

TO: RTM

DATE: January 5, 2011

SUBJECT: Amendment #621

My name is John Canning and I live at 52 Woodside Avenue.

I AM OPPOSED TO AMENDMENT #621 AND ASK THAT IT BE OVERTURNED.

By way of background, I purchased my house in September 2006. My house is in an AA zone with 1.03 acres or 44,750 square feet. My lot has 14,700 sq. ft. of wetlands (about 33% of the gross lot area) leaving me with a net lot area of 32,990 sq. ft.

Since I purchased my house four plus years ago, I have made improvements on three separate occasions. Each time I obtained pre-improvement surveys, acquired the necessary permits and approvals from Town Conservation, Planning & Zoning, Engineering and the Building Department. I also obtained as-built surveys and obtained Compliance Certificates and Certificates of Occupancy from the Conservation, Planning and Zoning and the Building Department, respectively.

One project included building a garage. In that case I was required to provide the Engineering Department with a water run-off analysis and survey completed by a third party engineering firm. Subsequently I was required to install a Caltec field water draining system to contain the water run-off from the new garage.

I am telling you all this because:

- 1) There are already (before Amendment #621 implementation) substantial safeguards for construction in Westport – setbacks from property lines, setbacks from wetlands and others.
- 2) Again pre-Amendment #621 there is already a “no water run-off requirement” – which is why I was required to install a drainage system when my garage was built.
- 3) Compliance is already expensive – my expenses for compliance totaled more than \$12,500. Implementation of amendment #621 will increase these costs.

After those improvements my house is conforming under current regulations with a 22.77% coverage. Under the new Amendment #621 my house becomes non-conforming at a 16.1% building coverage. My building footprint under #621 is 5301 sq. ft. including 1555 sq. ft. for my driveway. If I had no wetlands I would conform to Amendment #621 at 11.8% net lot coverage. So clearly my house is not a large / McMansion house.

However, with my coverage under the current regulations at 22.77%, I really can't expand my footprint much because of wetlands setbacks. But, what's the point of making my house non-conforming? Why diminish the value of my property? Why create unnecessary impediment to a sale of my property? Why force an owner to get a variance even for the most modest change?

According to the Town's Conservation Department, 40% of all lots in Westport have wetlands. So, this Amendment will affect a substantial number of people in Town.

As a relatively new resident, I wondered – how did we get to this point? Why did Amendment #621 come before the P&Z? In looking through the file, I found the Town conducted a community survey in 2007 as part of its efforts to develop the 2007 Plan of Conservation and Development. Respondents were asked for "Suggestions you would offer to improve the quality of life" (in Westport). Those contacted responded with: limit house size as the number one priority – BUT only 10% of the time. Yes, only 10% of the time was this item cited. Lower taxes and better planning came in at 9.0% and 8.3%, respectively. This survey had a plus or minus 5% error rate. With a response rate of only 10% and a survey error rate of +/- 5%, the P&Z Commission can hardly call this a mandate to reduce house size, which is precisely why they initiated Amendment #621 in the first place.

Yes, along with many other residents, I am opposed to Amendment #621. Major stakeholders oppose the Amendment #621 in whole or in part as well. For example:

The Greater Bridgeport and Regional Planning Association –
As required by law the Association reviews all plans, projects and regulations within and outside its planning areas such as zoning regulations including Westport's. When asked about Amendment #621 the Association's written response was, "it's the consensus of the Board to not recommend the proposed change limiting building coverage to no more than 15% of the Net Lot Area, commenting this low of a threshold is overly restrictive."

Both the Westport Architectural Review Board and the Westport Green Task Force opposed the Dec. 16th passage of Amendment #621. The Westport Architectural Review Board asked "if the P&Z Commission had performed model analyses of their recommendations and compared it to the current regulations to confirm that the desired results were achieved". The ARB was told "no such analyses were done to test out the proposed coverage changes." The ARB concluded in its letter of Sept 29, 2010 that it DID NOT support the proposed Amendment #621.

Another group I want to cite consists of the Town's P&Z Staff, Conservation and Engineering Departments who recommended that "the Commission not require patios and terraces to be included.....". As you know they are included thus creating another problem with this Amendment.

Lastly, I would like to refer to the December 16, 2010 Planning and Zoning Commission meeting where Amendment #621 passed. At about 1 hour into the discussion, Mr. Ratkiewich's letter of October 7, 2010, was read and reviewed again. Mr. Ratkiewich, the Town Engineer, had been asked the following coverage question:

"Is there an engineering based reason to use Net Lot Area to calculate Building Coverage instead of Gross Lot Area, when Total Coverage will continue to be calculated based on Net Lot Area?"

The answer was No.....No engineering based reason. Rather, it was just Mr. Ratkiewich's opinion to use Net Lot Area rather the Gross Lot Area.....because using Net Lot Area (for

Building Coverage) instead of Gross Lot Area has the effect of leaving more room on impaired lots (lots with wetlands or steep slopes) to deal with grading, drainage and septic.

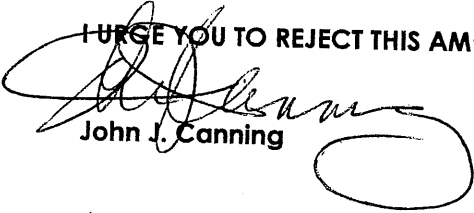
Mr. Lathrop, a member of the Commission then said with regard to this issue" there is no science here" – and "it is a problem to base a regulation (621) on opinion not scientific data.....". But that is just what happened. Mr. Corwin suggested that they, the Commission, could go back and look at the Net vs. Gross issue at a future time. But he was "Ambivalent" about the issue. Frankly, I don't think the 315 -- up to 900 or more homeowners in Westport are ambivalent about it.

In conclusion, I am opposed to Amendment #621:

1. Big houses were named as an issue in the 2007 Town Survey only 10% of the time.
2. Significant safeguards already exist regarding the requirement for "0" water run-off along with property line, wetlands and septic setbacks.
3. Many knowledgeable residents and stakeholders are opposed to some or all of the provisions of Amendment #621 including The Westport Architectural Review Board, P&Z Staff, Conservation and Engineering Departments.
4. The Planning and Zoning Commission has done no model analyses to determine that their desired results will be achieved. Essentially, they don't no know what effect Amendment #621 will have on the Town.
5. Implementing Amendment #621 will cause a known 315 houses to become non-conforming, more than a 20% increase. Moreover, the inclusion of patios in building coverage calculations will, by one estimate, create an additional 600 or more non-conforming houses.
6. By requiring no more that a 15% building coverage on Net Lot Area, Amendment #621 will penalize owners of wetlands and steep slopes without any corresponding benefit to the Town. Homeowners are already prohibited from building on those areas and this measure is nothing but punitive and will enable owners to seek revaluations of their properties given the diminution in values. And as stated earlier, 40% of the lots in Westport have wetlands.

On this subject the Town Engineer has stated in writing there is NO Engineering based reason to use Net Lot Area rather than Gross Lot Area for Building Coverage calculations.

I URGE YOU TO REJECT THIS AMENDMENT.


John J. Canning

Example

52 Woodside Avenue

Gross Lot Area (GLA) = 44750 sq. ft.

Wetlands (Wet) = 14700 sq. ft.

Net Lot Area (NLA) = Gross Lot Area minus 80% of Wetlands
or
 $44750 - (.80 \times 14700) =$
32990 Net Lot Area

Total Coverage on lot = 7513 sq. feet
(includes deck and pool
of more than 2200 sq. ft.)

Total Coverage calculation = Total Coverage divided by Net Lot Area
or
 $7513 \div 32990 = 22.77\%$

Building Coverage on lot = 5301 sq. ft.
(excludes deck and pool)

Building Coverage calculation = Building coverage divided by Net Lot Area
under Amendment # 621
or
 $5301 \div 32990 = 16.1\%$ which exceeds
Amendment #621 requirements

BUT NO Engineering basis to support this requirement.

IF USE Gross Lot Area and not Net Lot Area for Building Coverage calculation, the
result is

$$5301 \div 44750 = 11.8\%$$

Or

Well below amendment #621 requirement of 15%