



**Town of Westport
Planning & Zoning Commission**

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
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Meeting: December 4, 2023

Decision: December 4, 2023

December 5, 2023

Charles A. Mills, P.E.
Mills Engineering, LLC
68 Canterbury Lane
Wilton, CT 06897

RE: 30 Surf Road, Coastal Site Plan Appl. #PZ-23-00615

Dear Mr. Mills:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on December 4, 2023, it was moved by Mr. Cohn and seconded by Mr. Cammeyer to adopt the following resolution:

RESOLUTION #PZ-23-00615

WHEREAS, THE PLANNING AND ZONING COMMISSION met on December 4, 2023, and made the following findings:

FINDINGS

Property Description/Background

1. 30 Surf Road is a conforming lot having 0.61 acres, located in the Residence A district, where 0.50 acres is required. The Improvement Location Survey prepared by Walter H. Skidd amended April 4, 2023, shows the property ranges from El. 10' along Surf Road and slopes down to El. 4' along Bermuda Lagoon. The lot is served by a town sewer system and public water supply.
2. Located on the peninsula of Saugatuck Shores having frontage on both Long Island Sound and Bermuda Lagoon. The lot is wholly within the Coastal Area Management boundary and the 100-year flood zone, which is designated as AE 13 on Panel #09001C0551G. The lot is divided by Surf Road and pursuant to a memorandum prepared by Michelle Perillie, P&Z Deputy Director dated 4/26/23, the lot can be recognized as a single lot for all purposes under the Westport Zoning Regulations. There are 1,102 SQ. FT. of wetlands located on-site and contains 666 SQ. FT. of steep slopes.

Proposal

3. The applicant is seeking to demolish the existing house and construct a new 2-story, FEMA-compliant, single-family dwelling, attached garage, driveway, pool, spa, and associated patios and walkways with improvements to drainage and landscaping. The existing ramp and dock on Bermuda Lagoon are to remain unchanged.
4. There are no proposed structures located on the lot area adjacent to Long Island Sound, southwest of Surf Road.
5. The average grade is 10.7'. The height measured from the average grade to the midpoint of the pitched roof is 28.25', complying with the allowable height of 28.3'. There is a crawl space below the finished first floor with proper flood venting. As depicted on the cross sections there is no headroom in the attic that is at or above 5.5' classifying the dwelling as the permitted 2 stories.
6. The first floor of the proposed single-family dwelling will have a finished floor elevation of 16', 3' feet higher than the adjacent flood zone (AE 13). There is a crawl space proposed below the first floor with proper flood vents.
7. The proposed anti-tracking pad construction entrances and silt fencing should be installed prior to the commencement of construction and remain in place until the lot is stabilized which will help to limit possible sediment movement into the coastal resources. The staging area and stockpile area should also be surrounded by silt fencing in order to be consistent with CAM policies.
8. The existing impervious surfaces onsite are 8,426 SQ. FT., while the proposed impervious surfaces are 8,416 SQ. FT. This represents a reduction of 10 SQ. FT. in impervious surfaces after development.
9. As described by the applicant in the Coastal Site Plan Application, *"Two stormwater infiltration systems are proposed that provide storage for the required Water Quality Volume as defined within the "2004 Connecticut Stormwater Quality Manual." This ensures that TSS loadings from the site will be reduced by 80% on an annual basis. In addition, a biofiltration swale has been provided at the outlet of Retention System No. 2. As discussed with DPW Engineering, no peak flow attenuation is required as the property directly abuts Long Island Sound."* This is consistent with CAM policies.
10. The project consists of a robust planting plan on the entire lot. More specifically, the landscaping buffer along Bermuda Lagoon ranges in depth from 10' to 20' and covers the entire 136' length of the property line. The applicant also proposes landscaping improvement to the small lot area abutting Long Island Sound which is about 4' in depth and covers the entire 100' length of the property line. The plantings consist of native salt-tolerant shrubs, grasses, perennials, and ferns.

Department Comments

11. A memorandum prepared by Colin Kelly, Conservation Director, dated 11/21/23 stated, *"There are no inland wetlands or watercourses on this site. The property abuts Long Island Sound and Bermuda Lagoon, which are tidal waterbodies. Therefore, IWW regulations and the WPL Ordinance hold NO jurisdiction on the above-referenced property"*.
12. Comments prepared by the Town Engineer dated 11/6/23 state, *"While the granting of this approval is at the discretion of the Commission, we find no issues in our review that would preclude its approval."* The Town Engineer stated that the Storm Water Drainage System, Grading, and S&E Controls all substantially comply with the Town of Westport standards.

Public Hearing

13. A public hearing was not held as one is not required by the Connecticut State Statutes and is no longer required pursuant to Text Amendment #779 adopted in 2021 modifying the Westport Zoning Regulations to authorize, but not mandate, public hearing review of residential coastal site plans.
14. The work session was held remotely consistent with State Statutes. The meeting was broadcast live on public access television, was live streamed on the Town's website.
15. All application materials, and public comments received in writing prior to the meeting were posted on the Town's website to maintain transparency while conducting remote meetings.
16. Neighboring property owners within a 250' radius of 30 Surf Road received a notice letter.
17. Members of the Planning & Zoning Commission made the following finding that there is a need to further protect the Coastal Resources on lot 41A abutting Long Island Sound as displayed in the Improvement Location Survey prepared by Walter H. Skidd dated 12/9/19/22 amended on 4/4/23.
 - a. Lot 41A, having 1,832 sq. ft. of gross lot area, is to remain undisturbed except for the proposed landscaping buffer as described in the Landscaping Plans prepared by Artemis Landscape Architects, Inc. dated 10/19/23 (27 pages). At no time shall this area be used for parking, staging of materials, or any other use not approved by the Planning & Zoning Commission. The applicant shall return to the Commission if they see fit that utilization of this area for parking, staging of materials, and/or any other use is necessary.

Conclusions

18. The Westport Planning and Zoning Commission finds this project is consistent with the policies identified in Section(s) 22a-92(b) (1) and 22-a-92 (b) (2) of the Coastal Area Management Act; that it will not adversely affect adjacent Coastal Resources (General Resources and Coastal Hazard Areas) identified in Sections 22-93 (a) (7) of said Act.

19. The Westport Planning and Zoning Commission finds this project is consistent with §13 Residential A standards, Site Plan Standards and Objectives listed in §44-5, and the Special Permit standards listed in §44-6, Coastal Area Management standards listed in §31-10, and whether it is in accordance with the 2017 Town Plan of Conservation and Development.

NOW THEREFORE, BE IT RESOLVED that **30 Surf Road**: Coastal Site Plan Appl. #PZ-23-00615 submitted by Charles A. Mills, P.E., Mills Engineering LLC, for property owned by Steven A. Kohn, to construct a new FEMA-compliant, single-family residence with site improvements, for a property in Residence A District, PID #A02045000 is **APPROVED with MODIFICATIONS** subject to the following modifications:

Modifications

1. Lot 41A, as displayed in the Improvement Location Survey prepared by Walter H. Skidd dated 12/9/19/22 amended on 4/4/23, having 1,832 sq. ft. of gross lot area, is to remain undisturbed except for the proposed landscaping buffer as described in the Landscaping Plans prepared by Artemis Landscape Architects, Inc. dated 10/19/23 (27 pages). At no time shall this area be used for parking, staging of materials, or any other use not approved by the Planning & Zoning Commission.
2. Conformance to the Proposed Development Plan prepared by Mills Engineering, LLC revised 11/13/23 (8 pages).
3. Conformance to the Drainage Summary Report prepared by Mills Engineering, LLC dated 9/20/23.
4. Conformance to the Architectural Plans prepared by Christopher Pagliaro Architects, LLC dated 11/7/23 (10 pages).
5. Conformance to the Landscaping Plans prepared by Artemis Landscape Architects, Inc. dated 10/19/23 (27 pages).
6. Conformance to the Town Engineer's comments dated 11/6/23.
7. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced without the consent of the Town's Tree Warden.
8. Prior to the commencement of any construction, site work, tree removal or demolition, the soil and erosion controls shall be installed and inspected by Staff.
9. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
 - A. Obtain final approval from the Engineering Department; and
 - B. Obtain final approval from the Aspetuck Health District for the pool and spa.
10. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
11. All new utilities shall be placed underground.

12. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor.
13. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
14. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by December 4, 2028.
15. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease-and-desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

REASONS:

The application as modified is found to be in conformance with all applicable zoning regulations, and no adverse impacts to coastal resources should result with the mitigation implemented as required.

VOTE:

AYES	-5-	Lebowitz, Cammeyer, Cohn, Wistreich, Calise
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,

 A.T.

Paul Lebowitz
Chairman, Planning & Zoning Commission

cc: Mark Cooper, Aspetuck Health District Director
Edward Gill, Town Engineer II