

## Trianovich, Amanda

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**From:** Kelly, Colin  
**Sent:** Wednesday, August 7, 2024 3:23 PM  
**To:** Trianovich, Amanda  
**Cc:** Gill, Edward  
**Subject:** Re: P&Z REQUEST FOR COMMENTS: Variance w/Coastal Site Plan Appl. #ZBA-24-00443 for 66 Harbor Road  
**Attachments:** 66 Harbor Rd - Conditions of Approval.pdf; 66 Harbor Rd - CC Permit\_signed.pdf; 66 Harbor Rd - Letter of Approval.pdf; 66 Harbor Rd - Findings.pdf

Hello Amanda,

The Conservation Commission issued a permit for this work at the July 17, 2024 meeting. Please see the attached Findings and Conditions of Approval.

We note the revised plans include the added coastal resource note but did not substantially change the other plans.

We have no other items that need to be addressed as of now.

Thanks

Colin Kelly

Director, Conservation Department



**Town of Westport**

110 Myrtle Ave, Westport CT 06880

T: 203.341.1170



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**From:** Trianovich, Amanda <atrianovich@westportct.gov>

**Sent:** Monday, August 5, 2024 1:11 PM

**To:** Gill, Edward <egill@westportct.gov>; Kelly, Colin <ckelly@westportct.gov>

**Subject:** P&Z REQUEST FOR COMMENTS: Variance w/Coastal Site Plan Appl. #ZBA-24-00443 for 66 Harbor Road

Good Afternoon,

Please find the attached request for comments and application materials for the proposed Variance with Coastal Site Plan review, ZBA-24-00443 for 66 Harbor Road submitted by Curt Lowenstein.

The application states it is to raise the existing house with additions to be FEMA compliant. I have an email out to Curt but I believe this project falls under our section 5-2 regulation for "New Construction" as they are increasing the floor area by more than 35%. I wanted to say that as I am not sure if our zoning regulation determination plays a role in your specific department determination.

The Variance is for setbacks and building/total coverage and to find consistency with Coastal Area Management regulations. Possible height and stories as well as I cannot make a determination yet due to the lack of information on the architectural plans. I am expecting revisions.

Attached herein for your review are the following:

- CAM Application
- Existing Survey
- Proposed Survey
- Proposed Drainage Plan
- Proposed Drainage Report
- Architectural Plans

The public hearing is not yet scheduled; therefore, please return written comments to [atrianovich@westportct.gov](mailto:atrianovich@westportct.gov) by **Wednesday, August 19, 2024 if possible.**

Please let me know if you have any questions!

Sincerely,

**Amanda Trianovich, CZEO**

Planner

(203) 341-1077



**WESTPORT**  
CONNECTICUT





**WESTPORT, CONNECTICUT  
CONSERVATION COMMISSION**

TOWN HALL - 110 MYRTLE AVENUE  
WESTPORT, CONNECTICUT 06880  
(203) 341-1170 • FAX (203) 341-1088

July 19, 2024

Thomas & Pamela O'Brien  
66 Harbor Road  
Westport, CT 06880

Re: 66 Harbor Rd, Westport, CT  
Application #WPL-11929-24

To Whom it May Concern,

This letter serves to confirm that at its July 17, 2024 meeting the Conservation Commission reviewed and approved the above-referenced application. The applicant had requested to elevate an existing single family residence and construct an addition with associated site improvements within the WPLO (elevation 9') area of the Saugatuck River on the property located at 66 Harbor Road. Copies of the permit, Commission's findings, and resolution of approval are enclosed for your use.

The permit, findings, and resolution are being sent to you by e-mail, regular mail and by certified mail.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Joshua Lewi  
Conservation Commission Chair

CC: Kasey O'Brien

66 Harbor Road  
Westport, CT 06880





## WESTPORT, CONNECTICUT

### CONSERVATION COMMISSION

TOWN HALL - 110 MYRTLE AVENUE

WESTPORT, CONNECTICUT 06880

(203) 341-1170 • FAX (203) 341-1088

### TOWN OF WESTPORT WATERWAY PROTECTION PERMIT

No. WPL-11929-24

Effective Date: July 17, 2024

This PERMIT authorizes Kasey O'Brien APPLICANT, and Thomas & Pamela O'Brien, OWNERS to conduct the following REGULATED ACTIVITY: To raise the existing house into FEMA compliance and construct an addition with associated site improvements within the WPLO (elevation 9') area of the Saugatuck River on the property located at 66 Harbor Road; specifically, Assessor's Map: B02 Tax Lot: 088, Westport, Connecticut; in conformance with the laws of the State of Connecticut, and the Town of Westport.

This PERMIT is issued upon application of the PERMITTEE in accordance with the Waterway Protection Line Ordinance, and the CONDITIONS OF APPROVAL listed in the Resolution adopted at the Conservation Commission's meeting convened on the above-referenced date.

Acceptance and application of this license is both an implied and expressed agreement by the holder and his agents to comply with and adhere to all terms and conditions of this permit.

No change or revision of this permit may occur without the prior written authorization of the Conservation Director, said authorization to be issued only upon submission of a written request describing the proposed deviation and supporting reason. Similarly, this permit is non-transferable. Requests for such transfers are to be submitted in writing to the Conservation Director describing the proposed transfer, the reason for such transfer, and an acknowledgment that nothing regarding the transfer shall in any way shift or limit the liability of any other person unless and until the transfer is authorized in writing by the Conservation Director.

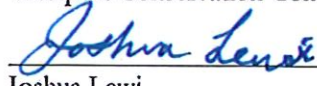

In issuing this PERMIT, the Conservation Commission has relied upon the applicant's assurances, and makes no warranties, either expressed or implied, and assumes no liability with regard to the structural integrity of the design of any structures, or to the engineering feasibility of efficacy of such design.

In event that the Permit Holder becomes aware that there may be a noncompliance with any provision of the approval, the Permit Holder shall immediately inform the Conservation Director, and shall take all reasonable steps to ensure that any noncompliance is avoided, or, if unavoidable, minimized to the greatest extent possible, with such notification not excusing the noncompliance.

The holder of the PERMIT, and his agents and representatives, acknowledges that the issuance of the PERMIT does not in any way relieve or excuse said PERMITTEE of the obligation to obtain any other approvals required by applicable local, state, and federal law.

**FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS CERTIFICATE WILL SUBJECT THE CERTIFICATE HOLDER, TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AS PROVIDED BY LAW.**

Westport Conservation Commission

   
Joshua Lewi  
Chairperson

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #WPL-11929-24  
66 Harbor Road  
Assessor's Map: B02 Tax Lot: 088  
Public Hearing: July 17, 2024**

**Project Description:** To elevate the existing residence to be FEMA compliant and construct a residential addition with associated site improvements. A shed and a portion of the driveway is to be removed. Work is within the WPLO area of the Saugatuck River.

**Owner of Record: Thomas & Pamela O'Brien  
Applicant: Kasey O'Brien**

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #WPL-11929-24 with the following conditions:

**STANDARD CONDITIONS OF APPROVAL**

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least **forty-eight (48) hours** in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of **July 17, 2024**.

### SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
- a. **"Improvement Location Survey"**, prepared for Thomas & Pamela O'Brien, 66 Harbor Road, Westport, Connecticut, prepared by Land Surveying Services, dated April 15, 2024, Scale 1" = 10'.
  - b. **"Drainage Plan, Site Improvements for a Proposed Addition"**, prepared for Thomas & Pamela O'Brien, 66 Harbor Road, Westport, CT, prepared by LandTech, dated June 13, 2024 Scale: 1" = 10'.
  - c. **"Stormwater Management Report"**, for 66 Harbor Road, Westport, CT, prepared by prepared by LandTech, dated June 13, 2024.
  - d. **Architectural Renderings – "O'Brien Residence, 66 Harbor Road, Westport, CT"**, prepared by Richard Swann, Architect, dated October 12, 2022, Scale: As Noted, 8 pages (L1 through A7).
    - i. **Site Schematic** Sheet L1
    - ii. **Lower Level Plan** Sheet A1
    - iii. **First Floor Plan** Sheet A2
    - iv. **Second Floor Plan** Sheet A3
    - v. **Attic Floor Plan / Building Sections** Sheet A4
    - vi. **West Elevation** Sheet A5
    - vii. **North & South Elevation** Sheet A6
    - viii. **East Elevation** Sheet A7
17. Conformance to Flood & Erosion Control Board July 10, 2024 conditions of approval.
18. The design engineer shall witness and certify the construction of the stormwater management system and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
19. An "as-built" survey shall be submitted prior to the issuance of a Certificate of Compliance.
20. New landscape plants shall be native and salt tolerant. A landscape planting plan shall be submitted to the Conservation Department for Staff approval.
21. Above ground storage tanks shall be anchored in compliance to FEMA regulations.
22. The driveway surface shall remain pervious in perpetuity, with said restriction placed on the land records as a restrictive covenant.
23. No soil stockpiling shall take place on site. All displaced soil shall be direct loaded and removed from the site.

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. This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

**Motion: McDowell**                      **Second: Murphy**

**Ayes: McDowell, Murphy, Lewi, Carey, Whiting**

**Nays: None**                      **Abstentions: None**                      **Vote: 5:0:0**

**Conservation Commission  
Town of Westport  
FINDINGS  
Application #WPL-11929-24  
66 Harbor Road  
Assessor's Map: B02 Tax Lot: 088  
Public Hearing: July 17, 2024**

1. **Application Request:** Applicant is proposing to elevate the existing residence to be FEMA compliant and construct a residential addition with associated site improvements. A shed and a portion of the driveway is to be removed. Work is within the WPLO area of the Saugatuck River.
2. **Plans Reviewed:**
  - a. **"Improvement Location Survey"**, prepared for Thomas & Pamela O'Brien, 66 Harbor Road, Westport, Connecticut, prepared by Land Surveying Services, dated April 15, 2024, Scale 1" = 10'.
  - b. **"Drainage Plan, Site Improvements for a Proposed Addition"**, prepared for Thomas & Pamela O'Brien, 66 Harbor Road, Westport, CT, prepared by LandTech, dated June 13, 2024 Scale: 1" = 10'.
  - c. **"Stormwater Management Report"**, for 66 Harbor Road, Westport, CT, prepared by prepared by LandTech, dated June 13, 2024.
  - d. **Architectural Renderings – "O'Brien Residence, 66 Harbor Road, Westport, CT"**, prepared by Richard Swann, Architect, dated October 12, 2022, Scale: As Noted, 8 pages (L1 through A7).
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    - viii. **East Elevation** Sheet A7
3. **Property Description:**

**Location of 25-year flood boundary:** 9 ft. contour interval. Property is located entirely within the Waterway Protection Line Ordinance (WPLO) boundary.

**Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.**

**Proposed First Floor Elevation:** 16.0 ft.

**Proposed Lower Level Elevation:** 7 ft.

**Existing Site Coverage:** 68.0% (1,693 sq. ft.)

**Proposed Site Coverage:** 66.6% (1,658 sq. ft.)

**Existing Building Coverage:** 46.3% (1,152 sq. ft.)

**Proposed Building Coverage:** 61.5% (1,531 sq. ft.)

**Sewer Line:** The existing residence is serviced by municipal sewer.
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **Coastal Area Management:** Property located within CAM zone. The coastal resources are identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area. Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten-meter contour. Shellfish Area areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry. Coastal Flood Hazard Areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serves as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.

6. **Proposed Storm Water Treatment:** The proposed stormwater management system will consist of a 24" deep stone driveway reservoir featuring a 6' perforated PVC pipe embedded within the stone as a subsurface outlet for roof leader discharge. The stormwater runoff from half of the main roof area and covered porch will be diverted to the driveway reservoir.

The "Stormwater Management Report", prepared by LandTech, states that the system will collect the stormwater runoff from the 25-year storm event and will be able to store the first inch of runoff from the impervious areas of the site. The proposed drainage size exceeds the volume of water necessary to accommodate the Water Quality Volume (WQV).

The Flood and Erosion Control Board reviewed and approved this application on July 10, 2024. The proposed drainage system is acceptable to the Engineering Department.

7. **Previous Permits issued:** None

8. **Discussion:**

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

" An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The property at 66 Harbor Road is located at the intersection of Harbor Road and Rowland Place. The property has vehicular access from the Rowland Place roadway. The property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property does not abut intertidal zone. No tidal wetlands are found onsite. The intertidal zone of the Saugatuck River is located across the Harbor Road roadway, ~30' to the northeast of the northeastern property boundary. The intertidal zone is beyond the stone seawall on the opposite side of the road. The Coastal Jurisdiction Line (elevation 5.3') on the property and mean high water line (elevation 3.3' (NAVD88)) are located to the northeast of the property.

Based on the existing spot elevations shown on the site plan, the topography is generally flat. The site gradually slopes from the center of the property to the west (front {roadway}) and eastern (rear {tidal marsh}) portions of the property. The project will include minimal grading around the house and associated improvements leveling out high and low elevations while maintaining the same average site grade of elevation 7.0'. The site plan notes that there will no cut or fill.

The project proposes to elevate and substantially renovate the existing home. The associated work includes removal of an existing shed, removal of a portion of driveway, construction of a new driveway, construction of a balcony, patio, porch and stairs. The new configuration of house and deck will be established within the same footprint of existing development. Overall site coverage is proposed to decrease from 68.0% (1,693 sq. ft.) to 66.6% (1,658 sq. ft.). The proposed dwelling will be built to conform to FEMA standards with the first habitable floor (el. 16.0') established above the 100-year base flood elevation (el. 13'). The Town's Engineering Department found this design to be compliant. The Flood and Erosion Control Board approved the application on July 10, 2024 with no special conditions.

The "Drainage Plan" specifies that the existing above ground propane storage tanks will be anchored to prevent flotation, which is consistent with the FEMA guidance for installing tanks, "Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems".

**Water Quality Considerations:**

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~66.6%, which well exceeds the 10-25% cover that is expected to impact water quality.



Coverage calculations are provided on the site plan. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. The Commission finds that the driveway coverage is being replaced by building coverage for the new addition.

The Soil Erosion and Sediment Control plan depicts one layer of perimeter silt fence beyond the limit of development and a layer around a soil stockpile area at the rear (south) of the property. A detail for the silt fence installation is provided with the site plan notes and details. An anti-mud tracking pad will be installed at the driveway entrance at the southwest corner of the property.

Stormwater calculations are provided with the "Stormwater Management Report". The drainage calculations demonstrate that the driveway stormwater retention area has a total storage volume of 144 cu. ft. which is greater than the 51.85 cu. ft. required by Town drainage standards for the first 1" of runoff from the new development. The site plan demonstrates that the stormwater runoff volume from the roof will be collected by roof leaders and driveway surface and stored within the driveway reservoir. Calculations demonstrate that the applicant provides the required drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The Commission considers the proposed additional drainage and stormwater storage as a benefit, and these features should improve the stormwater quality across the site from the existing conditions. The Commission requires that the design engineer witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The architectural drawings demonstrate that the lower level (elev. 9.5) will include garage areas for three cars, entryways, and storage area. The "Lower Level Plan" demonstrates the lower level will be outfitted with eleven one double Smartvent flood port and one quad Smartvent flood port to meet FEMA compliance.

The Commission finds stormwater quality across the property has the potential to improve with the inclusion of roof runoff being conveyed to stormwater detention areas. The Commission finds the new system represents a significant upgrade to existing conditions. The drainage features should help mitigate any potential impacts to surface water quality within the Saugatuck River from stormwater runoff. The Commission requires the drainage system be certified by the site engineer prior to the issuance of Conservation Certificate of Compliance. The Commission finds that the project may improve the way the site transmits flood water by raising the residence and installing the flood vents on the lower level. The Commission requires that the driveway remain gravel in perpetuity, recorded on the land records in a restrictive covenant.

#### **Natural Habitat Considerations:**

The Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species: great egret (*Ardea alba*) and snowy egret (*Egretta thula*). The Commission finds the existing vegetation around the home does not represent coastal bird nesting habitat, and The Commission expects there will no impacts to listed coastal birds. The proposed development will not extend beyond the general footprint of existing development. The Commission finds that the proposed work will have minimal impact to adjacent intertidal areas. At present, The Commission does not require further consultation to evaluate impact to listed species.

The Commission anticipates there will be some landscape vegetation removal around the existing home to accommodate site work. The Commission assumes a number of perennial shrubs and grasses shrubs will be removed to accommodate construction activities. The applicant does not provide a landscape plan with the application. The new development is not extending any further towards the wetlands than existing conditions. The Commission finds a buffer planting is not necessary for additional stormwater treatment or compensatory habitat creation. Staff recommends the landscape bushes and evergreens that are removed at the front of the house be replaced with native and salt-tolerant trees and shrubs, such as Northern bayberry, red maple, winterberry, or summersweet.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of the Saugatuck River and tidal wetland.

The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the row of silt fence. With the mitigating controls and designs, the potential for short term and long-term adverse impacts from the proposed development to the natural habitat is minimal. The Commission finds the soil stockpiling on the property to be unnecessary. The Commission requires displaced soil to be direct loaded and removed from the site.