

Velky, Karen

From: Gloria Gouveia <gloria@landuse-ct.com>
Sent: Sunday, November 3, 2024 2:07 PM
To: Planning and Zoning
Subject: AMENDMENT #846
Attachments: P&ZC FINAL EDITED VERSION.pdf

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.

Ladies & Gentlemen:

Attached please find correspondence regarding Text Amendment #846 for your immediate review, consideration and records.

Gloria Gouveia

**Land Use Consultants
131 King's Highway North
Westport, CT 06880
203-454-8008**

November 3, 2024

Planning and Zoning Commission
Town of Westport
Town hall – 110 Myrtle Avenue
Westport, CT 06880

RE: 11/04 Public Hearing – Amendment #846

Ladies & Gentlemen:

A public hearing on Amendment #846 is scheduled for this Monday, November 4. The Commission has the statutory authority in this matter to conduct and close the hearing on the same night and render a decision if a majority of Commissioners attending the hearing find it appropriate and advisable to do so.

However, a unique set of circumstances bearing upon the timing of the hearing begs for close and careful consideration by the full Commission before the hearing is closed and a decision rendered.

Although recently, amendments to the Westport Zoning Regulation have frequently affected specific sites in the same manner as the establishment of a new zoning district, past practice by the Commission, as recently codified in the Amendment, has precluded the requirement of public notice to abutting/affected property owners required for re-zoning applications.

As a result, the owners of residences within 500 feet of the Country Store at 332 Newtown Turnpike and 500 feet of The Porch at 161 Cross Highway will not receive individual notification of the proposed amendment, which, if adopted, will allow for the expansion of certain non-conforming uses in residence zones and their transformation into food and liquor service establishments with broad use of the sites for outdoor seating with food and liquor service from 7:00 AM to 9:00 PM Sunday through Thursday and as late as 10 PM on Friday and Saturday. Once considered seasonal uses limited to temperate weather, outdoor dining areas may be used almost year-round as the enclosure of the space, and the use of heating elements is now automatically permitted.

Although owners of property within the specified distances from the sites may have the legal authority to submit a protest petition compelling the affirmative vote of 6 Commissioners for the adoption of the proposed amendment, sufficient public notice is an inarguable prerequisite for qualifying property owners to be able to exercise their rights.

Another imperative for the Commission's consideration is the forthcoming National Election occurring mere hours after the hearing. Scheduling a public hearing on an important amendment to the zoning regulations on the eve of what is reliably anticipated to be our country's most compelling Presidential Election in our 248-year history makes it highly improbable that there is robust public awareness of the hearing on Amendment #846.

With most Westport residents focused on the election and hundreds of Westport residents and Town employees preparing for their 5:00 to 5:30 AM scheduled arrivals at the polls to complete preparations for Election Day voting, it is only fair and logical that the Commission continue the public hearing beyond Monday, November 4.

I may be only one Westport resident with a dueling interest in Amendment #648 and my commitment to serving as an election official to aid in assuring the smooth and legitimate operation of our polling places and the swift and accurate count of ballots required for prompt results at day's end. Nevertheless, with all due respect to the elected and appointed members of the Planning & Zoning Commission, I humbly implore you to extend the public hearing on November 4 for my benefit and that of others so that we, too, may exercise our right to attend and offer testimony at a public hearing on a matter in which we have an interest.

Indeed, what more compelling reason can prevent you from doing so?

Very truly yours,

Gloria Gouveia