

Memorandum

To: Members, Planning and Zoning Commission

From: Amanda Trianovich, Planner

Date: October 2, 2024

Re: 384 Greens Farms Road, Coastal Site Plan Appl. #PZ-24-00481

Statutory Timelines

Application Submission Date: 8/20/24

Application Receipt Date: 9/9/24

Must Decide 65 Days from Date of Receipt: 11/13/24

Work Session Scheduled Due: TBD

Summary

Have all the documents been submitted by the applicant as required in accordance with §44?	Yes.
Were any waivers to submit documents requested by the applicant and granted by the Planning Director in accordance with §44-4?	No.
Were any variances requested from the Zoning Board of Appeals in accordance with §46 or are any waivers requested from the Planning and Zoning Commission in accordance with §44-5?	No.
Does the application appear to meet all applicable zoning requirements? If not, indicate why not.	Yes.
Has the applicant received all necessary prior approvals in accordance with §44-2.1?	Yes. The Aspetuck Health District issued permit #HLTH-2024-00059 for the new house on 8/12/24. The Conservation Department issued an administrative permit #AA-WPLE-11960-24 on 7/10/24.
Other comments?	The Commission does have the authority to schedule a public hearing if they want to engage with the applicant before rendering a decision. Planning and Zoning staff do not perceive this to be necessary.

	<p>The Planning and Zoning Commission should evaluate if the project meets the criteria listed in §31-10, Coastal Area Management, and whether it is in accordance with the <i>2017 Town Plan of Conservation and Development</i>.</p> <p>Confirm the Planning and Zoning staff's conclusion that the application conforms to the Res. AA standards in §12, the Site Plan Standards and Objectives listed in §44-5, and the Special Permit standards listed in §44-6.</p>
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Description of Application

Owner/Applicant	Sachin Anand, owner/applicant
Requested Action	Coastal Site Plan approval
Purpose	To construct a 3-story single-family dwelling, driveway, deck, walkways, and associated landscaping. See the applicant's Statement of Use here .
Existing Zoning	Res. AA
Location	Northeast side of Greens Farms Road, adjacent to Sasco Brook. The lot is wholly within the Coastal Area Management boundary and partially within the 100 and 500-year flood zone (AE 10), PID #I08049000.
Lot Size	1.3575 acres (59,132 SF)
Existing/Proposed Land Use	Single-family residential
Surrounding Land Use and Zoning	Single-family residential / Residence AA District
<i>2017 Plan of Conservation and Development</i>	<p>A Goal of Chapter 6 (Manage Coastal Areas) includes the following:</p> <p>6.1 <i>Preserve coastal resources and carefully manage development in coastal areas (pg. 45).</i></p> <p>6.2. <i>Continue programs and activities that help protect coastal resources, including requiring Coastal buffers (pg. 46).</i></p> <p>6.6 <i>Limit intensification of expansion of development in coastal areas where it is not consistent with current environmental standards or coastal area flood safety standards. (pg. 52).</i></p> <p>6.6 <i>Promote non-structural activities in the coastal area as opposed to groins, seawall revetments, etc. (pg. 52).</i></p>

<p>2017 Plan of Conservation and Development cont...</p>	<p>Chapter 7 (Protect Natural Resources) also provides the following goals: 7.1 Protect natural resources and preserve and enhance the quality of the environment in Westport. 7.2 Seek to reduce and/or control erosion and sedimentation for all sources. (pg. 56)</p>
<p>Zoning History</p>	<p>Variance Appl. #2802 was granted on July 13, 1976, to construct a garage in the Setbacks. On June 10, 2024, a demolition permit was issued, and the lot is now vacant.</p>
<p>Applicable Regulations</p>	<p>§12, Res. AA; §31-10, Coastal Area Regulations; §43/§44, Special Permit and/or Site Plan Procedures/ Documents</p>

Property/Project Description:

Situated at the northern end, 384 Greens Farms Road is a conforming lot encompassing 1.3575 acres within the Residence AA district, where a minimum of 1 acre is required. According to the elevations documented in the Existing Conditions Survey, the topography exhibits a downward gradient toward Sasco Brook from Greens Farms Road. The lot is served by public water and septic. There are 15,603 SF of wetlands and no steep slopes on site.

The lot is wholly within the Coastal Area Management boundary and the rear of the property contains both the 100-year (AE 10) and 500- year flood zones, PID #I08049000.

On July 13, 1976, a Variance was granted to construct a detached garage in the Setbacks. The lot now lies vacant as a demolition permit was issued and executed this summer.

The application proposes to construct a 3-story single family residence outside the flood zone. Additional improvements include a new driveway, septic system, grading, retaining walls, subsurface drainage system, and plantings.



Front Elevation as depicted on the Architectural Plans

Data Table:

	Existing	Proposed	Required/Allowed
Gross Lot Area:	59,132 SF	No change	43,560 SF
Net Lot Area:	46,650 SF	No change	N/A
Total Coverage:	Vacant Lot	8,066 SF 13.6%	11,662.5 SF 25%
Setbacks:			
Front		31.9'	30'
Sides	Vacant Lot	39' & 26'	25'
Rear		>25'	25'
Height and Stories for the single-family residence:	Vacant Lot	3 Stories 29'-1 1/2" HT.	3 Stories 40' HT
Flood Zone Standards: (AE 10)	Vacant Lot	All proposed structures are outside the flood hazard area	Finished First Floor located at El. 10' + 1' freeboard = 11' with proper flood venting*

*Enclosed area measured from exterior face in accordance with FEMA Technical Bulletin 01, Requirements for Flood Openings in Foundation Walls and Walls of Enclosures, March 2020

Analysis

This property lies within the Coastal Area Management Boundary, as defined by C.G.S. §22a-94, and therefore, a CAM review is required in accordance with C.G.S. §22a-109 and the Town of Westport Zoning Regulations §31-10.2 (Location) and §31-10.5 (Coastal Site Plan Requirements).

§31-10.6.3 of the zoning regulations requires CAM Site Plan review as the proposed new single-family house is within one hundred (100) feet of tidal wetlands.

Coastal Resources: The applicant has noted that the following coastal resources are present on site or within the influence of the project: General Coastal Resources, Freshwater Wetlands and Watercourses, and Tidal Wetlands.

According to the [Cahn, Inc. Map](#), the following coastal resources have been identified as either on and/or adjacent to the site: General Coastal Resources, Coastal Flood Hazard Area, and Tidal Wetlands. The coastal resources are defined in the *Connecticut Coastal Management Manual* and are defined as follows:

Coastal Hazard Areas: "Coastal hazard areas" are statutorily defined as those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended (U.S.C. 42 Section, 4101, P.L. 93-234) and all erosion hazard areas as determined by the Commissioner.

Coastal hazard areas encompass most other important coastal resources, can serve as flood storage areas, and provide numerous open space and recreational opportunities. They are, by their nature, hazardous areas for structural development, especially residential type uses. This resource is located on and adjacent to the site.

Tidal Wetlands: “Tidal Wetlands” are “those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marshes, swamps, meadows, flats, or other lowlands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some plant species.

Tidal wetlands are areas of high nutrient and biological productivity that provide detrital products forming the base of the food web in Long Island Sound. Tidal wetlands provide habitat, nesting, feeding, and refuge areas for shorebirds; serve as a nursery ground for larval and juvenile forms of many of the organisms of Long Island Sound and of many estuarine-dependent oceanic species; and provide significant habitat for shellfish.

Flood Zone: The rear of the lot is partially located within the bounding limits of the 100-year Flood Line, designated AE 10’ as shown on Panel #09001C0551G (effective 7/8/13) of the FIRM maps and the 500-year Flood Line. All proposed structures are outside of the flood hazard area.

Sediment and Erosion Controls: 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 are surrounded by silt fencing and consistent with CAM policies.

Stormwater Management: The *Connecticut Coastal Management Manual* encourages storm water management systems which provide that the volume of runoff generated by the first one inch of rainfall is retained on-site and that the post-development runoff rates and volumes do not exceed pre-development runoff and volumes. CAM policies encourage a reduction in impervious cover adjacent to coastal waters and other sensitive coastal resources.

As described by the applicant in the Coastal Site Plan Application,

“Engineered storm [sic] water system is fully designed to ensure that the volume generate by first inch of rain water is retained on site.”

This is consistent with CAM policies.

The Town Engineer, Edward Gill, reviewed the Site Plan and stated in his comments dated 9/16/24, *“The storm water drainage system as depicted on the plans substantially complies with the Town of Westport Engineering Department Drainage Standards.”*

Vegetated Buffer: The Office of Long Island Sound Program Fact Sheet for Vegetated Buffers, by the Connecticut Department of Environmental Protection states the following,

“Buffers protect resources from adjacent development by reducing the adverse effects of human activities on natural resources including wetlands and surface waters. They protect water quality and temperature, control erosion and trap sediment, protect and provide wildlife habitat, reduce the effects of flooding, reduce the potential for direct human disturbance of sensitive resources, and maintain aesthetic diversity and recreational value. A buffer provides a mosaic of interdependent functions. Installation of a buffer area can also lessen lawn maintenance requirements by reducing the area of manicured landscape.”

The Department of Energy and Environmental Protection (CT DEEP) Office of Long Island Sound Fact Sheet on Vegetated Buffers suggests that *“large buffers (e.g. 100 feet or greater in width) provide the best protection for water quality by buffering temperature changes and improving control of erosion, sedimentation and pollution. However, even a narrow buffer (15 to 30 feet in width) can be effective under certain conditions.”*

The buffer must consist of native salt tolerant plantings and will be required to remain in perpetuity in order to:

- Reduce the adverse effects of human activities on natural resources including wetlands and surface waters by acting as filters to intercept and absorb nutrients, sediment and other pollutants carried in storm water runoff from fertilized lawns and landscaping where pesticides are applied.
- Slow down runoff, which both reduces erosion and allows silt and other suspended solids to settle out before they reach a receiving water body or wetlands; and
- Trap bacteria and pathogens from pet wastes and thereby preserving water quality.

The applicant proposes a Tidal Wetland buffer, 80' in length, 15' wide to protect the coastal resource as seen here on the [Planting Plan](#).

Summary of Coastal Review

The coastal site plan review concludes the application may be considered consistent with the goals and policies of the CAM act. The following recommendations are included in the CAM report:

1. The proposed anti-tracking construction entrance and silt fencing should be installed prior to commencement of construction and remain in place until the lot is stabilized which will help to limit possible sediment movement into the coastal resources.

§44-5 lists the Site Plan Standards and Objectives the Commission must consider in reviewing the Coastal Site Plan application.

§31-10.7.4 requires the Commission to determine whether the application is consistent with all applicable goals and policies of the CAM act. The application appears to conform to all applicable standards and objectives and may be considered consistent with the goals and policies of the CAM act. The Commission may approve, approve with modifications, or deny the application as deemed necessary. A denial may only be considered if the application fails to conform to the zoning regulations.

The Commission does have the authority to schedule a public hearing if they want to engage with the applicant before rendering a decision.

CONCLUSION

Prior to issuance of a Zoning Permit, assuming the application is approved, the applicant should:

1. Obtain final approval from the Engineering Department

Prior to the issuance of the Zoning Certificate of Compliance, assuming the application is approved, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor.

Department Comments

Conservation Department:	<p>The Conservation Department issued an administrative permit #AA-WPLE-11960-24 on 7/10/24.</p> <p>Nathan Hartshorne, Conservation Compliance Officer, submitted comments dated 9/25/24 stating the revised plans do not require updated approvals.</p>
Engineering Department:	<p>Comments prepared by the Town Engineer dated 9/16/24 state, <i>"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."</i></p> <p>Prior to obtaining a Zoning Permit, the high-level outflow from the drainage system shall be revised.</p> <p>The Town Engineer stated that the Storm Water Drainage System, Grading, and S&E Controls all substantially comply with the Town of Westport standards.</p>
Aspetuck Health District:	<p>The Aspetuck Health District issued permit #HLTH-2024-00059 for the new house on 8/12/24.</p> <p>Mark Cooper, Director of Health, submitted comments dated 10/2/24 stating the revised plans are consistent with the approved plans.</p>

A formal field trip is NOT scheduled but Commission members are encouraged to visit the site individually to obtain site orientation.

Available in the File and Online on the Town's website [here](#):

- Health District Comments prepared by M.Cooper submitted and dated 10-2-24
- Cellar Calculations, dated 9-30-24 prepared by Nafis & Young Engineering, Submitted 10/1/24 by S.Anand
- Excavation & Fill Calculations, dated 9-16-24 prepared by Nafis & Young Engineering, submitted 9/26/24 by S.Anand
- Existing Survey, dated 7-8-24 prepared by Nafis & Young Engineering, submitted 9/13/24 by S.Anand
- S&E Control Plan, dated 8-2-24 prepared by Nafis & Young Engineering, submitted 9/13/24 by S.Anand
- Septic Design Map, rev 8-2-24 prepared by Nafis & Young Engineering, submitted 9/13/24 by S.Anand
- Site Plan, rev 9-26-24 prepared by Nafis & Young Engineering, submitted 9/30/24 by S.Anand
- Application Form, Submitted 8/20/24 by S. Anand
- Coastal Area Management Application Form prepared by S. Anand on 8/12/24 and submitted on 8/20/24
- Coastal Area Management (CAM) Narrative, dated 8/12/24 prepared by and submitted by S. Anand
- Statement of Use prepared by D. Nafis, PE., LS, dated 8/19/24, submitted by S. Anand
- Tax Assessor's Field Card submitted by S. Anand
- Neighbor Notice Letter submitted by S. Anand
- List of Neighbors notified, submitted by S. Anand
- Tax Assessors Map showing neighbors notified, submitted by S. Anand
- Certification of Neighbor Notification submitted by S. Anand
- Wetland Delineation, by William Kenny Associates, dated 7/18/23, submitted by S. Anand on 8/20/24
- Planting Plan by Nafis & Young, dated 8/16/24, submitted by S. Anand
- Building Plans by D. Fairbanks Architects, dated 8/16/24 (8 Sheets), submitted by S. Anand
- Health District Permit dated 8/20/24 submitted by S.Anand
- Conservation Permit #AA-WPLE-11960-24 dated 7/10/24 submitted by S. Anand
- Engineering Comments 9/16/24
- Conservation Department Comments, 9/25/24
- ZBA Appl. #2802 submitted by P&Z Staff on 9/26/24
- CAHN Inc. Map Depicting Coastal Resources submitted by P&Z Staff on 9/26/24