



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880

Tel: 203-341-1030 Fax: 203-454-6145

www.westportct.gov

Hearing: December 17, 2020

Decision: _____

Date: _____

DRAFT/PRELIMINARY - Affirmative

Richard Benson
29 East Main Street
Westport, CT 06880

RE: 14 Hillandale Road #PZ 20-00802. Re-subdivision (AFFIRMATIVE)

Dear Mr. Benson:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on _____ it was moved by _____ and seconded by _____ to adopt the following resolution.

RESOLUTION #PZ 20-00802

WHEREAS THE PLANNING AND ZONING COMMISSION met on _____ and made the following findings:

Property Description

1. 14 Hillandale Road is located on the southern side of Hillandale Road and the property is approximately 4.56 acres and is located in the Residence AA District that requires a minimum 1-acre lot size.
2. The subject lot is currently developed with a single-family dwelling that was constructed circa 1928 and is listed on the Historic Resources Inventory.
3. The property is mostly level with a gentle cross slope rising from elevation 110 to elevation 116 with 94 square feet of steep slope fronting on Hillandale Road.
4. The property lies outside the 100-year FEMA floodplain, has no wetlands and is not in the Coastal Area Management (CAM) Zone.

Proposal

5. The applicant has submitted a Resubdivision plan to create four (4) residential building lots, an open space parcel and a new private road called Authors Way.
6. The following lots have been proposed:
 - a. **Lot #1** is 1.001 A in area and has frontage on Hillandale, Wakeman and Authors.
 - b. **Lot #2** is 1.004 A in area and has frontage on Wakeman and Authors.
 - c. **Lot #3** is a 1.000 A lot with 30' of frontage on Authors Way.
 - d. **Lot #4** is a rear lot with a 20' wide .049 A accessway off of Authors Way which is deducted from the lot area, resulting in a lot that is 1.008 A.
 - e. **Open Space** parcel of .1840 Acres which is approximately 4% of the total Lot Area.
 - f. **Authors Way** is a 30' wide private right-of-way that will be approximately 390 feet in length and .268 A in area.
7. All four (4) proposed residential lots are compliant in lot area, lot shape, regularity factor and frontage.
8. The lots have been conceptually developed and they do not exceed the 25% allowed coverage and meet the front yard setbacks of 30', and side yard and rear yard setbacks of 25' as required in the Residence AA zone.
9. The proposed Open Space parcel will be developed with a subsurface drainage system to accommodate stormwater runoff from the new private road and will be used for passive recreation by the members of this subdivision.
10. The applicant has proposed a new private road named Authors Way and this road has a 30' right-of-way with a 20-foot paved area.
11. The applicant has proposed planting evergreens within the property along Hillandale Road, evergreen screening between the new private road and the easterly neighbor, and flowering trees along the length of new private road.
12. A Municipal Improvement CGS §8-24 request (PZ 20-00885) has been submitted concurrently with this application for a new private sewer main line extension for these new lots and the lots will be served by Town water.

Prior Approvals

13. The applicant filed a demolition application and appeared before the Historic District Commission on July 15, 2020 and they upheld a 180-day delay in demolition, which is due to lapse on or around January 11, 2021.
14. On November 6, 2020 the Tree Warden granted permission to remove all Hemlock and a Norway Maple in the Town right-of-way (Hillandale Road) without further approvals.
15. On November 11, 2020, the Board of Selectmen acting as the Water Pollution Control Authority (WPCA), approved all four new parcels to connect to the sewer.
16. On November 24, 2020 the Fire Department offer no negative comment on the proposed street name and offered the following:

“This office has reviewed a 4-lot subdivision proposed for 14 Hillandale Road and has the following comments: ...The proposed site plan meets the requirements for Westport Fire apparatus”.
17. On December 9, 2020 Comments were received from the Engineering Department that state:
 - a. **Grading.** *The proposed grading as depicted on the plans substantially complies with the Town of Westport Zoning Regulations, §32-8: Excavation and Filling of Land.*
 - b. **Sedimentation & Erosion Controls.** *The plans depict silt fencing, hay bales, stockpile areas, and anti-tracking pad construction entrances. The project substantially complies with Sedimentation & Erosion Control requirements.*
 - c. **Roadway.** *The proposed roadway substantially complies with the Town of Westport Zoning Regulations, §54-2: Streets through §54-16: Street and Driveway Planning.*
 - d. **Drainage.** *The proposed drainage to be installed for the new private road includes a level spreader as a high-level overflow. Due to the sensitive nature of this type of overflow and the scope of work to be completed subsequent to the construction of the level spreader, we would recommend that the lip of the level spreader be constructed with concrete rather than timber. The storm water drainage system as depicted on the plans substantially comply with the Town of Westport Engineering Department Drainage Standard.*
 - e. **Sanitary Sewer.** *The proposed sewer from Hillandale Road serving the proposed lots must abide by the Town of Westport Department of Public Works Policy Regarding “Private Sanitary Sewer Main-Line Extensions” (MLE).*

18. On December 17, 2020 the Commission issued a positive report for a concurrent Municipal Improvement CGS §8-24 application (PZ 20-0885) for a new main line sewer extension to serve these properties.
19. Testimony was received at the December 17, 2020 public hearing and was held per Executive Order 7B and 7I, authorizing the Commission to hold public meetings via videoconference or other technology.

Findings

1. The Commission finds that the application as modified below is in conformance with all applicable zoning regulations of the Residence AA zone (§12) as well as the Subdivision standards listed in §51 through §55.
2. **[Evidence of a Subdivision or Resubdivision that was endorsed by a Planning and Zoning Commission has not been provided, and the Commission finds that this application is a Subdivision and not a Resubdivision].**
3. The Commission finds that this development is consistent with the 2017 Plan of Conservation and Development in particular Chapter 10 (Guide Residential Development).
4. **[The Commission finds that the 4% of the original lot area has been provided for Open Space that will be used as a recreational area for the subdivision and will be developed with a subsurface drainage system, is/is not acceptable and therefore the applicant must provide/does not need to provide additional monies for fee in lieu of Open Space].**
5. A positive report for a concurrent municipal improvement CGS §8-24 application (PZ 20-0885) for a new private main line extension to serve these properties has been issued.
6. The Commission has reviewed and found the grading and drainage as demonstrated on the proposed site plan to be acceptable.
7. The Commission, hearing no negative comments from the Fire or Police Departments, finds the name Authors Way acceptable as a name for this private road.

NOW THEREFORE, BE IT RESOLVED that 14 Hillandale Road: Subdivision Appl. #PZ-20-00820 submitted by Richard Benson for property owned by Hillandale Properties LLC c/o Richard Benson for a 4-lot Subdivision, an open space parcel and a new private road (Authors Way), located in the Residence AA zone, PID#E08074000 be **APPROVED** subject to the following modifications which are available for review in the Planning and Zoning office:

1. Conformance to the Existing Conditions Plan prepared by Charles Leonard, last revised 10/20/2020.
2. Conformance to the Resubdivision Map prepared by Charles Leonard, last revised 11/12/2020.
3. Conformance to the Conceptual Lot Development Site Plan prepared by Ochman Associates, last revised 10/20/2020.
4. Conformance with the Drainage Summary Report, prepared Ochman Associates dated 10/20/2020.
5. Conformance to all conditions outlined in the 11/12/2020 approval of the Water Pollution Control Authority.
6. If the applicant forfeits their sewer approval, they shall be required return to the Commission with a new subdivision application that shows soil testing and on-site septic system approvals from the health department.
7. **[The applicant has provided 4% Open Space and _____].**
8. **The Open Space parcel is not a buildable lot.**
9. **[The applicant shall return to the landscape subcommittee with a scalable landscape plan which identifies tree genus and species, size at installation, and number of each tree used]. The applicant [has agreed to/shall provide]:**
 - a. Four (4) replacement (1:1) hardwoods at 3 - 3.5" caliper in the Open Space parcel; and
 - b. Evergreens along the eastern length of the private way to screen the residential neighbor, to be specified in type and installed at least 10-12' in height, planted at least 8 feet on center.

- c. Flowering trees along the new road be specified at 2.5" – 3" caliper at the time of installation.
10. The endorsed Record Plan (mylar) for Subdivision shall be recorded by the applicant on the Westport Land Records in compliance with the timelines set forth in §8-25 of the Connecticut General Statutes.
11. Prior to the endorsement of the Record Plan and prior to recording this map on the Land Records, the applicant shall submit the following documents to the Planning and Zoning Staff:
 - a. Final approval from the Town Attorney's Office of the Open Space document, and any other legal documents; and
 - b. Final approval from the Department of Public Works for the subdivision plan and all applicable DPW permits; and
 - c. An electronic version of a 1:100 reduction of the Record Map to update the Town base maps; and
 - d. Health Department approval to abandon the existing septic system.
 - e. A record plan that identifies the location of the monuments and pins that will be installed according to the "Boundary Line Delineation Criteria," as required by the Town Engineer.
 - f. A record plan that identifies the Open Space parcel as "not a buildable lot".
 - g. A fee of \$40 for Planning and Zoning staff review of the final Mylar.
12. To receive a zoning permit for each lot:
 - a. The endorsed Record Map shall be filed on the Westport Land Records; and
 - b. The private road shall be constructed; and
 - c. The Sanitary Sewer Main Line Extension shall be complete; and
 - d. Each lot, as it is developed will need to receive Engineering sign off and obtain a Driveway Permit and a Sanitary Sewer Connection Permit.
13. Grading for each lot created in this subdivision will be exempt from excavation and fill Special Permit review if they remain consistent with the grading shown on the site development plans submitted with the subdivision application pursuant to §32-8.1.2(c).
14. The replacement and/or repair of any stone wall greater than 4 feet in height shall require the issuance of building permit.
15. All new utilities shall be placed underground.

16. All approved plantings shown on an approved Landscape 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. Existing native plants, and newly installed native salt tolerant plants located in the vegetative buffer in particular, must be maintained. 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.

17. All work approved pursuant to this subdivision shall be completed within 5 years of date of approval, by December 17, 2025.

18. *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.*

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 the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

VOTE:

AYES --

NAYS --

ABSTENTIONS --

Very truly yours

Danielle Dobin
Chair, Planning & Zoning Commission