

**RTM Planning and Zoning Committee Report
Wednesday, October 16, 7:30 pm, Town Hall Room 309
Appeal to RTM, to Overturn P&Z Commission Negative 8-24 Report
Concerning the Relocation of the Kemper-Gunn House
to Elm Street in the Baldwin Parking Lot**

The RTM P&Z Committee met on Wednesday, October 16, at 7:30 pm, in the Westport Town Hall, Room 309.

P&Z Committee members in attendance were Matthew Mandell (Chair), Diane Cady, Lois Schine, Don Bergmann, Jay Keenan, Paul Lebowitz, Carla Rea and Hope Feller. Absent was Gil Nathan.

Present also were RTM members Velma Heller, Dewey Loselle, Sean Timmins, Melissa Kane, Lou Mall and Dick Lowenstein. There were about two dozen members of the public in attendance.

BACKGROUND

The Committee met to address the appeal by electors to request the RTM overturn the negative 8-24 Report concerning the relocation of the Kemper-Gunn House to the Town owned Baldwin parking lot, 35 Elm Street. On August 26th 2013, the First Selectman had requested the Planning and Zoning Commission issue a report on the use of that Town owned land under Connecticut State Statute 8-24. Prior to this request the First Selectman twice brought this issue to the Board of Finance, who twice supported the concept and moving the process on to the P&Z. The BOF will address the lease and overall finances further on in the process. The Planning and Zoning Commission held a public meeting on the matter on September 12th and a work session on September 19th. The Commission issued a negative Report on September 19th, the vote was 4 to 2, with one abstention.

The appeal to the RTM is authorized under Connecticut State Statute 8-24 and the Westport Town Code, C-10. The former allows the RTM to issue a favorable 8-24 Report on the original request and the latter allows the RTM to overturn the vote to issue a negative 8-24 Report. To achieve such a result under C-10, two thirds of the entire RTM must vote in the affirmative, 24 votes.

The role of the RTM in this matter is addressed by the rules of the RTM, with clarifying input from the Town Attorney in the form of a September 30, 2013 memorandum. This memorandum, along with numerous other relevant documents, was made available to the Committee and the public through an internet website created by Chair Mandell.

The memorandum of the Town Attorney included the following statements:

"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 Section 8-24 review by the P&Z."

and

"You are not limited to simply reviewing the P&Z decision, as long as your analysis focuses on the underlying standard."

RTM Rules 162-25, Standard of Review, were adopted in January, 2010 to resolve certain issues that had arisen during prior, similar reviews. It is there stated that "the RTM review, in its legislative capacity, will be guided by land use criteria. These include, but are not limited to, the Town of Westport's Plan of Conservation and Development and general health, safety and welfare considerations."

STATEMENTS OF PETITIONERS

Morley Boyd spoke first to the Committee. Mr. Boyd was the lead petitioner for the review and submitted a petition with 89 resident signatures, thus exceeding the minimum of 20 required to initiate a review.

Mr. Boyd focused first on the P&Z's negative 8-24 Report and explained how many of the "findings" in that report were not backed up by the POCD. (In an effort to avoid repetition, specific discussion of sections of the POCD will be addressed later in the report as the analysis of the Committee is presented.)

Mr. Boyd described the historic significance of the Kemper-Gunn house and of the surrounding locale. He stated that the house and locale are in the "Myrtle Avenue Historic District" and that the Kemper-Gunn House, 35 Church Lane, is appropriate and worthy for National Historic recognition. In that connection, Mr. Boyd placed in the record a 1985 report prepared by the Office of State Preservation, specifically highlighting that relocating the Kemper-Gunn house to a site in close proximity to its present, original location is imperative to its historic standing and historic value.

Mr. Boyd spoke of how Elm Street and the Baldwin lot were once lined and filled with private homes. He noted that one home in particular, at 35 Elm St, had been occupied by a Sigrid Schulz, a noted journalist. The Schulz house was the last of the homes that were demolished to permit the paving of the Baldwin parking lot. Mr. Boyd observed that with that demolition an important physical aspect of our memories of Ms. Schulz and her ties to Westport was also lost. Mr. Boyd added that older houses often maintain our links to history and especially to the lives of those having lived in them.

David Waldman, a principal with Bedford Square Associates (BSA) and with the entity that will own and renovate the Kemper-Gunn houses then spoke. BSA is currently undertaking a major project on Church Lane. That project necessitates the relocation or demolition of the Kemper-Gunn House. BSA will be donating the house to Westport and will move it to, and build a foundation for the house on, the Baldwin lot. The cost will be borne by BSA.

On behalf of the winning bidder on the Request for Proposals issued by the Town last spring, Mr. Waldman said that over \$1.5 million would be invested to restore the house, to bring the house in compliance with current building codes and to preserve the house in an historical manner. Mr. Waldman said that space within the structure would be

leased for uses consistent with its zoning and that below market rents would be made available to provide for occupancy by businesses locally owned and grown. This is required by the RFP terms and will be in the to be created lease. The house would also be submitted for listing on the National Historic Register, thereby protecting this historic structure into the future.

Mr. Waldman maintained that there would be no net reduction in parking spaces in the area since the BSA project offered 60 spaces more than otherwise required. Mr. Waldman stated that the relocation of the house to the Baldwin lot would not impede the construction of a parking deck in that lot if a parking deck was determined in the future to be desirable. He also believes there will be no increase in traffic since the house is simply being relocated across the street. Also, Mr. Waldman's group expected to make certain design changes to the Baldwin lot to increase efficiency and to site the house in order not to obstruct the future widening of Elm Street, if any. It is expected that the siting of the Kemper-Gunn house on Elm Street will create opportunities for a new streetscape, as well as other possible benefits to that area for the Town and its residents.

Mr. Waldman stressed that approving an 8-24 allows for future discussion and design by all involved. He simply did not understand why the P&Z Commission would have wanted that future process precluded by the issuance of a negative 8-24 Report.

STATEMENTS OF PLANNING AND ZONING COMMISSIONERS

The P&Z Commission was offered an opportunity to defend its negative 8-24 Report. The Chair of the Commission, Cathy Walsh, represented the Commission as a body. Ms. Walsh said she accepted the review process and was pleased with it. She observed that more information had become available since the Commission vote and this provided some clarification. Ms. Walsh read into the record a letter from Commissioner Jack Whittle, setting forth the reasons why Mr. Whittle had supported a positive 8-24 Report and the relocation of the house to the Baldwin lot. Mr. Whittle included a number of specific references to the POCD in support of his position.

Howard Lathrop, one of four Commissioners who voted to issue a negative 8-24 Report, said this is the kind of matter that should be in the hands of the RTM. He said his reasoning for his vote was two-fold. First, he believed that the house was not architecturally significant. However, Mr. Lathrop also acknowledged that the legitimate sentiment and concern for the preservation of the structure could outweigh his architectural judgment. Mr. Lathrop's second reason was that an insufficient number of alternative locations had been proposed.

Mr. Lathrop then presented some slides, including two alternative sites in and next to the Baldwin lot. Mr. Lathrop's slides also sought to show that Victorian type houses should be placed in a large lawn setting. However, one house shown, on Jessup Road, had a large lawn to its back, but a rather small lawn in front with simple plantings along Jessup Rd. It was also subsequently commented upon by a member of the public that the Jessup Rd. house obscured a parking lot in the rear. That fact seemed to support an aesthetic benefit of the relocated Kemper-Gunn House in that the house would serve as

a positive visual feature to Elm St. reducing the view of the unattractive parking lot behind the house.

The first alternate location for the house suggested by Mr. Lathrop was the parking area of Christ and Holy Trinity Church abutting the Baldwin lot. This site most likely would require a land swap for parking between the Town and the Church.. The second location suggested was in the far, rear portion of the Baldwin lot. That suggestion generated many negative comments from others later during the meeting.

In closing, Mr. Lathrop expressed the view that he was surprised with the vote of the P&Z Commissioners in issuing a negative 8-24 Report . He also added that he was quite certain the matter would end up with the RTM.

Ms. Walsh summed up, saying she too was surprised by the Commission vote and that she abstained on the vote due to the fact that four Commissioners had already voted to issue a negative 8-24 Report, hence her vote did not matter.

It is now noted that, at several subsequent times during the meeting, members of the public and the RTM voiced concern that it appeared that at least some of the P&Z Commissioners may have abdicated their responsibility to make a sound and well-reasoned decision and, rather, may have acted as they did by reason of the role legally available to the RTM to overturn the Commission's judgment. In addition, concern was expressed that the Commission may have been wasting the time of many people, including the RTM, as well as generating unnecessary, resulting expense. A comment of RTM member Lois Schine captured the mood when she said

"it seems to me that the P&Z is asking the RTM to overturn them."

Chip Stevens, a P&Z Commissioner who voted to issue a positive 8-24 Report, spoke about the need to preserve our past and move forward with a sense of that past and a commitment to build and expand upon all that is so wonderful about Westport's historic appeal. He said he campaigned and was elected under the banner of preservation and he and the RTM should do just that. Mr. Stephens commented that he believed the Church location alternative was not workable since the congregation there had just completed a major project of their own initiation.

HDC AND OTHER COMMENTS

There were comments about the alternate location in the rear of the Baldwin lot. It was noted that such a location evidenced support for the concept of relocating the Kemper-Gunn house to the lot, but also that at least two major problems would arise. One would be that retail shops, particularly of the "mom and pop" variety could not survive without being on a street front with foot traffic. The second was that the placement of the house other than on Elm St. would eliminate all the benefits that would have been and could be achieved for the Elm St. streetscape by placing the Kemper-Gunn house on Elm St.

Frances "Randy" Henkels, Chair of the Westport Historic District Commission (HDC) then spoke. Mr. Henkels noted that the Town Charter establishes the HDC and that the

POCD charges the HDC with the protection of historic structures in Town. He also pointed out that one of the goals of the POCD, specifically on Page 4-1, is to

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

Mr. Henkels spoke of the historic significance of the Kemper-Gunn house and the crucial importance of its present and proposed location, both as to the house itself and as a transition element to the residential and residential type structures leading along and beyond Church Lane from the commercial core of Main Street. He also commented as to the fact that the Kemper-Gunn house was architecturally significant in that it is one of only a few Queen Anne style houses remaining in Town. Mr. Henkels reminded the Committee and the public that the HDC had voted unanimously as a Commission to support the relocation.

STATEMENTS OF THE PUBLIC

The public was then offered the opportunity to comment. Both candidates for First Selectman, Helen Garten and Jim Marpe, expressed their support for the relocation, Ms. Garten in her words before the Committee, Mr. Marpe through a letter read by Chris Tait. Each also committed that, if elected, she or he would work hard to cause the process to move ahead to fruition.

By way of summary, the overwhelming consensus of those of the public that spoke was strongly supportive of the relocation. This in addition to the also overwhelming number of emails received by the RTM and a petition with now almost 600 signatures in support of the move. There were some expressions of refinements or expansions to earlier comments. There also was discussion of the importance of this relocation to other possible changes arising from expected future planning efforts and of the fact that many important hurdles remained to be addressed.

As was the case in the P&Z Commission public hearing, there was only one speaker expressing a concern, that being Roger Leifer speaking through Gloria Gouvier, land use consultant. Ms. Gouvier focused upon the issue of the spaces in the Baldwin lot that would be lost by the relocation of the house to that lot.

Larry Bradley, Director of the Planning and Zoning Department stated that a parking analysis of the likely projected uses for the BSA Church Lane development suggested the development would need more parking than the uses being replaced, but that it was also true that development conformed to Town parking regulations and provided for more parking than that which those regulations mandated. Mr. Waldman, in response, explained the use calculations referenced by Mr. Bradley were based upon the present, rather low YMCA membership levels, rather than the higher levels in effect in the past. Mr. Waldman also said that the parking use analysis did not distinguish among the times of the uses, noting that the parking demand timing for the expected uses of the BSA development was different from the timing relevant to the YMCA. Essentially with the YMCA creating a demand downtown, the use was a wash when they relocate.

COMMITTEE ANALYSIS

The RTM P&Z Committee then analyzed the written 8-24 Report of the P&Z Commission. This was done on a point by point basis, as follows.

II Findings:

F. " The Planning and Zoning commission finds the application is inconsistent with the 2007 Town Plan of Conservation and Development because"

Dot 1 "It will introduce commercial uses into a residential zone."

The RTM P&Z Committee rejected this finding. The Committee made the following points:

- (i) While the Baldwin lot is zoned residential "A," it is a parking lot, a commercial use;
- (ii) That the lot is still zoned residential is vestigial and not what is occurring on the ground;
- (iii) That Elm Street and the entire parking lot were once actually residential shows that moving the house to the lot makes sense;
- (iv) That the language of the POCD refers almost entirely to not bringing commercial activities into residential neighborhoods. Hence, the POCD language is irrelevant since the lot is not now a residential neighborhood;
- (v) That the Kemper-Gunn House is residential in appearance and feel and should be a benefit to its new locale across the street because of its appearance and as an important aspect of the transitional nature of that locale;
- (vi) The POCD seeks to keep commercial activities in commercial areas. The relocation is doing just that; and
- (vii) That the P&Z Report is in contradiction with itself in Finding J of the Report which alludes to an even greater commercial use, a parking deck.

Dot 2 "It will cause a loss of parking spaces."

The RTM P&Z Committee rejected this finding. The Committee made the following points:

- (i) That there will be a net increase in the number of parking spaces when the BSA Church Lane development plan is completed;
- (ii) That the POCD does not cite the loss of parking spaces as an issue and that several of the references to parking in the POCD refer to results from a public survey, hence this Commission finding does not have support in the POCD;
- (iii) That the existence of parking issues reflects more the attitude of drivers, than the availability of spaces;
- (iv) That spaces usually exist, they just need to be found, though sometimes further away than preferred by some drivers; and
- (v) That parking is not such a significant issue in Town as should be permitted

to outweigh the goal to preserve historic structures as expressed throughout the POCD.

Dot 3 "It will result in the use of Town owned land for something other than public facilities."

The RTM Committee rejected this finding. The Committee made the following points:

- (i) That the favorable 8-24 Report by the P&Z Commission for the lease of property on Baron's South to a private developer to build and operate a senior living facility is a precedent for the Kemper-Gunn house proposal. The P&Z should be consistent in its analysis of the POCD for 8-24 Reports; and
- (ii) That public/private partnerships reflect the kinds of imaginative and sensible vehicles to achieve the many goals of the POCD, including to preserve historic structures and to create a "sense of place" downtown.

G. "The Commission finds that there are too many unanswered zoning questions for this request to be approved at this time.

The RTM Committee rejected this finding. The Committee understands that an 8-24 Report is only a first step in the regulatory process and concluded that whatever unanswered zoning questions exist would be addressed as subsequent steps. It was also suggested by some that the P&Z should have asked more questions since the Town and materials submitted to the P&Z Commission referenced all the issues and several of the likely answers. Overall, the RTM Committee believed this finding of the Commission was premature and inappropriate.

H. "The proposed structure will result in the loss of 17 parking spaces within the Baldwin parking lot and the Commission finds that a loss of parking spaces in Westport Center to be unacceptable."

The RTM Committee rejected this finding. It is a repeat of the above referenced parking Finding F, dot 2, and is subject to the same analysis there provided by the Committee.

I. "The Commission finds that the relocation of this structure has the potential to create adverse traffic impacts on a narrow street in downtown Westport."

The RTM Committee rejected this finding. The Committee made the following points:

- (i) That there was no evidence presented that this would occur;
- (ii) That "potential" was not an acceptable regulatory test for the issuance of a negative 8-24 Report, including the inherent speculative nature of the word;
- (iii) That the Kemper-Gunn house already exists there and the traffic impacts, if any, have already been accounted for; and
- (iv) That the house will be situated in such a way as to allow Elm Street to be widened in the future if that need arises.

J. "The Commission finds that this project could impact the future use of the Baldwin parking lot for Town needs such as a parking structure or some other public facility."

The RTM Committee rejected this finding. The Committee made the following points:

- (i) That the relocation of the house would not prevent the future construction of a parking deck in the Baldwin lot;
- (ii) That the relocated house would serve to obscure such a structure, a positive, just as does the house on Jessup Road;
- (iii) That the relocation and continuing use of the Kemper-Gunn house provided numerous benefits to the Town, nearly all of which were specifically addressed in the POCD;
- (iv) That this finding of the Commission was a contradiction to the Commission's earlier discussed finding, F dot 1, as to a parking lot being residential.

COMMITTEE DELIBERATIONS

Having reviewed the reasons the P&Z Commission cited for its issuance of a negative 8-24 Report and having rejected those reasons as lacking in substantive support, weak, inconsistent and even sometimes irrelevant to the POCD, the RTM P&Z Committee moved on with its deliberations.

ADDITIONAL COMMITTEE ANALYSIS

The RTM P&Z Committee believes the relocation of the Kemper-Gunn house to be completely consistent with the 2007 Town Plan of Conservation and Development. In an analysis assigned to RTM member Don Bergmann, Mr. Bergmann prepared a memorandum setting forth the textual portions of the POCD relevant to this proposal. That effort reflects a 23 to 8 positive margin of POCD statements that are consistent with the relocation. Of course, any numerical compilation is un-weighted as to importance. Also, a judgment was made that POCD statements as to protecting "residential neighborhoods" were not relevant, a judgment confirmed by the RTM P&Z Committee. Also, some statements were not assessed one way or the other. However, taking the POCD as the key, legally applicable guide, the thrust of the POCD was clear to the Committee.

The following quote from the Town Plan seems convincingly to document that the relocation of the Kemper-Gunn house proposal meets the POCD, pp. 4-8, 4-9. This quote was also in the P&Z Department Staff Report to the Commission

"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."

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

The Kemper-Gunn house is a significant historic property. The property is on the Town and State historic listings, and holds a special place in downtown Westport. A relocation of the house to Town owned land across the street from its present location, followed by being renovated and leased to locally owned businesses, is an excellent example of one of those "full range of methods" which the Town Plan declares we must employ.

Mr. Bergmann's memorandum is attached to this report. Also attached is the letter from P&Z Commissioner Jack Whittle since it too references portions of the POCD.

The RTM P&Z Committee discussed health, safety and general welfare issues. The Committee found that relocating the house was proper planning, preserved town character and offered a revenue stream for the town. For many, the relocation was viewed as an important step to create a pedestrian friendly, charming and revitalized Elm Street.

Finally, the Committee thanks all those involved in the Kemper-Gunn house relocation and also urges them to continue. The Committee also thanks all for the many imaginative and worthy ideas that this effort has and continues to spawn. A great deal of difficult and challenging work lies ahead. A positive 8-24 is only an early step.

RESOLUTION

The following resolution was moved by Don Bergmann and seconded by Lois Schine:

The RTM Planning and Zoning Committee recommends to the full RTM to issue a positive 8-24 report for the relocation of the Kemper-Gunn house to the Baldwin parking lot, which overturns the P&Z Commission's negative 8-24 Report.

There was no further RTM or public discussion. The Committee vote was unanimous, 8-0 to approve.

As always I want to thank the diligence and patience of this Committee.

Submitted by:

Matthew Mandell, P&Z Committee Chair, with the assistance of Don Bergmann

JACK J. WHITTLE

26 CALUMET LANE
WESTPORT, CONNECTICUT 06880
203-222-0772 (home) / 203-243-0619 (mobile)
Jack.Whittle@ymail.com

October 15, 2013

Via email: RTM-PZ@westportct.gov

Westport Representative Town Meeting
Planning and Zoning Committee

Re: Relocation of Kemper-Gunn House to 35 Elm Street

Dear members of the
RTM Planning and Zoning Committee:

I am a member (vice-chair) of the Planning & Zoning Commission, and write to you in connection with the RTM's consideration of the P&Z Commission's action at its September 19, 2013 meeting regarding the proposal to relocate the Kemper-Gunn house from 35 Church Lane to the southeast corner of the Baldwin Parking Lot, known as 35 Elm Street. As you know, a majority of the P&Z Commission sitting on September 19th (members Corwin, Lathrop, Jinishian and alternate Wetmore) voted to provide a negative report in response to the First Selectman's request under Section 8-24 of the Connecticut Statutes to relocate the Kemper-Gunn House. Doing so effectively dooms the House to demolition inasmuch as the 35 Church Lane site has been approved for development as part of the Bedford Square project. I note that the developer has kindly held off demolishing the Kemper-Gunn House pending the RTM's review of the P&Z Commission's negative 8-24 report.

At the Commission's hearings on July 25 and September 19, I described the reasons for my support of the proposal to relocate of the Kemper-Gunn House to the 35 Elm Street site. All but one of these reasons involve *planning* considerations, an element that some (including, oddly enough, those who did not support moving the house) have claimed is lacking at the P&Z Commission. A summary of the points I raised follows, with citations to relevant sections of Westport's Plan of Conservation and Development (the "POCD"):

- (1) The proposal, which was fully supported by the Historic District Commission, would result in the preservation of a historic structure which is characteristic of the charm and attractive streetscape of Westport's "downtown" area (see p. 4-8 of the POCD);
- (2) The proposal would preserve smaller retail spaces in the downtown area, which retains and supports "mom and pop" businesses in the downtown area (see p. 7-3 of the POCD);
- (3) The proposal would not generate any additional traffic or parking demands in the downtown area since the Kemper-Gunn House is already being used for commercial purposes at its current Downtown location (see p. 7-5 of the POCD);

- (4) The proposed location was demonstrated to preserve the possibility of locating a large parking structure on the Baldwin Lot in the event that such a concept comes to fruition at some point in the future (see p. 7-4 of the POCD);
- (5) In the event that a parking structure is built on the Baldwin Lot, the relocated Kemper-Gunn House would serve as an attractive visual element of the northeast side of Elm Street and help to buffer and screen the view of any parking structure (see p. 4-6 of the POCD);
- (6) The loss of some parking spaces from the Baldwin Lot in order to accommodate the Kemper-Gunn House was an acceptable "cost" from a planning perspective since we are faced with the loss of a historic building which helps define the character of the downtown area (see p. 4-8 of the POCD);
- (7) The proposal would greatly enhance the appearance of the Elm Street "streetscape" and the Kemper-Gunn House would function as an attractive buffer and transitional use between the Downtown business district and the residential areas adjacent to the Baldwin Lot (see p. 7-1 of the POCD);
- (8) The proposal would have no detrimental impact on the ability to redevelop the downtown area in the manner currently being contemplated, such as repurposing of the Parking-Harding Lot (see p. 4-12 of the POCD); and
- (9) The proposal was not objected to by any adjacent residents, but rather was the subject of nearly unanimous support from not just a few, but literally hundreds of town residents, as well as the Downtown 2020 Committee.

I would also point out that the private-municipal partnership which the Kemper-Gunn House proposal represents is exactly the sort of thing which Westport will be turning to in the future as we consider how to accomplish projects in Town which are consistent with our stated planning goals and objectives.

I did take note of the arguments raised by those who opposed the proposal to move the Kemper-Gunn House to 35 Elm Street. Two of those who opposed the proposal primarily based their objection on the claim that the architectural style of the Kemper-Gunn House (which is built in the traditional Queen Anne style) demanded large lawns and green-scape that were not being provided for in the proposal (and hence, the proposal should be denied). Aside from being a bit nonsensical (architectural arrogance notwithstanding, this isn't a southern plantation style home but rather a Queen Anne, of which there are many beautiful and historically accurate examples located in highly-urban areas with absolutely no lawns, such as San Francisco), one's personal tastes regarding the architectural style of a house are of no relevance to a Section 8-24 request, especially so where, as here, the HDC has unanimously determined the Kemper-Gunn House to be historically significant.

Another member who voted against the proposal seemed to base his argument on the premise that, if the House was moved to 35 Elm Street, the Parking-Harding Lot along the Saugatuck River could not be redeveloped as he envisioned - although the logic of that argument is hard to follow at best. That member suggested the Kemper-Gunn House be moved instead to an area "across from Town Hall", which one assumes to be on some portion of Veteran's Green. Locating the Kemper-Gunn House on some portion of Veteran's Green would seem to be entirely at odds with one of the main goals of the POCD, being the preservation of the Town's

open spaces, especially where open green spaces in the Downtown area are concerned; so it is hard to attach much legitimacy to that proposal.

These grounds, which formed the basis of the four votes to deny the proposal to move the Kemper-Gunn House to 35 Elm Street, can be found in the resolution of the P&Z Commission to provide a negative 8-24 report in this matter.

I am sorry my schedule does not permit me to attend your hearing on October 16, 2013 in person, but I wanted you to have in hand the reasons for my vote to support the proposal to save and relocate the Kemper-Gunn House. I ask you to carefully consider these reasons (and their support in the POCD), as well as those offered by the Commission members who voted to oppose the move.

Sincerely,

A handwritten signature in cursive script that reads "Jack".

Jack J. Whittle

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 supports or opposes 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
 In Support "YES"
 In Opposition "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

**RTM Planning and Zoning Committee Report
Wednesday, October 16, 7:30 pm, Town Hall Room 309
Appropriation of \$139K for Downtown Master Plan 20/20**

The RTM P&Z Committee met on Wednesday, October 16, at 7:30 pm, in the Westport Town Hall, Room 309.

P&Z Committee members in attendance were Matthew Mandell (Chair), Diane Cady, Lois Schine, Don Bergmann, Jay Keenan, Paul Lebowitz, Carla Rea and Hope Feller. Absent was Gil Nathan.

We discussed phase 2 of the money for the Downtown 20/20 Master Plan Study. Ken Bernhard, acting chair of the committee, outlined the reasons for the money. To look at improvements to streetscapes, flooding issues and other possible improvements to the area as anticipated developments evolve. This is in addition to the 65K that was appropriated earlier in the month for a traffic study.

As the whole 20/20 had been discussed in prior RTM P&Z Committee meetings there was little discussion. Cathy Walsh, chair of the P&Z Commission, gave her support to the money for the study and said the P&Z, RBA, the planner and the 20/20 committee would all be working together.

There were questions though about savings from synergies in the HDC's study of a Village District. Both studies are about downtown at the same time and some savings would be found. Another discussion was of the money to be gifted from Downtown organizations promised to Lou Gagliano, then chair of 20/20. It is not clear this money will now be given. Some said they don't want it. Another wanted it to offset the cost as was initially envisioned by the BOF. Mr. Bernhard said some of it should be held in an account in case there were overages or more streets needed to be study for traffic. This discussion could not be resolved as the monies are now an unknown.

RESOLUTION

The following resolution was moved by Don Bergmann and seconded by Lois Schine:

The RTM Planning and Zoning Committee recommends to the full RTM to approve the appropriation of \$139,000 for phase 2 of the Downtown Master Plan.

There was no further RTM or public discussion. The Committee vote was unanimous, 8-0 to approve.

As always I want to thank the diligence and patience of this Committee.

Submitted by:

Matthew Mandell, P&Z Committee Chair

Minutes of the joint meeting of the
RTM Long Range Planning Committee and the
RTM Finance Committee
October 17, 2013
Room 309, 7:30 pm

LRP Committee

Present: Jonathan Cunitz (Chair), Lois Schine, Dewey Loselle, Jack Klinge,
Allen Bomes, Velma Heller, Carla Rea

Absent: Wendy Batteau, Matthew Mandel

Finance Committee

Present: Jeff Wieser (Chair), Lois Schine, Allen Bomes, Lee Arthurs,
Arthur Ashman, Dick Lowenstein

Absent: Gilbert Nathan, John McCarthy, Cathy Talmadge

Agenda: The committees met to review the proposed \$139,000 appropriation for consulting services with the RBA Group of Connecticut, LLC for the Downtown 2020 Master Plan.

Ken Bernhard, Acting Chairman of the Downtown 2020 Committee, presented the plans for the consulting services to be provided by the RBA Group. David Lapping of the RBA Group was present and answered numerous questions about the conduct and expected results of the study.

Phase 1 of the study previously approved at a cost of \$65,000 would involve a traffic and pedestrian count at 25 locations as well as counts of vehicles in various parking lots. Weather permitting, the study would be conducted on Wednesday, November 6th, Thursday, November 7th and Saturday, November 9th. Several department heads have suggested four additional locations for counts that would cost \$1,500 each. No decision has been made on those requests.

Phase 2 of the study involves "charettes" (discussion sessions) with a broad representation of stakeholders to determine what the community wants for its downtown area. Phase 2 would commence in December and be completed by about June 2014.

The output of the study would be a Master Plan for the downtown reflecting the community desires and suggestions on how to fund changes. It was pointed out that the Master Plan will be a framework for bringing together ongoing as well as suggested new plans.

Votes were taken recommending approval of the \$139,000 appropriation ...
7 to 0 by the Long Range Planning Committee and 6 to 0 by the Finance Committee.

Submitted by,
Jonathan Cunitz

Strauss, Patricia

From: Matthew Mandell [savewestport@melmar.com]
Sent: Wednesday, October 23, 2013 11:58 AM
To: undisclosed-recipients
Subject: Mandell Update - RTM Votes 34-0 to move Kemper Gunn

◇Hi All

What an amazing vote last night. 34-0 to approve the move of Kemper Gunn and the 8-24, thus overturning P&Z. The smiles on the RTM members stretched across the room. They knew they did something historic and great. Generations to come will say this RTM, and those Westporters in 2013 had vision.

The public support for this project was overwhelming from the start. It was your input, your emails, your signatures and your voices which made this happen. Never underestimate the power of the people to make things happen. Now let's take that into the voting booths as well and elect P&Z commissioners who will follow through on saving the house and for greater protection of our Town's history and character. A bit on that below.

If you were not there or didn't watch on the boob, Morley Boyd, who led the appeal, delivered an A+ speech to start it off. We all knew why the house and location were key right from the start. David Waldman followed and improved on what he said last week and the momentum had begun.

The four Republican/Save Westport Now P&Z Commissioners stood as one and said they will be remaining on P&Z and will be there to help guide the house to its new home. Ron Corwin spoke in defense of the decision and was making sound points before veering off course.

The public was clear and unending in their support, including all three Democrat/Save Westport Now candidates for P&Z who all said they support moving and saving the house. In contrast, not one of the Coalition for Westport Candidates was there, this after their Chair sent a second email to the RTM questioning the move. Their absence seals their fate in my mind for being against the move and preservation. I really thought they would be there to repair their image, but nope.

The RTM members who spoke cleared up any issues about parking and preservation of the house. Even if there were parking issues, some saying there weren't, they were outweighed by the value of saving the house and what it will bring to Elm Street.

Steve Rubin used Robert's Rules to create quite a moment for the vote. He called the question and asked for a roll call as well, this set him up to be vote first, which I know he enjoyed. Then yes, after yea, after I, after yes with enthusiasm came until the moderator said "it is unanimous, 34-0, to overturn P&Z." The room erupted in applause.

The house has not moved yet, and there is much work to do to get it there. Your continued support will be needed. You know I will let you know when a push from you will be needed on Kemper Gunn or on the next thing that will come up.

Again, thank yourselves for making this happen.

Matthew