

## Perillie, Michelle

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**From:** don bergmann <donlbergmann@sbcglobal.net>  
**Sent:** Tuesday, January 4, 2022 3:34 PM  
**To:** Planning and Zoning  
**Cc:** Perillie, Michelle; Mandell Matthew  
**Subject:** Subcommittee On Regulations Meeting

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To: The P&Z Subcommittee on Regulations  
From: Don Bergmann 32 Sherwood Dr. Westport CT 203 226 8712  
Re: Jan. 5, 2022 Meeting - Certain Items

As a general matter, I welcome the efforts of the Commission, through a Subcommittee to serve as the first review point for possible changes to the P&Z zoning regulations. Five are being considered on Wednesday. My brief comments follow:

1. DOSRD 2 - Organized Non-Team Activities

This may or may not tie into an interest expressed by the Commission and some members of the public to provide for increased recreational uses of Baron's South. The possibility of pickle ball courts has been suggested for an area near Imperial Avenue and that has generated strong views, mostly in opposition. First Selectwoman Tooker has publicly pledged to increase the number of pickle ball courts in Westport, though she has not addressed with certainty locations. Related to this is the desire of the Senior Center to have additional recreational activities on or adjacent to its site and the question of whether or not such activities are allowed in DOSRD 2. I have expressed the view that I believe that such activities, in essence, somewhat organized, but not involving teams or structures, within DOSRD 2 is not prohibited by DOSRD 2. Others disagree and this item appears to reflect a continuation of that discussion.

My views on Baron's South DOSRD 2 and organized non team activities ties somewhat into the unique aspects of Baron's South relating to the grandfathered existence of the Senior Center and the fact that the Senior Center reflects a whole series of activities on its portion of Baron's South, a portion not constituting DOSRD 2. This could be important since the Amendment being discussed on Wednesday focuses on all DOSRD 2 locations and it is possible that one could assert that what is a reasonable interpretation as to activities which the Senior Center seeks may be less reasonable, even inaccurate for other DOSRD 2 locations. In essence, allowing organized non-team activities outdoors at the Senior Center may not compel the Commission to adhere to the same analysis for other DOSRD 2 locations.

As a general matter, allowing organized, non-team activities at any DOSRD 2 is probably of no great significance and unlikely to be opposed by any of the strong supporters of DOSRD 2, of which I am one. For me, the key is whether or not the consideration and adoption of an amendment indicates that the Commission will not be considering more impactful activities in Baron's South or in any DOSRD 2, such as pickle ball.

I hope the Subcommittee states clearly its intent, i.e. does the consideration of this amendment indicate that the Commission will not be considering DOSRD 2 changes that would allow for pickle ball and the like. It is my hope that the Subcommittee and then the full Commission make it clear that the Subcommittee and the Commission do not support any change to DOSRD 2 that would allow pickle ball. This is of course is only my view and there are others who disagree. What should never

occur are any actions that in essence deceive the public as to the intentions of the Subcommittee or the P&Z on this important issue.

2. 10,000 Square Foot Rule/Single Tenant - I need more information on this but it would concern me greatly if this resulted in big box stores. The 10,000 sq. ft. limitation has long been in place and often the subject of discussion. Ultimately, I believe it is crucial that Westport not allow large single occupancy structures to any extent more than the present regulations permit.

3. Retail Services Above the First Floor - My sense is this is a desirable change and should be pursued. My only caution would be if in the course of that effort, it became apparent that some kind of bad outcome could result. Right now, I do not envision any such bad outcomes.

4. Art - Coverage Exclusion - To me this sounds a bit silly and, more importantly could be abused by art forms that are large, including large as to coverage. My assumption is that things such as a birdbath are excluded from coverage. If so, that is sort of what is being suggested here. However, art takes many different forms and hence this could be abused. I would prefer to leave "art" as part of coverage, with the expectation that most homeowners can work around that restriction. What concerns me is large pieces of art and their impact upon drainage and their visual impact when viewed from outside the property. I am inclined to go slow on this proposal.

Thank you,

Don Bergmann