

WESTPORT WPCA
June 18, 2021 Special Meeting
APPROVED MINUTES

The Westport Board of Selectmen, acting in its capacity as the Water Pollution Control Authority, held a public meeting at 10:00 AM on Friday, June 18, 2021 in Westport Town Hall Auditorium, 110 Myrtle Avenue, Westport, CT. In attendance were James Marpe, Jennifer Tooker, Melissa Kane, Atty. Ira Bloom, Atty. Peter Gelderman, Public Works Director Peter Ratkiewich, and Eileen Francis, recording secretary.

RE: Application from Summit Saugatuck LLC (“Applicant” or “Summit”) pursuant to Conn. Gen. Stat. §7-246a for Extension of Sewer from Davenport Lane to Hiawatha Lane, Allocation of Sewer Capacity, and Conditional Approval to Connect Residential Development (the “Application”).

<https://play.champds.com/westportct/event/94>

The meeting was called to order at 10:10 AM

Attorney Ira Bloom provided context and an overview of the complicated matter, its association with certain zoning appeals taken by Summit Saugatuck, descriptions of those various court cases, the standing of the Town for each, how the cases are linked to this development and sewer extension, and how they may be withdrawn or settled in the interest of all parties and based on the outcome of the meeting.

Attorney Peter Gelderman provided background on the subject application, including the history of the proposed development, the request for the sewer extension and the Town’s MLE policy, including the condition for a positive 8-24 receipt from the Planning & Zoning Commission. Attorney Gelderman outlined the terms of the proposed settlement. Further, Attorney Gelderman provided a detail of the court process whereby the Connecticut Superior Court will hold a hearing on July 19, to approve or deny the stipulation and settlement between the WPCA, the Planning & Zoning Commission and Summit Saugatuck.

Director of Public Works Peter Ratkiewich provided the history of the Pump Station #2 and force main upgrades and the association with applications to the WPCA for sewer extension approval and allocation of sewer capacity. He stated that the construction associated with that project was completed in late 2019.

First Selectman Jim Marpe made the following motion and read the findings and resolution into the record:

FINDINGS:

1. The Application dated February 7, 2020 was received by the WPCA on February 11, 2020.
2. On February 25, the First Selectman referred the Application to the Planning and Zoning Commission (the “PZC”) for a report in accordance with CGS § 8-24.
3. The First Selectman’s referral was withdrawn and resubmitted to the PZC on March 13, 2020.
4. Because of the COVID-19 emergency and the declaration by the Governor of certain executive orders, the referral was again withdrawn on March 17, 2020 to ascertain the effect of such executive orders on the time limitations set forth in said § 8-24.
5. On April 13, 2020 the First Selectman resubmitted the referral.

6. On June 11, 2020, the PZC issued a negative report.
7. The RTM did not override the PZC's negative report.
8. On July 8, 2020, the WPCA heard the Application.
9. On July 8, 2020, the WPCA voted unanimously to deny the Application based solely on the fact that the PZC did not render a positive § 8-24 report.
10. On May 12, 2021, the PZC reconsidered its negative § 8-24 report as part of a global settlement of the application by Summit to construct a multi-unit residential development on Hiawatha Lane Extension.
11. In accordance with the terms of a Stipulation for Judgment in the case entitled *Summit Saugatuck v. Westport Planning and Zoning Commission*, Doc. No. HHD-CV-19-6120090 (the "Zoning Appeal"), the PZC issued a positive § 8-24 report.
12. The only reason for denial of the February 2020 application having been eliminated by the PZC's positive 8-24 report.
13. The extension of the sewer line will provide necessary service to a densely populated area of the Town that is within the "Blue Line".

Therefore, it is hereby RESOLVED:

Upon the motion made by James Marpe and seconded by Jennifer Tooker, the Applicant's request to extend the sewer line (a distance of approximately 1,600 linear feet), allocate sewer capacity with an average daily flow rate of 31,891 gallons, and approve a connection subject to normal engineering and technical compliance with the MLE policy and the Redniss & Mead May 7, 2018 plan (attached to and included in the Stipulation in the Zoning Appeal) is hereby APPROVED, subject to the following:

1. Compliance with and satisfactory completion of each and every condition and requirement as set forth in that certain Stipulation for Judgment in the Zoning Appeal as executed by the parties and approved by the Court.
2. The Town Attorney is authorized to file a motion pursuant to Connecticut General Statutes § 8-8(n) in the matter of *Summit Saugatuck, LLC v. Westport Water Pollution Control Authority*, FST-CV-20-6047869 S, for approval of a Stipulation for Judgment approving the Application.
3. Summit will, by proper motion, withdraw the appeal (SC 20431) currently pending in the Connecticut Supreme Court.

VOTE: AYE – 3 (J Marpe, J Tooker, M Kane)

 NAY – 0

 ABSTENTION - 0

ADJOURNMENT

Upon motion by Melissa Kane, seconded by Jennifer Tooker and passing by a vote of 3-0, the meeting adjourned at 10:51 AM

/Eileen Francis/

Eileen Francis
Recording Secretary