

Jack Submission

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As delivered during a meeting of the
Representative Town Meeting
of Westport, CT:

My name is Jack Whittle; I am a P&Z Commissioner and I voted in favor of the map amendment known as #687 which effectively rezoned the property known as Baron's South from Residential A and GBD to Dedicated Open Space. I continue to stand by that vote as I believe this decision, reached after careful consideration over a three month period, was correct and in the best interests of the vast majority of Westport's 27,000 residents.

Let me pause for a second and repeat that last part – in this and every other matter that has come before me on the P&Z, I act with what I understand to be the best interests of the majority of Westport's residents in mind – that's a guiding principle of mine in my role as a P&Z Commissioner, and it's especially relevant where a large and centrally-located parcel of land, owned by the Town for the benefit of all of its residents, is concerned. I don't believe we sit in these seats to award lucrative projects to friends or favored developers, or in cases where I or my friends stand to make a profit, nor do I favor attending to the needs of the few when to do so is to the detriment of the many. And I believe all of my fellow commissioners share this perspective.

I also believe this principal – doing what is in the best interests of the majority of Westport's residents - guides this body as well.

As my fellow commissioner Cathy Walsh said, the Baron's South property was acquired by the Town in 1999 for municipal purposes, and in Diane Farrell's own words, specifically including open space. Over the years there have been a variety proposals for developing the site, including: relocating the YMCA, school bus parking, and more recently Senior Housing –and we've been hearing about ideas and proposals for senior housing on Baron's South since before I was on the P&Z. It is important to note, however, that the P&Z has never received an actual special permit or site plan application for a senior housing project at Baron's South. Last July, we DID hear a proposal to amend the text of our Senior Residential Living regulation; and it was suggested by the proponents of that text amendment that it was a precursor to an actual site plan application for a senior living facility at Baron's South. But, that text amendment was not supported by the P&Z Commission when we voted on it last September because it sought to

change a number of critical requirements found in our existing *Senior Residential Living* regulation.

Throughout all of this and since the Baron himself lived there, the property has remained in its natural state, with the exception of the Senior Center that was built closer to the Imperial Avenue boundary of the site. For those of us who have ventured into the property and walked on its trails, we know what a serene and magical place it is – it reminds me of the time I spent growing up in Westport, where we played and camped in the woods behind my house, or simply enjoyed the vista across the corn fields at Wakeman's Farm on Cross highway or the strawberry fields at Rippe's Farm on North Avenue. Those woods, and those open farm fields that used to be found all over Town, are now *long* gone – we don't have very much open space left in Westport, certainly nothing approaching 22 acres of pristine forest near the center of Town.

It's also true that Westport has lagged far behind other towns in Fairfield County regarding the preservation of open space; we have admittedly done a very poor job in this regard, which is surprising in a town as environmentally-focused as Westport, where we were among the first in the nation to ban plastic shopping bags, and where we successfully fought the proposal to put a nuclear plant on Cockenoe Island, and more recently a plan to fully develop the Partrick Wetlands area. The Town's Plan of Conservation and Development – which, by statute, guides the P&Z's decisions – is also quite clear that we should strive to preserve open space; actually we are encouraged to *add* to our inventory of open space. It should come as no surprise that the preservation of open space was specifically identified as one of the Commission's goals for 2015.

With all of this in mind, an Open Space Sub-Committee of the P&Z was formed at the beginning of this year, with the stated purpose being "TO DISCUSS DEDICATED OPEN SPACE AND DISCUSSION OF PARCELS FOR RE-ZONING." At least three public meetings of that Open Space Sub-Committee were held during the first three months of 2015, and the rezoning of parcels of town-owned land to Dedicated Open Space was specifically discussed during these meetings – specifically including Baron's South. The full P&Z Commission received regular reports about these meetings, and after this Open Space Sub-Committee progressed its first round of proposals for properties to be designated as Dedicated Open Space, we received a report about that during a full P&Z meeting and agreed that it was time to move this on to the full P&Z for consideration of a map amendment to accomplish this proposal.

The P&Z Commission then heard the Dedicated Open Space Map amendment proposal for Baron's South on March 12th – that was the first of two long nights we spent on that proposal, the second night being March 17th. We heard from a number of members of the public during these two public hearings, in fact we made sure everyone who wanted to had a chance to speak – in fact some spoke twice. Those who spoke in favor of the proposal to rezone the property cited to

Westport's failure to take steps to preserve open space, how we lag far behind every other Town in Fairfield County in this regard, how Westport does not have many other similarly-size parcels for this type of open space designation, and, perhaps most importantly, how unique, pristine, unusual and special the Baron's South property is. Those who spoke against this proposal were largely of the view that the Commission should wait for a Special Permit / Site Plan application to be filed, at some indeterminate point in the future, for a Senior Residential Community on Baron's South. Those who fell into this latter camp referred to the latest idea for such a complex which had been described to the Commission in a "Pre Application" session during the same March 12th session where we first heard testimony on the Map amendment proposal. I'd note here that 2/3rds of the public that spoke during the March 12 and March 17th hearings were in favor of rezoning the property.

A little explanation about "Pre-Apps" – this refers to an intentionally informal procedure that's available to developers and property owners to provide them with an opportunity to explore ideas and concepts, in informal, conceptual form, with the P&Z in order to receive feedback from the P&Z – this allows the owners and developers to show us conceptualized plans and renderings to obtain feedback from the P&Z in order to shape, refine and address issues we have identified in advance of an official, formal, site plan application, which might then follow - sometimes 6 months later, sometimes a year later, and sometimes never if they cannot successfully address the issues identified by the P&Z. The public is not allowed to speak in connection with the pre-app process.

So, at that March 12th meeting, we heard a pre-app from the proponents of locating a senior facility at Baron's South, which included a building for senior housing and a connected assisted living facility, which consisted of conceptual renderings and conceptual footprints. During that Pre-App session, it appeared that some of the concerns encountered during the earlier Text Amendment hearings had been given some consideration, while in other areas it remained to be seen how these would be handled, and new issues of potential concern were certainly raised. As with all pre-apps, it remained to be seen when we might see an actual site plan / special permit application, and whether such an application would fully comply with all of the applicable zoning regulations.

Meanwhile, we had an actual map amendment that was also being heard after three months of sub-committee hearings, and that hearing continued into the next P&Z session as well. Aside from the special and unique qualities of the Baron's South site and what the POCD tells us about preserving open space, let's re-visit what was mentioned at the outset as one of my primary guiding principles when I weigh a zoning proposal - what is in the best interests of the majority of Westport's residents? The claim that changing the zoning designation of Baron's South to Designated Open Space is in the best interests of just about every citizen of Westport, young and old, is hard to refute – whether you actually walk around the site or just enjoy the fact that we have such a magnificent

undeveloped space in the center of town, its value to all as open, undeveloped space is undeniable.

The real question in this regard was this: would refusing to support such a map amendment, in order to keep the entire site available for a possible future application for a senior living facility and assisted living facility to be located *somewhere* on the property, would that be in the best interests of the majority of Westport residents? Based on the information I've learned about these proposals during the earlier text amendment effort and the recent pre-app, I could not see how doing so would be in the best interests of even a small minority of Westport 27,000 residents, much less a majority of our residents.

Let's take those 27,000 residents of our down and break that down further – while the senior living facility would be available to those 65 and older, I don't believe there are many Westporters under 70 who are looking to move out of their homes and into a senior living center, so let's look at that statistic – according to most-recent census data, 11% of Westporters are 70 and older – that's roughly 2,600 people. Stopping there, one might argue that doing something that benefits 2,600 residents might be a noble cause, considering the fact that these are senior citizens. But that's a fool's argument, because we are not talking about a senior living facility that accommodates 2,600 people, or even one tenth of that. At best, and assuming that every single resident over the age of 70 wanted to move out of their homes and into the proposed facility, these 2,600 seniors have what amount to a lottery ticket, where only 75 winners will be drawn. 75 units, even if all of them are occupied by couples, equals 150 people – so we are talking about something that might benefit up to 150 senior citizens of Westport – that's ½ of 1%.

But even that math is flawed, because these 75 units are not guaranteed for just Westport residents. In fact, there is no guarantee; the best that the proponents of a senior living facility at Baron's South can offer is a "preference" for Westport residents – and I can tell you as a lawyer that even a preference for Westport residents would be very hard to defend in court, given the economic condition and racial mix of the residents of the towns nearby; applying such a preference would be challenged as nothing more than a proxy for economic or racial discrimination. Suddenly it looks like even that ½ of 1% figure is too high.

I want to be clear about this, just as I was clear about the text amendment that seemed to garner a great deal of support among Westport's senior citizens: I care about you, we care about you. The proposals we have seen thus far, whether they seek to gut the text of our existing Senior Living Facility Regulation or propose to locate a senior living facility on Baron's South, won't do anything good for overwhelming majority of you. And they clearly aren't in the best interests of most of Westport's residents.

Such is why, after careful consideration of the map amendment proposal regarding Baron's South, which was heard over the course of 2 separate meetings spanning over at least 8 hours of hearings before the full commission, and then only after the proposal had been the subject of three separate P&Z sub-committee hearings over the course of three months, did I vote in favor of rezoning the Baron's South property to Dedicated Open Space.

For the benefit of ALL of the residents of Westport.

Jack Whittle