



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
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Hearing: November 10, 2010
Decision: November 10, 2010

November 15, 2010

Stuart McCarthy, Director
Westport Parks & Recreation Department
Longshore Club Park
260 Compo Road South
Westport, CT 06880

**Re: Text Amendment #594: Appl. #09-039 by the Town of Westport c/o Stuart McCarthy for a text amendment to the Westport Zoning Regulations to Permanent Lighted Athletic Fields on Town Owned Public School Property
APPROVAL OF STIPULATION AND SETTLEMENT AGREEMENT**

Dear Mr. McCarthy:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on November 10, 2010 it was moved by Mr. Lathrop and seconded by Mr. Press to adopt the following resolution.

RESOLUTION #09-039

WHEREAS, THE PLANNING AND ZONING COMMISSION met on November 10, 2011 approved the attached Stipulation and Settlement Agreement and made the following findings:

1. On July 30, 2009 the Planning & Zoning Commission approved Text Amendment #594 which authorized in the Zoning Regulations provisions that would allow Permanent Lighted Athletic Fields on Town Owned Public School Property. The regulation became effective August 30, 2009.
2. On August 13, 2009, pursuant to Section C10-4 of the Town Code this text amendment was appealed to the Representative Town Meeting (RTM) by 20 electors of the Town of Westport.
3. On August 20, 2009 the approval of Text Amendment #594 was appealed to Superior Court by the Plaintiffs. The Planning & Zoning Commission received notice of this appeal on August 20, 2009.
4. On September 9, 2009 after conducting a hearing, the RTM by a vote of 16 to 17 did not overturn Amendment #594 which would have required 24 votes in favor of

overturning the amendment.

5. On November 7, 2011 the Board of Education, although not a party to this suit, voted to endorse the proposed Stipulation and Settlement Agreement.
6. The Stipulation and Settlement Agreement has attached to it, revisions to Text Amendment #594 which will be incorporated into the Westport Zoning Regulations.
7. In the event there any inconsistencies between the Stipulation and Settlement Agreement and revised regulations (attached) the Stipulation and Settlement Agreement shall govern.
8. Planning & Zoning Commission approval is contingent on the Parks and Recreation Commission's formal approval of the Stipulation and Settlement Agreement.

THEREFORE BE IT RESOLVED that the attached Stipulation and Settlement Agreement and text amendment, be **ADOPTED**, and that the Town Attorney is authorized to sign this agreement upon the receipt of the signed document from the other parties and further the Stipulation and Settlement Agreement shall be filed with the Town Clerk.

VOTE:

AYES	-7-	Corwin, Lowenstein, Press, Lathrop, Walsh, Krawiec, Jinishian
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Ron Corwin
Chairman,
Planning & Zoning Commission

cc: Gordon F. Joseloff, First Selectman
Ira Bloom, Town Attorney
Elliot Landon, School Superintendent
Matthew Mason, Gregory & Adams

Attached: Stipulation and Settlement Agreement
Revised Zoning Text for Amendment 594