

February 3, 2022

Text Amendment # _____

Submitted: _____

Received: _____

Public Hearing: _____

Adopted: _____

Effective date: _____

Deleted language is ~~[struck out and in brackets]~~; New language is underlined.

§5 DEFINITIONS

5-2 Specific Terms

New Diameter at Breast Height (DBH)

Diameter at Breast Height (DBH) shall be the measurement of a tree's trunk diameter as measured at four-and-a-half (4.5) feet above ground.

New Mature Tree

A live tree of a non-invasive species with a Diameter at Breast Height (DBH) of twelve (12) inches or more. Invasive species shall be those listed on the Westport Conservation Department's Planting Guide.

§31 REGULATIONS APPLYING TO ALL DISTRICTS

New Section 31-17 Tree Preservation Regulations

31-17.1

A Zoning Permit shall be required to remove Mature Trees in the following circumstances:

- A. If more than three (3) Mature Trees are to be removed from a single lot within a rolling 12-month period.
- B. If the Mature Tree is located within the regulated setback or buffer area on a lot of one (1) acre (43,560 SF) or more.
- C. If The Mature Tree is located in an area of steep slopes of 20% or greater.
- D. If the Mature Tree is located within 20 feet of an inland wetland, tidal wetland and/or mean high water line of any waterbody or watercourse, or within the limits set by the Westport Waterway Protection Line Ordinance.

31-17.2

Nothing in these Zoning Regulations shall prohibit the immediate removal of any tree that poses an imminent public health risk. In such a situation, any Zoning Permit required under §31-17.1 shall be filed retroactively within seven (7) days of the removal or the Mature Tree.

31-17.4

Nothing in these Zoning Regulations shall be interpreted to interfere with the duties and responsibilities of the Town's Tree Warden as authorized in §C17 of the Westport Town Charter.

§32 SUPPLEMENTARY USE REGULATIONS

32-8 Excavation and Filling of Land

32-8.1 Activities that require an Excavation & Fill Permit and Exempt

38-8.1.1

All regrading of properties regardless of the amount of disturbance or quantity of material involved shall require Site Plan and Special Permit approval by the Planning & Zoning Commission for an Excavation & Fill Permit except as noted below.

38-8.1.2

Exemptions: The following activities shall be exempt from requiring an Excavation & Fill permit but shall conform to the standards listed in §32-8.2 and §32-8.3:

- a. Excavations or filling of earth products in connection with the construction or alteration of a principal building or structure, swimming pool, tennis court, sports court, septic fields or driveway on the same premises no more than 25 feet from said activity provided a zoning permit or health permit has been issued for such construction, alteration or activity and such work is specified in said permit.
- b. Excavations or filling of earth products in connection with the construction or alteration of subsurface drainage systems on the same premises no more than 5 feet from said activity provided a zoning permit or health permit has been issued for such construction, alteration or activity and such work is specified in said permit.
- c. Construction, grading or changing of contours in accordance with plans for the same that have been approved by the Planning & Zoning Commission, covering the roads, lots and other improvements in an approved Subdivision, Site Plan or Special Permit application.
- d. Municipal activities involving roadways, bridges, culverts or other infrastructure for the purpose of maintenance, repair, realignment, reconstruction or public safety projects as listed in this subsection that by necessity involve extending excavation or fill onto private property where grading rights have been obtained.
- e. Construction of a retaining wall used solely for the purpose of constructing a driveway or roadway.
- f. Construction of approved shoreline flood and erosion control structures.
- g. The placement or installation of utility lines or services.
- h. Incidental filling, grading or excavation in connection with maintenance or repairs to a property.
- i. Customary landscaping ~~[and temporary collecting, stockpiling and reuse of topsoil]~~.
- j. Clearing, collecting, stockpiling, and reuse of topsoil, permanently or temporarily, over a cumulative ground area less than one-fourth (1/4) of an acre.

§37 SEDIMENT AND EROSION CONTROL REGULATIONS

37-1 Purpose

The purpose of these Sediment and Erosion Control Regulations is to reduce accelerated soil erosion; reduce the danger from storm water runoff and to minimize nonpoint sediment pollution resulting from and being developed.

37-2 Activities Requiring a Sediment and Erosion Control Plan (S&E Plan)

An S & E Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than ~~one-half (1/2)~~ one-fourth (1/4) of an acre.

37-3 Exemptions

A single family dwelling that is not a part of a subdivision of land shall be exempt from these sediment and erosion control regulations.

37-4 Procedure

All S & E Plans shall be submitted to the Conservation Director for recommendation prior to the filing of any application with either the Planning and Zoning Commission or the Zoning Board of Appeals, as applicable or prior to the issuance of a Zoning Permit. The Conservation Director shall review the plan to determine compliance with § 37-5 below and shall inform the appropriate authority and the applicant of his/her recommendation within thirty (30) days of the date of receipt of said plan. Upon receipt of the Conservation Director's recommendations the Zoning Enforcement Officer shall certify that the plan complies with the requirements of this Section.

37-5 Inspection

Following approval of the S & E Plan and based on the schedule identified on said plan the Zoning Enforcement Officer shall inspect the site for compliance with said plan.

37-6 Standards

Any S & E Plan submitted pursuant to this Section shall include but not be limited to the following:

- a. The cumulative area(s) of disturbance, including any areas of excavation, filling or stockpiling of earth material;
- b. Existing and proposed grades or spot elevations;
- c. Location of any inland wetlands, tidal wetlands, watercourses, existing or proposed drainage facilities on or adjacent to the site, and trees with a Diameter at Breast Height of eight (8) inches or more;
- d. Anticipated start and completion dates;
- e. Agent's name;
- f. Sequence for installation of soil erosion and sediment control measures;
- g. The minimum Soil Erosion and Sediment Control Plans shall be developed using the principles outlined in Chapters #3 & #4 of the Connecticut Guidelines for Soil Erosion and Sediment Control.
- h. A bond may be required in accordance with §43-13 of the Zoning Regulations.

- i. A Tree Protection Plan (TPP) shall be submitted for any site that contains at least one (1) Mature Tree. The TPP shall be certified by a Connecticut licensed Arborist and shall preserve, to the greatest extent possible, any Mature Trees on site.

Any Mature Trees to remain during and after construction shall be protected in accordance with current American National Standards Institute (ANSI) guidelines (A300 Part 5 – 2014: Site Planning, Site Development).

The provisions of §31-17 shall apply for the removal of any Mature Tree, and any Mature Trees to be removed shall be clearly identified on the TPP.

§44 SPECIAL PERMIT AND/OR SITE PLAN DOCUMENTS, STANDARDS AND OBJECTIVES

44-1.4 Site Plan Map

One (1) copy of an accurate scale plan, prepared and sealed by a registered engineer or land surveyor licensed to practice in the State of Connecticut at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24" x 36,." Said site plan shall be prepared from a plot plan certified "substantially correct" by a registered land surveyor as described in 44-1.3, An electronic version of the plan in PDF format shall also be submitted. The site plan shall illustrate the proposed development of the property and shall include the following information:(803, 11/19/2021)

44-1.4.1 The Property

- a. The boundaries of the property and Zoning District Boundary Line located on the subject property.
- b. Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
- c. Existing and proposed contours at intervals of two feet based on the North American Vertical Datum of 1988 or NAVD88.(803, 11/19/2021)
- d. Location of all existing wooded areas, watercourses, wetlands, aquifers, rock outcrops, stone walls and other significant physical features and, where applicable, the mean high water line, the wetlands boundary, the waterway protection line, the twenty-five (25) year flood line, the one hundred (100) year flood line, the floodway boundary and the CAM boundary.(803, 11/19/2021)
- e. Location of existing trees not located in wooded areas, ~~[with a trunk caliper of more than eight (8) inches as measured four (4) feet above the ground]~~ with a Diameter at Breast Height of eight (8) inches or more and mature evergreens of ornamental quality.

44-1.4.2 Buildings, Structures and Uses

- a. Location, design and height of all existing and proposed buildings, structures, signs, fences and walls, including retaining walls.
- b. Location of all existing and proposed uses and facilities not requiring a building.

44-1.4.3 Parking, Loading, and Circulation

- a. Location, arrangement and dimensions of standard automobile parking stalls, aisles, vehicular drives, fire lanes, entrances, exits and ramps.
- b. Location, arrangement and dimensions of loading and unloading areas.
- c. Location and dimensions of pedestrian entrances, exits, sidewalks and walkways.

44-1.4.4 Front, Parking and Buffer Landscaping

A preliminary landscape plan showing the general location and layout of plantings within all landscaped areas; as well as any fencing, walls, and other screening proposed. Plant selection shall be made per the Approved Tree List provided at the end of §35, Landscaping, Screening and Buffer Areas.

44-1.4.5 Signs and Lighting

Locations, size, height, orientation, design and plans of all signs and outdoor lighting including shielding, foot candles and hours of operation.

44-1.4.6 Utilities

One (1) copy of [preliminary] architectural drawings of all proposed buildings and structures, to be drawn at a minimum scale of one-eighth inches equals one-foot ($1/8" = 1'$) An electronic version of the drawings in PDF format shall also be submitted. The drawings shall show the following information:

§45 ZONING ADMINISTRATION AND ENFORCEMENT

45-3.2 Plot Plan

The application shall be accompanied by three (3) copies of a plot plan drawn to scale on a sheet, not to exceed 24" x 36" and certified "substantially correct" by a licensed Civil Engineer or Land Surveyor, based on a Class A-2 Survey, not more than ten (10) years old showing the following information as of the date of application:

45-3.2.1

Name of applicant and name of the owner of record.

45-3.2.2

Assessor's map and lot numbers and street address of property.

45-3.2.3

North point, graphic scale and date.

45-3.2.4

Dimensions of the present lot and lot area.

45-3.2.5

Size and location of all existing and proposed buildings, or additions, structures, and uses. Coverage information must be identified and represented in square footage and percentage form.

45-3.2.6

The minimum required setback lines must be shown and dimensions of all setback lines observed by buildings and structures.

45-3.2.7

Location of parking areas, driveways, curb cuts, easements and rights-of-way.

45-3.2.8

Location of sewer lines or septic tank, leaching field and reserve areas.

45-3.2.9

Location of water line or water well.

45-3.2.10

Location of high pressure gas lines and high tension transmission lines.

45-3.2.11

Location of all existing wooded areas, waterbodies, watercourses, swamps and flood prone areas with delineated channel encroachment lines, wetland boundary lines, twenty five (25) year flood line, one hundred (100) year flood line, floodway boundary line, CAM boundary line, or mean high water line.

45-3.2.12

Location of all storm drainage facilities on the property.

45-3.2.13

Existing and proposed contours at two (2) foot intervals which may be based on Town of Westport topographic maps, and must be verified in the field by a surveyor.

45-3.2.14

When an application is located in a flood prone area include existing and proposed site grades, contours or elevations, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocation.

45-3.2.15

When an application for development involves ~~[one-half (1/2)]~~ one-fourth (1/4) acre or more of cumulative disturbed area(s), a Sediment and Erosion Control (S&EC) Plan pursuant to Section 37-1 shall be submitted. However, an S & E Plan may be required for applications with disturbed land of less than ~~[one-half (1/2)]~~ one-fourth (1/4) acre, if deemed necessary by the Zoning Staff.

New 45-3.2.16

Location of existing trees not located in wooded areas with a Diameter at Breast Height of eight (8) inches or more and mature evergreens of ornamental quality.