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Subject: 28 Beachside Westport  
Filing # 118630  
NDDDB – New Determination Number: 202409731  
28 Beachside Ave  
Westport

Expiration Date: 9/26/2026

Current data maintained by the Natural Diversity Database (NDDDB) and housed in the DEEP ezFile portal indicates that populations of the following State Endangered, Threatened, or Special Concern species (RCA Sec. 26-306) have been documented within the project area or in close proximity to the proposed Building and Infrastructure Development (including stormwater discharge associate with construction) / New Residential - single lot, 28 Beachside Westport.

- Great egret (*Ardea alba*)
- Snowy egret (*Egretta thula*)
- Little blue heron (*Egretta caerulea*)
- Yellow-crowned night-heron (*Nyctanassa violacea*)
- Glossy ibis (*Plegadis falcinellus*)
- Northern diamondback terrapin (*Malaclemys terrapin terrapin*)

In accordance with the project information provided in your request submittal, implementation of the following Best Management Practices will avoid negative impacts to listed species:

Common Name	Great egret
Scientific Name	<i>Ardea alba</i>
Taxa	bird
Status <sup>1</sup>	T
General Ecology	This is a bird that usually nests in a mixed species colony with other heron species, called a rookery. In Connecticut, rookeries are on offshore island but can occur in wooded wetland areas. Nests are typically built 20-40 feet above ground in trees. Breeding usually begins mid-April and runs through August. Disturbance to nesting rookeries by both predators and people is the main threat to this species in Connecticut, followed by degradation of wetland habitat used for foraging. Setback from nesting colonies of 660 feet (200 meters) for all activities during nesting season as well as reducing wetland disturbance and enhancing

	wetland function in foraging areas within 10 km of rookeries will benefit this species.
<b>Best Management Practice</b>	<b>Impact from this project can be minimized if you follow any applicable Best Practices and monitoring associated with your project activities and/or permit requirements, minimize impact to and loss of preferred habitat, and include any protection measures included here in the Species General Ecology that relate to your project activities before, during, and after completion.</b>
Common Name	Snowy egret
Scientific Name	<i>Egretta thula</i>
Taxa	bird
Status <sup>1</sup>	T
General Ecology	This is a bird that usually nests in a mixed species colony with other heron species, called a rookery. Of these rookery nesting species, Snowy egret has the highest regional concern due to rapidly decreasing populations. In Connecticut, rookeries are on offshore islands. Nests are typically built 20-40 feet above ground in trees. Breeding usually begins mid-April and runs through August. Disturbance to nesting rookeries by both predators and people is the main threat to this species in Connecticut, followed by degradation of wetland habitat used for foraging. Setback from nesting colonies of 660 feet (200 meters) for all activities during nesting season as well as reducing wetland disturbance and enhancing wetland function in foraging areas within 5 km of rookeries will benefit this species. If your project is not offshore, it is likely that your project falls in critical foraging habitat for the snowy egret. Critical foraging habitats preferred by these species include marshes, swamps, ponds, shores, and tideflats with a diet consisting of mainly fish and crustaceans. Foraging efficiency is greatly reduced if foraging individually. Do not disturb flocks of foraging herons and egrets. Do not introduce new excessive or unpredictable noise or activity to wetland complexes that will cause birds to flush during April-August, especially before 10am, when largest flocks will form.
<b>Best Management Practice</b>	<p><b>Avoid new excessive or unpredictable noise or activity to wetland complexes that will cause birds to flush between April 15- August 15. Temporary construction, activity, and path of travel should keep a 100ft buffer from wetlands, or be confined to existing impervious surface or other existing turf or gravel areas.</b></p> <p><b>Do not permanently fragment marsh into blocks smaller than 12 acres. Fragmentation includes roads, docks, boardwalks, fencing, and filling. DEEP monitoring of secretive nesting marsh birds across the state indicates declines across all indicator species indicative of the gradual decline in the quality and function of these wetland complexes. Any extra impact in this habitat will further exacerbate these declines.</b></p> <p><b>Avoid shoreline development of large marsh complexes. It will increase indirect effects of water quality change and general disturbance of the marsh. Where feasible, include buffer for terrestrial development of 300ft.</b></p> <p><b>Do not change water quality, turbidity, temperature, or chemistry of wetland complex. Do not introduce invasive species into wetland. Never do a complete drawdown wetlands to prevent die-off of dragonflies, fish. Partial drawdowns are acceptable outside of breeding season (April 15-August 15). Large motorized boats should be excluded from wetlands to avoid flooding and capsizing nests by wave action.</b></p> <p><b>Avoid creating collision hazards for Birds and Bats. Glass collisions including residential windows indiscriminately kill 1 billion birds a year. Develop or renovate your building façade and site design strategy to make the building and site structures visible barriers to birds. Bat collisions are less well understood, but smooth vertical surfaces affect bats' abilities to avoid collisions.</b></p> <p><b>Limit interior and exterior night lighting. Lighting, temporary or permanent should not be directed towards suitable bat habitats. Security lighting should always be down-shielded to keep light within the boundaries of the site.</b></p> <p><b>Take steps necessary to assure that construction is designed, built, and operated in accordance with the standards and requirements of the LEED Green Building Rating System Pilot Credit #55. The USGBC releases revised versions of the LEED Building</b></p>

	<p><b>Rating System on a regular basis, and you should refer to the most current version when beginning a new building or construction project or renovation.</b></p> <p><b>Visit American Bird Conservancy website for more guidance:  <a href="https://abcbirds.org/program/glass-collisions/">https://abcbirds.org/program/glass-collisions/</a></b></p>
Common Name	Little blue heron
Scientific Name	<i>Egretta caerulea</i>
Taxa	bird
Status <sup>1</sup>	SC
General Ecology	This is a bird that usually nests in a mixed species colony with other heron species, called a rookery. In Connecticut, rookeries are on offshore island but can occur in wooded wetland areas. Nests are typically built 20-40 feet above ground in trees. Breeding usually begins mid-April and runs through August. Disturbance to nesting rookeries by both predators and people is the main threat to this species in Connecticut, followed by degradation of wetland habitat used for foraging. Setback from nesting colonies of 660 feet (200 meters) for all activities during nesting season as well as reducing wetland disturbance and enhancing wetland function in foraging areas will benefit this species.
<b>Best Management Practice</b>	<b>Impact from this project can be minimized if you follow any applicable Best Practices and monitoring associated with your project activities and/or permit requirements, minimize impact to and loss of preferred habitat, and include any protection measures included here in the Species General Ecology that relate to your project activities before, during, and after completion.</b>
Common Name	Yellow-crowned night-heron
Scientific Name	<i>Nyctanassa violacea</i>
Taxa	bird
Status <sup>1</sup>	SC
General Ecology	The yellow-crowned night-heron favors coastal marshes and nests and roosts in adjacent trees. This bird's primary source of food is crabs. This bird occasionally will be found in a mixed species colony with other heron species, called a rookery. In Connecticut, rookeries with most of our state listed species are on offshore island but can occur in wooded wetland areas. Nests are typically built 20-40 feet above ground in trees. Breeding usually begins mid-April and runs through August. Disturbance to nesting rookeries by both predators and people is the main threat to this species in Connecticut, followed by degradation of wetland habitat used for foraging. Setback from nesting colonies of 660 feet (200 meters) for all activities during nesting season as well as reducing wetland disturbance and enhancing wetland function will benefit this species.
<b>Best Management Practice</b>	<b>Impact from this project can be minimized if you follow any applicable Best Practices and monitoring associated with your project activities and/or permit requirements, minimize impact to and loss of preferred habitat, and include any protection measures included here in the Species General Ecology that relate to your project activities before, during, and after completion.</b>
Common Name	Glossy ibis
Scientific Name	<i>Plegadis falcinellus</i>
Taxa	bird
Status <sup>1</sup>	SC
General Ecology	This is a bird that usually nests in a mixed species colony with other heron species, called a rookery. In Connecticut, rookeries with most of our state listed species are on offshore island but can occur in wooded wetland areas. Nests are typically built 20-40 feet above ground in trees. Breeding usually begins mid-April and runs through August. Disturbance to nesting rookeries by both predators and people is the main threat to this species in Connecticut, followed by degradation of wetland habitat used for foraging. Setback from nesting colonies of 660 feet (200 meters) for all activities during nesting season as well as reducing wetland disturbance and enhancing wetland function will benefit this species.

<b>Best Management Practice</b>	<p><b>Impact from this project can be minimized if you follow any applicable Best Practices and monitoring associated with your project activities and/or permit requirements, minimize impact to and loss of preferred habitat, and include any protection measures included here in the Species General Ecology that relate to your project activities before, during, and after completion.</b></p>
<b>Common Name</b>	Northern diamondback terrapin
<b>Scientific Name</b>	<i>Malaclemys terrapin terrapin</i>
<b>Taxa</b>	reptile
<b>Status<sup>1</sup></b>	SC
<b>General Ecology</b>	<p>Northern diamondback terrapin is a turtle that inhabits salt marshes and salt or brackish tidal waters. They can also be found on mud flats, shallow bays, coves, and tidal estuaries. Adjacent sandy dry upland areas are required for nesting. Nesting takes place in June-July on salt marshes and adjacent beach areas. The peaks of hatching occurrences are April – June and September – November. This species overwinters in depressions in the bottoms of estuaries, creeks, and salt marsh channels composed of muddy and fine grain sediments. Terrapins move to dormant sites when waters reach 42-50°F and emerge in April.</p>
<b>Best Management Practice</b>	<p><b>Land disturbance activities need to consider local habitat features and apply fencing and/or time of year restrictions as appropriate. We recommend you consult with a herpetologist familiar with preferred habitats to assist you with proper techniques to ensure the best protection strategies are employed for your site and the scope of your project.</b></p> <ul style="list-style-type: none"> <li>• <b>Work that is confined to the upland can be conducted without risk to Northern diamondback terrapin between October 1- April 30.</b></li> </ul> <p><b>In the event that upland construction cannot be completed during the winter months then the work may be performed between May 1-September 30, in accordance with the protection measures and Best Management Practices below:</b></p> <ul style="list-style-type: none"> <li>• <b>Silt Fencing should be installed around the upland work area, including staging and stockpiling areas, prior to commencement of construction and will be inspected daily.</b></li> <li>• <b>A visual inspection should be conducted once silt fencing is in-place and prior to start of any work activity to locate any potential turtles.</b></li> <li>• <b>All work personnel will be notified to be alert for the potential presence of the turtles and will be provided with a description of the species. Any turtle that may be discovered will be carefully moved, without harm, to a location outside the work area, and positioned in the same orientation that it had been moving. NO turtles will be removed or relocated from the area.</b></li> <li>• <b>No vehicles or machinery should be parked in any identified turtle habitat that is unfenced.</b></li> <li>• <b>Take special care to avoid harm to basking or foraging individuals during any work conducted in the early morning and evening hours.</b> <ul style="list-style-type: none"> <li>• <b>Report any observations of these turtles to our DEEP-NDDDB Program at <a href="mailto:deep.nddbrequest@ct.gov">deep.nddbrequest@ct.gov</a> as soon as possible.</b></li> </ul> </li> </ul> <p><b>To protect hibernating Northern diamondback terrapin conduct your ground disturbance that will affect the bottoms and sides of tidal creeks within salt marshes during the active season (April 1- October 31). This will allow the turtle to move out of harms way. Additionally:</b></p> <ul style="list-style-type: none"> <li>• <b>Ensure construction activities will not create a barrier to turtle movements. No channels should be completely blocked to passage.</b></li> <li>• <b>The work crew must be made aware of the species description and possible</b></li> </ul>

	<p style="text-align: center;">presence</p> <ul style="list-style-type: none"> <li>• The immediate area where heavy equipment will be used each day should be searched for turtles before starting work using mechanical equipment</li> <li>• Any turtles found during the construction should be moved out of the way. This animal is protected by law and should never be taken off site.</li> <li>• Work conducted during early morning and evening hours should occur with special care not to harm basking individuals.</li> </ul> <p>Site should be assessed to limit threats including, but not limited to road crossings, marine collisions, abandoned crab pots, and subsidized predators. We recommend that you work with a qualified biologist to ensure minimal impact to Northern diamond-backed terrapin at your project site.</p> <p>Creating structures such as bulkheading to harden the coastline can reduce or eliminate terrapin habitat, cause terrapins to travel farther as they encounter shoreline barriers in search of nesting sites, and force terrapins to nest in suboptimal habitat. If shorelines are in need of protection from erosion, consider installing living shorelines instead of hardening the shoreline. This online mapping tool created by UCONN CLEAR can help you assess which living shoreline technique is best for your area. (<a href="http://www.arcgis.com/apps/MapSeries/index.html?appid=150edfcff35d4103afe8a20856067c05">http://www.arcgis.com/apps/MapSeries/index.html?appid=150edfcff35d4103afe8a20856067c05</a>) If removal or alternates for hardened structures are not feasible, there may be options to allow terrapin access to nesting habitat. Work with a qualified biologist to ensure minimal impact.</p>
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<sup>1</sup>E = State Endangered, T = State Threatened, SC = State Special Concern, FE = Federally Endangered, FT = Federally Threatened, NA = Not applicable.

Your submission information indicates that your project does not require a state permit, license, registration, or authorization and does not utilize state funding or involve state agency action. Therefore, this NDDB – New determination **MAY NOT** be utilized to fulfill the Endangered and Threatened Species requirements for state-issued permit applications, licenses, registration submissions, and authorizations. If, at a later date, it is determined that the project will require a state permit, license, registration, or authorization, or, your project now utilizes state funding or includes state agency action, you will need to re-submit a Request for Review and answer “Yes” to the appropriate question.

Please be aware of the following limitations and conditions:

Natural Diversity Database information includes all information regarding listed species available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection’s Natural History Survey and cooperating units of DEEP, land owners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as enhance existing data. Such new information is incorporated into the Database and accessed through the ezFile portal as it becomes available. New information may result in additional review, and new or modified restrictions or conditions may be necessary to remain in compliance with certain state permits.

- During your work listed species may be encountered on site. A report must be submitted by the observer to the Natural Diversity Database promptly and additional review and restrictions or conditions may be necessary to remain in compliance with certain state permits. Please fill out the

[appropriate survey form](#) and follow the instructions for submittal.

- If your project involves preparing an Environmental Impact Assessment, this NDDDB consultation and determination should not be substituted for conducting biological field surveys assessing on-site habitat and species presence.
- This determination applies only to the project as described in the submission and summarized at the end of this letter. Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes, including if work has not begun by 9/26/2026.
- If biological surveys have been conducted in accordance with Best Management Practices provided, please forward a copy of the results to the address listed at the end of this letter. Include the Project Name and Determination Number on all correspondence.

The NDDDB – New determination for the 28 Beachside Westport at 28 Beachside Ave, Westport, as described in the submitted information and summarized at the end of this document is valid until 9/26/2026. This determination applies only to the project as described in the submission and summarized at the end of this letter. Please re-submit an updated Request for Review if the project's scope of work and/or timeframe changes, including if work has not begun by 9/26/2026.

This letter is computer generated and carries no signature. If however, any clarification is needed, or, if you have further questions, please contact the following:

CT DEEP Bureau of Natural Resources  
Wildlife Division  
Natural Diversity Database, 6<sup>th</sup> floor  
79 Elm Street,  
Hartford, CT 06106-5127  
(860) 424-3011  
[deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov)

Please reference the Determination Number provided in this letter when you e-mail or write. Thank you for submitting your project through DEEP's ezFile portal for Natural Diversity Database reviews.

Application Details:

Project involves federal funds or federal permit:	No
Project involves state funds, state agency action, or relates to CEPA request:	No
Project requires state permit, license, registration, or authorization:	No
DEEP enforcement action related to project:	
Project Type:	Building and Infrastructure Development (including stormwater discharge associate with construction)
Project Sub-type:	New Residential - single lot
Project Name:	28 Beachside Westport
Project Description:	

# 28 Beachside Westport Map



September 26, 2024

