



**Town of Westport
Planning and Zoning Commission**
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 | Fax: 203-454-6145 | PandZ@westportct.gov
www.westportct.gov

Public Meeting: Jan. 22, 2024

Decision: Jan. 22, 2024

January 25, 2024

Honorable Jennifer Tooker, First Selectwoman
110 Myrtle Avenue
Westport, CT 06880

RE: 13 Hyde La., PZ #24-00029, Request for a report pursuant to CGS §8-24, Municipal Improvement, for the construction of a new Long Lots Elementary School, a replaced and relocated multi-purpose athletic field, and a replaced community garden on site

Dear First Selectwoman Tooker:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on Jan. 22, 2024, it was moved by Mr. Lebowitz and seconded by Ms. Wistreich to adopt the following resolution:

RESOLUTION #PZ-24-00029

WHEREAS THE PLANNING AND ZONING COMMISSION met on January 22, 2024, in response to your request for a report pursuant to CGS §8-24, Municipal Improvement, and offers the following findings and recommendations:

Background

1. A Municipal Improvement request pursuant to CGS §8-24 was submitted on 12/8/23 by the Long Lots School Building Committee (LLSBC) on behalf of the First Selectwoman related to activities at 13 Hyde La. including:
 - Constructing a new Long Lots Elementary School; and
 - Relocating a multi-purpose athletic field.
2. Plans with this request showed the existing Community Garden removed from the site.
3. The request was reviewed by the Planning and Zoning Commission on 12/18/23 wherein feedback was offered by some suggesting other site plan concepts should be considered. Comments by some Commissioners were critical of the location of the so-called "Babe-Ruth Baseball" athletic field as shown, and by the absence of the Community Garden on site.
4. The §8-24 Request was withdrawn by the First Selectwoman on 1/4/24 in order to consider these comments and revise the request.

5. The LLSBC held a public meeting on 1/11/24 to discuss alternatives in anticipation of resubmitting the §8-24 Request incorporating feedback received.

Proposal

6. The First Selectwoman on 1/18/24 resubmitted a revised §8-24 Request, including a new development plan, to substantially improve 13 Hyde Lane including construction of a new Long Lots Elementary School with enhanced sustainability and with accommodations for a relocated Stepping Stones Pre-School from Coleytown Elementary School, a replaced and relocated multi-purpose athletic field, and a replaced community garden on site. Final dimensions and locations are dependent on design, engineering, and site-related studies to be subsequently completed.
7. Her cover letter dated 1/16/24 describes the resubmission is intended to represent a compromise of the various positions advocated.
8. Plans with the resubmitted request, in comparison to the prior §8-24 Request, show:
 - A. Removal of the proposed "Babe Ruth" Baseball Athletic Field; and
 - B. Restoration of the Community Garden on site (albeit reduced in size) in one or another location.
9. No change of use is proposed. The site is and will remain improved with an elementary school, athletic fields, Community Garden, and associated parking lot.

Department Comments

10. The application was referred to Town Departments. No objections were received.
11. The Town Attorney in comments dated 12/11/23 and 1/19/24 highlights the distinction between the preliminary §8-24 Municipal Improvement application versus the final site plan application and the progressive role of the Planning and Zoning Commission throughout their review process. He noted that specific details and dimensions related to proposed activities should not be expected at this preliminary stage but should be anticipated when the site plan is designed and submitted for approval by the Commission. He additionally advises that the Commission is acting in their planning capacity during the §8-24 process and may choose to offer recommendations in an effort to help shape the project design. The Commission will subsequently act in its administrative capacity when reviewing the final site plan to confirm compliance with all applicable zoning standards and regulations.
12. Comments from DPW Engineering dated 12/14/23, and 1/19/24 describe the preliminary plans present as a general concept for the development of the site which will have challenges related to grading and drainage and will require a more detailed design and plan. The activities will require approval of the Flood and Erosion Control Board and Conservation Commission.
13. Comments from the Conservation Department Director dated 12/13/23 and 1/18/24, note:
 - A. Final department comments will not be available until the site development/ construction plans are provided.
 - B. The site development plans will be expected to demonstrate stormwater runoff will be adequately treated under the long-term site condition and any impacts to the regulated areas are limited when site work is completed.

- C. The site development plans will be closely examined in an effort to mitigate potential temporary impacts due to construction activities. Specifically, the sediment and erosion control plans and construction sequence/phasing plans will be reviewed with the goal to limit unwanted deposition or movement of soils from work areas, while providing proper protection to the regulated wetland areas.
 - D. Construction site monitoring to ensure protection of the onsite resources is recommended.
 - E. Use of low impact development (LID) features is recommended to reduce stormwater runoff volume and treatment of pollutants in the water. This concept can be achieved by incorporating raingardens, bio-filtration swales, rainwater harvesting, hydrodynamic separators, permeable surfaces, and other considerations.
 - F. The watercourse outfall and headwall located along the western end of the sloped area that separates Terrace 3 + 4 is the outlet of a drainage system that carries water from the neighboring properties to the east of the site. This includes properties located on Trailing Rock La., portions of Long Lots Rd., portions of Maple Ave. N. and Hyde La., which roughly measures 35^{+/-} acres. This area is known to our office to contain wetlands, watercourses, and relic drainage components that have been poorly mapped and/or documented over the years. Avoiding any interruption to the existing drainage pipe (other than normal maintenance) is recommended to ensure the work on the site eliminates any offsite impacts to those properties.
14. Comments from the Fire Marshal dated 1/18/24 identify:
- A. When complete building plans are available, they will be reviewed for compliance with the applicable Connecticut Fire Safety and Prevention Codes.
 - B. Relocation of existing and/or additional fire hydrants may be required.
 - C. Fire lanes will be established by the Fire Marshal's Office.
 - D. The location of the fire department connection will be agreed upon with the sprinkler vendor.
15. Comments from the Westport Police Department dated 12/14/23 and 1/19/24 caution parking should be prioritized for public safety. The proposed increase in students and addition of Stepping Stones Pre-School will mean more pickup and drop-offs from parents and the need for additional parking by staff. It is recommended school staff should collaborate with the school resource officer on the best possible options for improved functionality.
16. Comments from Planning and Zoning staff dated 1/19/24 recommend the LLSBC should:
- A. Estimate the cost and duration of construction to complete the project as proposed consistent with information for the six conceptual layouts provided by their consultants in the 10/4/23 LLES Feasibility Report; and
 - B. Complete a parking study prior to designing the parking lot to determine how much parking is needed in the absence of a school parking standard in the Zoning Regulations.

Findings

17. Consistent with the §8-24 Guidelines prepared by the Planning and Zoning Commission, the applicant sent a notice to property owners within 250' of 13 Hyde Lane as evidenced by a Certificate of Mailing, informing them of the proposal and of the public meeting.
18. A press release concerning the modified §8-24 Request was distributed to local media outlets to enhance public participation at the public meeting.
19. A public meeting was held remotely on Jan. 22, 2024, consistent with State Statutes. The meeting was broadcast live on public access television, was live streamed on the Town's website, and anyone could join the meeting and offer testimony by accessing the meeting link published on the agenda prior to the meeting.
20. Clarification was provided by the applicant at the public meeting that the "Long Lots School Property" project narrative was not updated in between the initial and subsequent §8-24 submissions. This document inadvertently left out in the proposed conditions description that a Community Garden will be replaced on site in generally the same location (not relocated off-site). Further, in reference to the development plan submitted, a clarification was offered that the objective and goal is to locate the Community Garden adjacent to the relocated Multi-Purpose Athletic Field in the same general location as it exists now (not the alternate location behind the school), exact size and location subject to results of subsequent design, engineering, and site-related studies.
21. Clarification was offered by the Planning and Zoning Commission that criticism of the location of the previously proposed "Babe Ruth" baseball field should not be construed to preclude baseball from being played on site.
22. The Planning and Zoning Commission finds the proposal is consistent with the *2017 Plan of Conservation and Development* that includes residential development and community facilities goals and contains recommendations to avoid approving projects that could adversely impact residents and to take strides to mitigate any potential negative impacts:
 - A. Chapter 3 "*Community Issues and Concerns*" identifies Schools as the number one facility that enhances quality of life according to a community-wide survey (Pg. 18).
 - B. Chapter 10, "*Guide Residential Development*," identifies "*Maintaining residential character is a fundamental philosophy of the Plan and this has three components:*"
 - *Maintaining the overall residential density of an area (units/acre) within a range that is reflective of the built form of the neighborhood or otherwise appropriate for the location;*
 - *Protecting residential neighborhoods from encroachment by inappropriate uses, and*
 - *Managing residential development and redevelopment and other activities on residential properties to ensure they are appropriate for the site and/or given the impacts on neighbor.*" (Pg. 80)
 - C. Chapter 11, "*Promote Sustainability and Resilience*" states, "*Use best efforts to become a Net Zero community by the year 2050, using approaches that are economically viable, of social benefit, and environmentally responsible,*" (Pg. 89).
 - D. Chapter 14, "*Address Community Facility Needs*," contains the following goal: "*Provide for community facilities to meet the needs of Westport residents,*" (Pg. 111).

E. Chapter 14, also states:

“Participants in the telephone survey generally felt that the Town was doing a good job managing buildings and properties. However, there are some facilities (bathhouses, baseball fields, Baron’s South, etc.) where people feel that maintenance and upkeep has been lacking. Town departments have recognized the funding challenges and staffing challenges and are striving to do the best they can with the resources available. The POCD recommends the Town maintain buildings and facilities in a cost-effective way and in the best condition possible, (Pg. 114).

F. Chapter 14 additionally describes the demand for recreational facilities is challenging to meet with the available supply, *“Due to participation levels in organized sports and other activities, there can be challenges accommodating all the facility requests,” (Pg. 117).*

G. Lastly, Chapter 14 identifies the need to monitor enrollment projections and plan accordingly, *“Education Facilities – Given recent demographic and economic trends, school enrollments in Westport are expected to decrease in the short term. As a result, the school system is expected to have adequate classroom capacity for anticipated enrollments through the year 2022. The Board of Education should continue to monitor enrollment projections in the event that demographic and/or economic changes signal a future increase in enrollments,” (Pg. 116)*

NOW THEREFORE BE IT RESOLVED, that the Planning and Zoning Commission hereby issues a Positive Report regarding the modified CGS §8-24 request submitted by John Broadbin, Deputy Director of Public Works, on behalf of First Selectwoman Jen Tooker for municipal improvements to Town-owned property at 13 Hyde Lane, in the Residence AA/A Districts, PID #G10058000, for a school, athletic fields, and community garden, in substantial compliance with the developmental plan prepared by Svigals + Partners, dated Jan. 16, 2024, submitted as part of the §8-24 request. The following recommendations are also made:

RECOMMENDATIONS

1. A Pre-Application Meeting with the Planning and Zoning Commission should be requested by the LLSBC as offered by the First Selectwoman, to enhance collaboration and to continue the dialogue during the upcoming site plan design process.
2. Subject to subsequent design, engineering, and site-related studies, the Community Garden should be reconstructed in generally the same location as currently exists as reflected on the developmental plan prepared by Svigals + Partners, dated Jan. 16, 2024, submitted as part of the §8-24 Request.
3. A study of townwide field usage should be completed to complement the Sept. 22, 2023, report on potential Town park usage for new athletic fields.
4. Consideration should be given to potential benefits associated with shifting the school building back on Terrace 3 to provide more distance from the street, to afford more accommodation for the bus loop and better mitigate potential traffic concerns.

5. A three-story school building should be further investigated which would further reduce the proposed building footprint. The building's lower level should be on grade and accessible to Terrace 4 so the building appears as 2-story when viewed from the street.
6. The buffer between the neighboring residential properties and proposed improvements should be maximized to reduce potential adverse impacts consistent with the Special Permit standards listed in §44-6 of the Zoning Regulations and goals contained in the *2017 Plan of Conservation and Development*.
7. Artificial turf should be considered for the relocated athletic fields to reduce maintenance costs and enhance durability to help meet the increasing demand for field usage.
8. Environmental updates should be provided as part of any Site Plan application submission, as recommended by Planning and Zoning Dept. staff. Specifically, data should be supplied to confirm recommendations were adhered to (or will be) made by the U.S. Dept. of Health and Human Services in their Nov. 18, 2004, Public Health Evaluation report on remediation efforts at the former Jaeger Farm property at 11 Hyde Lane, now known as Terrace 1 at 13 Hyde La.,
9. Building and site plans once completed should be submitted for review by the Architectural Review Board, and for approval by the Flood and Erosion Control Board, and Conservation Commission as required pursuant to §44-2 of the Zoning Regulations, prior to seeking regulatory Special Permit/Site Plan approval from the Planning and Zoning Commission.
10. Suggestions from the Conservation Director should be incorporated into the project design including:
 - A. Final plans, once designed, should demonstrate stormwater runoff will be adequately treated under the long-term site conditions.
 - B. Sediment and erosion control plans and construction sequence/phasing plans should be submitted that limit unwanted deposition or movement of soils from work areas, while providing proper protection to the regulated wetland areas.
 - C. Agree to allow site monitoring to ensure protection of the onsite resources.
 - D. Use low impact development (LID) features to reduce stormwater runoff volume and treatment of pollutants in the water by Ex. using raingardens, bio-filtration swales, etc.
 - E. Avoid interruption to the existing drainage pipe (other than maintenance) to eliminate offsite impacts to properties located on Trailing Rock La., portions of Long Lots Rd., portions of Maple Ave. N., and Hyde La., at the outlet of the drainage system.
11. Comments from the Fire Marshal should be implemented stating:
 - A. Relocation of existing and/or additional fire hydrants may be required;
 - B. Fire lanes will be established by the Fire Marshal's Office where needed; and
 - C. The location of the fire department connection shall be agreed upon with the sprinkler vendor.
12. A parking study should be completed to determine how much parking is needed in the absence of a school parking standard listed in the Zoning Regulations as recommended by the Planning and Zoning Director.

13. Consultation should occur with the school resource officer on the best options for improved functionality and public safety when planning for pick-ups and drop-offs from parents, especially with the integration of Stepping Stones Pre-School, as advised by the Police Department.

VOTE:

| | | |
|-------------|-----|--|
| AYES | -7- | {Lebowitz, Cohn, Cammeyer, Zucaro, Bolton, Calise, Wistreich |
| NAYS | -0- | |
| ABSTENTIONS | -0- | |

Very truly yours,



Paul Lebowitz,
Chairman, Planning & Zoning Commission

- cc: Jay Keenan, LLSBC Chairman
- Tom Scarice, Superintendent of Schools
- Ira Bloom, Town Attorney
- Jen Fava, Parks and Recreation Dept. Director
- Colin Kelly, Conservation Dept. Director
- Foti Koskinas, Westport Police Chief
- Alan D'Amura, Staff Corporal, WPD
- Terry Dunn, Fire Marshal
- Peter Ratkiewich, Public Works Director
- Keith Wilberg, Town Engineer
- Jeff Wieser, RTM Moderator
- Matt Mandell, Chairman, RTM P&Z Committee