Text Amendment may be needed to implement the plan for this property.

Q. During the presentation some discussion was made regarding the possibility of selling a portion of the property as a way of executing the project.

III. Recommendations

- A. The population for the senior living community should be clarified, as "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.
- B. Clarification should be provided regarding the eligibility requirements for any future residents of the housing component of the project including how any proposed income and asset test will be performed and by whom. The text amendment should include the minimum percentage of affordable housing units as defined in C.G.S. §8-30g.
- C. How/what public utilities will be provided should be identified, including how potable water will be supplied and how wastewater will be disposed.
- D. A Traffic Engineer should be hired to assess potential impacts to surrounding intersections that may result from development of the property. A Traffic Engineer may also be required to prepare an application to the State of Connecticut Traffic Commission (STC) when final plans are designed.
- E. 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 2007 Weston and Sampson report and how they will effect the development.
- F. 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.
- G. An affordability plan should accompany the future site development applications and it should identify any affordable dwelling units that may be deed restricted so that they may be counted towards the percentage of affordable housing in Westport.
- H. The Planning and Zoning Commission recommends future development of the land should allow preservation and enhancement of as much open space as possible to meet the public access and recreational needs of the community.
- I. Regulatory and other approvals will be required to develop Baron's South including, but not limited to, the following:
1. Text Amendment approval from the Planning and Zoning Commission to create regulations allowing the combined uses, density, and height as suggested in the project narrative, 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 public property, (such approvals are not part of this report);
 3. Development approvals from Town Departments and agencies other than the Planning and Zoning Commission, as necessary pursuant to §44-2 of the Zoning Regulations, prior to final development approval by the 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 if the project contains over 100,000 SF of new floor area or 200 or more parking spaces; as well as the State of Connecticut Department of Social Services responsible for issuing a Certificate of Need (CON) for a Skilled Nursing Facility if proposed;

5. Review by the Historic District Commission for any demolition of any buildings older than 50 years;
6. Review by the Architectural Review Board for construction of any new buildings proposed as part of a Special Permit/Site Plan application; and
7. Coastal Site Plan and Special Permit approval from the Planning and Zoning Commission pursuant to §31 and §43 of the Zoning Regulations for construction of the senior living community pursuant to any adopted zoning regulations.

After discussion, it was moved by Mr. Lathrop and seconded by Ms. Jinishian to issue a **Positive Report** to the First Selectman regarding **60 Compo Road South, known as the Baron's South Property** located in a Res A/GBD/RPOD zone, PID #D09046000: §8-24 Request by the First Selectman for a report from the Planning Zoning Commission regarding a plan for a substantial improvement to locate a senior living community that includes below market rate housing opportunities for seniors and a healthcare component consisting of medical and extended care services which could include independent living and a skilled nursing facility.

VOTE:

Ayes	-6-	{Corwin, Lowenstein, Press, Lathrop, Walsh, Jinishian}
Nays	-1-	{Krawiec}
Abstentions	-0-	

Sincerely,



Ron Corwin,
Chairman
Planning and Zoning Commission

cc: Director, Human Services Department
Director, Parks and Recreation Department
Director, Public Works Department
Director, Conservation Department
Police Chief
Fire Chief
Town Attorney
Chairman, Architectural Review Board
Chairman, Historic District Commission
RTM Moderator
Chairman, P&Z Study Committee
Chairman, Board of Finance