

May 31, 2011 RTM P&Z Committee Meeting Notes (625 Text Amendment)

Committee Members in attendance:

Matt Mandell, Linda Bruce (arrived at 9:30), Diane Cady, Heather Cherry, Joyce Colburn, Robert Galan, Jay Keenan, Lois Schine

**Larry Bradley (Planning and Zoning)**

Larry gave a summary of the text amendment. [See text amendment for more detail]

Key points:

- From originally proposed amendment ó changed all references to elderly to senior
- Senior residential community created by special permit
  - Town owned property
  - No less than 60% must be affordable housing
  - 35% of affordable housing must be constructed before any other construction can begin
  - Minimum 4 acres in residential area (AAA, AA, A), 2 acres in commercial zoned area
  - Needs to be near arterial street
  - 13 town owned properties can support senior residential community (however many of these properties are already in use for schools)
  - 15 units/acre
  - 3.5 stories, 45 feet allowable (versus 3 stories and 40 feet allowable in AA zone)
  - Building cannot be more than 50 feet in length
  - 15% building coverage, 30% total coverage
  - Rooftop mechanical equipment must be screened
  - Have to be connected to public sewer
  - Parking will follow current regulations
- Permitted uses include: 1) independent living; 2) assisted living; and 3) full care facility
- For density calculations, two beds equal to one person
- No internal setbacks for multiple buildings on property
- Separate site plan must go through approval process

**Bart Shuldman (Petitioner) [NOTE: Powerpoint presentation part of record]**

- Petition not about not wanting to create housing for senior citizens ó the proposal could potentially hurt seniors
- Proposal will hurt all Westporters
- Financial Conditions
  - Discussed state of Westport financial condition: OPEB \$50mm unfunded obligation; \$25mm pension liability; \$170mm debt (3rd highest per capita in CT)
- Baron South has no plan
  - No impact studies have been done (sewer, road, fire, infrastructure, etc.)
  - No report on costs to Westporters
  - Will there need to be a department added to Westport government to manage project
- Will Westporters even benefit from proposal?
  - Unclear if Westporters can really receive preferential treatment for units
    - Putting a fair housing study into record that discusses this issue

- Definition of Westport resident problematic
- Moratorium on new nursing home beds means beds will already come with patients
- Affordable housing test ó how many Westporters really qualify?

**Ron Corwin (Chairman of P&Z Committee)**

- Purpose of P&Z is to regulate and address land use issues
- Text Amendment 625 ó how to use Westport municipal land, consistent with the Plan of Conservation and Development
  - Meets needs of seniors
  - Increases housing mix and adds affordable housing
- Made changes to originally proposed amendment to improve/strengthen
  - Allowed for development on private property as well as municipal property
  - Allowed pieces of property to be sold off (acceptable to sell property but sale is not necessarily approved)
  - Can subdivide property
  - Did not support request to waive excavation and fill
  - Affordable housing units built first
  - Not particularly dense ó consistent with other multifamily housing in Westport
- Process important ó first pass the text amendment then review site plan
- Questions/Discussion with RTM members:
  - Private developer can use 32-15
  - Purpose: meeting growing needs of population; growing needs for skilled nursing facility ó this comes from applicants explanatory statement (no additional support)
  - Municipal workers are included ó but this was already in regulations; not part of senior residential community definition
  - Height ó story is an undefined term; would be controlled during site plan process; flexibility in amendment is to accommodate for slope of Baron South property; presumption of reasonableness
  - Possibility for rooftop recreational area
  - Questions regarding what the approval process for the 824 lease is still unclear ó Ira Bloom, town attorney, to put together memo to address this issue

**Gordon Joseloff/Shelly Kassen (First Selectman's Office, Applicant)**

- Density issue brought up by Shuldman is exaggerated; no different than other multifamily housing in town
- Allow Baron South Committee (BSC) to develop proposal to serve town needs
- Don't have costs because don't have proposals yet
- Town has spent nothing on project thus far
- There could be a tax benefit to town ó personal property taxes will be paid
- Current financing of BS property
  - Bought for \$7mm; bonded \$6mm
  - \$3.2mm principal remaining
  - Approximately \$100,000 interest costs which could potentially be covered by developers (way to fund the carrying costs of the land)

- Looked at alternative municipal uses but none of them worked; land is steep and unsafe to walk around on
  - Benefit to town ó successful bidder would have to maintain land, make safe for use
- Questions/Discussion RTM
  - Ira Bloom maintained that preferences are allowed, funding sources dictate which particular preference process is acceptable
  - Who will be considered a Westport resident ó this will be decided down the road (Ira Bloom)
  - Skilled nursing will help whole community, don't need to live in independent living facility to get care in the rehab center
  - Separate eligibility preferences ó tenant selection process needs to be approved by funding source
  - Skilled nursing is not housing (different standard); assisted living will be considered housing if primary permanent residence
  - Will there be enough capacity for when Westporters need the facility? Beds/Independent Living ratio is well within acceptable range given what studies have shown.
  - BSC going to visit facilities in MA
  - Whose liability if someone hurts themselves? Operator of the facility although issues need to be addressed with lease to make sure facility has appropriate insurance, etc.
  - RTM does not review site plan (only legislative changes ó ie. text amendments) but might need to approve lease if BOF does not (Ira Bloom to write memo addressing procedure to clarify)
  - What are we really planning? 1) individual housing with available services so you can age in place; and 2) full care facility (skilled nursing facility) ó medical/nursing available 24 hours/day, short-term and long-term rehabilitation, dementia and hospice care
- Rick Redness spoke
  - Important for property to be zone because financing is competitive. If property already zoned for use then will get more points and bid will be more competitive.
  - Regulation was approved to improve our chances at being able to build this project
  - Projects like these take many years to get financing and develop
    - Hidden Brook/Hales Court ó 10 years from regulation approval to financing/building
    - Shows importance of getting text amendment passed first
  - The "demonstration facilities" and plan show that there can be two additional parcels of land that can be sold, developed, kept as open space. One of these parcels abuts Post Road. The other is next to the Senior Center (see site plan map on website)
  - Fair Housing requires that we advertise in "least likely to apply" communities. But in past experience of other projects, do not get a lot of applicants from these communities. (Gave the new Gault/Saugatuck development as an example)

- Shelly added even less likely that seniors who are less mobile would apply from these communities.
- Shelly added:
  - Wilton had to get private donations to fund their project because they demanded 100% affordable housing (no subsidy from market rents)
  - Purchase price of land is sunk cost ó this project will defray carrying costs of the land
  - Policy point ó if sold land, money would go into real estate acquisition fund not used to fund pension liabilities
  - Debt/capita statistic is öbogusö because of Westport's commercial base
  - Land would be maintained by developer, currently land is not maintained and not safe
- Although text amendment has some specificity (i.e. 60% affordable housing), changes can be made to the amendment post the RFP process
- Gordon ó RTM can review RFP before finalized and comments will be taken into consideration; open to all ideas; want to cast wide net
- Shelly ó basically plan unbundles assisted living offerings, leverages Senior Center offerings, but we won't really know what the project will be until after RFP process complete
- Need for full care facility? Yes ó look at demographics (Barbara Butler)
- Developer can offer pilot (payment in lieu of taxes) when making proposal
- There have been developers that have come to Shelly regarding market rate/for profit assisted living facilities (managed care) potentially on contiguous piece of property, however not interested to finalize until after other facilities are built
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### **Public Discussion**

- Don Bergman ó Recommend that RTM reverse the P&Z approval because First Selectman refuses to submit final proposal to RTM for vote
  - Response from Gordon ó we have a process outlined in the Town Charter that he will follow; if RTM unhappy can always do a sense of the meeting resolution to express opinion (although that would be nonbinding on First Selectman)
  - Bergman ó no Charter change needed, RTM should just vote down amendment until we have more information
- Rob Corona ó Asked for substantiation that Westporters really want this project. If predicated on original survey, response rate was too low to get true sense of town opinion. Asked for proposal to be put to town referendum. Projects in Wilton, Greenwich were not built near town center. He lives by the site ó worried about ambulances, food trucks, parking, run off
  - Shelly ó site plan still needs to go through conservation (run off concern) and other approvals
  - Rob ó tortured process for housing for 100 people and beds for 80 people
- Ken Bernhard ó Project has potential to be a gem. Its just starting out, give it a chance. Turning down the amendment means nothing will happen. Town finances ó we will get through that issue. If we turn down this amendment it will be like missing out on purchasing Gorham Island for \$1mm ó a missed opportunity.

## **Next Steps**

1. Get additional information
  - a. Ira Bloom to provide memorandum on approval process for lease and more detail on legality of priority for Westport residents (maybe by providing examples of funding sources and their required tenant selection process)
  - b. BSC will provide memorandum on definitions of facilities
2. Meeting June 8th, 7:45 (NOTE TIME CHANGE)
3. Full RTM Meeting June 14th