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Planning & Zoning Commission

APPLICATION TO AMEND ZONING REGULATIONS

Conn. Gen. Statutes, Sec. 8-3. (c) All petitions requesting a change in the regulations ... shall be submitted in writing and in a form prescribed by the commission and shall be considered at a public hearing within the period of time permitted under section 8-7d. The commission shall act upon the changes requested in such petition. Whenever such commission makes any change in a regulation or boundary it shall state upon its records the reason why such change is made.

Applicant:	Eric D. Bernheim, Esq.	Cell Phone:	203-979-7169
Mailing Address:	FLB Law, PLLC 33 Riverside Ave, 4th Floor Westport, CT 06880	Email:	Bernheim@flb.law
Date:	October 25, 2024	Check No.	in the amount of \$250

On a separate sheet or sheets, please provide the proposed amendment(s) to the text of Weston’s Zoning Regulations. The language of your proposal is considered verbatim. It will not be edited by the Commission or town staff.

STATEMENT OF PURPOSE

- Check that you are using the current zoning regulations.
- In a Memorandum to the Planning and Zoning Commission, begin with a Statement of Purpose. Include (a) the problems, issues or circumstances that the regulation proposes to address, (b) a summary of the main provisions of the proposed regulation, and (c) the legal effects of the proposed regulation.

TEXT AND LANGUAGE CONVENTIONS

- Do not omit existing provisions that are to be deleted; bracket them.
- Underline new language.
- If an entire section or a sub-unit is new, the new language should be preceded by "(NEW)" and the section or sub-unit should NOT be underlined.
- Assign section numbers according to the section number of the regulation you would like to change, followed by a period and an additional letter or number.

DRAFT LANGUAGE

- Use clear, unambiguous language.
- Use active, not passive voice.
- Check existing definitions in the regulations, how they are defined, and where they are used.
- Properly define technical terms and words used in a sense other than their ordinary meaning.
- Use terms consistently throughout the regulation.

PROOFREADING PRIOR APPLICATION SUBMISSION

- Technical errors
- Grammar
- Proper spelling
- Accurate internal references; and
- Check throughout the zoning regulations for any references or citations to that section and amend those accordingly.

RECEIVED

OCT 31 2024

TOWN OF WESTON
 PLANNING & ZONING COMMISSION

Note: The requirements above for drafting regulations are paraphrased and excerpted from the Legislative Commissioner’s Office of the Connecticut General Assembly, State of Connecticut manual for Drafting Regulations (Rev. January 2024)

Applicant's Explanatory Statement Text Amendment

Eric D. Bernheim, Esq., on behalf of Able Construction (the "Applicant"), the owner of 176 Weston Road, Weston, CT, is proposing the Text Amendments referenced herein to the Weston Zoning Regulations ("Regulations"). The purpose of the proposed Text Amendment is to increase the dwelling unit parameters established by Section 322.3(c)(ii) from (a) two (2) bedrooms to three (3) bedrooms, and (b) 1,200 square feet of floor area to 1,800 square feet of floor area (the "Text Amendment"). Additionally, the Text Amendment will serve the goals of the Weston Plan of Conservation & Development (the "POCD") by ensuring that all developers have the flexibility to create mixed-use properties that drive economic activity while respecting the characteristics of Weston that make it the town it is today. Applicant submits that the additional housing space will allow Weston to continue to foster a community that provides its residents with resources and entertainment within the Town Center.

The current zoning limitations on total bedrooms and floor area square footage severely limits the commercial development viability of the Village District. Increasing these limits will promote economic growth along critical routes through Weston (Routes 53 and 57), augment the desirability of visitors to spend time (and money) in Weston's Village District, all the while preserving the New England, small-town character that is so important to the citizens of Weston. Approving the Text Amendment would allow Weston to continue to grow in an organic and controlled manner with an eye towards providing residents with diverse housing options, extending the footprint of the Village District and bolstering the commercial potential of the Town.

Specifically, the Applicant is proposing to amend Section 322.3(c)(ii) to allow for larger housing units in order to bolster the economic viability of development in Weston. Allows for up to three (3) bedroom condominium or apartment units will allow for future developers to create projects that will only further the stated goal of the POCD without increasing the environmental or other burdens on the Town. As such, Applicant submits that the proposed Text Amendment should be enacted so that Weston can realize its goal of creating a vivacious residential and commercial town center.

I. PROPOSED TEXT

The Applicant is proposing two Text Amendments to the Regulations, both to Section 322.3(c)(ii) of the Regulations. The first proposal is a revision to the total bedrooms per unit limitation so that Applicant, and other similarly situated developers, may develop the Property to include three (3) bedroom units. The second proposal is a revision to the second limitation established by Section 322.2(c)(ii) by increasing the total allowed square footage of floor area from 1,200 square feet to 1,800 square feet.

As detailed further below, the increase of total number of bedrooms and floor space will support the stated goal of the Village District by bolstering Weston's economic activity, while allowing for the increase in diversity of available housing in the Town. Attached as **Exhibit A**

hereto is the proposed text change to Section 322.3 with red-line edits. Attached as **Exhibit B** hereto is a clean version the proposed text change to Section 322.3, without red-line edits.

The Applicant's goal is to promote the development process embodied by the enacted Regulations regarding the Village District. The changes increasing the allowable housing unit sizes will make development within the Village District more economically viable. With this amendment, we believe it will allow for other areas within the Village District to be developed in the future resulting in more economic activity, provide an avenue for increasing commercial uses for local entrepreneurs, diversify the residential housing available to current and/or future Weston residents, and provide Weston residents with more "in-town" amenities in a centrally located hub. The slight increase in square footage per housing unit and total number of allowable bedrooms will only serve to attract investment into the Town Center and without such changes development of the Village District will continue to be stifled.

II. THE PROPOSED TEXT AMENDMENTS ARE EACH CONSISTENT WITH THE 2020 PLAN OF CONSERVATION AND DEVELOPMENT ("POCD")

One of the listed goals in the POCD is to foster the development of Weston's Town Center because "residents clearly favor a more vibrant Town Center, offering more amenities" among other things. (Page 18). A critical stated goal of the POCD is to improve housing options for all life stages and lifestyles, while protecting existing community character. (Page 27). The Text Amendment will do exactly this – with the increases in size and number of bedrooms, more developers will be attracted to Weston so that they may develop a walkable mixed-use development that can become a hub for activity in Weston, providing residents with increased access to small businesses, establish the first step in bolstering the Town Center, and provide the diversity of housing necessary for all stages of life. The POCD provides that Weston's goal is to "improve availability, attainable housing for Weston's workforce and senior population." With this goal in mind, limiting potential development to one- or two-bedroom units inherently limits the Town's ability to provide the diverse housing for all stages and walks of life. Increasing the total number of bedrooms and square footage will present the Weston market with more options without deviating from the spirit and goals of the POCD. Weston's housing inventory is limited in diversity and allowing the development of up to three-bedroom apartments will bolster the diversity demanded by the Weston housing market.

Enacting the proposed Text Amendment will also serve the stated goal of engaging in environmentally friendly land management (Page 24), and support and promote sustainability and resiliency (page 26). The proposed Text Amendment is likely to attract a wider range of sophisticated developers to projects in the Village District due to the increased flexibility in the size and layout of potential housing units. Such developers will have the experience, wherewithal and prowess necessary to develop the Village District with an environmentally friendly foot forward in line with the stated goals of the POCD.

Additionally, the POCD states that it is consistent with the State of Connecticut Growth Management Principle of concentrating "development around transportation corridors to support the viability of transportation options" and the Text Amendment will further support this principle. As stated above, the Text Amendment will serve to incentivize future developers work to develop the other properties in the Village District. As it currently stands, the current Regulations establish

significant requirements that may hinder development in centrally located areas. For example, the current parking requirements establish that (a) for each one (1) bedroom unit there must be one (1) parking space available and (b) for each two (2) or more bedroom unit there must be two (2) parking spaces available. This limitation hinders the potential development of properties located along the transportation corridors in Weston and allowing for three (3) bedroom units with larger footprints allows for greater diversity of housing units without the increased parking density problems along these critical corridors.

The Text Amendment will also not diminish the open space and conservation efforts of the Town of Weston. Instead, Weston officials will receive more competitive and POCD aligned submissions for development projects in the Village District. In fact, the proposed development that will follow adoption of the Text Amendment will demonstrate how community development can occur while not making dramatic changes to the environmental and small-town feel of Weston.

Finally, by enacting the Text Amendment, the Planning and Zoning Commission will continue to be able to control the development of the Village District and all future mixed uses in the heart of Weston. The Text Amendment will increase limits that are currently inhibiting the development of the Village District and allow for the Town to pursue a vibrant Town Center by accommodating more diversified mixed-use developments in the area. The Text Amendment will give the Planning and Zoning Commission will result in the submission of potential projects for the Village District without a dramatic change to the current Regulations. Augmenting the draw to Weston in a controlled and limited fashion and allowing for coordinated and comprehensive development of this charming town, leads one to understand the potentially important role the Text Amendment will play in Weston achieving its goal of being the home to a vibrant Town Center for the benefit of residents both of Weston and the immediately surrounding area.

III. THE INCREASES IN TOTAL BEDROOMS AND SQUARE FOOTAGE WILL NOT INCREASE THE BURDEN ON MUNICIPAL SERVICES

In many instances, a proposed text amendment like the one included in this Application will result in an increased burden on our schools. However, in a recent presentation to the Naugatuck Valley Council of Governments, Demographics – Housing – School District Enrollments, Don Poland, PhD, AICP, presented his findings relating to his investigation into whether housing sizes impacts the availability and provision of municipal services via school enrollments.¹ Poland looked at the housing availability in Connecticut and provided analysis regarding the total number of children in said households:

1. As of 2022, 72.1% of renter-occupied housing units were occupied by one- or two-person households, which are not very likely to produce school age children. (Poland Presentation at 23:30). It is far more likely that four- or more person households, that are owner occupied, will produce new enrollments for school districts.

¹ The Poland Presentation can be found at: <https://www.youtube.com/watch?v=YmeHjW8569Q> (last accessed on October 23, 2024).

2. The demographic and reproductive patterns for the current generation mean that single-family housing with large footprints is not creating the same number of school enrollments as it did in the past. Families are smaller and the large single-family dwellings are no longer financially feasible for many couples trying to start families. (Poland Presentation at 30:15).
3. Looking at the Town of Granby, Connecticut, Poland found that from 2007 to 2017 there were 130 net gains of housing units in the Town. Looking at the school enrollment statistics for Granby, Poland found that the new housing stock should have produced 55 new enrollments in the school. However, instead of the increased enrollment, Granby experienced a 25% decline in school enrollment during that same period. (Poland Presentation 31:30). Poland notes that the “fact that enrollment declined while new housing was added should question the assumption that new housing development is the primary driver of school district enrollment.” Further supporting this position was Poland’s finding that despite the decrease in enrollment, the school district’s budget increased by almost \$3.5 million – In Poland’s words, “budgets are not being driven by enrollments.”
4. Looking at the Town of Ellington’s multi-family housing stock from 2019, Poland found that the 1,862 multi-family units led to 295 school enrollments, meaning there was a 0.158 school enrollments per multi-family housing unit. (Pold Presentation at 36:28). “If you think multi-family housing is driving your education enrollments and budgets, it’s not.”
5. In South Windsor, Poland found that the tax revenue derived from multi-family housing to be used for educational services was more than double the tax revenue derived from a single-family housing unit. This is critical because each type of housing produces a similar amount of school enrollments. (Poland Presentation at 38:08).
6. Poland found that “education costs are rising regardless of declining (or stagnant) enrollments – per pupil expenditures are increasing due to rising costs but also costs being spread across fewer enrollments.”
7. Poland concluded that “Connecticut needs more housing – especially a housing product better suited for single- and two-person households” and “We (Connecticut towns/cities) need to stop the practice of fiscal zoning and embrace our changing demographics and changing housing market.” (Poland Presentation at 41:05).

Taking all of this together, the Applicant asserts that the Application will provide for an increased supply of diverse housing units for both young couples starting families and empty nesters, but this increased availability will not increase the burden on the Town’s municipal services of school system.

EXHIBIT A

Section 322.3 **Residential Uses within the Village District.** The following residential uses may be permitted in the Village District.

- (a) **Principal Residential Uses**
 - (i) Residential use in mixed-use buildings referred to in Section 322.2(a) (ix) subject to the requirements of Section 322.2.
 - (ii) Residential dwellings in the VD-R subdistrict as shown on the Zoning Map.
- (b) **Permitted Accessory Uses Applicable to Residential Dwellings in the VD-R Subdistrict**
 - (i) Parking space for motor vehicles in accordance with Section 363 through 369.
 - (ii) Signs, in accordance with the requirements of Section 350.
 - (iii) Exterior lighting, in accordance with the requirements of Section 312.8.
 - (iv) Customary accessory uses.
- (c) **Area, Setback, Height, and Coverage in the VD-R Subdistrict**

	Requirement
Minimum lot area	1 acre
Minimum width of lot	200 feet
Minimum depth of lot	200 feet
Minimum road frontage	200 feet
Minimum Setback, front lot	20 feet
Minimum setback, side lot	30 feet
Minimum setback, rear lot	30 feet
Minimum setback for off-street parking and loading areas when:	
(a) adjoining a residence district	50 feet
(b) adjoining a street	20 feet
Maximum building height	35 feet. Section 312.5 shall apply to projecting features above the roof level.
Maximum lot coverage by buildings and structures	30% of lot area
Maximum impervious lot coverage	75% of lot area

- (i) In instances where a lot in the VD-R subdistrict does not meet the lot area, width, depth, or frontage requirement set forth above, the Commission may permit a reduction of those requirements when the proposed redevelopment of the lot is part of a plan for a larger parcel in the Village District where the lot area, width and frontage requirements have been met.
- (ii) Dwelling units in the VD-R subdistrict shall not contain more than ~~two~~ three (3) bedrooms nor exceed ~~1,800~~ 1,800 square feet of floor area in size.

EXHIBIT B

Section 322.3 **Residential Uses within the Village District**. The following residential uses may be permitted in the Village District.

- (a) **Principal Residential Uses**
 - (i) Residential use in mixed-use buildings referred to in Section 322.2(a) (ix) subject to the requirements of Section 322.2.
 - (ii) Residential dwellings in the VD-R subdistrict as shown on the Zoning Map.
- (b) **Permitted Accessory Uses Applicable to Residential Dwellings in the VD-R Subdistrict**
 - (i) Parking space for motor vehicles in accordance with Section 363 through 369.
 - (ii) Signs, in accordance with the requirements of Section 350.
 - (iii) Exterior lighting, in accordance with the requirements of Section 312.8.
 - (iv) Customary accessory uses.
- (c) **Area, Setback, Height, and Coverage in the VD-R Subdistrict**

	Requirement
Minimum lot area	1 acre
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Maximum building height	35 feet. Section 312.5 shall apply to projecting features above the roof level.
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Maximum impervious lot coverage	75% of lot area

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- (ii) Dwelling units in the VD-R subdistrict shall not contain more than three (3) bedrooms nor exceed 1,800 square feet of floor area in size.