



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
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Hearing: March 16, 2017

Decision: April 6, 2017

April 11, 2017

Pete Romano
LandTech
518 Riverside Avenue
Westport, CT 06880

RE: **270 Saugatuck Avenue, CAM Open Space Resubdivision Appl. #17-004**

Dear Mr. Romano;

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on April 6, 2017 it was moved by Mr. Stephens and seconded by Mr. Hodge to adopt the following resolution.

RESOLUTION #17-004

WHEREAS, THE PLANNING AND ZONING COMMISSION met on April 6, 2017 and made the following findings:

1. The property is 4.002 acres in size in the Residence AA district located on Saugatuck Avenue north of the intersection with Charmer's Landing. Approximately 14% of the property is comprised of wetlands.
2. The lot contains an historic structure known as the Eno Foundation Building, a large asphalt parking surface, two single family dwellings and two detached garages.
3. The property is located within the Coastal Area Management (CAM) boundary and is located partly within the 100-year flood plain as shown on FEMA F.I.R.M. Panel #09001C0532F in flood zone AE 13.
4. Zoning history for this property is incorporated by reference to the Resolution for 270 Saugatuck Avenue, Special Permit/HRS #17-015.
5. Chapter 56 of the Zoning Regulations allows for the creation of Open Space Subdivisions when conventional subdivision of the land would not be possible due to topography, wetland or other unique features such as valuable trees, watercourses, waterbodies, and historical, archeological and/or paleontological sites. The applicant must provide a conventional subdivision layout as part of the application materials. In this instance, creation of a conventional subdivision would require the demolition of the Eno Foundation building.
6. Open Space subdivision lots are allowed to be "one size" smaller than those required by the zoning district, i.e. in the Residence AA district, ½ acre (21,780 SF) lots are permitted. The open space required "shall have an area not less than the total reduction

in the normally required lot areas for the zoning district in which the Open Space Subdivision Plan is located.”

7. Resolution #17-015 for Special Permit/HRS granted relief pursuant to §32-18 is to allow Lot 1 of the proposed resubdivision to have total coverage of 37.1% where 25% is permitted in the underlying zone and to permit the Eno Foundation building parking requirement to be established at 26 spaces, a reduction of 11 spaces.
8. The Joint Committee comprised of members of the Historic District Commission and the Architectural Review Board reviewed the application at a meeting held on March 7, 2017 and offer the following comments: “The Commission members expressed their support for preserving the historic building”. They indicate that the building is indicative of a significant architectural style and period.
9. Water Pollution Control Authority approved the extension of the sewer 146’ feet from Saugatuck Avenue on 3/7/17. This would not constitute a Main Line Extension.
10. The Flood and Erosion Control Board reviewed and approved the application at its 12/7/16 meeting.
11. The Conservation Department reviewed and approved the application for a 3-lot subdivision and a commercial office building at its December 14, 2016.
12. The applicant is seeking an Open Space Resubdivision approval to create three new building lots, an open space parcel and a new lot containing the unaltered Eno Foundation building and associated parking, for a total of four lots in the Residence AA District.
13. The existing parking lot, two single family residences and two detached garages will be demolished.
14. Lot 1 will contain the Eno Foundation Building and parking lot will be 43,567 SF with proposed coverage as follows: Building Coverage = 10.2% and Total Coverage = 37.1%
15. The building lots will be at least 21,780 SF in size per the Open Space Subdivision regulations (rather than the 43,560 SF required in the underlying zone). Lot 2 will be 22,632 SF; Lot 3 will be 24,403 SF and Lot 4 will be 21,824 SF each with less than 15% building coverage and less than 25% total coverage;
16. The open space parcel will comprise a contiguous area of 55,738 SF equivalent to the total reduction in the normally required lot areas for the Residence AA zoning district in which this property is located.
17. All new lots will have lot shapes of 150’ x 100’ with less than 20% of that area in steep slopes or wetlands as allowed by the Open Space Subdivision regulations.
18. The project is considered consistent with CAM policies for minimizing adverse impacts upon the adjacent coastal systems and resources through the use of raingardens for primary treatment of stormwater runoff and by maintaining erosion and sediment controls throughout the construction process.

NOW THEREFORE, BE IT RESOLVED that **270 Saugatuck Avenue**: Appl. #17-004 by Peter Romano/LANDTECH for property owned by O’Halloran Realty Company Associates, LLC for a CAM Re-Subdivision approval for a four-lot open space subdivision for property located in a Residential AA zone, PID #B04008000 is **GRANTED** subject to the following:

1. Conformance to the “Existing Conditions Zoning Map of Property, prepared for O’Halloran Realty Company Associates, LLC, 270 Saugatuck Avenue, Westport, CT”

prepared by Dennis A. Deilus – Land Surveyors, dated 9/6/14, revised 2/14/17.

2. Conformance to Site Plan titled “Site Improvements for a Proposed 4 lot Resubdivision, Site Plan 270 Saugatuck Avenue, prepared for O’Halloran Realty Company Associates, LLC, prepared by Michael J. Bartos, LandTech, dated 10/12/16, revised 2/14/17.
3. Conformance to Open Space Resubdivision Map titled “Open Space Resubdivision Map of Property, prepared for O’Halloran Realty Company Associates, LLC, 270 Saugatuck Avenue, Westport, CT, prepared by Dennis A. Deilus – Land Surveyors, dated 12/21/16, revised 2/14/17.
4. Conformance to the Conservation Commission approval dated December 14, 2016.
5. Conformance to the Flood & Erosion Control Board approval dated December 7, 2016
6. Prior to the endorsement of the Resubdivision Map it is the applicant’s responsibility to submit the following documents to this office:
 - a. All legal documents including but not limited to the Open Space Declaration which shall be reviewed by the Town Attorney’s Office and shall be recorded on the Westport Land Records.
 - b. Surety in the form of a bond satisfactory to the Town Attorney shall be prepared on the Planning and Zoning Bond Estimate Form, approved by the Town Engineer, and posted with the P&Z Office to guarantee installation of pins and monuments.
 - c. An electronic version of a 1:100 reduction of the Record Map to update the Town base maps.
 - d. The Record Map shall be submitted within three (3) weeks of the publication of the legal notice of decision.
7. Prior to the issuance of the Zoning Certificate of Compliance the applicant shall submit a Certified "As-Built" survey indicating the nature of the surface of the completed driveway
8. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission
9. All new utilities shall be placed underground.
10. All plantings shown on an approved Planting Plan shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition throughout the duration of the use. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.
11. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by April 6, 2022.
12. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review. The planting plan shall be installed prior to ZCC.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up to the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

The application as conditioned above conforms to all applicable zoning regulations.

VOTE:

AYES	-6-	{Stephens, Walsh, Hodge, Cammeyer, Lebowitz, Gratrix}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Catherine Walsh
Chairman, Planning & Zoning Commission

cc: Tax Assessor
Historic District Commission, Chair
Conservation Department, Director
Department of Public Works, Director
Selectman's Office