



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
(203) 454-6145 - fax

Hearing: March 16, 2017
Decision: April 6, 2017

April 11, 2017

Pete Romano
LandTech
518 Riverside Avenue
Westport, CT 06880

RE: **270 Saugatuck Avenue, Special Permit/Site Plan Appl. #17-015**

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. Lebowitz and seconded by Mr. Cammeyer to adopt the following resolution.

RESOLUTION #17-015

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. In 1938 a Zoning Building permit was issued for the construction of a new building for the Eno Foundation for Highway Traffic Regulation, Inc. a "non-profit organization" on the property that contained the home of its founder, William Phelps Eno, a Westport business man known as the "Father of Traffic". Subsequent regulation text amendments have rendered this use pre-existing non-conforming.
5. Westport Zoning Regulations contained in §32-18 allow relief to be granted to requirements of the underlying zoning district with respect to height, setback, coverage, parking, landscaping, and use, subject to Special Permit/Site Plan approval from the Planning and Zoning Commission. The regulation provides incentives to retain historic structures in residential districts in those circumstances where applying the underlying zoning regulations have the practical effect of discouraging the preservation of historic buildings, and the regulation provides an alternative vehicle to seeking a variance from

the ZBA. Property owners in turn grant a Preservation Easement in perpetuity that protects the exterior facades of all buildings located on the property.

6. The applicant is seeking a Special Permit/Site Plan approval pursuant to §32-18, Historic Residential Structures, to obtain coverage relief and for relief of parking requirements for the proposed Lot 1 to contain the Eno Foundation building and a new parking lot. This approval will enable the granting of resubdivision approval to subdivide the property into three new building lots, an open space parcel as shown on the subdivision map and a new lot containing the unaltered Eno Foundation building and associated parking, for a total of four lots.
7. The relief sought through §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.

NOW THEREFORE, BE IT RESOLVED that **270 Saugatuck Avenue:** Appl. #17-015 by Peter Romano/LANDTECH for property owned by O'Halloran Realty Company Associates, LLC for a Special Permit and Site Plan approval pursuant to §32-18, Historic Residential Structures, for coverage and parking incentives as part of a four-lot open space re-subdivision and retention of an existing Historic Structure, for property located in a Residence 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. Prior to the issuance of a Zoning Permit the applicant should:
 - a. Submit a copy of the Preservation Easement for final review and approval by the Town Attorney's Office.
 - b. The applicant should obtain final approval from the Town Attorney's Office of all legal documents that shall also be recorded on the land records.
5. All significant, mature street trees shall be preserved including those not shown on the site plan, but exist on the site.

6. 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
7. 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
8. All new utilities shall be placed underground.
9. 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.
10. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by April 6, 2022.
11. 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,



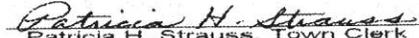
Catherine Walsh
Chairman, Planning & Zoning Commission

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cc: Tax Assessor
Historic District Commission Office
Conservation Department

Received for Record at Westport, CT
On 06/22/2017 At 2:26:35 pm


Patricia H. Strauss, Town Clerk