

Hearing: Feb. 28, March 7, March 21,
April 11, and April 25, 2019
Decision: June 20, 2019

Timothy Hollister, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

**RE: Coastal Site Plan Application # 18-081 Hiawatha Lane and Hiawatha Lane
Extension**

Dear Attorney Hollister:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on June 20, 2019, it was moved by Chip Stephens and seconded by Jon Olefson to adopt the following resolution.

RESOLUTION #18-081

WHEREAS, THE PLANNING AND ZONING COMMISSION met on June 20, 2019 and made the following findings:

1. The applicant, Summit Saugatuck, LLC, affiliated with Summit Development and Grossman Industries, is seeking Coastal Area Management (CAM) site plan approval to construct a multi-family housing project pursuant to Connecticut General Statute (CGS) 8-30g for a 187 unit housing project in five (5) new buildings with associated site improvements, including a mainline extension of the Westport municipal sewer. These CAM regulations were adopted pursuant to the Coastal Management Act (CMA), C.G.S. §§22a-90 to 22a-111.
2. The applicant's property consists of 28, 36, 38, 39, 41, 42, 43, 44, 45, 47 Hiawatha Lane Extension, Parcels A0/Lot 4, and A05/Lot 5 Hiawatha Lane, and the privately owned portion of Hiawatha Lane/Hiawatha Lane Ext. The area equals 8.8+/- acres combined and is located in the Residence B Zoning District where minimum lot size is 6,000 SF.
3. The properties with street addresses contain ten (10) single-family homes to be demolished as part of the project; the two aforementioned parcels are vacant.
4. The 8.8+/- acre project area is not contiguous. It is made up of two parcels. The north and south project area (referred to herein as North and South parcels) are

separated by land owned by ConnDOT, formerly used as a staging area for the I-95 tollbooths. The north parcel is approximately 0.75 acres in size (comprised of 28 and 36 Hiawatha Lane); the remainder of the property is in the south parcel, of which 3.17 acres will be encumbered with a Conservation Easement, leaving 5.63 acres of developable land.

5. The project sites are generally located at or near the terminus of Hiawatha Lane Extension to the east and the City of Norwalk to the west. To the north are the tollbooth staging area and the Connecticut Thruway (Interstate 95) and to the south is an undeveloped area containing wetlands between the project site and railroad tracks generally serving the New Haven Line of the Metropolitan Transit Authority. It is within the CAM overlay zone.
6. The property contains a mixture of existing modest one and two family homes. Most of the houses to be demolished are valued at well below the average or mean prices of single-family homes in Westport. There is one means of access and egress on Hiawatha Lane Extension. From Saugatuck Avenue, the only access to the Property is from Ferry Lane West. From the terminus of Ferry Lane West, Hiawatha Lane Extension may be accessed from Davenport Avenue or Hiawatha Lane, which converge just east of Hiawatha Lane Extension. Several high traffic generating commercial construction companies are located on Ferry Lane West (Gault Energy and Home Solutions and A.J. Penna and Sons) and traffic seeking to access Davenport Avenue or Hiawatha Lane from Ferry Lane (the only means of such access) are often affected by the use of Ferry Lane by large construction trucks and other vehicles. In addition there is a municipal parking lot on Ferry Lane West directly across the street from the Gault site which adds to the congestion on Ferry Lane West and accessibility to the project site. Ferry Lane West, Davenport Avenue, Hiawatha Lane and Hiawatha Lane Extension are local roads and are not served by sidewalks. Most property owners on Davenport Avenue and Hiawatha Lane park their personal vehicles on the street. There are over 200 people currently living in this small and confined neighborhood.
7. The Property extends into the City of Norwalk, but no work in Norwalk is proposed. The land abutting the Property in Norwalk is primarily a wetland and is protected by a Conservation Easement. There is a pedestrian path leading from the Property into Norwalk, but access to that path is blocked by bollards. The City of Norwalk has not approved an emergency access through the wetlands and there is, at present, no reasonable likelihood that such an approval will be granted. In fact, it is highly unlikely, since the applicant has known since 2006 that such approvals would be required (as evidenced by a Mutual Restrictive Covenant Agreement by and between applicant and Norden Place, LLC) but to date has not obtained such approvals.
8. The applicant has submitted a CAM Site Plan proposal with the following elements:

- A. Constructing a 187-unit multi-family (rentals) residential development identified by the applicant as “Saugatuck Village in five (5) residential buildings (Bldgs. A-E) with a combination of garage and surface parking (325 parking spaces in total including 148 surface parking spaces and 177 garaged spaces), with associated site improvements and a mainline extension to the public sewer.
- B. 57 of the 187 units or 30% will be deed restricted as affordable housing, as provided by CGS §8-30g that requires 15% of the units shall be deed restricted at 60% State Median Income (SMI) and 15% of the units shall be deed restricted at 80% SMI.
- C. Five (5) buildings, A-E, are proposed, supported by 325 parking spaces including 148 surface parking spaces and 177 garaged spaces, *see discussion herein*.
- D. The north parcel will contain one building (Bldg. E), 3-stories and 43,153 SF in size, containing 30 units (18, 1-bedroom units and 12, 2-bedroom units), with a combination of both garage parking and surface parking;
- E. The south parcel will have three, 3-story, buildings (Bldgs. A, C, D), and one, 4-story building (Bldg. B) sited around a center courtyard (Hiawatha Green), with both garage parking and surface parking available, including:
 - i. Building A, 3-stories and 31,176 SF in size, containing 23 units (12, 1-bedroom units and 11, 2-bedroom units);
 - ii. Building B, 4-stories and 79,784 SF in size, containing 68 units (29, 1-bedroom units and 35, 2-bedroom units, and 4 studio units);
 - iii. Building C, 3-stories and 32,404 SF in size, containing 30 units (18, 1-bedroom units, and 12, 2-bedroom units);
 - iv. Building D, 3-stories and 44,647 SF in size, containing 36 units (13, 1-bedroom units, and 23, 2-bedroom units).
- F. All buildings will be constructed as CSBC Type II-A structures (protected non-combustible), and will have a full NFPA 13 fire sprinkler system throughout, including a dry system in the underground parking areas. All residential buildings will have elevators.
- G. Significant regrading is proposed to accommodate the underground parking and certain building and parking lot improvements.
 - i. The excavation work involves removing 37,000 cubic yards (cy) for the parking level of which approximately 12,000 cy will be relocated, leaving 27,000 +/- cy of excess material requiring 1,300 +/- truck trips to remove.
 - ii. The excavation work also includes cuts up to 16’ in depth and grading occurring within 5’ of property lines.

- H. To accommodate the proposed 2.8-acre increase of on-site impervious surface coverage, a stormwater management system will be installed. This will include installation of three (3) open stormwater basins, three underground infiltration systems, two (2) infiltration trenches, and six (6) rain gardens to infiltrate and detain the stormwater runoff according to the applicant's *Stormwater Management Report* prepared by Divney Tung and Schwalbe dated 9/27/18. Additionally approximately 11,000 SF of the parking garage will have a green roof. Rainwater that lands on the green roof will be treated and detained by passing through the green roof vegetated medium into a roof drain system. Excess stormwater from the green roof will flow to either the subsurface recharge chamber to the north or the stormwater basin to the south for infiltration and further treatment.
- I. The public sewer is proposed to be extended from where it currently terminates at the Davenport Ave. and Hiawatha Lane intersection under a culvert that channels Indian Brook to the project site. The sewer will consist of a gravity system installed within the roadway in front of 24 Hiawatha Lane, flow by gravity to a private pump station near the southeast corner of the South project parcel and then discharge into a private force main and pump station, flowing back to the Davenport Ave. public system. The private pump station will have a natural gas-powered generator as a back up and redundant alarm system.
- J. A 3.17-acre Conservation Easement will be provided to protect on-site wetlands and upland review areas as required by the 10/26/18 Westport Conservation Commission approval.
- K. Landscaping and lighting is proposed. The plant schedule prepared by Divney Tung and Schwalbe dated 11/12/18 (Sheets SP-3.1 and SP3.2) includes:
- i. 86, Deciduous Shade Trees;
 - ii. 30, Evergreen Trees;
 - iii. 60, Ornamental Trees;
 - iv. Over 1,000 Deciduous and Evergreen Shrubs as well as ornamental grasses; and
 - v. A wetland and upland enhancement planting plan.
- L. The applicant additionally described their intent to facilitate off-site improvements including, *"Pedestrian improvements to the Town right-of-way area directly west of Saugatuck Avenue to enhance the ability of tenants and existing area residents to walk to the train station."*
9. The submitted application includes a traffic report, stormwater management report, engineered site plans, landscape plan, sedimentation & erosion control plan, architectural plans, lighting plan, CAM Site Plan Report and an Affordability Plan.

10. The Affordability Plan submitted by the applicant describes the rental amounts and they appear to be consistent with 8-30g requirements.
11. The applicant has taken a position consistent with §8-30g that the all local zoning regulations are not applicable and thus the proposed plans do not comply with any elements of permitted developments within the Residence B Zoning District.
12. The applicant, citing it is “Best Practices,”, proposed a new zoning district, Text Amendment #761 proposing §19C, Saugatuck Village District or SV District, for which a companion rezoning or Map Amendment application was filed in support of the Coastal Site Plan application for an Affordable Housing Development submitted pursuant to CGS §8-30g.
13. §44-5 lists the Site Plan Standards and Objectives the Planning and Zoning Commission should consider in reviewing the application; however, the applicant’s position is that they are exempt from such standards and objectives.
14. This project is considered an Affordable Housing Set-aside Development which means it is a development where not less than 30% of the dwelling units will be conveyed by deed containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the development, such dwelling units will be sold or rented at, or below, prices which are 30% or less of their annual income, where such income is less than or equal to 80% of the state or area median income, whichever is less. According to the 2018 figures, the state median income for a family of four is \$96,300 and the area median income for a family of four is \$134,900, therefore, the state median income would be used for these purposes.
 - Of the 30% affordable units, at least 15% of the dwelling units shall be sold or rented to families whose income is less than or equal to 60% of the state median income (\$96,300), or no more than \$57,780, adjusted for family size.
 - The remainder of the affordable dwelling units shall be sold or rented to families whose income is less than 80% of the state median income, or no more than \$77,040, adjusted for family size.
15. A Field Trip to the site was conducted on Tuesday, Feb. 26th 2019 at 8:45a.m.
16. Public hearings were held on Feb. 28, March 7, March 21, April 11, and April 25, 2019 to accept testimony and evidence and to receive comments from the public.
17. The Commission has Identified the Following Substantial Public Interests:
 - a. *Safety – Public Safety and Safety to the Project Residents (Fire Safety).*
 1. **Fire Safety Finding:** The record contains substantial evidence that the affordable housing project design will not adequately protect the residents, structures or property of the development from the dangers caused by fire.

The following testimony and evidence was presented to the Commission. The Commission finds the testimony and evidence to be credible and substantial and after due consideration constitutes the basis for the Commission's findings of fact:

- Former Westport Fire Department Chief Andrew Kingsbury was hired as a peer reviewer. He is currently the Fire Chief for the Nichols, CT Fire District, is an adjunct Instructor at the Connecticut Fire Academy, and is currently the Chairman of the Fairfield County Hazardous Incident Response Team. His credentials are included in the record. He is an expert in the techniques and requirements of fire fighting. He is experienced in fighting fires in multi-level apartment buildings. Mr. Kingsbury testified that the affordable housing development would create several significant risks to life and property.
- Specifically, the project has only one available means of access and egress for emergency vehicles and a minimum of two means access and egress is recommended and in fact is required according to Fire Marshal Nathaniel Gibbons, who is the Authority Having Jurisdiction ("AHJ") in Westport.
- In addition, the existing access road (Ferry Lane West) is a narrow, local road that provides frontage and access to two large commercial construction companies. When Ferry Lane West is being used by commercial construction vehicles, which use is frequent, there is not sufficient width for said vehicles and emergency vehicles to use the road at the same time.
- Section 18.2.3.3 of the National Fire Protection Association (NFPA) Fire Code states that "[m]ore than one fire department access road shall be provided when it is determined by the AHJ (Authority Having Jurisdiction) that access by a single road could be impaired by [among other things] vehicle congestion...that could limit access." There is no viable second access road into the site and Mr. Kingsbury concurred with Fire Marshal Nathaniel Gibbons (the "AHJ") that such limited access creates an unreasonable risk to occupants and first responders.
- Mr. Kingsbury noted that a fire at the proposed multi-family development would overtax current firefighting capabilities (a fire at this property would likely require all of Westport's firefighters from all stations townwide) and would preclude the department from responding to any other concurring incidents, although Mr. Kingsbury assumed that reciprocal aid would be provided by neighboring Fire Departments, most notably Norwalk.
- Mr. Kingsbury stated that water service to the site is currently insufficient to fight a fire in any of the proposed buildings and would be more problematic for the buildings located at the westerly side of the project. Mr. Kingsbury

noted that either Aquarion Water Company would have to provide for a increased rate of flow to the project site or cisterns and pumps would have to be installed, a process that has never been utilized in Westport and for which the Department is not trained.

- Fire Marshal Nathaniel Gibbons also testified at great length. He echoed the concerns of Mr. Kingsbury and stated unequivocally that as the AHJ, he could not approve the project without a viable and adequate second means of access and egress for emergency vehicles.
- Fire Marshall Gibbons noted that Ferry Lane West is located at or near the intersections of Interstate 95, Route 33 and Route 57 and as such is unusually and heavily congested. Since the vast majority of Westport's fire fighting apparatus is located on the east side of the Saugatuck River, access to the site must funnel to the site through this most congested area. In addition, the nearest bridge, other than the I-95 bridge, is a narrow "swinging" bridge that is periodically open (to allow marine traffic to travel up and down the Saugatuck River), thus temporarily stopping access to the west side of town in the Saugatuck area.

Commission Determinations:

a. Based upon the evidence and testimony presented to it, the Commission finds that there is a substantial public interest in the preservation of life and property by minimizing the threat from fire and similar catastrophes. The Commission finds that the most persuasive and accurate testimony was presented by Andrew Kingsbury and Fire Marshal Gibbons. The Commission finds that municipal fire protection capabilities in Connecticut are determined individually at the local government level and that it is the Fire Marshal's duty to make such determinations as the AHJ.

b. The Commission further finds that without a viable second means of access and egress to the site it would be negligent and reckless to approve a plan for 187 multi-family housing units to an already congested existing neighborhood. A second means of egress and ingress is particularly significant for this site because of several factors, including the heavy congestion near Ferry Lane West (the only viable means of access and egress); the width and condition of the roadways leading from Ferry Lane West to the project site, Davenport Avenue, Hiawatha Lane, and Hiawatha Lane Extension; and the location of large commercial contractors on Ferry Lane West.

c. The Commission further finds that there is no reasonable, or in fact any, likelihood that the applicant will be able to obtain the right to construct a second means of access through the City of Norwalk. The only property on which such

an access could be located is subject to a Conservation Easement and contains wetlands. The applicant has had ample opportunity to seek such approvals from the appropriate agencies of the City of Norwalk and has not obtained them. Such approvals clearly should have been obtained, if they even are obtainable, prior to review by this Commission. The applicant submitted no evidence that the approvals were even remotely likely to be secured. The commission received into the record by a member of the public a signed memo of understanding between Summit Saugatuck and Norden properties dated 2006 which acknowledged the need for a second egress from the site. The commission also received testimony that it was later in 2009 that the conservation easement was declared on the Norwalk property making a second exit impossible from Hiawatha Lane Extension in Westport.

d. The Commission further finds that the need to protect the lives and property of the residents of the Town of Westport and the requirement to provide adequate means to accomplish such need clearly outweighs the need for affordable housing. The Commission finds that based on the substantial evidence in the record, including but not limited to the evidence cited above, the proposed housing development plan will result in significant and serious threats to the lives and safety of the residents and property of the proposed development and residents and property near the proposed development caused by the lack of a required second means of access. The need to avoid such risks clearly outweighs the need for the additional affordable units, particularly where the Town, in accordance with the Plan of Conservation and Development ("POCD), has adopted numerous regulations (23) designed to encourage the development of affordable housing; and where substantial new affordable housing developments have been constructed in the Town. In addition, the Connecticut Department of Housing has issued a Certificate of Affordable Housing Completion to the Town of Westport.

2. Pedestrian Safety Finding: The record contains substantial evidence that the area near the proposed development site is lacking sidewalks. The site is located a short distance from the Westport Train Station. There is a shortage of available parking at the train station. It is therefore reasonable to assume that some residents of the project will walk to the station. The applicant additionally promoted the project as a Transit-Oriented Development project that will attract residents desiring housing within walking distance of the Westport Train Station. However, with the absence of sidewalks, foot traffic will be forced to utilize the travel paths of Hiawatha Lane Extension, Hiawatha Lane, Davenport Avenue and Ferry Lane West. Each of those roads is narrow, unlit and relatively steep (going downhill from the project site toward Saugatuck Avenue and the train

station). In addition, most of the houses located on those roads are modest single-family homes that do not have garages. As a result, most residents are required to park on the street, within the road rights-of-way and travel paths. Lastly, since the proposed development is anticipated to increase traffic volumes on Hiawatha Lane significantly (approximately 250 percent increase in the morning peak hour and 350 percent increase in the afternoon peak hour), pedestrian safety must be considered.

The following testimony and evidence was presented to the Commission. The Commission finds the testimony and evidence to be credible and substantial and after due consideration constitutes the basis for the Commission's findings of fact:

● The applicant's project and Traffic Access and Impact Study was evaluated by Sharat Kalluri of CDM Smith, who performed a Traffic Access and Impact Peer review for the Town of Westport.

- Mr. Kalluri is a certified licensed Traffic Engineer with extensive experience working in Westport.
- Mr. Kalluri's 1/18/19 Peer Review report provides a supplemental description of existing conditions on Hiawatha Lane, the only road that provides access to the project site. These conditions pose safety constraints for pedestrian entering and exiting from the project area due to the lack of sidewalks. Mr. Kalluri stated:

"Hiawatha Lane is approximately 21 feet wide with no centerline markings. The proposed development is anticipated to increase traffic volumes on Hiawatha Lane significantly (approximately 250 percent increase in the morning peak hour and 350 percent increase in the afternoon peak hour). The applicant is not proposing any mitigation on Hiawatha Lane to accommodate this additional traffic volume.

Further, the intersection of Hiawatha Lane and Davenport Avenue has no traffic control i.e. stop signs, to control traffic flow at the intersection."

- Mr. Kalluri's 4/10/19 Peer Review report described the applicant's recommendations to paint a walkway on Hiawatha Lane Ext. Road Right-of-Way leading off-site to Town-owned roads where the Town of Westport can paint the asphalt pavement in the Road Right-Of-Ways of either Davenport Avenue or Hiawatha Lane to demarcate a sidewalk does not

safely address the challenges presented by the existing conditions, see Pedestrian Improvement Plans, prepared by Divney Tung Schwalbe, LLP, dated 4/4/19, (2 sheets) showing Davenport Ave painted walk, and Alternate Improvement Plans, prepared by Divney Tung Schwalbe, LLP, dated 4/4/19, revised 4/17/19, 2 sheets showing Hiawatha Lane painted walk). Mr. Kalluri stated:

“The applicant has made an effort in the right direction to address our concerns relative to the pedestrian circulation and connectivity in the area. However, the proposed plan seems challenging to implement with the available right of way and constraints of parking along some streets. Please see below our specific comments for each of the streets included in the Pedestrian Improvement Plan:

Hiawatha Lane Extension:

- *It is our understanding that this is a private roadway, but what would be the remaining width of the roadway once an asphalt walkway is proposed in this section?*
- *Is the proposed asphalt walkway at grade with the roadway or elevated? It is important to note that there isn't any curbing along Hiawatha Lane Extension.*

Davenport Avenue:

- *It is our understanding that currently vehicles are parked on both sides of Davenport Avenue. How would the proposed asphalt walkway fit within the available right of way?*
- *It appears that additional right of way will be required and how will that be acquired?*
- *Is the proposed asphalt walkway at grade with the roadway or elevated? It is important to note that there isn't any curbing along Davenport Avenue.*

Indian Hill Road:

- *It is our understanding that a “drop curb” is being proposed on Indian Hill Road to transition into the existing brick walkway on the east side. What would be the available width of Indian Hill Road with the “drop curb” in place?*
- *Does the limited roadway width pose a challenge for turning vehicles on Indian Hill Road at Davenport Avenue?*

Hiawatha Lane:

- *Is the proposed concrete walkway at grade with the roadway or elevated? It is important to note that there isn't any curbing along Hiawatha Lane.*
- *It is important to note that this portion of Hiawatha Lane has parked vehicles on both sides. How would the proposed concrete walkway fit within this width?*

Ferry Lane West:

- *Is the proposed concrete walkway at grade with the roadway or elevated? It is important to note that there isn't any curbing along Ferry Lane West."*

Commission Determinations:

a. The local roads leading to and surrounding the project site are narrow, unlit, fairly steep and contain no sidewalks. These roads are currently heavily congested and such additional pedestrian and vehicular congestion will create safety issues for pedestrians and emergency vehicles. Many of the homes on these local roads do not have garages and parking on the street is the norm. The applicant is not able to provide a solution for these problems as the required improvements are off-site and generally within the regulatory jurisdiction of the Town of Westport and/or the Connecticut Department of Transportation or involve private property that the applicant does not control and is not likely to control in the future.

b. The only entrance to the local roads near or surrounding the project site (that is, Davenport Avenue, Hiawatha Lane and Hiawatha Lane Extension) is from Saugatuck Avenue (CT Route 33) onto Ferry Lane West. That intersection is located at the confluence Interstate 95 (Exit 17), Route 33, CT Route 136 and the primary entrance to the Westport Train Station. In addition, two large commercial contractors and a municipal parking lot are located on Ferry Lane West. Consequently, Ferry Lane West is often impassable due to congestion and the movement of large construction vehicles. Ferry Lane West is the only local access road to the project site for both vehicles and pedestrians. Even when passable, the trip, particularly for pedestrians, can be hazardous.

c. The Commission further finds that the need to protect the lives and property of the residents of the Town of Westport and the requirement to provide adequate means to accomplish such need clearly outweighs the need for affordable housing. The Commission finds that based on the substantial evidence in the record, including but not limited to the evidence cited above, the proposed housing development plan will result in significant and serious threats

to the lives and safety of the residents and property of the proposed development and residents and property near the proposed development caused by the lack of a safe and effective plan to meet basic pedestrian safety requirements. The lack of sidewalks and the safety issues caused by significant traffic congestion are significant risks. The need to avoid such risks clearly outweighs the need for the additional affordable units, particularly where the Town, in accordance with the Plan of Conservation and Development ("POCD), has adopted numerous regulations designed to encourage the development of affordable housing; and where substantial new affordable housing developments have been constructed in the Town. In addition, the Connecticut Department of Housing has issued a Certificate of Affordable Housing Completion to the Town of Westport.

d. The Commission further finds that during construction of five large apartment buildings and related site improvements, there will significant issues of pedestrian safety and dangerous vehicular congestion. The applicant provided no evidence as to how such risks will be mitigated during the construction phase of the project which is likely to take several years to complete. The risks to pedestrians and to current residents of the neighborhood during the construction phase are significant, particularly given the limited access to the site, the narrow roads, the lack of sidewalks, the existing heavy congestion and the presence of two commercial contracting businesses on Ferry Lane West. The risks, which are likely to last at least two years, clearly outweigh the need for additional affordable housing units in Westport, particularly where there are sites within the Town that are infinitely more suitable for such large scale projects.

3. Miscellaneous Concerns

a. Water:

The Commission finds that there is substantial evidence in the record that the supply of water town wide is currently affected by the inadequate size of the North Avenue water tanks. According to the Fire Marshall, it is imperative that the capacity of the tanks be increased. The Commission has previously approved a plan by Aquarion Water Company to increase the size of the tanks, but such approval is currently under appeal at PURA. A project containing 187 housing units will significantly affect the water supply of the Town of Westport. The protection of the water supply of the Town of Westport is a significant health

and safety concern. The Commission finds that such a concern clearly outweighs the need for additional affordable housing units and pending a resolution of such water supply issue, it would be reckless to expose the Town to a potential water problem.

b. Flooding:

There is substantial evidence of serious frequent flooding in the neighborhood of the project that will impair the ability of pedestrians, passenger vehicles, and emergency vehicles to enter and exit the project site. While it is not the obligation of the applicant to mitigate existing conditions, there is no credible evidence in the record that the project will be unaffected by the frequent flooding. When a project contains 187 units, the ability of persons, vehicles and emergency vehicles to be able to have access to or vacate the area at all times (particularly during times of distress) must be considered. The Commission finds that the risks to life and property associated with the frequent flooding of the area of the project, including the local roads to and from the project site, outweighs the need for additional units of affordable housing. Most of the surrounding areas are in the FEMA floodplain and there is frequent flooding on the access roads near Ferry Lane.

c. Site choice:

The 2007 POCD states that only 2.4% or 345 acres in Westport are currently undeveloped. The commission finds that multi-family housing belongs in areas of town with roads rated as arterial or higher, adequate access to utilities and outside of the flood zones. The commission finds that the existing small and contained neighborhood of homes is affordable. The rights of the current 200 + residents to live safely is of paramount concern to the commissioners.

d. Methodology :

The commission finds that the applicant did not take into account global warming and rising sea water levels in the placement and design of this project thus posing an additional threat to the residents of the proposed project and the neighborhood and the town.

THEREFORE, for the reasons stated above, which the Commission adopts as a collective basis for its action, the Commission, by unanimous vote (7-0), adopts the following Resolution:

RESOLVED: 28, 36, 38, 39, 41-45, 47, Parcel A0/Lot 4, and Parcel A05/Lot 5 Hiawatha

Lane and Hiawatha Lane Extension, the road bed of Hiawatha Lane Extension on the south side of 38-42-44, and a portion of the road bed of Hiawatha Lane abutting the eastern boundary of 38 Hiawatha Lane, including the private road bed of Hiawatha Lane, from its intersection with Davenport Avenue where utility installation is proposed: Coastal Site Plan Application #18-081 submitted by Summit Saugatuck LLC affiliated with Summit Development, and Grossman Industries as represented by Attorney Timothy Hollister of Shipman & Goodwin, LLC for property owned by Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy, for approval of a 187-unit multi-family rental development in five new buildings with associated site improvements and a mainline connection to the public sewer, submitted as part of an Affordable Housing Development proposal pursuant to §8-30g of the Connecticut General Statutes is hereby **Denied**.

The risk to safety caused by inadequate fire protection; the risk to pedestrian safety caused by the lack of sidewalks, adequate lighting, traffic congestion and narrow roadways; the risk of the adverse impact a project of this magnitude would have on the current water supply of the Town; and the risks caused by the existence of frequent severe flooding in the area, are all significant public policy considerations that have been established in the record and clearly outweigh the need for affordable housing. Moreover, no reasonable changes to the proposed plan can correct the risks and dangers associated with the proposed development, nor are needed off-site changes within the applicant's control or authority to complete **VOTE:**

AYES	0	
NAYS	7	{Stephens, Olefson, Walsh, Lebowitz, Dobin, Rutstein, Cammeyer}
ABSTENTIONS	0	

Westport Planning and Zoning
Commission

By Paul Lebowitz, It's Chairman

cc: First Selectman Marpe
Town Attorney Bloom
Attorney Peter Gelderman
Mr. Sharat Kalluri, Peer Reviewer
Mr. Andrew Kingsbury, Peer Reviewer
RTM P&Z Committee Chairman

DPW Director Ratkewich
Fire Marshal Gibbons
Police Chief Koskinas