

Zoners Told to Stick to Regs on Mahackeno Proposal

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Hearings for the Westport Weston Family Y's application for a special permit to operate a 102,000-square-foot facility at its Mahackeno campus continued last week as Planning and Zoning Commissioners listened to staff reports from the Westport Planning and Zoning Department and then submitted their own questions to the petitioners.

Much of the presentation was straightforward. Larry Bradley, director of the Planning and Zoning Department, gave a detailed staff report to the commission describing the general parameters of the proposed facility, including its square footage, acreage, exact location on the Mahackeno property, wastewater treatment plan and expected use. He reminded the commission of their legal responsibility to consider the special permit application within the purview of the laws and statutes that guide such applications.

"There are 10 special permit standards in the regulations, such as conformance with the Town Plan of Conservation and Development, historic resources, environmental features and traffic considerations. You have to consider whether these standards have been satisfied as part of the application." Special permit applications are submitted with a site plan application, said Bradley. "A site plan can only be denied if it does not conform to the regulations." He reminded the commissioners that all reasons for denial must be put on the record.

He said the commission can establish a standard for calculating the appropriate amount of parking and suggested that they concern themselves with their own responsibilities, not those of the boards and commissions which have already approved the Family Y application, such as the Conservation Commission and the Flood and Erosion Control Board.

A traffic engineer from Wilbur Smith Associates, hired by the town and paid for by the applicant, reviewed the

traffic analysis and mitigation plans created by the Family Y traffic consultants Frederick P. Clarke & Associates, making suggestions and revisions to those plans. The traffic engineer discussed off-site traffic impacts, onsite traffic circulation and parking plan review.

The first commissioner to raise a question was Bruce Kasanoff, who asked Bradley, "Why are we not looking at other sites?" Bradley said, "I don't believe you should be looking at other alternatives. Your charge is to review the application against the zoning regulations and the town plan. I think it would be out of order to consider other sites."

Kasanoff asked, "How do we look at interveners (attorneys who represent those filing appeals on environmental grounds) who are outside the bounds of what we are focused on?" Bradley answered, "Base your review on what the Planning and Zoning regulations specify. We assume that if a particular technology was approved that it is not unsafe. The commission does not have the authority to consider that if it has already been approved. That is all you need to consider."

Attorney for the Family Y Larry Weisman was asked about the two houses on Sunny Lane which would be directly impacted by the new facility. Number 10 Sunny Lane is now in foreclosure, and Weisman said there was a possibility that at some point the Family Y would consider purchasing the house from the bank if the price became advantageous, and the second home is owned by a family which Weisman said has not responded to overtures from the Family Y. Weisman added that the Y would be willing to improve the road in front of that home.

Commissioner David Press asked about the swimming program, and was told by Family Y CEO Helene Weir that the intent is to maintain current programming but allow members to use the pools as well. "It's about more utilization for current programs, not about growth," she said. In answer to questions about special events, Weir said, "Special events are just an extension of programs."

Commissioner Helen Martin Block took issue with the scale of the proposed facility, questioning whether it could be considered a commercial or non-commercial use. "It seems to be a hybrid that is not simply a recreational use. I'd like to know, what is this use?" she asked. Bradley answered her questions by saying, "There are other large buildings that are considered special permits, such as schools, a golf club, and a variety of uses. The question is – is this in line with those previous approvals? If it is not, then don't approve it."

Ira Bloom, town attorney, outlined the commissioners' responsibilities under the zoning regulations but said that there is much interpretation within the regulations.

"Zoning regulations allow for specific categories of special permit uses," Bloom said. "You have deemed these uses in a residential zone to be acceptable if they comply with special permit conditions. You do have to interpret the regulations to decide if this fits into a category. I believe it fits in this category. These are allowed uses. Some are large structures. They are allowed in a residential zone. You have to see if the application fits into one of the categories and then see if it meets the special permit conditions."

For example, when looking at traffic considerations, Bloom said that the State Traffic Commission looks at state roads and highways, and specific configurations of roadways. "You have a different role. You look at roadway conditions, levels of service, length of time at intersections, traffic volumes and capacities." He said that both the State Traffic Commission and the local commission approvals or denials are equally weighted.

Commissioners also began discussions about the appropriate number of spaces, and asked for information about parking at other Ys in the area, such as the Darien and Wilton Ys.

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