

RESOLUTIONS

(1)

RESOLVED: That upon the request of the Westport Housing Authority the amendment to the definition of “owner” in Section 59-194 of the Code of Ordinances regarding Tax Abatement for Low or Moderate Income Housing is hereby approved. (First reading. Full text is as follows.)

TAX ABATEMENT FOR LOW-OR MODERATE-INCOME HOUSING

Sec. 54-194. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Low- or moderate-income housing means housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or State statute, which housing is subject to regulation or supervision of rents, charges or sales prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits, and may be deemed to include the property on which such housing is situated.

Owner means a nonprofit corporation incorporated pursuant to C.G.S. Ch. 602 (C.G.S. § 33-1000 et seq.), with federal recognition under I.R.C. Section 501(c)(3), (ii) the Housing Authority of the Town of Westport, or (iii) the entity holding record title to real property that is owned, managed or otherwise controlled by the Housing Authority of the Town of Westport; provided that, in each case, such entity has as one of its purposes the construction, rehabilitation, ownership or operation of housing and which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency which limits occupancy of the low- or moderate-income housing owned or to be owned by such corporation to persons or families whose incomes do not exceed prescribed limits.

(Code 1981, § 134-30)

(2)

RESOLVED: That the September 19, 2013 negative 8-24 report by the Planning & Zoning Commission, regarding the relocation of the Kemper-Gunn House from 35 Church Lane to 35 Elm Street in the Baldwin parking lot, is hereby reversed.

(3)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the First Selectman, the sum of \$139,000 to Miscellaneous Account (Downtown 2020) to contract with the RBA Group of Connecticut LLC for the Downtown Master Plan for Development and Implementation is hereby appropriated.



WESTPORT HOUSING AUTHORITY

BACK UP MATERIAL
RTM ITEM # 1

5 Canal Street • Westport, CT 06880 • (203) 227-4672 • (203) 227-9553 Fax • www.westportha.org

October 4, 2013

Gordon Joseloff
First Selectman
Town of Westport
110 Myrtle Avenue, Room 310
Westport CT 06880

RECEIVED
OCT 07 2013
**TOWN OF WESTPORT
SELECTMAN'S OFFICE**

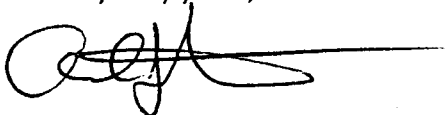
RE: Request of the Westport Housing Authority regarding an amendment to Ordinance 59-194 be added to the Special Meeting Agenda of the RTM for the October 22, 2013 meeting

Dear First Selectman Joseloff:

The Westport Housing Authority respectfully requests your assistance to add our proposed amendment to the Town's Ordinance Section 54-194 regarding Tax Abatement for Low or Moderate Income Housing to the Agenda for the RTM meeting on October 22, 2013. I have attached the proposed amendment.

Thank you in advance for your consideration of our request. I may be reached at 203-214-0810 should you have any questions.

Very truly yours,



Carol J Martin
Executive Director

cc: G. Kelly, Assistant Town Attorney
P. Friia, Assessor
D. Newberg, Chairman, Housing Authority Board of Commissioners

Approved for submission to the
Representative Town Meeting (10/22/13)



Gordon F. Joseloff
First Selectman

TAX ABATEMENT FOR LOW OR MODERATE INCOME HOUSING

Sec. 54-194. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Low- or moderate-income housing means housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or State statute, which housing is subject to regulation or supervision of rents, charges or sales prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits, and may be deemed to include the property on which such housing is situated.

Owner means (i) a nonprofit corporation incorporated pursuant to C.G.S. Ch. 602 (C.G.S. § 33-1000 et seq.), with federal recognition under I.R.C. Section 501(c)(3), (ii) the Housing Authority of the Town of Westport, or (iii) the entity holding record title to real property that is owned, managed or otherwise controlled by the Housing Authority of the Town of Westport; provided that, in each case, such entity has as one of its purposes the construction, rehabilitation, ownership or operation of housing and which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency which limits occupancy of the low- or moderate-income housing owned or to be owned by such corporation to persons or families whose incomes do not exceed prescribed limits.

(Code 1981, § 134-30)



WESTPORT CONNECTICUT

PATRICIA H. STRAUSS

TOWN CLERK

BACK UP MATERIAL
RTM ITEM # 2

September 27, 2013

Eileen Lavigne Flug, Moderator
Representative Town Meeting
5 Gault Ave
Westport, CT 06880

RE: Agenda Item Request pursuant to CGS §8-24 and Town Charter §C10-4

Dear Ms. Flug:

This morning, Morley Boyd of 6 Violet Ln, lead petitioner, delivered a petition request, from at least 20 electors of the Town of Westport, for the RTM to place an item on an upcoming Representative Town Meeting agenda, pursuant to CGS Section 8-24 and Town Charter Section C10-4, involving a request to reverse the September 19, 2013 negative §8-24 report by the Planning & Zoning Commission and approve the relocation of the Gunn House from 35 Church Lane to 35 Elm Street in the Baldwin parking lot. Copies of the petition pages are enclosed.

At least 20 electors' names have been verified for acceptance of this petitioned request. Pursuant to Section C10-4 of the Town Charter, a review by the RTM of such action by the Planning and Zoning Commission *shall be held within 30 days* after delivery of such request to the Moderator or the Town Clerk.

Sincerely,

Patricia H. Strauss
Town Clerk

Cc: Gordon F. Joseloff, First Selectman
Ira Bloom, Town Attorney
Gail Kelly, Assistant Town Attorney
Laurence Bradley, Planning & Zoning Director

September 27, 2013

Eileen Flug, Moderator
Representative Town Meeting
Town of Westport
110 Myrtle Avenue
Westport, CT 06880

Re: §8-24 Request by the First Selectman for a report from the Planning and Zoning Commission regarding the relocation of the Gunn House from 35 Church Lane to 35 Elm Street in the Baldwin parking lot, PID #10143000.

Dear Eileen,

As you know, the Westport Planning and Zoning Commission (P&Z) issued a negative 8-24 report regarding the above captioned matter on September 19, 2013. This decision was legally noticed in the Westport News on September 27, 2013.

After the proposal at issue received *overwhelming* public support at the P&Z hearing on September 12th, I was quite surprised to read the subsequent decision. As the Commission's stated reasons for the negative report are plainly unburdened by the facts surrounding the matter, I feel that the residents of the Town of Westport have not been well served in this instance.

Consequently, pursuant to CGS §8-24, as well as §C5-6C and §C10-4 of the Town Charter, attached please find a petition signed by at least 20 electors of the Town of Westport requesting that the Westport Representative Town Meeting REVERSE P&Z's September 19, 2013 negative 8-24 report and APPROVE the relocation of the Gunn House from 35 Church Lane to 35 Elm Street in the Baldwin parking lot, PID #10143000.

Sincerely yours,


Morley Boyd
6 Violet Lane
Westport, CT 06880

Encs.

203 226 5618

boyd.cthh@gmail.com

RECEIVED FOR RECORD
WESTPORT LAND AFFAIRS
2013 SEP 27 P 12:01
VOL. _____ PAGE _____
Morley Boyd
TOWN CLERK

Petition Request

148

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and **REVERSE** a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

- | <u>Name</u> (please print clearly) | <u>Address</u> (please print clearly) | <u>Signature</u> |
|---|---------------------------------------|----------------------------|
| ✓ 1 <u>MORLEY BOYD</u> | <u>60 VIOLET LANE</u> | <u>Morley Boyd</u> |
| ✓ 2 <u>JOYCE B. JOINER</u> | <u>2 VIOLET LANE</u> | <u>Joyce B. Joiner</u> |
| ✓ 3 <u>P. W. WRIEDT-BOYD</u> | <u>6 VIOLET LANE</u> | <u>PWB</u> |
| ✓ 4 <u>NSA POTURGIEL</u> | <u>9 VIOLET LANE</u> | <u>Lisa Poturgiel</u> |
| ✓ 5 <u>Martha Constable</u> | <u>37 EVERGREEN AVE</u> | <u>Martha A. Constable</u> |
| ✓ 6 <u>John Bruce McGuirk</u> | <u>37 Evergreen Ave</u> | <u>John Bruce McGuirk</u> |
| ✓ 7 <u>Wendy Crowther</u> | <u>38 E MAIN ST.</u> | <u>Wendy Crowther</u> |
| ✓ 8 <u>TERI GUNN</u> | <u>38 E. MAIN ST.</u> | <u>Teri Gunn</u> |
| ✓ 9 <u>Janet Brom</u> | <u>2 Violet Lane</u> | <u>Janet Brom</u> |
| NOT REGISTERED
10 <u>Courtney Lemmon</u> | <u>10 Violet Lane</u> | <u>C Lemmon</u> |
| ✓ 11 <u>Celia Gerety</u> | <u>31 Tamarac rd.</u> | <u>Celia Gerety</u> |
| ✓ 12 <u>Elizabeth Gutin</u> | <u>31 Tamarac Rd.</u> | <u>Elizabeth Gutin</u> |
| ✓ 13 <u>Cynthia Wallace</u> | <u>36 Evergreen Pkwy</u> | <u>Cynthia Wallace</u> |
| ✓ 14 <u>MARK YURKIN</u> | <u>180 CROSS HWY</u> | <u>Mark Yurkin</u> |
| ✓ 15 <u>WENDY VAN WIE</u> | <u>180 Cross Hwy</u> | <u>Wendy Van Wie</u> |
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I, Patricia H. Strauss Town Clerk of the Town of Westport, certify that this petition page was filed with me September 27, 2013 and that it contains 14 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

Petition Request

2078

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and **REVERSE** a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

- | Name (please print clearly) | Address (please print clearly) | Signature |
|--------------------------------------|--------------------------------|--------------------|
| ✓ 1 HELEN MARTIN BLOCK | 67 Partrick Road | <i>[Signature]</i> |
| ✓ 2 KAREN C. MYERS | 166 Partrick Road | <i>[Signature]</i> |
| ✓ 3 Gay Penny Pearlman | 16 Maplewood Ave. | <i>[Signature]</i> |
| ✓ 4 Robert Miniaceri | 16 Maplewood Ave | <i>[Signature]</i> |
| ✓ 5 Amy Sally Luce | 26 Minnow Rd. | <i>[Signature]</i> |
| ✓ 6 Diana W Kleros | 9 Hillyfield Lane | <i>[Signature]</i> |
| ✓ 7 George J Kleros | 9 Hillyfield Lane | <i>[Signature]</i> |
| ✓ 8 Constance Greenfield | 279 Stunges Hwy | <i>[Signature]</i> |
| ✓ 9 Ellen van Dorsten | 216 Hillpoint Rd | <i>[Signature]</i> |
| ✓ 10 Amy Ancel | 330 Wilton Rd. | <i>[Signature]</i> |
| ✓ 11 Elizabeth Lillian | 5 Northside Lane | <i>[Signature]</i> |
| ✓ 12 Mary Glaser | 2 Half Mile Common | <i>[Signature]</i> |
| ✓ 13 Alison ^{BRICKEN} Biden | 98 South Caprol | <i>[Signature]</i> |

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RECEIVED TOWN CLERK
 2013 SEP 21 PM 12:00
 TOWN CLERK'S OFFICE
 100 STATE ST. WESTPORT, CT 06891

I, Patricia H. Strauss Town Clerk of the Town of Westport, certify that this petition page was filed with me September 27, 2013 and that it contains 13 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

Petition Request

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and *REVERSE* a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

Name (please print clearly)	Address (please print clearly)	Signature
✓ 1 Richard Harrington	9 Grey Stone Farm Lane	Richard Harrington
✓ 2 JEAN HARRINGTON	9 GREYSTONE FARM LN.	Jean Harrington
✓ 3 Nathalie Garrivore	4 Deepwood Lane	Nathalie Garrivore
✓ 4 PAT KIMBALL KIMBALL	8 HIGHWOOD LANE	Pat Kimball
✓ 5 Kim Manning	3 Hockanum Rd	Kim Manning
✓ 6 Ellen Weather ^{WESTPORT H}	8 Highland Rd	Ellen Weather
✓ Regina Masterson	8 Highland Rd	Regina Masterson

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2013 SEP 27 PM 12:01
TOWN CLERK

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I, Patricia H. Strauss Town Clerk of the Town of Westport, certify that this petition page was filed with me September 27, 2013 and that it contains 7 signed names of electors, whose names appear on the last completed registry list of this town.

Patricia H. Strauss
Signed (Town Clerk)

Petition Request

478

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and *REVERSE* a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

<u>Name</u> (please print clearly)	<u>Address</u> (please print clearly)	<u>Signature</u>
1 SELMA MIRIAM	29 HIAWATHA LANE EXT	Selma Miriam
2 NANCY SHEETER	22 SPRITEVIEW AVE	N. Sheeter
3 NANCY AXTHELM	33 MINUTE MAN HILL	Nancy Axthelm
4 ANDRIS KURINS	12 SULLIVAN ROAD	Andris Kurins
5 SHARON KURINS	"	Sharon Kurins
6 KEITH STEW	36 MINUTE MAN	Keith Stew
7 JULIA BOLEY	69 KINGS HWY N.	Julia Boley
8 SUZY HOOPER	143 CROSS HWY WPT	Suzy Hooper
9 LESLIE BOLLOVE	21 DAVENPORT AVE	Leslie Bollove
10 CAROLANNE CUREY	29 HIAWATHA LANE EXT	Carolanne Curey
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PAGE 1

Petition Request

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and **REVERSE** a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

Name (please print clearly)

Address (please print clearly)

Signature

1 CAROL BUFFINTON

9 EVERGREEN AVENUE, WPT

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Petition Request

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We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and **REVERSE** a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

Name (please print clearly)	Address (please print clearly)	Signature
1 LAURENCE KILLIAN	16 GORHAM AVE WESTPORT	La Killian
2 SHARMISHA GREEN	35 Gorham Ave	Shyhardhany
3 JAMES WISSE	3 Gorham Ave	[Signature]
4 ED PERRAULT	20 GORHAM AVE	Ed Perrault
5 LAURIE GOLDBERG	20 Gorham Ave	Laurie Goldberg
6 Jennifer Wyman	27 Darbrook Rd	JW
7 Martin West	2 GORHAM AVE	[Signature]
8 Ann Chinn	2 Gorham Av	Ann Chinn
9 Julie Bob Fatherley	6 Wild Rose Rd	Julie Fatherley
10 SUSAN MCCARTHY	290 Main St	Susan McCarthy
11 ROBERT FATHERLEY	6 Wild Rose Rd	R. Fatherley
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TOWN OF WESTPORT

Petition Request

7078

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and **REVERSE** a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

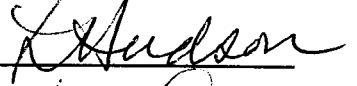
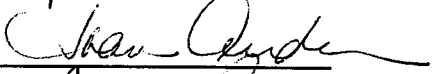
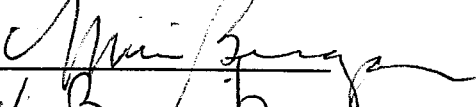
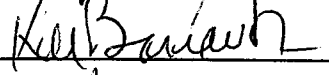
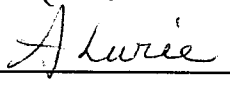




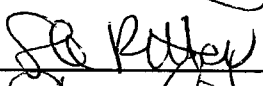
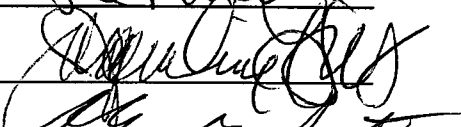
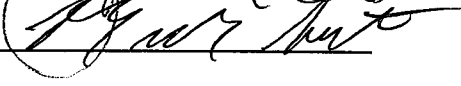
- | <u>Name</u> (please print clearly) | <u>Address</u> (please print clearly) | <u>Signature</u> |
|------------------------------------|---------------------------------------|------------------|
| 1 Fredrick Gerteiny | 31 Tamarac Rd | [Signature] |
| 2 Nicole Gerber | 38 Tamarac Rd | [Signature] |
| 3 John Corrao | 20 Tamarac Rd | [Signature] |
| 4 Ben Krausman | 5 Lone Pine | [Signature] |
| 5 Jon Louie | 9 Lone Pine | [Signature] |
| 6 Laura Nelson | 7 Lone Pine | [Signature] |
| 7 James Fremens | 7 Lone Pine | [Signature] |
| 8 Chandra Folsom | 50 Kings Hwy | [Signature] |
| 9 SUSAN LeDOANE | 39 TAMARAC Rd. | [Signature] |
| 10 MICHAEL L STEPHAN | EVERGREEN PKWY | [Signature] |
| 11 ROBERT KARMEN | 23 Evergreen Pkwy | [Signature] |
| 12 JEFF NEVILLE | 27 EVERGREEN PKWY | [Signature] |
| 13 MURIEL DURNER | 40 TAMARAC RD | [Signature] |
| 14 PATRICIA WEI | 27 TAMARAC RD | [Signature] |
| 15 Barbara Stephens | 20 Lone Pine La. | [Signature] |
| 16 WILL VAIL | 21 LONE PINE WESTPORT | [Signature] |
| 17 HELEN SWALINA | 17 LONE PINE LN, WESTPORT, CT | [Signature] |
| 18 Jill Levine | 9 Lone Pine Westport | [Signature] |
| 19 Alvin Babcock | 12 Lone Pine, Westport | [Signature] |
| 20 Way Baum | 95 N. Camp Rd Westport | [Signature] |

Submitted by: Elizabeth Gorteiny, Save Westport Now

Petition Request

878

We, the undersigned, do hereby petition the Westport Representative Town Meeting to review and **REVERSE** a particular action of the Westport Planning and Zoning Commission taken on September 19, 2013. To wit: the issuance by said commission of a negative report in connection with First Selectman Joseloff's 8-24 request regarding the moving of the historic structure at 35 Church Lane in Westport, known as the Kemper-Gunn House, to a certain location on Town-owned property known commonly as the Baldwin parking lot.

	<u>Name</u> (please print clearly)	<u>Address</u> (please print clearly)	<u>Signature</u>
1	Linda Hudson	18 Kings Hwy South	
2	Jean Andrews	38 Turkey Hill S.	
3	Mimi Burroughs	23 Hills LA.	
4	Kathleen Kathleen M. Brennan	Greenbrier Rd	
5	Anne Lewie	Rayfield Rd.	
6	Suzanne-Ester Selander Suzanne-Ester Selander	8 Woodside Ave	
7	Elizabeth DeLucca	8 Woodcock	
8	GERI ZATLOFF	90 Main St.	
9	David Connerly	15 Gorbham Ave	
10	Susan Ritter	8 Catamount Rd.	
11	Jacqueline Suter	10 SALEM LANE	
12	BRIAN SUTER	10 SALEM LANE	
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 2013 SEP 27 P 12 02
 WESTPORT TOWN CLERK
 TOWN CLERK

LEGAL NOTICES

LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on September 19, 2013, the Westport Planning and Zoning Commission took the following action:

1.DENIED: 24 Ludlow Road, Appl. #12-040 by Lawrence P. Weisman/Eric Bernheim for property owned by Beit Chaverim Synagogue for a CAM Special Permit and Site Plan approval for construction of a new synagogue in a Res AA zone, PID #C09060000.

2.NEGATIVE REPORT: 35 Elm Street, §8-24 Request by the First Selectman for a report from the Planning and Zoning Commission regarding the relocation of the Gunn house from 35 Church Lane to 35 Elm Street in the Baldwin parking lot, in a Res A zone, PID #C10143000.

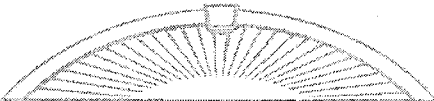
3.GRANTED: 1032 Post Road East, Appl. #13-020 by Rick Hoag for property owned by 1032 Post Road East, LLC for a Special Permit and Site Plan approval for renovation of existing structure and new parking layout in a HSD zone, PID #F09054000.

4.APPROVED: 1026 Post Road East, Appl. #13-030 by Rick Hoag for property owned by DeMattio Associates, LLC for a Site Plan approval for building alteration and change of use from retail to a car dealership and Certificate of Location for an automobile dealership pursuant to CT Statute 14-54, in a HSD zone, PID #F09055000.

5.APPROVED: 786 Post Road East, Appl. #13-033 by CPCI, LLC c/o HSSK for property owned by CPCI, LLC for a Site Plan approval for a gasoline station, convenience store, façade alteration, site work, signage and new canopy in a GBD zone, PID #E09037000

The above items were granted/approved/denied with conditions, which are on file with the Planning and Zoning Office in Town Hall at 110 Myrtle Avenue.

Dated at Westport, Connecticut this 27th day of September, 2013
Catherine Walsh, Chairman, Planning and Zoning Commission



BERCHEM, MOSES & DEVLIN, P.C.

ATTORNEYS & COUNSELLORS AT LAW

ROBERT L. BERCHEM
MARSHA BELMAN MOSES
MICHAEL P. DEVLIN
STEPHEN W. STUDER
RICHARD J. BUTURLA
FLOYD J. DUGAS
ROLAN JONI YOUNG SMITH
JACOB P. BRYNICZKA
IRA W. BLOOM
JONATHAN D. BERCHEM
MICHELLE C. LAUBIN
MARIO F. COPPOLA
WARREN L. HOLCOMB
MARK J. KOVACK
BRYAN L. LeCLERC
BRIAN A. LEMA
DOUGLAS E. LOMONTE
BRIAN W. SMITH
SHELBY L. WILSON

75 BROAD STREET
MILFORD, CT 06460
TELEPHONE (203) 783-1200
FACSIMILE (203) 878-2235

1221 POST ROAD EAST
WESTPORT, CT 06880
TELEPHONE (203) 227-9545
FACSIMILE (203) 226-1641

PLEASE REPLY TO
WESTPORT OFFICE
WWW.BMDLAW.COM

MICHAEL P. BURDO,
RICHARD C. BUTURLA
JODIE L. DRISCOLL,
RYAN P. DRISCOLL,
CAROLYN MAZANEC DUGAS
ALISON R. EGELSON
GAIL I. KELLY,
MICHELLE DEVLIN LONG
JEFFREY P. MOGAN
CARLETHA P. TEXIDOR,
MEGAN A. SMITH
JUSTIN STANKO
JOSHUA A. WEINSHANK

MEMORANDUM

OF COUNSEL

LISA GRASSO EGAN
JOHN W. HOGAN, JR.

To: Members, RTM
From: Ira W. Bloom, Town Attorney
Gail Kelly, Assistant Town Attorney *Gail*

Date: September 30, 2013

Subject: RTM Review pursuant to Connecticut General Statute Section §8-24

*ALSO ADMITTED IN CA
*ALSO ADMITTED IN MA
*ALSO ADMITTED IN MN
*ALSO ADMITTED IN NJ
*ALSO ADMITTED IN NY
*ALSO ADMITTED IN PA
* ADMITTED IN NEW YORK ONLY

The RTM has been asked to review the negative report regarding the Gunn House from the Planning & Zoning Commission ("P&Z") pursuant to Section 8-24 of the Connecticut General Statutes. The statutory provision allows the legislative body of the town to review such a decision upon a negative report from the P&Z. Sections C5-1(F) and C10-4 of the Town Charter also authorize the RTM to review a negative 8-24 report.

The last time the RTM reviewed a Section 8-24 negative report was in 2005 with regard to a sewer extension. Attached are comments our office made at that time to the RTM. We would call these comments to your attention since they are applicable today. The RTM's focus should be whether the Gunn House proposal is consistent with the 2007 Plan of Conservation and Development ("POCD"). This is the underlying standard for a Section 8-24 review by the P&Z.

In 2005, we suggested that you review the reasons cited in the negative report submitted by the P&Z on this issue. We would suggest you do the same this time. It is our opinion however, that the RTM can make its own independent evaluation of this issue at this time. You are not limited to simply reviewing the P&Z decision, as long as your analysis focuses on the underlying standard—is the proposal consistent with the POCD.

IWB/kaa

2005 minutes

Attorney Ira Bloom to give a brief remark about the 8-24.

Town Attorney Ira Bloom:

As Mr. Bradley said, this is a section of the Connecticut General Statutes. This is now the second time in recent months that you have had the chance to review actions of the Planning and Zoning Commission. The starting point here again is a section of the charter, C10-4. Unlike the last time we did this, this is now tied in directly to a section of the state laws which, as Mr. Bradley just said to you, govern municipal improvements. Section 8-24 of the statutes normally refers to municipal improvements, municipal projects when the town purchases some property or leases property or sells property but it also includes extension of public utilities such as sewer lines so that's why these kinds of applications go to the Planning and Zoning Commission. The statute itself as well as the charter says that the legislative body, the RTM, can review this and reverse it by a 2/3 vote. That's why this is again before you. The question is what kind of review does the Planning and Zoning Commission undertake here and what kind of review should you be undertaking under the law. There are cases that talk about a §8-24 review. Some of them say it is a conceptual review. Some say it's more of an advisory review. The standards for you to consider and for the Planning and Zoning Commission to consider are the Town Plan. What does the Town Plan say about growth? What does it say about sewers? What do the zoning regulations say about growth, sewers, lot size, things of that nature? It is kind of an overview of the Town Plan of the regulations of the town's general zoning laws and sewer policies. That's what the 8-24 review is intended to be by the Planning and Zoning Commission. Consequently, that is what your review should also be. I said it is advisory, not necessarily final, and that is because, if either the P&Z or, in this case, the RTM overriding the P&Z, approve this or issue a positive report, it is not done. It still goes to the Water Pollution Control Authority for a more detailed review so there is a second step even if you should pass it. So what you and the P&Z do is kind of an overview, conceptual analysis of these larger plans. If you should pass it, it would go on to WPCA for a more detailed review and a more specific review. That's what would happen if you were to reverse the P&Z by a 2/3 vote. What questions should you ask yourself? In my opinion, your starting point should be the negative report of the P&Z that they issued on Sept. 14, 2005. They delineate five reasons for their report. It seems to me that what you should ask yourself is whether they properly considered the Town Plan. Did they properly consider the town's policies for sewers? Did they properly consider the town's zoning regulations? Did they identify proper policy issues in rendering their negative report? That kind of analysis is what you should be doing as part of this 8-24 review.

Mr. Bradley:


I also just wanted to point out that the 8-24 review is actually a planning function. We get accused of doing too much zoning and not planning. This is one of the things where we, under the statutes and under the way the commission operates, the extension of public utilities is a planning function and that duty is given to the Planning and Zoning Commission.



Westport Historic District Commission

Town Hall

Westport, Conn. 06880

TO:  Members of the Westport Representative Town Meeting
FROM: Francis Henkels, Chairman, Historic District Commission
DATE: October 11, 2013
RE: Relocation of Kemper-Gunn House from 35 Church Lane to Elm Street.

BACK UP MATERIAL
RTM ITEM # 2

The Historic District Commission, at its monthly meeting October 8, 2013 voted unanimously to recommend that the Representative Town Meeting overturn the negative 8-24 report issued by the Planning and Zoning Commission on October 3, 2013 regarding the proposed relocation of the Kemper-Gunn House.

In its official advisory role to the town on issues of historic preservation, the HDC has consistently advocated for saving the 1885 Queen Anne style house located at 35 Church Lane in the face of development pressure from the Bedford Square project. The Commission considers this to be a valuable historic asset to the town, a notable example of the residential architecture of this period, which represents an important stage in the physical and cultural evolution of Westport. The house is currently listed on the State Register of Historic Places and is listed on the town Historic Resources Inventory.

Westport has few remaining good examples of Queen Anne houses, dating from the latter half of the nineteenth century, in as prominent a location as the Kemper-Gunn house, currently located close to the town center at 35 Church Lane. This house embodies qualities representative of that period of time in Westport's history: growing prosperity, civic pride, interest in living "in town", and a sense of community. It has graced that portion of Church Lane for almost 130 years, easing the visual transition from the more residential character of the neighborhood to the east to the more densely developed commercial town center.

Bedford Square Associates has generously offered to relocate the structure, at their expense, to town property and to donate it to the town. We have received a viable proposal from a private developer who would renovate the building at their cost and pay the town rent on the land. The process would produce a steady cash flow to the town in the form of lease income and real estate taxes while requiring minimal or no capital costs to the town.

We believe the carefully designed re-siting of the Kemper-Gunn house to Elm Street will enhance the streetscape, which has historically been residential in character. As conceived it will afford the town the flexibility to retain most of the parking currently provided or to integrate the relocated house into a possible future parking structure that might be developed there. In the process we will have saved an important asset to Westport's historic character. With this vote, the HDC is reinforcing its support for this preservation effort and believe it is now time for the town to take the next step and for the RTM to override the Planning and Zoning Commission's negative 8-24 report to move this project forward

cc: Gordon F. Joseloff, First Selectman

To: Matthew Mandell, RTM District One Representative and Chair of RTM P&Z Committee
From: Don Bergmann, RTM District One Representative and member of RTM P&Z Committee
Re: Kemper-Gunn Relocation 2007 Town Plan of Conservation and Development ("Town Plan")

October 14, 2013

As requested, the following reflects my review of the Town Plan as the Plan relates to the decision of the RTM to issue a favorable 8-24 Report on the request of the First Selectman to relocate the Kemper-Gunn House to Elm Street. Proceeding sequentially, I have quoted or referenced all language in the Town Plan which I believed could be viewed as having relevance. I have also included my judgment as to whether or not the quoted language is or is not consistent with a favorable 8-24 Report. Those judgments are set forth at the end of the language quoted. In several instances I have not made a judgment. Instances of no judgment include all references in the Town Plan to residential neighborhoods since I have concluded that the Baldwin Parking lot is not a residential neighborhood, even though it is zoned Residence A. I have underlined "residential neighborhood" throughout to highlight that point.

JUDGMENT AS TO 8-24
Consistent with Town Plan "YES"
Inconsistent with Town Plan "NO"

ALL REFERENCES ARE TO THE TOWN PLAN

"PREFACE"

Page (i) -

"its leaders and citizens must undertake careful planning"

[Plan]" is intended to be flexible"

"how to make Westport a better place"

Page iii - Basic themes/principles of Plan-

"It is recognized that strict separation of uses is still important in single-family residential areas."

"Protect and Manage Residential Neighborhoods"

"Maintain Distinctive Centers With A Strong Sense Of Place"

"Address Community Facility Needs"

Page v – Photograph of an "Historic Home"

Page vi – "Overall Philosophy Of This Plan"

"conservation of existing natural and built resources is valued more in Westport than the promotion of new or expanded commercial or residential development"

"4. Restrict commercial development to existing commercial zones."

NO

"6. Encourage the protection of historic properties."

YES

CHAPTER TWO, "CONDITIONS, TRENDS AND ISSUES"

Page 2-7

Results of inputs from attendees at initial Town Plan Planning Meeting:

As to Town commercial centers, number of Residents out of 42 respondents who were "sorry about"

"More chain stores 28"

YES

"Downtown parking 4"

NO

CHAPTER THREE, "PRESERVE CRITICAL ENVIRONMENTAL AREAS"

Page 3-1 – One theme common to all the last five Town plans is "to protect the natural environment and preserve the overall character of the community." YES

CHAPTER FOUR, "PRESERVE OPEN SPACE AND NATURAL BEAUTY"

Page 4-1 – "Westport residents value the open spaces, historic resources, and other elements that add to the overall beauty of the community and want to continue to protect them." YES

"GOALS

Preserve historic structures and other significant amenities in order to retain Westport history over time." YES

"Assure that Westport, as it changes, retains a sense of community, beauty and history." YES

Pages 4-8 and 4-9

These two pages are captioned "PROTECTING HISTORIC RESOURCES" and are solely devoted to addressing that goal. On page 4-8, it states,

"Westport is committed to preserving its unique historic character and beauty. In so doing it fosters community pride, conserves the personality and architecture of its historic residential neighborhoods and commercial areas, enables citizens and visitors to enjoy and learn about local history, and provides a framework for making appropriate preservation decisions." and YES

"Westport must protect its inventory of significant historic properties from destruction or architectural degradation by employing the full range of methods available to protect and enhance Westport's historic and cultural resources." YES

Page 4-9 –

" - suggest relevant zoning regulations and tax incentives to preserve historic properties in commercial and residential zones." YES

Page 4-9 –

This page is captioned "PROTECT HISTORIC RESOURCES and lists 14 action items to achieve that goal. These action items reflect the text on pages 4-8 and 4-9. YES

CHAPTER FIVE, "PROTECT AND MANAGE RESIDENTIAL NEIGHBORHOODS"

This Chapter is solely devoted to that goal.

Page 5-1 –

"It is a central goal of this Plan and of prior plans to maintain the low density single family residential character of Westport's neighborhoods. The overall character and ambiance of existing neighborhoods is responsible for the recognized quality of life in Westport."

"GOAL"

Maintain Westport's predominantly single family residential focus and small town feeling."

Page 5-2 –

This page is captioned PROTECT RESIDENTIAL NEIGHBORHOODS and lists six bullet items to implement that fundamental philosophy of the Plan, including

"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."

Page 5-6

This page is captioned STRATEGIES and lists six action items to Protect Residential Neighborhoods. These action items reflect the text on page 5-2. but include a new item, "3. Protect Westport's diverse architectural styles."

CHAPTER SEVEN, "MAINTAIN DISTINCTIVE CENTERS WITH A STRONG SENSE OF PLACE"

Page 7-1 -

"this Plan recommends a defined focus on building and site design. At the same time, the Plan recommends that changes and improvements within commercial zones minimize negative influences on neighboring residential quality of life. The Plan recommends that when considering development proposals, commercial land use areas should be maintained within their existing zoning limits without extending into residential areas."

YES

NO

"GOAL"

"Improve the appearance and functioning of all commercial areas and minimize negative influences on neighboring residential quality of life."

YES

Pages 7-2 to 7-8 –

The section is captioned "MAINTAIN AND ENHANCE WESTPORT CENTER" and includes the following statements:

Pages 7-3, 7- 4 and 7-

5, MAJOR ISSUES regarding the downtown area:

"Types of Establishments – Will the current and future needs of the community be served within what is considered the downtown area?"

YES

"Parking - . . . too much . . . too little? Is it in the right places?"

NO

"Aesthetics – Is the area visually appealing? Relaxing? Enjoyable?"

YES

Establishments (p. 7-3, 4) "Many residents lament the loss of a downtown of the past which had numerous smaller, family-owned businesses and a broader variety of retail establishments in the downtown area."

YES

A telephone survey indicated that (i) 70% of the respondents said Westport had "too few locally owned retail stores" and (ii) 65% said Westport had "too many National retail chain stores."

YES

"The Plan recommends that the Town of Westport review its tax system with an eye toward providing special incentives for non-chain businesses in the downtown area and consider limiting the maximum size of individual businesses."

YES

Parking (p. 7-4) – "64% of telephone survey respondents felt that the Town should provide for more parking in the downtown area. The Plan strongly recommends that some parking in the downtown area be reconfigured."

NO

Traffic (p. 7-5)– "Integral to discussing parking is a need to consider traffic, both existing and any incremental volume added by additional parking or commercial development."

Page 7-6 –

"Encourage the creation and execution of an overall, comprehensive conceptual design and plan that integrates and coordinates the extended physical elements already in the Center."

Retain much of the scale of the current architecture"

YES

Page 7-8 – "It is important that

the distinctive character, landscape and historic value of the downtown area be protected and preserved,

YES

the conversion, conservation and preservation of existing buildings and sites be encouraged in a manner that maintains the historic or distinctive character of the district, and YES

any new development occurs in a way that protects and enhances the character of the downtown area.” YES

Page 7-10 –

“3. Conduct a major study of traffic/parking for the entire downtown area (including private parking lots) and, as part of the study, consider the following options or alternatives:

a.

b. ‘decked parking’ NO

c.

d. “

“The Plan recognizes and supports redevelopment of existing commercial Properties in Westport Center when such redevelopment is designed to be In keeping with its distinctive character.” YES

CHAPTER EIGHT, “WESTPORT FUTURE PROVIDE A VARIETY OF TRANSPORTATION CHOICES”

Page 8-4 –

“ADDRESS PUBLIC PARKING NEEDS”

“The telephone survey found that 64% of survey respondents felt that the Town should provide for more parking in the downtown area.” NO

“Managing parking in the downtown area is a delicate balancing act.”

“Plan . . . seeks to discourage the further transformation of the downtown area into a shopping mall populated by “formula” chain stores.” YES

Page 8-10 –

“2. Find ways to reconfigure the parking supply to meet current needs and to enable additional recreation access to the River, but control the expansion so it does not further encourage the transformation of the downtown area into a shopping mall.”

CHAPTER NINE, “WESTPORT FUTURE ADDRESS COMMUNITY FACILITY NEEDS”

Page 9-2 –

“Land suitable for municipal use is in limited supply and expensive. The Plan recommends that Westport not dispose of existing land or buildings unless absolutely necessary.” NO

BOF Approved \$139,000
10/2/13



RBA Group of Connecticut, LLC

September 19, 2013

BACK UP MATERIAL
RTM ITEM # 3

Mr. Gordon F. Joseloff
First Selectman
Town Hall
110 Myrtle Avenue
Westport, CT 06880

Re: RFP 13-710 – Master Plan for Development and Implementation for Downtown Westport

Dear Mr. Joseloff

The RBA Group is pleased to submit for your review and concurrence the following revisions to the scope of work as detailed in our original proposal of March 13, 2013 to the Downtown 2020 Committee for the above referenced project. As agreed upon with the Planning and Zoning Commission RBA will undertake the entire scope of services work as detailed in the aforementioned original scope. With the following understandings:

RBA shall prioritize as Task 1 of the study the Traffic Analysis component of the work as Identified under Task 5 "Transportation Study" and that work shall be broken out as 3 phases of work.

Phase 1: As outlined in the original scope of services RBA will develop a baseline traffic model of existing vehicular counts for the "Downtown Core Study Area". That original scope of work identified 7 intersections for inclusion in this phase including the intersections of Route 1 @ Route 33, @ Parker Harding Plaza, @ Main Street, @ Imperial Avenue and @ N/S Compo Road and Route 33 @ Route 57 and Main Street/@ Avery Place.

As agreed upon with the Planning and Zoning Commission this baseline study component will now be expanded to include all signalized intersections along Route 1 from the Norwalk/Westport border to the Fairfield/Westport border including intersections along Routes 33 and 136. We assume up to 17 additional signalized intersections. *The expanded scope is considered extra services and shall be included in the revised fee as detailed later in the letter*

Phase 2: As outlined in the original scope of work Phase 2 of the traffic analysis will allow for the development of a "future projection scenario" that evaluates the impacts of today' known impending developments such as:

- Bedford Square,
- Save the Children
- National Hall,
- Ludlowe Street
- Relocation of the Westport Y
- Save the Children
- Mediplex

We propose to utilize available traffic impact study data from the developments as a basis for the projected traffic analysis. In the event that no data is currently available, RBA proposes to use the generally accepted standard Institute of Transportation Engineers (ITE) trip generation manual factors to address future demand.

Phase 3 – Also as outlined in the original scope of work RBA shall develop a "working" model that will allow for the addition of future developments and changes to zoning or infrastructure as predicated by the Master

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Plan process. This "working" model will allow Planning and Zoning to changes to traffic and parking scenarios and those associated impacts that these action may effect.

Additional Understandings:

RBA recognizes that as part of Connecticut State Statue an updated Town POCD will be required in 2017 and as such this master document shall be formatted to enable it to become an integrated piece of that future document centering on Downtown Westport.

RBA additionally recognizes the importance that must be placed upon creating useable design guidelines that will help shape infrastructure and streetscape standards for the Town. As part of the overall Master Plan process plan we shall prioritize the development of these standards for public review and incorporate them into conceptual designs for

- Elm @ Church Street intersection and
- Sidewalk improvements that were identified as part of the "Main Street Investment Grant"

The development of the design guidelines and conceptual plans for Elm @ Main is included as work under the original scope of services for the project. It should be noted that any final design services for these tasks including the development of Final Plans, Specifications and Estimates (PS&E) documents suitable for bidding would be considered as additional services and funding for this work is not included. It is our understanding that the funding for these design services will be provided by source funds available to Downtown 2020.

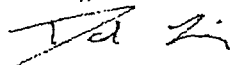
We proposed the revised fees for services to include the development of the Westport Downtown Master Plan and the extra baselines traffic work as follows:

Revised Fee for Services

Original Project Fee.....	\$178,500
Additional fee for expanded Traffic baseline study	\$ 25,500
Revised Project Fee.....	\$204,000

We trust this will meet with the approval of your office and the Planning and Zoning Commission as well as Downtown 2020. If you have any questions please do not hesitate to ask.

Sincerely,



David Lapping, PTP,
Senior Vice President

Recommended by:

Lou Gagliano, Chairman, Downtown 2020 Committee

Catherine Walsh, Chair, Planning and Zoning Commission

Gordon Joseloff, First Selectman, Town of Westport