

## Tranovich, Amanda

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**From:** Zoning Board of Appeals  
**Subject:** FW: 233 Hillspoint Rd. #7773

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JUN 19 2020

WESTPORT Z.B.A.

**From:** don bergmann <donlbergmann@sbcglobal.net>  
**Sent:** Thursday, June 18, 2020 7:25 PM  
**To:** Zoning Board of Appeals <ZBA@westportct.gov>  
**Cc:** Tyminski, Cindy <ctyminski@westportct.gov>  
**Subject:** 233 Hillspoint Rd. #7773

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To: The Zoning Board of Appeals, Westport CT  
From: Don Bergmann 32 Sherwood Dr. Westport 203 226 8712  
Re: Public Hearing at 4:00 p.m., Tuesday, June 23, 2020 Conducted By Zoom

I recommend that the ZBA conduct at least two hearings on the above. My guess is that will happen without my recommendation since the "zoom" format does not lend itself to effective public input. The Applicant, whether only through his attorney, Atty Pires, or also in person, The Cohens, are likely to have much to say and may even present new information for consideration by the ZBA and the public. While I believe the ZBA could legally make a decision or decisions at the meeting on the 23rd., I think it best if at least a second meeting takes place so that all that is presented next Tuesday can be digested and receive proper responses. As a member of the public who lives near 233 Hillspoint Rd. I am especially interested in all of the changes to the house and property that the Applicant and his architect and builder have made that differ from that which was submitted to or contemplated by the ZBA and the P&Z Commission when those two bodies granted the required approvals.

I know Cindy Tyminski has sought from the Applicant a clear presentation of all those changes, but the Applicant, I believe, has not been responsive. It seems important that all sides are on the same page as to all that was changed. Ms. Tyminski has put together her list. It is lengthy and dramatic. It appears that those changes include:

1. A massive new and very stark chimney, which for some unaccountable reason includes a fire place in the cellar; an area in which no living space is permitted due to FEMA and Town regulations;
2. A very different foundation, including as to how that foundation will appear to the neighborhood;
3. A very different window design and types of windows;
- 4 A different roofing material;
5. A different cupola. More importantly, it is my understanding from Ms. Tyminski's materials that the entire cupola must be removed since this variance application is occurring after the P&Z clarified/revised its definition of cupola. The original cupola, which is also not as presented to the ZBA, managed to be approved because the P&Z Commission had not then corrected its error as to what constitutes a legal cupola;
6. A different siding;
7. A different front entrance and front stairway area;
8. Landscaping issues in the rear of the house and, I believe, in the front as well; and
9. Porch or deck and stairway changes.

Based upon Ms. Tyminski's analysis the above list is not inclusive. The ones I have listed are, to me, as a 20 year resident of this lovely neighborhood enjoyed by so many, items that I consider to be particularly troublesome.

I will also be very interested to hear the Applicant's explanation for what has happened. It will not surprise me if the Applicant advises the ZBA that the Applicant believed that nothing done was wrong based upon conversations or advice from the architect or builder. Most likely the architect and the builder will maintain that the changes were made with the knowledge and approval of the Applicant. We will have to see how this plays out at the first, or even a second or third hearing. It also seems possible that the Applicant or Atty. Pires may not be able to speak with one voice since the Applicant's position could well be different from that of the architect or builder. One additional thought in that regard. It would seem that the architect or any other licensed professional involved in all these changes may have committed some kind of professional responsibility violation. If so, that could result in a sanction or even a loss of license or a prohibition on future work within Westport.

I regret that all this has occurred. Yet, I look forward to the forthcoming and at least a second hearing. The matter is important for the Town and the neighborhood. However, the most important aspect may be the adherence to our regulations, i.e. the issue of integrity and disclosure.

*Don*

*Bergmann*