

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

MEMORANDUM

April 30, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Staff, Michael E. Wrinn, Town Planner

RE: CGS 8-24 Municipal Improvements Referral – MR # 157 - Water Pollution Control Authority – 440 Danbury Road – Marc Gueron “Sanitary Sewer Connection” – Request for a Report

The Wilton Water Pollution Control Authority (WPCA) has submitted a request that the Planning and Zoning Commission (“the Commission”) review and issue a report for a sanitary sewer extension from the existing location on Danbury Road to 440 Danbury Road (North east corner of Danbury and Cannon Road). The extension request was submitted to the WPCA by the owner of the parcel.

Canon Road between Danbury Road and the railroad to the east is currently served by only on-site septic systems. The terminus of the existing sanitary sewer is located on the west side of Danbury Road. The proposal is to construct a 6’ PVC lateral across Danbury Road to the existing structure at 440 Danbury Road, a distance of approximately 300 linear feet.

The lateral where it crosses Danbury Road would become an asset of the Town of Wilton, therefore the 8-24 referral..

The 2.00 acre property at #440 Danbury Road is zoned R-2A, a single-family residential district. The building on the property was converted from a child care use to a two-family dwelling without the appropriate building, zoning, health, fire or Planning and Zoning permits. P&Z approval would be required for a conversion to a two family under the adaptive use regulation.

This is being referred to the Commission under Connecticut General Statute, Section 8-24, Municipal Improvement which reads:

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, ***substantially*** improve, acquire land for, abandon, sell or lease any airport,

*park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) **locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report.** Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.*

The Commission has 35 days in which to return a report (by May 8, 2024); the failure to submit a report within that time frame is taken as an approval of the proposal.

The Plan of Conservation and Development (POCD), effective October 1, 2019 has a number of policy statements in regards to sanitary sewer and related development. The Commission should look to the current POCD for guidance on this request, as they are acting in their planning capacity when reviewing an 8-24 Municipal Improvement request

CGS 8-24 provides no specific criteria as to what particular information should be reviewed. In addition to the POCD, any additional information submitted by the applicant, Town departments or members of the public should be taken into consideration.

Multiple areas of the POCD directly pertain to the sewer and Cannondale development. Some are listed below:

Pg. 70, 71 – Strengthen the economic viability of the Cannondale area while protecting its unique design and historical character

Pg. 88 – Goal 7 – Maintain Safe and Effective Public Utility services and Infrastructure

Pg. 89 – Existing Utilities Map

Pg. 91 – Section 7.1 Ensure Water & Sewer Policies Reflect Land Use Goals

Pg. 95 -Future Land Use Plan – Cannondale

Pg. 100 – Sewer Service & Avoidance Areas

Pg. 101 – Sewer and Water Plan

Draft Resolution for Review and Consideration

WHEREAS, the Wilton Planning and Zoning Commission (the Commission) has received a Connecticut General Statute Section 8-24 referral (CGS 8-24 referral) **MR # 157** from the Water Pollution Control Authority to extend the existing sanitary sewer line on the west side of Danbury Road with a new 6” PVC lateral to serve #440 Danbury Road.

WHEREAS, the Commission met electronically on April 30, 2024 to receive comment from the applicant; the Commission fully discussed and considered all evidence, including review of any written correspondence from the neighbor’s and the public at this April 30, 2024 meeting;

WHEREAS, after review, the Commission has determined that the request **can / cannot** be supported for the following reasons:

1. ***The POCD states that the Town should conduct a Master Planning process to define the extents of the Cannondale Node.*** **FOR DENIAL:** This study has not yet been undertaken, which is needed in order to properly determine the appropriate type, size and density of future development in the area. **OR FOR APPROVAL:** The proposal for a lateral to serve a 2-family dwelling can be seen as a minor change, in keeping with the residential underlying zone.
2. ***The POCD states that sewer extensions should be considered in the fringes of the existing service area in order to support the developments goals of the Plan.*** **FOR DENIAL:** Since the Cannondale Master Plan has not been undertaken, the development goals of the Plan have not been clarified. **FOR APPROVAL:** Given that the use is proposed to be a residential dwelling with a second unit, that is in keeping with the zone

BE IT FURTHER RESOLVED that, for the above referenced reasons, the Planning and Zoning Commission issues a **NEGATIVE / POSITIVE 8-24 Report** to the Water Pollution Control Authority regarding MR # 154 by recommending a **DENIAL/ APPROVAL** of the proposed extension of the sanitary sewer from 440 Danbury Road to the existing sanitary sewer on the west side of Danbury Road.

