

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

MEMORANDUM

October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Staff, Michael E. Wrinn, Town Planner

RE: CGS 8-24 Municipal Improvements Referral – Water Pollution Control Authority – 19 Cannon Road – Sanitary Sewer Line Extension – Request for a Report

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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 19 Cannon Road. The extension request was submitted to the WPCA by a potential developer 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 duplex pump station on # 19 Cannon with a 4’ force main leading to a gravity line across Danbury Road to the existing sanitary sewer, a distance of approximately 300 linear feet.

As per the sewer extension application, the extension would serve a proposed 70-unit multifamily development, with the existing residential structure on the property being demolished. The first step in the process is to determine if the property can be served with sanitary sewer, the subject of this referral.

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 WPCA is a municipal agency, as set forth in the statute. The Commission has 35 days in which to return a report; failure to return a report within that deadline is seen as an approval of the proposal by the P&Z Commission.

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. It is noted that an approval was given in 2011 by the WPCA for a 3' force main to serve Cannondale Village, across the tracks but that project was never undertaken. Again, it is important to use the current POCD for review.

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

## **Negative Draft Report** **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) from the Water Pollution Control Authority for a proposal to extend the sanitary sewer line from #19 Cannon Road (to the existing end of the public sanitary sewer line on the west side of Danbury Road, a distance of approximately 300 linear feet).

**WHEREAS**, the Commission met electronically on October 17, 2022 to receive comment from the applicant; the Commission fully discussed and considered all evidence, including review of numerous written correspondence from the neighbor's and the public at its meeting on October 24, 2022;

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

1. The 2.16 ± acre property at #19 Cannon Road is zoned R-2A, which is a single-family residential district, does not allow multifamily residential. The sewer calculations show planning for a 70-unit development, a density which is greater than what is currently allowed under existing zoning regulations.
2. The POCD (page 95) states that the Town should conduct a Master Planning process to define the extents of the Cannondale Node. This study has not yet been undertaken, which is needed in order to properly determine the type, size and density of future development in the area.
3. The POCD (page 95) states that once the area Master Planning study is done, the Town should align its land use policies to encourage mixed-use, residential and commercial development of an appropriate scale and design that is transit oriented in nature, given access to the Cannondale Train Station. Land use policies and zoning have not been changed; the parcel in question to be served by sewer is zoned as a single-family lot.
4. The POCD (page 95) states that densities in Cannondale node should be lower than Greater Wilton Center. The highest density currently allowed in Wilton Center is

10 residential units per acres located over street level stores or offices on property located within 1,000 feet of the Wilton Train Station. The request for the sanitary sewer extension is for a project that is approximately 32 units per acre, therefore density is not in compliance with the POCD.

5. The POCD (page 100) 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. Since the Cannondale Master Plan has not been undertaken, the development goals of the Plan have not been clarified.
6. The POCD ( page 88) states that public infrastructure extensions that result in unwanted increase in density or changes in permitted uses are not supported
7. The POCD (page 71) states that regulatory and infrastructure improvements should stem from the recommendations of a master planning process.
8. The POCD (page 97) Future Land Use Map, shows this area labeled as Cannondale Node, which calls for a master plan process to define the extent of the boundary.

**BE IT FURTHER RESOLVED** that, for the above referenced reasons, the Planning and Zoning Commission votes to issue a **NEGATIVE 8-24 Report** to the Water Pollution Control Authority regarding the extension of the sanitary sewer extension from #19 Cannon Road to Danbury Road.

**October 24, 2022**  
**8-24 Referral – Sanitary Sewer Extension – 19 Cannon Road**

## **Positive Draft Report 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) from the Water Pollution Control Authority for a proposal to extend the sanitary sewer line from #19 Cannon Road (to the existing end of the public sanitary sewer line on the west side of Danbury Road, a distance of approximately 300 linear feet).

**WHEREAS**, the Commission met electronically on October 17, 2022 to receive comment from the applicant; the Commission fully discussed and considered all evidence, including review of numerous written correspondence from the neighbor's and the public at its meeting on October 24, 2022;

**WHEREAS**, after review, the Commission has determined that the request can be supported for the following reasons, many of which are articulated in 2019 Plan of Conservation and Development (POCD):

1. The POCD (page 101) locates the 2.16 ± acre property at #19 Cannon Road in a “Sewer Growth Area” according to the Sewer and Water Plan.
2. The POCD (page 100) shows the Cannondale Node as a sewer growth area, where sewer extensions should be considered on the fringes of the existing sewer service area in order to support the development goals of the Plan. Sewer growth areas align with the Cannondale Node.
3. The POCD (page 91) states that new infrastructure is expensive to build and maintain and new development should be steered to areas already served or relatively easily expanded so that existing infrastructure can be used more

efficiently.

4. The POCD (page 91) states that the extension of sewer or water lines to currently unserved areas should be limited to those that address risks to the environment and or public health , or are requested by property owners of a certain area in accordance with the recommendations of this Plan and the Town Water and Sewer Plan.
5. The POCD (page 82) calls for support of DOT improvements to Cannondale Stations ... along with potential complementary transit-oriented development of the surrounding area.
- 6.

**BE IT FURTHER RESOLVED** that, for the above referenced reasons, the Planning and Zoning Commission votes to issue a **POSITIVE 8-24 Report** to the Water Pollution Control Authority regarding the extension of the sanitary sewer extension from #19 Cannon Road to Danbury Road.