

FW: Coyne Residence re: 63 Old Hill Road, #ZBA-24-00269

Conor McMullan <McMullan@flb.law>

Tue 7/23/2024 5:18 PM

To: Perillie, Michelle <mperillie@westportct.gov>

Cc: Eric Bernheim <bernheim@flb.law>

 4 attachments (8 MB)

2022.10.24 GIS 63 Old Hill Road.pdf; 2024.04.22 - 63 Old Hill ORad - Lot Consolidation Map Approved and Filed.pdf; 2023.05.10 - Coyne - 63 Old Hill Road - Survey.pdf; 2024.03.22 - Coyne - 63 Old Hill Road - Site Plan.pdf;

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Michelle,

Please include this in the record as well. I would like to call your attention to the highlighted section, which I pasted below for ease of reference. Thank you.

P. Gelderman agreed with my interpretation; a week later you called to say you overruled P. Gelderman

Conor

Conor McMullan

Associate, FLB Law

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FLB  **Law**

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From: Peter Romano <PRomano@landtechconsult.com>

Sent: Friday, May 3, 2024 6:45 PM

To: Perillie, Michelle <mperillie@westportct.gov>; 'Mary Young' <MYOUNG@westportct.gov>

Cc: Peter Romano <PRomano@landtechconsult.com>; Jim Coyne <jcoyne@stonecaps.com>; Eric Bernheim

<bernheim@flb.law>

Subject: Coyne Residence

Hi Michelle,

I have attached a couple of the maps that have been part of our pursuit of a zoning permit. One in particular the consolidation map dated 4/16/24 signed by you. That map was generated as a resolution to establishing a setback during a conversation between attorneys Peter Gelderman and Eric. The direction from Peter Gelderman was to consolidate Parcel 1A easement and 63 Old Hill Road. At one point he also suggested we should measure from the edge of pavement. I don't know how that is considered correct? Regardless, the property is consolidated and the setback is now measured from the northerly lot line. Which is typical all over Westport.

We could argue the interpretation of the lot line and setback for another year. What is most disappointing few people in Town Hall can take a stand nor a make decision. We went from a year ago, measure from "lot line" which was middle of private road; then measure from Parcel 1A easement which required ZBA variance. We were turned down; we then pursued the interpretation that we were able to measure from northerly property; P. Gelderman agreed with my interpretation; a week later you called to say you overruled P. Gelderman; We considered another trip to ZBA with a map showing all the restrictions on the property to fitting a pickleball court; before that happened multiple conversations took place, from those conversation including E. Bernheim, P. Gelderman and your office it was determined that if we consolidated Parcel 1A and 63 Old Hill Road setback measurement would be taken from the northerly property and the pickleball court would comply.

There is even an email exchange between P. Gelderman and E. Bernheim in which P. Gelderman stated he agreed with Eric's interpretation consolidating map would allow measurement from northerly property line. For 3 weeks I exchanged emails with Laurie Montagna looking for a decision. Three weeks of responses including "we are progressing", "we should have something soon". At one point she and I agreed the setback should not be measured from pavement. I incorrectly thought I was waiting for the zoning permit to be issued. Not the case. On 2 occasions that I know of, your office sought the advice of the Town Attorney, a fairly regularly regular practice of your office who agreed with our interpretations. Based on that we delivered the positive news twice to the homeowner only to learn days later the Town Attorney's decision was overruled by your office.

Your concern that with a setback measured for the northerly property line there will be no setback, is just not the case. There will still be a 30' front yard setback from the northerly property line. Take a look at our maps. There is a sliver of land at the easterly end on the property maybe 5' wide?? This could easily be

interpreted to allow the setback to be measured from the northerly property line. Every neighbor supported the application.

That's the end of my ramblings for this week.

Pete

Peter Romano

Principal

LANDTECH

518 Riverside Avenue

Westport, CT 06880

203.454.2110 x150 office

203.247.1825 cell

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www.landtechconsult.com

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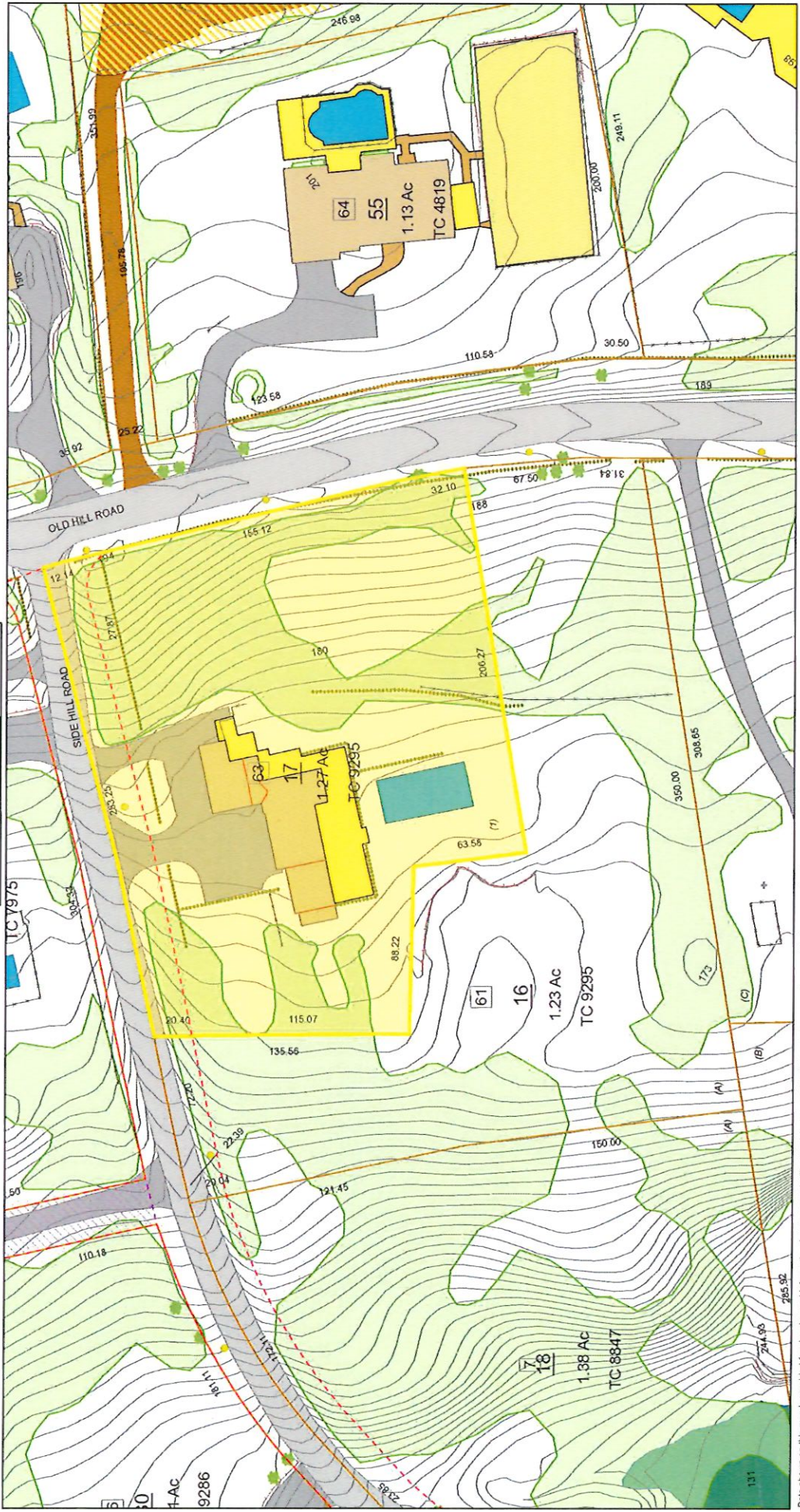
61 Old Hill Road

Westport, CT

1 inch = 50 Feet



October 24, 2022



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

PROPERTY INFORMATION	
OWNER	JAMES A. & DIANA G. COYNE (TRUSTEES)
ADDRESS	63 OLD HILL ROAD WESTPORT, CT
LOT AREA	1.34 AC. 8838 SF
DEED	AC 290 PG 324
MAP	B 11
LOT	17
SETBACK LINE:	
FRONT	182' 00"
REAR	182' 00"
LEFT	182' 00"
RIGHT	182' 00"

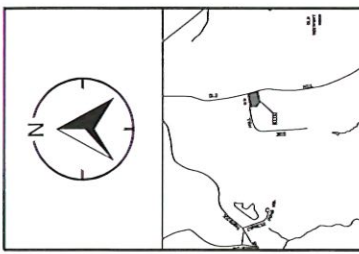
ZONING DATA	
ZONING DISTRICT	RESIDENTIAL
MINIMUM FRONT YARD SETBACK	10.00'
MINIMUM SIDE YARD SETBACK	5.00'
MINIMUM REAR YARD SETBACK	10.00'
MINIMUM FRONT SETBACK	10.00'
MINIMUM SIDE SETBACK	5.00'
MINIMUM REAR SETBACK	10.00'
MINIMUM FRONT SETBACK	10.00'
MINIMUM SIDE SETBACK	5.00'
MINIMUM REAR SETBACK	10.00'
MINIMUM FRONT SETBACK	10.00'
MINIMUM SIDE SETBACK	5.00'
MINIMUM REAR SETBACK	10.00'

ROOF HEIGHT CALCULATIONS:
 REFERENCE: ROOF PITCH = 28% LOW ROOF = 49.5° MID ROOF = 31.7°
 AVERAGE GRADE: 173.3 - 181.8 = 8.5' 173.177 + 2.174 = 175.351
 ROOF MIDPOINT = 181.7 - 175.2 = 6.5'

LEGEND ABBREVIATIONS:
 A. ADJ. ADJ. ADJ.
 B. BOT. BOT. BOT.
 C. C. C. C.
 D. D. D. D.
 E. E. E. E.
 F. F. F. F.
 G. G. G. G.
 H. H. H. H.
 I. I. I. I.
 J. J. J. J.
 K. K. K. K.
 L. L. L. L.
 M. M. M. M.
 N. N. N. N.
 O. O. O. O.
 P. P. P. P.
 Q. Q. Q. Q.
 R. R. R. R.
 S. S. S. S.
 T. T. T. T.
 U. U. U. U.
 V. V. V. V.
 W. W. W. W.
 X. X. X. X.
 Y. Y. Y. Y.
 Z. Z. Z. Z.

LEGEND	
SYMBOL	DESCRIPTION
0	BOUNDARY
1	ROOF
2	FOUNDATION
3	FOUNDATION
4	FOUNDATION
5	FOUNDATION
6	FOUNDATION
7	FOUNDATION
8	FOUNDATION
9	FOUNDATION
10	FOUNDATION

- SURVEY NOTES:**
- THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT SURVEYING AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 24, 1978.
 - THIS SURVEY WAS CONDUCTED BY MEANS OF A TOTAL STATION AND THE RESULTS WERE CHECKED BY MEANS OF A TRIPLE CHECK AND THE POSITION OF EACH POINT WAS DETERMINED BY MEANS OF A TRIPLE CHECK.
 - THIS SURVEY WAS PREPARED FOR A SPECIFIC PURPOSE AND DOES NOT REPRESENT A GENERAL SURVEY OF THE PROPERTY AND DOES NOT REPRESENT THE PRESENCE OF ANY ADJACENT PROPERTY.
 - UNDERGROUND UTILITIES SHOWN ON THIS SURVEY ARE BASED ON THE BEST AVAILABLE INFORMATION AND DO NOT REPRESENT THE PRESENCE OF ANY ADJACENT PROPERTY.
 - THE RESULTS OF THIS SURVEY ARE SHOWN ON THE PLAN AND THE SURVEYOR'S NAME IS SHOWN ON THE PLAN.
 - REFER TO MAP NOS. 118, 119 & 120 IN WESTPORT LAND RECORDS.
 - VERTICAL DATUM APPROXIMATE WAD 88.
 - THIS PROPERTY IS LOCATED IN PANA 0200 2000 AS SHOWN ON THE PANA 0200, INERIC CORP. EFFECTIVE JAN. 10, 2010.



LOCATION MAP

PROPERTY INFORMATION:
 OWNER: JAMES A. & DIANA G. COYNE (TRUSTEES)
 ADDRESS: 63 OLD HILL ROAD WESTPORT, CT
 LOT AREA: 1.34 AC. 8838 SF
 DEED: AC 290 PG 324
 MAP: B 11
 LOT: 17
 SETBACK LINE:
 FRONT: 182' 00"
 REAR: 182' 00"
 LEFT: 182' 00"
 RIGHT: 182' 00"

LANDTECH
 SURVEYING & ENGINEERING, INC.
 100 S. MAIN STREET
 WESTPORT, CT 06591
 PHONE: (860) 789-1234
 FAX: (860) 789-1235
 WWW.LANDTECH.SURV.COM

JAMES A. & DIANA G. COYNE TRUSTEES

63 OLD HILL ROAD WESTPORT, CT

ZONING LOCATION SURVEY & TOPOGRAPHIC SURVEY

PROJECT NO: 22387-01
 DATE: 12/15/2022
 DRAWN BY: JAC
 CHECKED BY: JAC

SCALE: 1" = 40' IN FEET

SV-1.0

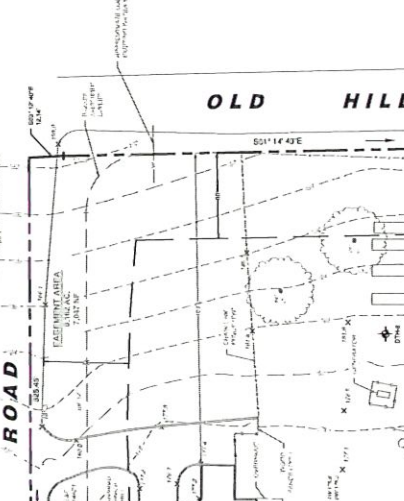
ZONING DATA

PROPOSED USE	APPROVED USES	CONTINGENT
RESIDENTIAL	RESIDENTIAL	
RETAIL	RETAIL	
INDUSTRIAL	INDUSTRIAL	
COMMERCIAL	COMMERCIAL	
OFFICE	OFFICE	
MANUFACTURING	MANUFACTURING	
RECREATION	RECREATION	
UTILITIES	UTILITIES	
TRANSPORTATION	TRANSPORTATION	
OTHER	OTHER	

3. LOT LINE SETBACK MAP SHALL BE SUBMITTED FOR APPROVAL PRIOR TO ANY VARIANCE APPLICANT.

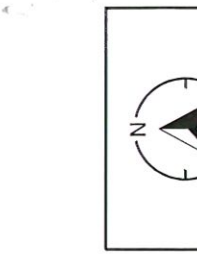
COVERAGE & CALCULATIONS

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
1	EXISTING BUILDING FOOTPRINT	10,000	10.0%
2	EXISTING DRIVEWAY	2,000	2.0%
3	EXISTING PATIO	1,000	1.0%
4	EXISTING LANDSCAPE	5,000	5.0%
5	EXISTING DRIVEWAY	2,000	2.0%
6	EXISTING PATIO	1,000	1.0%
7	EXISTING LANDSCAPE	5,000	5.0%
8	EXISTING DRIVEWAY	2,000	2.0%
9	EXISTING PATIO	1,000	1.0%
10	EXISTING LANDSCAPE	5,000	5.0%
11	EXISTING DRIVEWAY	2,000	2.0%
12	EXISTING PATIO	1,000	1.0%
13	EXISTING LANDSCAPE	5,000	5.0%
14	EXISTING DRIVEWAY	2,000	2.0%
15	EXISTING PATIO	1,000	1.0%
16	EXISTING LANDSCAPE	5,000	5.0%
17	EXISTING DRIVEWAY	2,000	2.0%
18	EXISTING PATIO	1,000	1.0%
19	EXISTING LANDSCAPE	5,000	5.0%
20	EXISTING DRIVEWAY	2,000	2.0%
21	EXISTING PATIO	1,000	1.0%
22	EXISTING LANDSCAPE	5,000	5.0%
23	EXISTING DRIVEWAY	2,000	2.0%
24	EXISTING PATIO	1,000	1.0%
25	EXISTING LANDSCAPE	5,000	5.0%
26	EXISTING DRIVEWAY	2,000	2.0%
27	EXISTING PATIO	1,000	1.0%
28	EXISTING LANDSCAPE	5,000	5.0%
29	EXISTING DRIVEWAY	2,000	2.0%
30	EXISTING PATIO	1,000	1.0%
31	EXISTING LANDSCAPE	5,000	5.0%
32	EXISTING DRIVEWAY	2,000	2.0%
33	EXISTING PATIO	1,000	1.0%
34	EXISTING LANDSCAPE	5,000	5.0%
35	EXISTING DRIVEWAY	2,000	2.0%
36	EXISTING PATIO	1,000	1.0%
37	EXISTING LANDSCAPE	5,000	5.0%
38	EXISTING DRIVEWAY	2,000	2.0%
39	EXISTING PATIO	1,000	1.0%
40	EXISTING LANDSCAPE	5,000	5.0%
41	EXISTING DRIVEWAY	2,000	2.0%
42	EXISTING PATIO	1,000	1.0%
43	EXISTING LANDSCAPE	5,000	5.0%
44	EXISTING DRIVEWAY	2,000	2.0%
45	EXISTING PATIO	1,000	1.0%
46	EXISTING LANDSCAPE	5,000	5.0%
47	EXISTING DRIVEWAY	2,000	2.0%
48	EXISTING PATIO	1,000	1.0%
49	EXISTING LANDSCAPE	5,000	5.0%
50	EXISTING DRIVEWAY	2,000	2.0%
51	EXISTING PATIO	1,000	1.0%
52	EXISTING LANDSCAPE	5,000	5.0%
53	EXISTING DRIVEWAY	2,000	2.0%
54	EXISTING PATIO	1,000	1.0%
55	EXISTING LANDSCAPE	5,000	5.0%
56	EXISTING DRIVEWAY	2,000	2.0%
57	EXISTING PATIO	1,000	1.0%
58	EXISTING LANDSCAPE	5,000	5.0%
59	EXISTING DRIVEWAY	2,000	2.0%
60	EXISTING PATIO	1,000	1.0%
61	EXISTING LANDSCAPE	5,000	5.0%
62	EXISTING DRIVEWAY	2,000	2.0%
63	EXISTING PATIO	1,000	1.0%
64	EXISTING LANDSCAPE	5,000	5.0%
65	EXISTING DRIVEWAY	2,000	2.0%
66	EXISTING PATIO	1,000	1.0%
67	EXISTING LANDSCAPE	5,000	5.0%
68	EXISTING DRIVEWAY	2,000	2.0%
69	EXISTING PATIO	1,000	1.0%
70	EXISTING LANDSCAPE	5,000	5.0%



GENERAL NOTES

1. ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND PATIOS.
6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPE.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND PATIOS.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPE.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND PATIOS.
10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPE.



LOCATION MAP
(INSET)

PROJECT INFORMATION

OWNER	JAMES & DIANA G. COYNE TRUSTEES
DESIGNER	LANDTECH
DATE	08/20/2023
PROJECT NO.	22387-01
PROJECT NAME	SITE IMPROVEMENTS FOR A PROPOSED PADDLE TENNIS COURT
PROJECT ADDRESS	63 OLD HILL ROAD WESTPORT, CT
PROJECT CITY	WESTPORT, CT
PROJECT STATE	CONNECTICUT
PROJECT COUNTY	WESTPORT, CT
PROJECT ZIP	06897

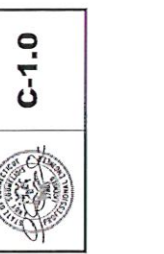
LANDTECH
SITEWORK & ENVIRONMENTAL - SURVEYING & PLANNING
1000 WESTPORT AVENUE, WESTPORT, CT 06897
TEL: 203-261-1234
WWW.LANDTECH.COM

JAMES & DIANA G. COYNE TRUSTEES
63 OLD HILL ROAD
WESTPORT, CT

SITE IMPROVEMENTS FOR A PROPOSED PADDLE TENNIS COURT

SITE DEVELOPMENT PLAN

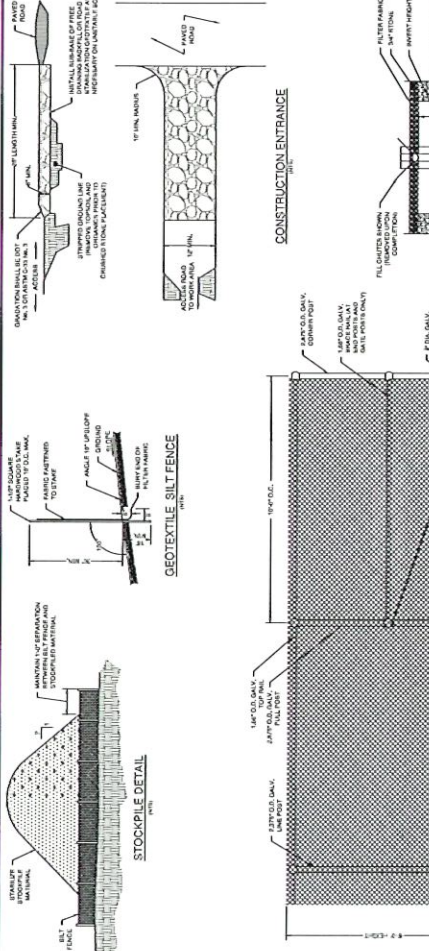
PROJECT NO. 22387-01
DATE: 08/20/23
SCALE: 1" = 20'
IN FEET
0 20 40 60 80 100



LANDTECH

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. LAND USE SHALL BE LIMITED TO A MINIMUM DISTURBANCE LEVEL.
2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.
3. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND THROUGHOUT THE LIFE OF THE PROJECT.
4. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND THROUGHOUT THE LIFE OF THE PROJECT.
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14. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND THROUGHOUT THE LIFE OF THE PROJECT.
15. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND THROUGHOUT THE LIFE OF THE PROJECT.



EXCAVATION FILL NOTES

1. EXCAVATION FILL SHALL BE COMPACTED TO 95% OF THE STANDARD PROCTOR DENSITY.
2. EXCAVATION FILL SHALL BE COMPACTED TO 95% OF THE STANDARD PROCTOR DENSITY.
3. EXCAVATION FILL SHALL BE COMPACTED TO 95% OF THE STANDARD PROCTOR DENSITY.
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5. EXCAVATION FILL SHALL BE COMPACTED TO 95% OF THE STANDARD PROCTOR DENSITY.
6. EXCAVATION FILL SHALL BE COMPACTED TO 95% OF THE STANDARD PROCTOR DENSITY.

GENERAL SEPTIC FEASIBILITY NOTES

1. SEPTIC SYSTEMS ARE SUBJECT TO VARYING REGULATIONS AND REQUIREMENTS.
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14. SEPTIC SYSTEMS ARE SUBJECT TO VARYING REGULATIONS AND REQUIREMENTS.
15. SEPTIC SYSTEMS ARE SUBJECT TO VARYING REGULATIONS AND REQUIREMENTS.

MLOSS CALCULATION - RESERVE

MLOSS CALCULATION - RESERVE

FORMULA: $MLOSS = \frac{100 \times \text{TOTAL STORAGE}}{\text{PERCENTAGE OF STORAGE USED}}$

EXAMPLE: $MLOSS = \frac{100 \times 100}{10} = 1000$

SLOPE SCHEDULE		SLOPE SCHEDULE		SLOPE SCHEDULE		SLOPE SCHEDULE	
Top	Bottom	Top	Bottom	Top	Bottom	Top	Bottom
3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"
3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"	3-1/2" x 1-1/2"

PERFORMANCE DATA		PERFORMANCE DATA		PERFORMANCE DATA	
Time	Depth	Time	Depth	Time	Depth
1200	1200	1200	1200	1200	1200
1200	1200	1200	1200	1200	1200



GENERAL NOTES

1. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
2. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
3. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
4. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
5. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
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12. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
13. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
14. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.
15. CONSULT WITH THE DESIGNER FOR ANY SPECIAL REQUIREMENTS.

LANDTECH

BITECHE - ENVIRONMENTAL - SURVEYING - PLANNING

PROJECT NO. 22387-01
 DATE 01/14/2022
 DRAWN BY AD
 CHECKED BY N.T.S.
 PROJECT TITLE 63 OLD HILL ROAD WESTPORT, CT
 CLIENT NAME JAMES & DIANA G. COYNE TRUSTEES
 PROJECT TYPE SITE IMPROVEMENTS FOR A PROPOSED PADDEL TENNIS COURT
 SHEET NUMBER 22387-01
 SHEET TITLE NOTES AND DETAILS
 DESIGN DEVELOPMENT NOT FOR CONSTRUCTION
