

Young, Mary

Subject: FW: Application #785, Zoning Regulation Amendment

From: **Mark K. Branse** <branse@halloransage.com>

Date: Thu, Oct 8, 2020 at 5:19 PM

Subject: Application #785, Zoning Regulation Amendment

To: PandZcomments@westportct.gov <PandZcomments@westportct.gov>

Cc: Richard Freedman (richard@gardenhomesmanagement.com) <richard@gardenhomesmanagement.com>, Brian Daley <BDaley@gardenhomesmanagement.com>

Dear Chairman Dobin:

It's come to our attention that the Westport Planning and Zoning Commission is considering Zoning Text Amendment #785 at a public hearing this evening. While Garden Homes appreciates that elimination of the Section 4.5 cap on multi-family housing is necessary for many reasons, and has been under study for some time, we feel it necessary to point out that these efforts have been superseded by Judge Berger's decision of July 27, 2020, in which he sustained our appeal of the denial of our zoning text amendment application. See pages 6-7 of the decision. Our text amendment not only eliminated Section 4.5, but also went further in allowing affordable housing in all residential zones. I attach a copy of that text for your convenience.

In light of Judge Berger's decision, our proposed text amendment must be adopted by the Commission as proposed. Amendment #785 is a good first step, but only the first step. We look forward to prompt adoption of the remainder of our proposed text.

Thank you for your attention.

Mark K. Branse, Halloran & Sage, LLP

Attorney for Garden Homes Management Corp.

My email address is branse@halloransage.com

Sent from [Mail](#) for Windows 10

Mark K. Branse, Esq., Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103

E branse@halloransage.com

D 860.241.4088

F 860.548.0006

www.halloransage.com

Confidentiality: The information contained in this e-mail message is intended only for the use of the individual or entity named above and is privileged and confidential. Any dissemination, distribution, or copy of this communication other than to the individual or entity named above is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone.