

May 17, 2024

*SENT VIA PERSONAL DELIVERY & EMAIL*

Town of Westport  
c/o Zoning Board of Appeals  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
zba@westportct.gov

**RE: Appeal of Denial of Issuance of Zoning Permit for Pickleball Court for Property Located at 63 Old Hill Road**

Dear Zoning Board of Appeals,

This firm represents Diana G. Coyne and James A. Coyne, Trustees of the Diana G. Coyne Revocable Trust (the “Applicant”), the owner and occupant of 63 Old Hill Road (the “Property”), in regard to Mr. Coyne’s zoning application seeking authorization to build a pickleball court (the “Project”) on the Property (the “Application”) and the May 6, 2024 letter denying the Application. I write to you today in order to supplement the attached ZBA Appeal Application (the “Appeal”) and clarify the Applicant’s position regarding same.

In short, it is the Applicant’s position that the Application was improperly denied due to the misapplication of the Westport Zoning Regulations and Subdivision Regulations (the “Regulations”). Throughout the entire process detailed below, the Applicant diligently worked with the Zoning Staff to address all questions and concerns associated with the Project and took action to proceed with the Project in accordance with the Regulations, only to be ultimately denied the zoning permit despite the Zoning Staff (“Staff”) and the Town Attorney representing that the Applicant’s analysis of the Regulations was correct and the permit would be issued. Accordingly, the Applicant requests that the Zoning Board of Appeals overturn Staff’s denial of the Application.

By way of background, the Property is a corner lot located at the intersection of Old Hill Road and Side Hill Road and consisted of two lots, Lot-1 and Parcel 1-A and totals 1.226 acres. Lot-1 and Parcel-1A have been merged into a single lot due to the application of Section 6-3.2 of the Regulations. Westport’s Street Index by Grid Location provides that Old Hill Road is a public road owned by the Town of Westport, while Side Hill Road is a private road.<sup>1</sup> The Warranty Deed

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<sup>1</sup> Westport’s Street Index By Grid can be found:

<https://www.westportct.gov/home/showpublisheddocument/698/636934866377170000>

(accessed on May 8, 2024).



for the Property provides that there is “a Right of Way for all purposes over that tract of land 20 feet in width adjacent to the Northerly boundary of Parcel 1-A extending from Old Hill Road westerly to the Westerly boundary of the Premises.”<sup>2</sup> A review of the Warranty Deed and the Record Map shows that the Property boundary reaches to the center line of Side Hill Road.<sup>3</sup> During the initial phases of the Applicant’s attempts to have the Project approved, the Zoning Staff indicated that the Project could not be approved because the proposed pickleball court did not comply with the setback requirements which Staff was measuring from the Northerly boundary of Lot-1. The Applicant then sought a variance from the Zoning Board of Appeals (“ZBA”) which was denied for lack of hardship.

After this denial, and upon further review, the Applicant pointed out to the Staff and Staff’s legal counsel that Lot-1 and Parcel 1-A should merge through the application of Section 6-3.2 of the Regulations. Section 6-3.2 provides that where “two or more lots of record, one or more of which are undeveloped and fail to meet the requirements of these regulations with regard to lot are and/or lot shape” and are held in joint title, then “such lot or lots shall merge and shall no longer be considered legally existing as separate lots and must be combined” and used in accordance with the Regulations. Staff agreed that Lot-1 and Parcel 1-A should merge pursuant to the Regulations. Additionally, there was disagreement over the point from which the setback would be measured in relation to Side Hill Road. As mentioned above, the Property boundary reaches to the middle of Side Hill Road. It is the Applicant’s position that the setback for the Project should be measured from the property line. However, the Zoning Staff’s position is that the setback must be measured from the Northerly board of Parcel 1-A.

On March 18, 2024, the undersigned sent an email to the Deputy Zoning Director detailing the application of Section 6-3.2 stating that the property line for the Property “is now within the paved portion of Side Hill Road, so the setbacks for structures located on 63 Old Hill Road should run from the paved portion of Side Hill Road[.]” On March 20, 2024, the Deputy Zoning Director forwarded the March 18, 2024 email to the Town’s Attorney seeking the Town’s Attorney input on the issue. On the same day, the Town’s Attorney informed the Deputy Zoning Director that he agreed with the analysis contained in the March 18, 2024 email, stating that he believed that, if Lot-1 and Parcel 1-A were merged in accordance with the Regulations, then he agrees “that the appropriate front setback line is the edge of the paved portion of the road.” Accordingly, it was that Town Attorney’s finding that the Project conforms with the Regulations because the pickleball court would be located thirty (30) feet from the front lot line. On March 21, 2024, the Zoning Director forwarded the Town Attorney’s analysis to the undersigned, stating “[w]e agree with your interpretation. I have let the Zoning Official know.” Upon this representation, the Applicant submitted the Application.<sup>4</sup> Despite this apparent agreement, the approval process continued to

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<sup>2</sup> A copy of the Warranty Deed is attached to the Appeal.

<sup>3</sup> A copy of the Record Map is attached to the Appeal.

<sup>4</sup> The March 2024 emails are attached hereto as **Exhibit A**. Additionally, the Applicant relied on the appearance of approval from the March 2024 emails and took affirmative steps and invested significant sums to ensure that the Project would commence as soon as the Application was approved.



be drawn out. On April 15, 2024, after multiple emails from the undersigned and other professionals retained by the Applicant, the Deputy Zoning Director again forwarded an email from the Town's Attorney in which he stated that in his "opinion **after the merger of Lot 1-A into Lot 1**, the front setback should be measured from the new northerly property line of the merged lots (the former northerly property line of Parcel 1-A).<sup>5</sup>

In order to have Lot 1 and Parcel 1-A merge pursuant to Section 6-3.2, the Zoning Staff requested that the Applicant file a lot revision map (the "Consolidation Map") showing the merger of the two lots. The Consolidation Map was promptly provided to the Zoning Staff and it was signed by the Deputy Zoning Director on April 22, 2024 and filed with the Town Clerk.<sup>6</sup>

Despite these efforts, on April 29, 2024, the Zoning Staff informed the Applicant that "[a]fter much thoughtful and careful consideration, ZBA video review, document review and discussion, P&Z staff has elected to continue with the historic interpretation of setbacks regarding 63 Old Hill Road. What this means to the application, is that the setbacks are measured from the road right of way, not the lot line."<sup>7</sup> This decision came as a surprise to the Applicant, as prior conversations with the Deputy Zoning Director and the Town's Attorney led him to believe that the merger of the lots via Section 6-3.2 and the filing of the Consolidation Map brought the Project into compliance with the Regulations and would lead to the approval of the Project. The April 29, 2024 email was followed by a formal denial letter from the Zoning Staff (the "Denial Letter").<sup>8</sup> The Denial Letter, in direct contradiction to the March 2024 emails, provides that the Application was denied because "the pickleball court is proposed to be located in the front setbacks" and that the "front setback along Side Hill Road is measured from the edge of the Right of Way of Side Hill Road, per sec. 5 of the Westport Zoning Regulations[.]" Section 5 provides that the "minimum required horizontal distance from the lot line(s) or street line(s) to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the front lot line(s)." The Zoning Staff, again citing to "prior practice", concludes that "the area of Side Hill Road that is *on* 63 Old Hill Road, is removed from the lot area. As such, P&Z has decided it is consistent to measure the setbacks from the edge of the Right of Way, as this area has been removed from the lot area." Removing that portion of the lot area from the setback calculation resulted in the Project violating the setback requirements and, based on this analysis, the Zoning Staff denied the Application.

The Applicant respectfully submits that the Zoning Staff's interpretation of the Regulations in the Denial Letter is incorrect because it misconstrues the application of lot area definition in the Regulations to the Applicant's detriment. As provided above, the Regulations define "Setback, Front" to be the "minimum required horizontal distance from the lot line(s) or street line(s) to the closest point of any building, structure, structural projection or use measured in a straight line from

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<sup>5</sup> The April 15, 2024 emails are attached hereto as Exhibit B.

<sup>6</sup> The Consolidation Map is attached hereto as Exhibit C.

<sup>7</sup> The April 29, 2024 emails are attached hereto as Exhibit D.

<sup>8</sup> The Denial Letter is attached to the Appeal.



and most nearly perpendicular to the front lot line(s).” The Regulations provide the following definitions for the critical terms used in the setback definition:

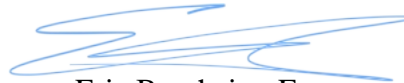
- “Lot Line” means “[a]ny property line bounding a lot.”
- “Lot Line, Front” means “[t]he property line(s) dividing the lot from the right of way of a street or streets.”
- “Street Lines” means “[a] dividing property line between the street and lot.”

The Regulations clearly state that the front lot line is “[t]he property line(s) dividing the lot from the right of way of a street or streets.” As a result of the merger of Lot 1 and Parcel 1-A, the only front lot line that exists at the Property is the Northerly boundary of Parcel 1-A. Accordingly, the front setback must be measured from that property line. When Lot-1 and Parcel-1A merged pursuant to Section 6-3.2, the only property line along Side Hill Road is the Northerly border of Parcel 1-A. Due to this, the proper setback point of reference must go from the street line, which is either the Northerly boundary of Parcel 1-A or the paved portion of the road.

The Regulations do not support the conclusion reached by the Zoning Staff and the reliance on “prior practice” does not make such an interpretation correct. Instead, the Zoning Staff must apply the Regulations as they currently stand, regardless of historical practice. As such, the setback for the Project must be measured from either the lot line located in the middle of Side Hill Road or the end of the paved portion of Side Hill Road and not the unused portion of the Right of Way as the Zoning Staff concluded.

In conclusion, the Applicant simply seeks to move forward with the Project as currently proposed. A review of the Application, Appeal, and Consolidation Map shows that the Project meets the setback requirements promulgated by the Regulations. The Applicant has been diligent throughout this entire process, working closely with the Zoning Staff to obtain approval of the Project and has taken affirmative steps to conform the Property and the Project to the Regulations. It is a misapplication of the Regulations and an injustice for the Application to be denied, especially considering the Deputy Zoning Director and Town’s Attorney’s agreement with the Applicant’s analysis. As such, the Applicant requests that the Application be approved so that the Project can continue as detailed in the Application.

Sincerely,



Eric Bernheim, Esq.

[Enclosures]

4895-1282-9117, v. 3



**Exhibit A**

**March 2024 Emails**

## Conor McMullan

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**From:** Perillie, Michelle <mperillie@westportct.gov>  
**Sent:** Thursday, March 21, 2024 1:14 PM  
**To:** Eric Bernheim  
**Subject:** FW: 63 Old Hill Rd

Hi Eric,  
We agree with your interpretation. I have let the Zoning Officials know.

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**From:** Peter Gelderman <pgelderman@berchemmoses.com>  
**Sent:** Wednesday, March 20, 2024 11:30 AM  
**To:** Perillie, Michelle <mperillie@westportct.gov>  
**Subject:** RE: 63 Old Hill Rd

**CAUTION:** This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michelle:

If Parcel 1 and Parcel 1-A have merged (and according to the merger language in the Regs, I believe they have), then I agree with Eric's analysis that the appropriate front setback line is the edge of the paved portion of the road. In the attached map, the proposed court is then located 30 feet from the front lot line and, per the zoning data chart shown on the map, conforms.

I hope this answers the question.

Please let me know if there are any other questions.

Pete



**Peter V. Gelderman**  
Berchem Moses PC



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📍 1221 Post Road East Westport, CT 06880

📞 (203) 227-9545 📞 (203) 571-1720

🌐 <http://www.berchemmoses.com>

✉️ [pgelderman@berchemmoses.com](mailto:pgelderman@berchemmoses.com)

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**From:** Perillie, Michelle <[mperillie@westportct.gov](mailto:mperillie@westportct.gov)>  
**Sent:** Wednesday, March 20, 2024 11:22 AM  
**To:** Peter Gelderman <[pgelderman@berchemmoses.com](mailto:pgelderman@berchemmoses.com)>  
**Subject:** Fw: 63 Old Hill Rd

Hi Pete,  
We spoke about this topic a few months ago. It never was fully settled. Eric Bernheim sent me the attached email. Can you please weigh in again?

Michelle Perillie AICP CFM

Deputy Planning and Zoning Director

203-341-1076



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**From:** Eric Bernheim <[bernheim@flb.law](mailto:bernheim@flb.law)>  
**Sent:** Monday, March 18, 2024 3:18 PM  
**To:** Perillie, Michelle <[mperillie@westportct.gov](mailto:mperillie@westportct.gov)>  
**Subject:** FW: 63 Old Hill Rd

**CAUTION:** This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michelle: Please see the attached maps and my position on this matter below. I did discuss this preliminarily with Pete Gelderman, but wanted to pass it along to you as well.

Attached is our deed for the above referenced property - Parcel 1 and Parcel 1-A which shows that both Parcel 1 and Parcel 1-A are held in joint title. Accordingly, those two parcels have merged as a result of Section 6-3.2 and are deemed to be one lot similar to the merger the Town required of 125 Harbor. As a result of the merger of Lot 1 and Parcel 1-A, the property line is now within the paved portion of the Side Hill Road, so the setbacks for structures located on 63 Old Hill Road should run from the paved portion of Side Hill Road as depicted in the attached.

The Front Setback is defined as: **Setback, Front:**

***The minimum required horizontal distance from the front lot line(s) or street line(s) to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the front lot line(s).***

Due to the Merger per your regulations, there is no lot line between the street and the closest structure. Accordingly, the setback must run from the street line which is the paved portion Side Hill Road.

Please review and let me know if you agree. If you have questions after reviewing this, please call. Thanks,

Eric

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**Eric Bernheim**

*Partner, FLB Law*

*Email: [bernheim@flb.law](mailto:bernheim@flb.law)*

*Office: (203) 635-2200*

*Direct: (475) 236-5203*

*Cell: (203) 979-7169*

*Fax: (203) 293-9999*

*Website: [www.flb.law](http://www.flb.law)*

*Address: 315 Post Road W, Westport, CT 06880*

**FLB Law**

FOGERTY | LAMBERT | BERNHEIM



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instructions via telephone before you initiate any wire or other transfer. PLEASE CONFIRM BY CALLING THE ORIGINATOR OF THE EMAIL, USING PREVIOUSLY KNOWN CONTACT INFORMATION, PRIOR TO WIRING OR OTHERWISE TRANSFERRING FUNDS.

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**Exhibit B**

**April 15, 2024 Emails**

## Conor McMullan

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**From:** Perillie, Michelle <mperillie@westportct.gov>  
**Sent:** Monday, April 15, 2024 12:27 PM  
**To:** Montagna, Laurie; Peter Romano; Eric Bernheim  
**Cc:** Young, Mary  
**Subject:** Fw: 63 Old Hill

Please see opinion from Pete Gelderman below.

Michelle Perillie AICP CFM  
Deputy Planning and Zoning Director  
203-341-1076



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**From:** Peter Gelderman <pgelderman@berchemmoses.com>  
**Sent:** Monday, April 15, 2024 12:25 PM  
**To:** Perillie, Michelle <mperillie@westportct.gov>  
**Subject:** 63 Old Hill

**CAUTION:** This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michelle:

To clarify, in my opinion **after the merger of Lot 1-A into Lot 1**, the front setback should be measured from the new northerly property line of the merged lots (the former northerly property line of Lot 1-A).

I hope this straightens out the confusion.

Best,

Pete



**Peter V. Gelderman**  
Berchem Moses PC



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☎ (203) 227-9545 ☎ (203) 571-1720

🌐 <http://www.berchemmoses.com>

✉ [pgelderman@berchemmoses.com](mailto:pgelderman@berchemmoses.com)

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Martindale-Hubbell



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**Exhibit C**

**Signed and Filed Consolidation Map**



**PROPOSED LOT AREA WORKSHEET**  
63 OLD HILL ROAD - LOT 1

(All entries in square feet)		
1	GROSS LOT AREA	65,078.00
2	Above-Ground Utility Easements	0.00
3	Street and Easements	0.00
4	Other Easements	0.00
5	TOTAL EASEMENTS AND ROADS (Sum of lines 2, 3, and 4)	0.00
6	Wetland Area	0.00
7	Wetland Slopes of 2% or greater (Sum of lines 6, 6.1, 6.2)	0.00
8	TOTAL WETLAND AND STEEP SLOPES (Sum of lines 6, 6.1, 6.2)	0.00
<b>MINIMUM LOT AREA CALCULATION</b>		
9	Zoning District Minimum	
Enter value:		
Res. A.A. 17,454		8,712.00
Res. A.A. 4,514		
Res. A. 4,350		
Res. B. 1,200		
Res. C. 870		
10	Minimum wetland and slope (Sum of line 9 and line 8)	0.00
11	Actual Lot Size (Line 9 minus line 10)	8,712.00
12	Change Minimum Lot Size	
Enter value:		
Res. A.A. 17,454		43,560.00
Res. A.A. 4,514		
Res. A. 4,350		
Res. B. 1,200		
Res. C. 870		
13	EXCESS OR SHORTFALL (Line 11 minus line 12)	21,518.00

IF LINE 13 IS POSITIVE, THE LOT COMPLES. OTHERWISE, THE LOT DOES NOT COMPLY.

**LOT REGULATORY FACTOR WORKSHEET**

14	Lot Proportion as derived from Survey Map	1,311.44
15	Permitted Square Footage (calculated by staff)	1,200,748.83
16	Lot Area (calculated by staff)	65,078.00
17	Lot Area multiplied by the number 16	1,041,248.00
18	Divide Line 17 above by line 15, enter number in box: (Line 17 divided by Line 15)	0.84

IF REGULATORY FACTOR IS 0.85 OR ABOVE, THE LOT SHAPE COMPLES. IF REGULATORY FACTOR IS 0.84 OR BELOW, THE LOT SHAPE DOES NOT COMPLY.

**TREE LEGEND ABBREVIATIONS:**

A.	ASH
B.B.	BLACK BIRCH
HEM.	HEMLOCK
HIC.	HICKORY
MP.	MAPLE
O.	OAK

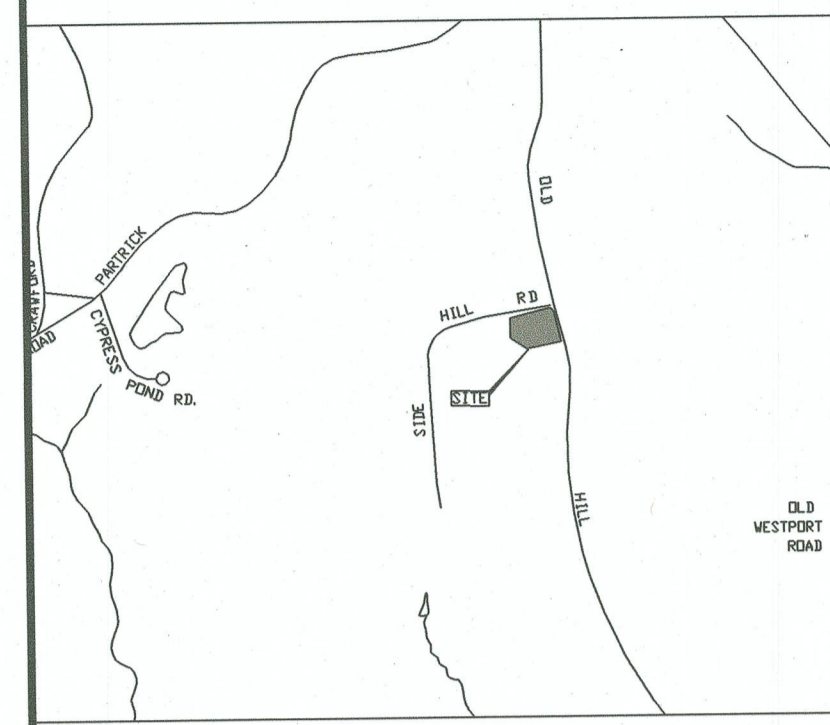
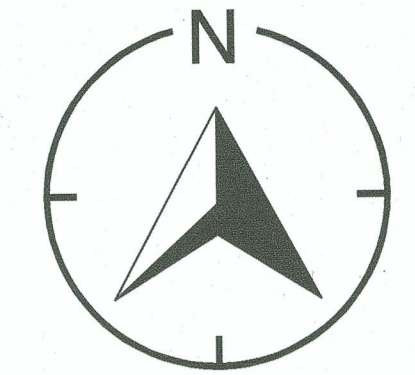
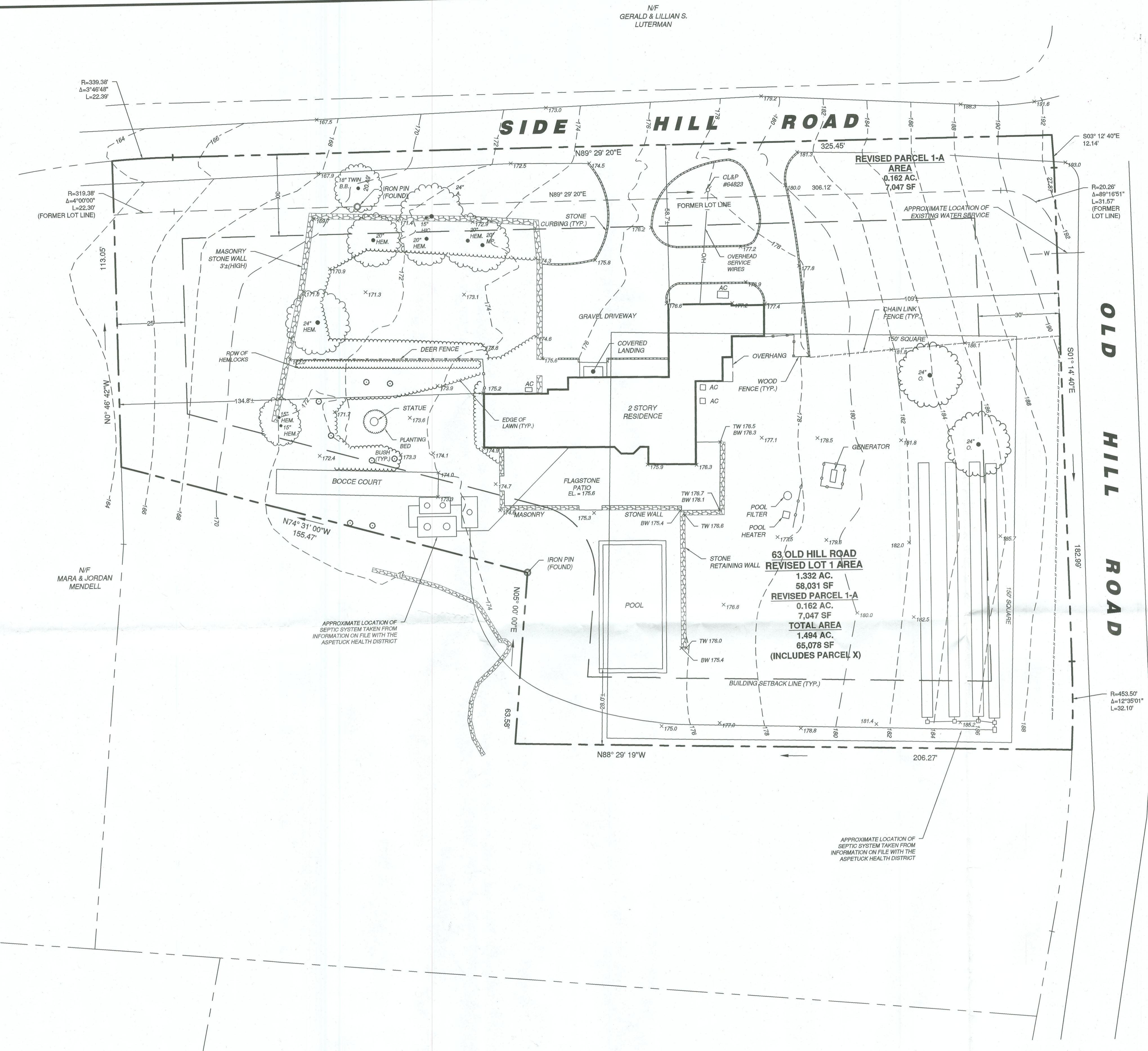
**LEGEND ABBREVIATIONS:**

BW	BOTTOM OF WALL
CL&P	CONNECTICUT LIGHT AND POWER
EL.	ELEVATION
NAVD	NORTH AMERICAN VERTICAL DATUM
TW	TOP OF WALL
TYP.	TYPICAL

**LEGEND**

SYMBOLS	
○	IRON PIN (FOUND)
⊕	UTILITY POLE
---	PROPERTY LINE
-O-H-	OVERHEAD UTILITIES
---	CONTOUR
x 20.1	SPOT ELEVATION

- SURVEY NOTES:**
- THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300b-1 THROUGH 20-300b-20, AND THE "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., ON AUGUST 28, 2019.
  - THIS SURVEY IS A ZONING LOCATION & PARTIAL TOPOGRAPHIC SURVEY WITH THE BOUNDARY DETERMINATION CATEGORY OF WHICH IS A SURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "A-2" AND VERTICAL ACCURACY CLASS "T-2" AND IS INTENDED TO DEPICT OR NOTE THE POSITION OF EXISTING OR PROPOSED IMPROVEMENT WITH RESPECT TO APPLICABLE MUNICIPAL SETBACK REQUIREMENTS IN ORDER TO ENABLE DETERMINATION OF COMPLIANCE WITH SAID REGULATIONS.
  - THIS SURVEY WAS PREPARED FOR A SPECIFIC PURPOSE. ANY USE OTHER THAN FOR THAT WHICH WAS INTENDED IS A MISUSE OF THIS INFORMATION AND RENDERS THE PREPARER'S DECLARATION NULL AND VOID.
  - UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS IF ANY ARE NOT SHOWN.
  - UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY, WHICH BEARS THE SURVEYORS STAMP OF SEAL, RENDERS ANY DECLARATION SHOWN HEREON NULL AND VOID.
  - THIS DECLARATION SHOWN RUNS TO THE PERSON, OR PERSONS FOR WHOM THE SURVEY WAS PREPARED FOR THIS DECLARATION IS NOT TRANSFERABLE.
  - REFER TO MAP NO. S 1162, 1570 & 8847 IN WESTPORT LAND RECORDS.
  - VERTICAL DATUM: APPROXIMATE NAVD 88
  - TOPOGRAPHIC INFORMATION FOR 61 OLD HILL ROAD TAKEN FROM TOWN OF WESTPORT GIS.
  - THIS PROPERTY IS LOCATED IN FEMA FLOOD ZONE "X" AS SHOWN ON FEMA FIRM PANEL 09001C 0394F, EFFECTIVE JUNE 18, 2010.



**LOCATION MAP (NTS)**

**PROPERTY INFORMATION:**

OWNER: JAMES A. & DIANA G. COYNE (TRUSTEES)  
 ADDRESS: 63 OLD HILL ROAD WESTPORT, CT

LOT AREA: 1.148 AC, 50,034 SF  
 ZONE: "AA"  
 DEED: BK. 2763 PG. 324

MAP: B11  
 LOT: 17

**SETBACK LINES:**

30' FRONT  
 25' SIDE  
 N/A REAR (CORNER LOT)

REVISION DATE: \_\_\_\_\_ ISSUE: \_\_\_\_\_

**LANDTECH**  
 SITE/CIVIL • ENVIRONMENTAL • SURVEYING • PLANNING  
 518 RIVERSIDE AVENUE • WESTPORT, CT 06880 • 203-454-2110  
 HELLO@LANDTECHCONSULT.COM • WWW.LANDTECHCONSULT.COM

PREPARED FOR:

**JAMES A. & DIANA G. COYNE TRUSTEES**

PROJECT LOCATION:  
**63 OLD HILL ROAD WESTPORT, CT**

DRAWING TITLE:  
**LOT CONSOLIDATION MAP**

PROJECT No. **22387-01**

DATE: 4/16/2024	DRAWN BY: SM	CHECKED BY: TAD
-----------------	--------------	-----------------

SCALE: 1" = 20'

IN FEET

0 20 40 60

TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

*Thomas A. Deilus*

THOMAS A. DEILUS, LAND SURVEYOR  
 CT. REGISTRATION NO. 70098  
 THE SURVEY AND DECLARATION SHOWN HEREON IS NULL AND VOID WITHOUT THE LICENSED SURVEYORS LIVE SIGNATURE AND SEAL

THIS PLAN IS NEITHER A SUBDIVISION NOR A RESUBDIVISION, AS DEFINED BY THE GENERAL STATUTES OF CONNECTICUT AND THE TOWN OF WESTPORT AND MAY BE RECORDED WITHOUT PRIOR APPROVAL OF THE WESTPORT PLANNING AND ZONING COMMISSION.

THIS MAP HAS NOT BEEN REVIEWED FOR ZONING COMPLIANCE AND THE PRESENCE OF THIS SIGNATURE IS NOT AN ENDORSEMENT OF THE ACCURACY OF THIS MAP BY THE TOWN OF WESTPORT, OR ANY BOARD, COMMISSION, AGENCY, OR ANY OFFICIAL AGENCY, OR EMPLOYEE OF THE TOWN.

*Michael C. Deilus* 4/20/24  
 PLANNING AND ZONING, DIRECTOR/DEPUTY DIRECTOR

RECEIVED  
 APR 19 2024  
 WESTPORT P & Z. C.

SV-1.0

10650

LANDTECH



**Exhibit D**

**April 29, 2024 Emails**

## Conor McMullan

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**From:** Emma Rojas <ERojas@landtechconsult.com>  
**Sent:** Friday, May 17, 2024 11:43 AM  
**To:** Conor McMullan  
**Subject:** RE: 63 Very Old Hill Road

Hi Conor,

Below please find Laurie's response from April 29<sup>th</sup>.

Let me know if you have any questions.

Thank you,  
Emma

**Emma Rojas**  
Executive Assistant

## LANDTECH

518 Riverside Avenue  
Westport, CT 06880  
203.454.2110 ext. 210 office  
[erojas@landtechconsult.com](mailto:erojas@landtechconsult.com)

[www.landtechconsult.com](http://www.landtechconsult.com)  
[facebook.com/landtechconsult](https://facebook.com/landtechconsult)

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**From:** Montagna, Laurie <[lmontagna@westportct.gov](mailto:lmontagna@westportct.gov)>  
**Sent:** Monday, April 29, 2024 9:57 AM  
**To:** Peter Romano <[PRomano@landtechconsult.com](mailto:PRomano@landtechconsult.com)>  
**Subject:** Re: 63 Very Old Hill Road

Good morning Pete,

After much thoughtful and careful consideration, ZBA video review, document review and discussion, P&Z staff has elected to continue with the historic interpretation of setbacks regarding 63 Old Hill Road. What this means to this application, is that the setbacks are measured to from the road right of way, not the lot line.

We realize this is not the outcome you we are anticipating. Please feel free to submit a revised site plan showing the court in a compliant location and we will expedite.

Best,  
Laurie



**Laurie Montagna**

Zoning Official  
(203) 341-1083



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**From:** Peter Romano <[PRomano@landtechconsult.com](mailto:PRomano@landtechconsult.com)>  
**Sent:** Monday, April 29, 2024 7:16 AM  
**To:** Montagna, Laurie <[lmontagna@westportct.gov](mailto:lmontagna@westportct.gov)>  
**Cc:** Peter Romano <[PRomano@landtechconsult.com](mailto:PRomano@landtechconsult.com)>  
**Subject:** 63 Very Old Hill Road

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## 63 Old Hill Road ZONING PERMIT REQUEST NO. 228

Any News??

**Peter Romano**

Principal

**LANDTECH**

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