



**Town of Westport**  
**Planning and Zoning Commission**  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Tel: 203-341-1030 Fax: 203-454-6145  
www.westportct.gov

Hearing: February 11, 2021  
Decision: February 11, 2021

February 12, 2021

Chris Eggers, P.E.  
RACE Coastal Engineering  
611 Access Road  
Stratford, CT 06615

**RE: 26 and 28 Beachside Avenue, Coastal Site Plan Appl. #PZ-21-00028**

Dear Mr. Eggers:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on February 11, 2021 it was moved by Mr. Cammeyer and seconded by Ms. Walsh to adopt the following resolution:

**RESOLUTION #PZ-21-00028**

WHEREAS, THE PLANNING AND ZONING COMMISSION met on February 11, 2021 and made the following findings:

Background

1. 26 Beachside Avenue is a conforming 2.43 acre lot located in the Res. AAA district, where 2 acres is required. There are 1,330 SF of tidal wetlands and 1,361 SF of steep slopes on the property. The survey shows that the property is highest around the house at El. 20' and slopes down to El. 4' along the east property line. The house is wholly located in the X flood zone, outside the 100-year flood zone. The property is connected to septic system. The property is vacant as the previous house was demolished in 2018.
2. The lot at #28 is conforming to lot size with 3.23 acres with a 7,445 SF right of way and 4,766 SF accessway, which are both deducted from the gross lot area. There are 1,660 SF of tidal wetlands and 390 SF of steep slopes on the property. The survey shows that the property ranged from El. 3.84 in middle of the property up to El. 22 in southwest portion of the property then down to El. 3.3 at Mean High Water Line of Long Island Sound. The property is vacant as the previous house was demolished in 2018.

3. Both #26 and #28 are located within the Coastal Area Management (CAM) boundary, WPLO and located within the 100-year flood zone, which is designated as AE El. 13' and VE El. 14' on Panel #09001C0552G. The lots are protected by a concrete seawall and six timber groins.
4. The lots were created as part of a resubdivision of property owned by Louis Schweister and The Thompson Park Company, approved by the Planning and Zoning Commission in 1963, and shown on land record Map #5578. #26 was approved as a 2.34 acre lot without frontage on a public street as this was not required at the time. The lot is accessed by a right-of-way which extends from Beachside Avenue to 26 Beachside Avenue, over 28 Beachside Avenue.
5. This property lies within the Coastal Area Management (CAM) 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 §31-10.6.
6. §31-10.6 of the zoning regulations require a Coastal Site Plan application for any use, activity or project which is proposed to be located either wholly or partially within the Coastal Boundary unless exempt. As the proposed activity is occurring within the Coastal Boundary and is not exempt, a Coastal Site Plan review is required.
7. The following coastal resources have been identified on the site or within the influence of the project: General Resources, Shorelands, Modified Bluffs and Escarpments, Beaches and Dunes and Nearshore Waters.

### Proposal

8. The applicant is seeking to construct two flow through staircases to access the beach (one on each property), repair damaged sections of the pre-1934 concrete seawall that spans both properties and remove timber groins from the beach. Each staircase will have an 8' wide x 32' long x 3' deep concrete foundation that will be supported by (8) helical anchors.
9. Each staircase will have an 8' wide x 32' long x 3' deep concrete foundation that will be supported by (8) helical anchors. The purpose for the helical anchor is that the Federal Emergency Management Agency (FEMA) specifies that all structures located within the VE zone shall be supported by piles (helical anchor) to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. In addition, FEMA requires that structures be designed to account for erosion and scour. The placement of the helical anchors allows the structure to meet the requirements specified by FEMA.
10. Approval for the project was obtained by the CT DEEP on 11/5/20, per Permit #201912672-SDF.

11. Comments from the Engineering Department dated 2/10/21 indicate the plan is substantially complete and requires no further submissions. However, prior to issuance of the zoning permit, the applicant shall submit certification from their Professional Engineer that the proposed construction conforms to VE Zone standards and a suitable dewatering plan shall be submitted.
12. Approval from the Westport-Weston Health District is not required as the lots are vacant.
13. The Conservation Department comments dated 2/4/21 indicate that since the activity is outside the WPLO boundary and it is eligible for a WPL/E, a permit will not be required.
14. The Westport Planning and Zoning Commission has determined that 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, Shorelands, Modified Bluffs and Escarpments, Beaches and Dunes and Nearshore Waters) identified in Sections 22-93 (a) (7) of said Act.

**NOW THEREFORE, BE IT RESOLVED that 26-28 Beachside Avenue:** Appl# PZ-21-00028 submitted by Andrew Bentley & Fiona Garland for properties owned by Fiona Garland (26 Beachside Ave) and Andrew Bentley (28 Beachside Ave) to construct two flow through staircases to access the beach (one on each property), repair damaged sections of the pre-1934 concrete seawall that spans both properties, and remove timber groins from the beach, located in Residential AAA zone, PID#G05002000/ PID#G05001000 be **APPROVED** subject to the following modifications:

1. Conformance to the CT DEEP Permit #201912672-SDF, dated 11/5/20.
2. Conformance to CAM Site Plan Application Materials, prepared by Andrew Bentley and Fiona Garland, dated 12/30/20 and 1/2/21.
3. Conformance to Site Plan, prepared by RACE, dated 8/20/20 (12 Sheets).
4. Conformance to Existing Conditions Survey, prepared by Leonard Surveyors, dated 3/25/19, revised 9/1/19.
5. Conformance to Engineering Department comments dated 2/10/21.
6. Conformance to CAM recommendations contained in the Staff Report, dated 2/48/21.
7. All projects requiring permits from the Department of Public Works shall obtain permits before commencement of that work.
8. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced.

9. 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.
10. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
  - A. Obtain final approval from Engineering Department for the dewatering plan; and
  - B. Certification from their Professional Engineer that the proposed construction conforms to VE Zone standards.
11. 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.
12. 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.
13. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by February 11, 2026.
14. 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.

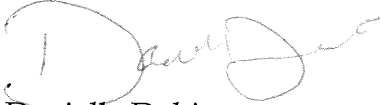
**Reasons:**

The application as conditioned has been found to be in conformance with all applicable zoning regulations and is consistent with the *2017 Plan of Conservation and Development*.

**VOTE:**

|             |     |   |
|-------------|-----|---|
| AYES        | -7- | {Dobin, Lebowitz, Walsh, Stephen, Cammeyer, Laskin, Cohn} |
| NAYS        | -0- |   |
| ABSTENTIONS | -0- |   |

Very truly yours,



Danielle Dobin  
Chairman, Planning & Zoning Commission

cc: P. Friia, Tax Assessor  
K. Wilberg, Town Engineer