

RTM Planning and Zoning Committee Meeting Report and Recommendation - April 27, 2015 : Appeal of P&Z Decision to rezone Barons South

As a preface to the following report, the Committee would like to make a statement. The Committee would like to make clear that this recommendation is not an endorsement of the current Senior Housing Proposal whose specifics have yet to be revealed or negotiated. This is also not a rebuke of the preservation of Open Space which we all agree is a necessity. This recommendation is a call for fairness of the process and to continue the dialogue between Town Boards and Commissions, Baron South Committee and the Developer to determine if this project is a worthwhile endeavor for the Town of Westport to continue to pursue.

We are not questioning the procedure or the legality of the P&Z decision, we are questioning the fairness of the process in its entirety.

The Committee, if this moves forward, would urge the Administration to expeditiously review and critique the current Baron South Proposal and provide a revised proposal for presentation to the Town Boards which maximizes the 8-30g moratorium points, minimizes the acreage used, maintains the maximum open space, minimizes the impact on the neighbors and maximizes the return and value to the Town.

The RTM P&Z Committee (Committee) met on April 6th and 20th 2015.
Attending Batteau, Cady, Feller, Keenan, Lebowitz, Mandell, Phillips, Rea, Schine.
(Schine absent at second meeting and did not vote)

The Committee was reacting to four petitions from residents under C5-1F and C10-4 of the Town Charter, to review and overturn the Planning and Zoning Commission's approval of a map amendment #687 in resolution #15-006 to rezone 60 Compo Road South, aka Barons South to Dedicated Open Space and Recreation #2 (DOSRD#2).

There was a fifth petition to uphold the decision, but it did not meet the criteria of the town code. That petition was treated as public input. The petitioner was given priority position to speak and the ability for summation.

The RTM Rules offer broad powers in this review that are guided by the Town Plan, but also take in account the health, safety and general welfare of the Town. The rules are clear that all RTM members must familiarize themselves with the record and be able to take in public comment.

A website (www.westportd1.com/barons.html) was created by the chair of the committee to offer the RTM all the information needed to meet the rules. The public was also invited to view this information as well. The committee members also reviewed the extensive files in the P&Z office.

Some background.

Land: The Barons South Property, 22+ acres, was bought by the Town in 1999. It was bought for municipal use. The Center for Senior Activities was built on the property in 2004, covering approximately 4 acres. The rest of the property, approximately 18+ acres, was left to this day with no other improvements. Signs offer entry by residents. Some buildings on the property are used by the town or rented out.

Senior Housing: The concept for building senior affordable housing on Barons South began in 2007 with a study conducted by Weston & Sampson. In 2010 an 8-24, request for use of town land, was requested and approved. In 2011 a text amendment was approved. Request for Proposals (RPF's) went out. A developer, Jonathan Rose Companies was selected and a plan devised, but in 2013 that plan was scrapped and another RFP went out. The same developer was chosen through the bid process. A new plan was submitted, but needed text modification. That text amendment #677 was denied. The Town and developer Jonathan Rose came up with a new plan to meet the current zoning and sought a pre application hearing from P&Z. On March 12, 2015 it was heard.

P&Z: In 2010 the P&Z Commission issued a positive report to an 8-24 request by First Selectman Gordon Joseloff to use the property for Senior Affordable Housing. In 2011, text amendment #625 was approved to allow a minimum of 60% senior affordable housing on town owned land, such as Barons South. This was appealed under C10-4 to the RTM. The RTM sustained the P&Z decision by majority vote. In 2014 text amendment #677, seeking to decrease the percentage of affordable housing, was denied by P&Z. In December 2014 the P&Z initiated discussion of designating Barons South as Open Space. On March 12, 2015 P&Z heard the Pre Application of the new plan for senior housing and opened hearings on Barons South Rezoning. On March 19, 2015 Barons was designated as open space. This was appealed to the RTM under C10-4.

The RTM P&Z Committee commenced meetings.

Each of the four Petitioners, representing over 400 residents, was given a chance to state their case for review and overturn of the map amendment. Their full presentations were available on the website.

Jo Ann Davidson, speaking for a party called Coalition for Westport:

They felt the process was flawed for a number of reasons.

P&Z Commissioners are public servants and must represent the best interests of the town including conducting honest and fair dealings with whomever appears before them.

If commissioners lead a developer to believe that certain changes to a proposal should be reconsidered and invites him back to the drawing board, they have an ethical obligation to hear the revised plan.

Map amendments affecting Town owned land are sponsored by the Town. It is unprecedented for the P&Z on its own authority and without consultation with any other Town body to impose its will on Town owned property.

The change in zone violates a fundamental principal of zoning by rendering the Center for Senior Activities non-conforming and preventing expansion.

Ken Bernhard a member of the Barons South Committee (BSC):

Mr. Bernhard said he felt the rug had been pulled out from under the process. The BSC had acted in good faith along with the Jonathan Rose Company and offered a new plan that was then ignored by the Commission. He offered a 10 point analysis of why the new concept was a "win, win" for the Town. He pointed out that the prior P&Z authorized the Town through a positive 8-24 to seek out such a solution and that *"Rezoning the property for open space at this point contradicts their earlier decision and kills a project that is highly beneficial to the town."* He urged that after 7 years of effort *"the opportunity to continue the process so that the project gets a fair hearing at the P&Z is up to the RTM as representatives of the entire town."* He spoke of compromise and offered the map of the plan which showed 3.3 acres for the senior housing and 15.7 acres of open space.

John Weiss - also spoke about the need for Senior Affordable housing and fairness of the process and that his petition would be folded into Martha Aasen's.

Martha Assen:

"We have had more than seven years of talk, innumerable meetings, leadership by two successive town administrations and now a yes vote by only four P&Z members, has stopped the Baron's South proposal, before it could be fully considered. I would hope that the RTM would overturn this P&Z decision and that the P&Z would then, in turn, grant Jonathan Rose's recent reworked new proposal a complete and fair hearing."

"The Barons South property is large enough for both affordable housing and a considerable amount of open space."

The P&Z Commission was then given the opportunity to justify their decision.

Chairman Chip Stevens spoke and said two other commissioners would then follow.

Mr. Stevens said the decision was thoughtful, researched and done within proper procedure. He noted that the Coalition for Westport was a political party with an agenda. He explained that the Town Plan focused on the need for open space and that the town was lacking in open space and specifically Town owned open space. *"We only have 4% open space, well behind other towns in our area."* *"There should be no surprise that we did this."* he said. *"We ran on an agenda of preservation."* *"We stand by our decision."*

He said the land was in jeopardy and while there has been talk for 20 years about what to do, lately there have been numerous people looking to chop it up, citing bus parking as an example. He said people wanted the discussion to be over and "*we made the decision.*"

Mr. Stevens was questioned by the committee in both sessions.

He was asked why the rush to make a decision. He denied there was a rush, saying instead the rush came from the Barons South Committee. This debate ran through the meeting. Ultimately a time line, from October 2014 to March 2015, was researched and created by the RTM PZ Chair. It was accepted by all parties and is attached to this report.

Mr. Stevens said he did not know that Rose was coming back with a new proposal. He said the P&Z held open space sub committee meetings and it was never mentioned then.

Mr. Stevens was asked, once the pre application was presented by Rose, you moved ahead anyway with the open space designation even though a delay was requested by First Selectman Jim Marpe. The answer was "Why not?"

Mr. Stevens said the property was in jeopardy. He said the housing project was one of the reasons it was in jeopardy. He said the Rose application was "*full of holes.*" He noted that the P&Z commission had asked questions of the Rose representatives who could not give answers.

Mr. Stevens was asked, since you asked 9 questions of Rose at the end of the pre application, for them to answer after research, why not wait for the answers? He answered that this was not a real application and only conceptual. This line of questioning went around a few times. He continued to say it was flawed and not a fully fleshed out proposal. He also said they could come back. It was noted this was now open space and he said they could still come back, "*the door is still open.*"

Mr. Stevens was asked about a letter to the public he wrote on September 20th after the P&Z denied text amendment #677, where he said:

"It is our mandate to fairly consider all that comes before us...Remember, there still stands a regulation allowing a project of the Baron South type. That has not changed. To those who are passionate and committed to this: The door is not shut."

Mr. Stevens was then asked was this not an invite that if Rose met the regulation that they should come back and would be heard? He said the "*new plan did not meet the regulations.*" How could you know and he was asked again why not wait for the answers, he again said this was not a full application.

P&Z Commissioner CathyWalsh was next to speak.

She gave a long history of what happened with this property and afterwards gave a stack of paperwork for review. The Committee thanks Ms. Walsh for supplying this to the RTM. It was posted on the website.

She was then asked a series of questions.

The prior 8-24 you mentioned in the history still stands, why not address it in your hearings, as pointed out by two public speakers? She answered "*we did and we held open space committee meetings.*"

Did you know the Barons South Committee and Rose were coming back with a new plan? "*Of course we knew they were coming back.*"

You asked questions of Rose, why not wait to designate Barons as open space, once you saw the pre application. She answered. "*Why?*"

In your decision to deny text amendment #677, you essentially invited the Rose company to come back if more affordable housing and open space were offered. Why did you do that? She answered. "*Sometimes we just say things to be nice.*"

P&Z Commissioner Jack Whittle Spoke next.

Mr. Whittle gave a succinct argument regarding his reason to choose open space over senior affordable housing. He broke down the statistics and said that less than 1% of the population would be served by the project. Open space serves everyone.

He said that he never saw one special permit,(full application) for the housing project so open space was a reasonable decision. He said the land should remain in its natural state and that the Town Plan calls for acquiring open space and again this was a reasonable decision.

He spoke about the sub committee process that it was 2 meetings and 8 hours of discussion.

He said that the majority of speakers at the Commission's public hearings were in favor of open space.

He was then questioned by the committee.

You said the majority said they wanted open space, but in the file there were over a 100 people on a petition asking you to delay? He answered, "*I said, speakers.*"

He was then asked the same question as the others why not wait? He said, "*how long, 2 years, 5 years?*"

You showed a quickly drawn map and said you'd be open to discussing giving some of the open space back. "Yes," he said "*if reasonable.*" Isn't your drawing about the same as what Rose proposed? He said it was just a concept.

Pamela Wright-Boyd who had the non-conforming petition in support of the P&Z came up and said traffic would be a problem if the housing project was there and that open space was the answer.

Jim Marpe, First Selectman, said he favored a compromise, one of housing and open space. He mentioned the threat of 8-30g and how the project would help us along. He said no matter what, the project would be vetted by the Board of Finance and other bodies and process should continue. He said bus parking was not happening and that he was comfortable with a moratorium on other projects on this property to take any pressure off the property to allow this to move forward. He later sent a memo to the RTM formalizing his moratorium concept to allow this to move forward without other threats.

There was an interchange between Mr. Stevens and Mr. Marpe where Stevens said he again did not know about Rose coming again. Marpe said he didn't see it that way.

Larry Bradley- P&Z Director spoke about what the DOSRD#2 was and placing it on the property would create non conformities. He said "*Nothing can happen*" with current buildings. He said anything would need a variance. Non conformity is part of zoning, but P&Z knew what they did and would have to rework the zone.

David Lessing, P&Z Commissioner spoke. Mr. Lessing was one of the original 7 members to sit on the open space hearings. He could not attend the second meeting and was replaced by an alternate, who then was removed from the vote due to not watching the video of the prior session. This is why only 6 members voted. Mr. Stevens objected to Mr. Lessing speaking to the Committee as a member of the commission, "*he didn't sit on the application.*" The RTM Chair said, "*he sat on the first hearing,*" sent in a memo to be read in the second meeting and while he did not vote, due to his absence, it would be fair if he was allowed to speak as a commissioner and not a member of the public.

Mr. Lessing's memo said:

A vote to suddenly rezone this all as open space is the equivalent of us covering our ears and refusing to even listen. To not even give this proposal a chance is disrespectful to the town, disrespectful to the first and second selectman, and disrespectful to the Baron's South Committee. Is this really such an urgent question that we shouldn't even bother to listen to the full answers to the questions the Commission itself asked just last week? Voting on the rezoning question now is inconsistent with our duty to the town for a thoughtful consideration of what is best.

He again reiterated his position that this was improper procedure and we owed this to the town and seniors. He made an analogy to a girl wanting to make the soccer team. She tries out and doesn't make the team. Coach says work hard, learn to kick and run faster

and come back next year. She does a "Rocky" and prepares. She comes back the next year all ready. The coach says, sorry there are no tryouts.

"We simply do not know enough yet to make an informed decision." The process needs to continue.

Public Comment - The committee heard 3+ hours of public testimony, covering almost every aspect imaginable. We heard from selectmen from both administrations saying the process had been interrupted and should continue. That the land was bought for municipal use and not all open space. We heard from the BSC Chair about the need for housing and it was impossible for the P&Z not to know another plan was coming. We heard about the need for open space. We heard about how perfect Barons was as an undeveloped parcel of land. We heard about the need for senior housing, we heard how Barons was the perfect place for senior housing integrated with the senior center. We heard the plan was good, we heard the plan was bad. We heard about compromise. We heard about how green armbands were offensive and showed bias by a commissioner, we heard from neighbors and their concerns. We heard that the process was bad, we heard that it was just. It was a great cross section of thoughtful comments and input from Westport residents.

We then heard summations by all five petitioners. They essentially all reiterated their positions. Though one new piece was about how senior housing would help us achieve moratorium points against the threat of 8-30g.

We also heard a summation by Mr. Stevens from P&Z. He again said the decision was just and open space is needed.

RTM Committee discussion.

The committee immediately focused on the issue of process. It was clear all the questions about the conceptual plan presented at the pre application could not now be answered. We believe everybody has questions, but none of these questions can be answered and thus that entire line of questions and arguments for or against the plan are not germane to the issue at hand. Unless the process moved forward, we'd never know the answers. We don't know if this plan is good or bad.

Open Space is an obvious need, but it had to be weighed against a potential plan for that same land. It could not be decided in a vacuum. So how could we weigh the P&Z decision properly when the process itself was cut short? The P&Z had the opportunity to hear out the plan, understand its value, and then make a decision. They chose not to do this. The process is the issue and will be the focus of our decision and recommendation.

Review of Written Decision

In review of the written P&Z decision itself, a few things come to light.

1. Very little justification was outlined in the decision. Town plan and traffic is noted.

2. Barons South, was not one of the properties listed to be rezoned to DOSRD #2 in 2004, nor was it ever added. A precursor to actually doing it.

3. P&Z only offered some generic open space quotes from the Town Plan.

a. Not addressed was another priority in the plan of creating affordable housing, housing options for seniors, and that public private partnerships are to be used to promote this.

b. Barons South is listed on Town Plan existing land use map and future land use map as Municipal use / Facility on both. The latter updated in 2011. This would be inconsistent with a designation of open space.

4. It is noted in the P&Z findings that a pre application was heard by the commission on March 12 for a senior housing project on the property. So indeed other concepts for the land were in play, P&Z had an obligation to address them.

What does this mean? The decision was weak, in our estimation, it not only ignored other uses for the property, it contradicts the Town Plan as to the use of the property.

Town Plan says, *"Westport should continue efforts to help seniors who may not want or need large single family houses to remain in Westport and to provide opportunities."* (6-2) *"Westport will consider ways of integrating affordable, workforce and market rate housing in future projects in partnerships with public and private organizations."*(6-3)

Only the open space half the story was told and that is not sufficient. Especially for such a large and controversial decision.

P&Z Commission Discussion During Work Session:

P&Z discussion during their decision ignored many things brought up by staff and the public.

1. The staff report said *"The commission needs to weigh the need for more open space against other needs within the POCD for things such as municipal facilities and housing opportunities. The rezoning of this property to DOSRD #2 would preclude the establishment of the senior housing that was recommended in the positive 8-24 report that was issued in 2010."*

There are two issues here.

a. The commission glossed over the need for other uses, especially housing opportunities. The determination to continue forward, in light of the Pre application, and not wait to even hear answers, ignores this basic responsibility which staff said must occur. And even if discussed, there should have been something in the written decision concerning this and justifying their decision. There was not.

b. The P&Z never once addressed the existing 8-24 to allow senior housing on the Barons property in their discussions. The P&Z had an obligation to respect their own body's directive made only 4 years prior. This point was made by no less than two members of the public. So not only did they not address it, they ignored the public's request from them to do so.

2. Staff also said: *"It should be noted that in 2007 the First Selectman had a study report prepared by the engineering firm of Weston & Sampson. In the report a variety of different uses were analyzed for the Barons South property. This rezoning would preclude any of the proposed uses from that report to be constructed on this property."*

There are significant issues here:

a. The Weston and Sampson Report was not discussed fully in their work session. This document which the town spent significant funds on was rendered moot without so much as a debate on it.

b. The Town Plan says that the report needed to be considered and it was not. "The final Weston and Sampson report will be given consideration as plans are tendered in the downtown area." (7-7)

"Review the 2007 Weston and Sampson report and consider its recommendations as the Town determines appropriate land uses for the Baron's South." (7-16)

The Town Plan was ignored by the P&Z Commission.

c. No determination as to why the study was not addressed was in the written decision. This again points to a decision that was not fully fleshed out and points to issues with the process.

3. Staff also said, *"The Commission has the option to rezone the entire property to DOSRD #2 or to modify its proposal to rezone only a portion of the subject property."*

The P&Z never discussed this option. In light of the pre application, noted in the written decision, the P&Z had an obligation to address this and possibly find a compromise solution.

4. No discussion of the Town Plan Existing Land Use Map or Future Land Use Map occurred, nor was it in the written decision. It was discussed over and over by the public and even by the P&Z that Barons South was bought for Municipal Use. The Town Plan clearly goes one step further and brings in the word "Facility." At no time were these documents or their meaning brought up. The P&Z has an obligation to deal with all parts of the Town Plan that apply to their agenda item. A determination as to how to deal with this had to be done. Were these maps needed to be amended prior to a decision? A formal process we have seen before. Either way, at a minimum the maps and their portent needed to be addressed and a ruling in the written decision made. This did not occur and thus this decision is contrary to the Town Plan, which is the basis for any P&Z planning decision.

RTM P&Z Committee Findings

1. The Baron's South land was purchased after years of discussion. When its purchase was approved, it was specifically designated for municipal use. No consensus was reached then on the use of the land, but it was specified that the property would specifically *not* be designated as open space entirely. There are many in the community who feel the property should be neither open space nor used for senior housing and that broader discussion has yet to occur.

2. In the 2010 8-24, the P&Z made it clear that affordable housing and open space were both needs to be addressed for the property.

3. Jeopardy - The Committee does not believe the land is in jeopardy.

a. Nothing, other than the senior housing project is in the works.

b. The P&Z has total control and can deny any 8-24 request from the First Selectman.

c. The First Selectman, in a letter to the RTM, has put a moratorium on the property until the vetting of the housing concept is resolved.

4. Time Line - The time line of events from September to present paints a clear picture of what was known and not known and the speed and timing of when things happened. The committee is convinced the P&Z knew the Barons South Committee was bringing a new plan. Ms. Walsh contradicting Mr. Stevens' assertion that they didn't know was telling. Regardless of knowing or not, simply having a pre application delivered the night the open space hearing began gave the P&Z enough reason to pause.

The open space sub committee meetings taking place the week before Christmas 12/18 and the week after new years 1/8 were ill timed and showed haste. That only 7 members of the public attended these aside from a dozen town officials is problematic. (a total of 14 non P&Z members and staff attended, of those 7 were elected officials or town employees). P&Z moving to a vote of the full commission the night of 1/8, and including Barons to be rezoned open space, after such a short period of time is problematic. The notion that the property was in any jeopardy from imminent development was unsubstantiated.

While there is nothing odd about holding full commission hearings on March 12 and then again on March 19, it is perplexing why the commission had to vote that night with only 6 members. Why not wait for an evening when Mr. Lessing could attend and vote. There was no statutory deadline.

Everything pointed to a rush to move this through and vote.

5. New Conceptual Plan - The plan presented by Jonathan Rose offered new options. While there is no way now to know if all of this is right or wrong it is on the table and needed to be weighed in addition to the need for open space.

a. Provides housing for seniors

b. Provides affordable housing for seniors

c. Expands the senior center at developer expense

d. Uses only 3.3 acres and leaves 15.7 acres as open space

e. Open space will be maintained by the developer

f. Up front money for the lease

g. Yearly revenue stream

h. Points against 8-30g

6. P&Z Invitation to Return: The denial of text #677 in September 2014 was a pivotal moment. Both in the P&Z written decision and in their deliberations, the need for affordable housing was a major focus. Open space was also mentioned as a need. It was made clear that any new application had to meet the 60% affordable requirement and with more open space. It was an offer to come back. It would appear the Town and Rose took this on face value. Ms Walsh's comment to the committee "*sometimes we just say things to be nice,*" is problematic, the record is what people go on. Couple this with Mr. Stevens' letter to the public saying "*there still stands a regulation allowing a project of the Baron South type... the door is not shut.*" This comment clearly says if you have something that meets the regulations we'd take a look at it.

But was the door really open? When Rose came back with the new plan, 9 questions were asked in the pre application to be researched and answered. But instead of waiting, P&Z rezones Barons as open space. According to P&Z staff this precludes the ability to build the senior housing project. This ends the conversation. The door was essentially shut. This was not fair, this is not how Westport officials should act. This was a flawed process.

7. DOSRD 2 - There are issues with the designated zone

This designation, which has been loosely termed as "open space" and assumed to protect the property from any and all degradation, to keep it "pristine", as one commissioner put it in our first meeting, is not the case. This designation allows more than just trail and picnic benches, it allows for tennis courts, playing fields and even mini golf. To seriously preserve and protect the Barons land, it should have been designated DOSRD3, as P&Z did for other properties (including the Newman-Poses preserve which was conditioned on this designation for that reason). Many people who said it should "remain open space," may not realize it could be something else entirely.

8. Non Conforming situations created.

a. This designation creates non conformities with all the buildings on the property. While this is often part of zoning, it shows a lack of planning.

b. The Senior Center itself cannot be expanded without a variance. It places undue burdens on the Town. The zone itself should have been reworked to fit what was needed first and then placed on the property. That is how planning should work. This again shows a desire to move quickly to get the zone placed.

9. Rezoning it back after it has been designated open space.

a. Why rezone back what is already allowed currently? Proves the DORSRD zone should not have been placed

b. It is the ultimate example of bad planning. Diminishes the value of the P&Z decision and the need for the open space zone

c. No planner or developer would come forward and spend the resources needed to accomplish this. It simply won't happen. The Town would not offer an RFP saying "come and build on our open space."

d. Sets a bad precedent moving forward that open space is not really open space and at anytime if something of more value comes along it can be sacrificed.

e. Open space should not be used as a bargaining chip, nor used as a pawn to achieve anything other than its own preservation.

10. Barons South can be Open Space in the future.

a. If the future discussion finds the senior housing plan does not meet expectations the property can be zoned as open space at that point. It did not have to happen now.

b. Deed restricting or with a special permit decision, the remaining acres beyond that of any project, ie senior housing project would actually by a tighter form of protection. As noted above it has already been aired that open space could be rezoned back, the zone is already shaky.

Conclusion:

The RTM P&Z Committee felt the process was flawed and that the map amendment should not have been approved by P&Z at that time.

1. It is clear that the Town, Barons South Committee and Rose were coming back after being invited to do so by the P&Z.
2. The P&Z whether or not they knew of this, saw a pre application on the night of March 12. An alternate use of the property was on the table.
3. The P&Z was asked by the First Selectman and a majority of the public either by written note or in speeches, to delay their decision.
4. The P&Z asked questions of the developer. These questions were to be researched and answered. There is no longer a forum to hear these answers. The P&Z closed the door on the discussion
5. The P&Z had no statutory time frame to make a decision and could have delayed their decision pending full discussion of a project 7 years in the making.
6. The RTM Committee believes the decision is unfair to the Town, its residents and to all involved in the process. It simply is not how a Town conducts business.
7. The P&Z decision does not meet the town plan in its entirety.
8. The P&Z did not meet its obligation to weigh the needs of open space vs other possible uses on the property.
9. The zone change creates non conformities which will bring undue burdens on the Town.
10. The DOSRD #2 zone may not accomplish the goals laid out by the P&Z.
11. The P&Z decision was clearly rushed and not well planned and did not take into account the enormity of their decision on a property owned by the town and currently in the midst of discussion.
12. The P&Z ignored its own prior findings, reports, and decisions.

The opportunity to have both open space and senior housing is in the best interests of the Town and all our constituents. Finding such a compromise represents the best principles of good planning, good zoning and good governance.

The RTM P&Z Committee does not take this decision lightly. We make this recommendation after very careful consideration and many hours of meetings and review of the record. Most on this committee have been through appeals before. They are well versed in planning issues and while this particular appeal is difficult, the answer is clear. Many on this committee are stern open space advocates, having saved scores of acres among them, but fairness and process is the basis for this decision.

Resolution by Rea, Second by Feller, amended, Resolution Rea, Second Feller, 8-0 to amend.

Resolved: we recommend that pursuant to C5-1F and C10-4 of the Town Charter, the RTM reverse the decision of the Planning & Zoning Commission issued on March 19, 2015.

Vote 8-0 to approve the recommendation (Schine absent)

Report by
RTM P&Z Committee
4/27/2015

Links to Documents in P&Z File cited:

P&Z Decision - <http://www.westportd1.com/barons/pz%20decision.pdf>
P&Z Staff Report - <http://www.westportd1.com/barons/pz%20687%20staffreport.pdf>
David Lessing memo - <http://www.westportd1.com/barons/Lessing%20submission.pdf>
Town Plan - <http://www.westportct.gov/index.aspx?page=71>

Time Line of Town/Barons South Committee/Rose Associates and the Planning and Zoning Commission/Department From September 2014 to Present

October 17, 2014: Initial meeting by Rose with First Selectman Marpe, Second Selectman Kaner, Barbara Butler and BOF Chair John Pincavage. Discussed big-picture concept of alternate program and more limited development footprint with no text amendment and agreed it was worth further investigation. Considered a negotiation session.

October 21, 2014 - In RTM Long Range Planning meeting, Jack Klinge confirms this meeting occurred, saying it was "behind closed doors." *Klinge since knows who was in meeting.*

October 28, 2014: Follow-up meeting by Rose with Town Attorney Ira Bloom and P&Z Director Larry Bradley to review zoning regulations and their applicability to the site.

November 14, 2014: Baron's South Committee meeting, at which the outlines of a new plan were discussed. Bringing a pre application to P&Z is discussed. Reported in the Westport News

November – January: Preparation of new site concept plan by Rose

December 4, P&Z Annual Meeting Open Space a priority

December 18, 2014 - P&Z Sub committee on Open Space holds first meeting

January 8, 2015 - P&Z Sub committee on Open Space holds second meeting

January 8, 2015 - P&Z Commission votes to hear Open Space Map Amendments

January 23, 2015 - Rose plans ready in a week. Kaner plans to have BSC meeting either before or after Presidents week (school vacation)

February 4, 2015: Rose meeting with First Selectman Marpe and Second Selectman Kaner to review plan.

February 12, 2015: Baron's South Committee public meeting to review plan w/ Rose. Reported in the press.

February 18, 2015 - Pre Application for Senior Housing Plan is filed with P&Z

February 19, 2015 - P&Z Sub committee on Open Space holds third meeting

February 25, 2015 - Pre Application for Senior Housing is Revised, added alternate design.

March 5, 2015 - Pre Application to be heard by P&Z - SNOWED OUT

March 12, 2015 - Pre Application is [heard by P&Z](#)

March 12, 2015 - P&Z First Hearing on Open Space

March 19, 2015 - P&Z Second Hearing on Open Space, Work Session & Decision