

EXCAVATION AND FILL APPLICATION

WESTPORT PLANNING AND ZONING COMMISSION

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SPECIAL PERMIT & SITE PLAN

**CAM = COASTAL AREA
MANAGEMENT SITE PLAN**

FOR OFFICE USE ONLY

Application # _____

Submission Date: _____

Receipt Date: _____

Fee: _____

1. Property Address: _____
(As Listed on Assessor's Card available in Room 104)
2. PID # (9 Digits – Staff will provide) _____ Zone: _____
3. Does this project involve the demolition of any structures 50 yrs+ old? No If Yes = Visit HDC Rm 108, 341-1184.
4. This property is connected to: Septic or Sewer
5. Applicant's Name: _____ Daytime Tel #: _____
Applicant's Full Address: _____ Zip Code: _____
E-Mail: _____
6. Owner of Record: _____ Daytime Tel #: _____
Owner's Address _____ Zip Code: _____
E-Mail: _____
7. Zoning Board of Appeals Case # (if any) _____
8. Area of Project: _____ Estimated Cubic Yards _____
9. Average height/depth of Project: _____
10. Description of the project: _____
11. This property Is Is NOT within 500 feet of an adjoining municipality.
12. Estimated time needed for this presentation: _____

The P&Z Director, his/her designee, or the P&Z Commission may require an applicant to pay for hiring one or more outside consultants to assist the P&Z staff and Commission in analyzing, reviewing, and reporting on areas requiring technical review.

I hereby certify that the above information is correct and that I have submitted all pertinent documentation required by the zoning application.

Applicant's Signature (If different than owner)

Owner's Signature (Must be signed ¹)

1. If the applicant is unable to obtain the property owner's signature, an Authorization Letter signed by property owner may be submitted instead, as per §43-3.3

APPLICATION REQUIREMENTS

- Plans & surveys must not exceed 24'x36
- All plans and surveys must also be in PDF digital format signed and sealed.
- All revisions, supplemental plans, reports, and/or documents will require a new digital copy.

1. **Application Form:** Must be filled out in its entirety. If any document is missing or incorrect the Application will not be accepted until we receive the items required.
2. **Application Fee** – Cash or Check, made payable to **Town of Westport**, per above fee schedule above.
Note: After-the-fact applications are subject to double the application fee
3. A written statement describing the existing and proposed use.
4. **Existing Conditions Survey:** 1 copy, signed and sealed & to scale as required in accordance with §44-1 of Westport Zoning Regulations
5. **Site Plan and/or Building Plans** (if applicable): 1 copy, detailed and to scale.
6. **Coastal Area Management Application:** If in the CAM zone, submit a copy of the completed CAM application along with P&Z Submission.
7. **Excavation & Fill:** A written narrative from the project Engineer identifying how the project conforms to excavation and fill standards listed in §32-8.3.2 of the Westport Zoning Regulations
8. **Neighbor Notification Process:** Pursuant to Public Act 06-80 all P&Z applicants are required to submit a Certificate of Mailing. The proof of mailing must be returned to the office up to 48 hours after submission along with a copy of the 250' neighbor list, assessor's map, & field card. Required documents can be found at: <https://www.axisgis.com/WestportCT/>.

Note: The neighbor notifications must be mailed the same day as you submit your application. Premature mailings may result in a supplemental mailing.

9. The applicant is required to send written notice to the State Commissioner of Public Health and also to the local Water Company for any application located within Aquifer Protection Overlay Zone, which is depicted on the official Westport Zoning Map.

As per Pursuant to Public Act 06-53 - All P&Z & ZBA Applications received after 10-01-06.

MEMORANDUM

To: Planning & Zoning Staff

From: Michelle Perillie, *Planning & Zoning Director*

Date: September 01, 2018

Subject: **Reviewing Excavation & Fill pursuant to Amendment #626, Regulation Sec 32.**

The following is a series of questions that you may need to answer when reviewing grading plans to determine if an excavation & fill application is required:

- 1) ***Is all of the proposed regrading within 25 feet of a principal building or structure, driveway, swimming pools, tennis court, sports court or septic system?***

If all of the proposed regrading is located within 25 feet of the items listed above then a separate Excavation & Fill Application is NOT required. See §32-8.1.2(a).

If all proposed regrading is located within 5 feet of the new subsurface drainage system on the same premises then a separate excavation & fill application is NOT required. See §32-8.1.2(b).

- 2) ***Is the proposed regrading part of a Subdivision, Site Plan or Special Permit application that is already going to be reviewed by the Planning & Zoning Commission?***

If the proposed regrading is part of one of the above referenced application type that is to be heard by the Planning & Zoning Commission a separate excavation and fill application is NOT required. See §32-8.1.2(c)

- 3) ***Does the proposed regrading extend beyond the limits in an application that was originally approved by the Planning & Zoning Commission?***

If in the course of issuing a Zoning Permit regrading activities extend beyond the scope of what was approved by the Planning & Zoning Commission as part of a Subdivision, Site Plan or Special Permit application a separate excavation & fill application will YES be required. See §32-8.1.2(c)

- 4) ***When do the standards in Westport Regulations §32-8.3 apply?***

All regrading activities must comply with the standards found in §32-8.2 even those activities that meet the exemption criteria in §32-8.1. See §32-8.1

- 5) ***Is landscaping or the temporary removal and stockpiling of top soil a regulated activity?***

No. §32-8.1.2(i) specifically exempts landscaping or the temporary stockpiling of top soil from being considered a regulated activity.

- 6) ***Is pumping of groundwater to the surface permitted when it changes natural drainage patterns?***

No it is not. Pumping of groundwater to the surface that changes natural drainage patterns is prohibited. See §32-8.3.10

7) What is the maximum amount of excavation or fill that can be allowed on property?

See §32-8.2.1(a) For lots of 10,000 SF or more (1 acre example)

Lot area (43,560) x Coverage (0.25) = 10,890 x 10 = 108,900 / 27 = 4,033 X 0.5 = 2,017 cubic yards of cut or fill allowed

For lots under 10,000 SF the maximum amount of cut or fill is 500 cubic yards (see 32-8.2.1(c))

8) What is the maximum fill height allowed on a property?

The maximum fill height, is relative to the distance from the property line but in no location can it exceed 10 feet. See §32-8.2.3. The fill height cannot exceed a ratio 0.20 relative to the distance to the property line. See the chart below for examples:

| <u>Distance from Property Line</u> | | <u>Maximum Fill Height</u> |
|------------------------------------|--------|----------------------------|
| 50 feet | X 0.20 | 10 feet |
| 30 feet | X 0.20 | 6 feet |
| 25 feet | X 0.20 | 5 feet |
| 20 feet | X 0.20 | 4 feet |
| 15 feet | X 0.20 | 3 feet |
| 7.5 feet | X 0.20 | 1.5 feet |

9) Are cuts and fills counted separated or are they cumulative?

Cuts and fills are added together to obtain the net cut and fill. See §32-8.2.6. This means that even material that is excavated from and reused on the same site must be counted in the cut and fill calculations.

10) Is any grading taking place within 5 feet of the property line?

§32-8.3.2 prohibits any regrading within 5 feet of the property line. If there is grading within 5 feet of the property line that is not associated with a driveway the application cannot be approved and may require a variance.

11) Can exempt activities (within 25 feet of a building or structure), be done without a permit?

No. §32-8.1.1 requires that zoning permits be issued before any activities can be considered exempt except for incidental landscaping, repairs and stockpiling of top soil.



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Email: pandz@westportct.gov
www.westportct.gov

Neighbor Notification Instructions for P&Z Commission Applications:

1. Go to <https://www.axisgis.com/WestportCT/>
2. Hit “I Agree” when prompted by the GIS disclaimer.
3. Click on “Search” and enter the property’s address for your application.
4. When the addresses populate below the search bar, select the correct address.
5. A parcel box will populate; within that box, click “Vision Online Property Records.”
6. A new window will open; here you will click on “Field Card” in red.
 - a. Print one (1) copy to submit with your application.
 - b. Exit the new window and field card.
7. Select “Abutters” next to the search bar in GIS.
 - a. Enter the appropriate number of feet and then hit select.

(Note) – The radius of abutters for Municipal Improvement, Special Permit/Site Plan, Subdivision/Re-Subdivision applications should be 250ft. The radius of abutters for Map Amendments should be 500ft.)

- b. On the right side of the screen, click on the printer to “Print Current Map”, select “Print PDF”, then once the green box appears, select “Print” and a new window will open
 - c. Print one (1) copy of this map for your application.
 - d. Exit the new window.
8. Select “PDF” next to “Abutters Report.”
 - a. Print one (1) copy of this document for your application.
 - b. Exit this window.
9. Select “PDF” next to mailing labels, then click “Mailing Labels PDF” to generate labels.
 - a. Print two (2) copies – one for your certificate of mailing (blank copy attached to your application) and another copy to place on your envelopes.
 - b. Exit this window.

Once you’ve gathered the above information: Fill out your P&Z Notice Letter (blank copy attached to your application) and mail out to your abutters within 48 hours of handing in your application. **Please remember** to write/stamp your envelopes with “**Urgent Town Notice**” and use our address as the return label (110 Myrtle Ave, Planning and Zoning Room 203, Westport, CT 06880). It is required that an additional letter be mailed to the Westport Planning and Zoning Department as part of your application.

Envelopes are sold in the Planning and Zoning Office for .50 per envelope.

An “**Urgent Town Notice**” stamp is also located in the Planning and Zoning office to complete envelope requirements.

If you need assistance, please call (203) 341-1030 or e-mail pandz@westportct.gov

P&Z Notice Letter

To whom it may concern:

Date: _____

This letter is being sent to you to make you aware of the Application listed below.

Notice is hereby given that _____ has filed a _____
(Applicant's Full Name) (List Type of Application)

For Listed Proposed Project Description below:

With the Town of Westport / **Planning and Zoning**

For approval for _____
(Address of Property)

The public hearing date for this application will be, scheduled at the discretion of the P&Z Commission.
A Notice of Public Hearing for this application will be published on the town's website.

To view application details please: Visit www.westportct.gov under *P&Z Pending Applications & Recent Approvals*.

To submit comments for above project: Mail or E-mail letter to pandz@westportct.gov.

For Future Reference:

If you wish to receive E-mail Notifications of future hearings follow these directions:

1. Go to Town Website at www.westportct.gov
2. On the top tool bar Click: **How Do I . . .**
3. On the left tool bar Click the following in order: **Communicate with the Town** then **Subscribe to Westport Emergency, Meetings, and News eNotifications**
4. Scroll down to **Meeting & News eNotifications** and type in your E-mail Address and your Name.
5. Click each **Board / Committee / Category** you want to receive E-mail Notifications from.
6. When you complete your selections, Click: **Submit**.
7. You will soon receive an E-mail confirmation.

Thank you, _____
(Applicant's Full Name)



Town of Westport
Planning and Zoning Department
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Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145 Email: PandZ@westportct.gov
www.westportct.gov

TO: Whom it May Concern
FROM: Michelle Perillie, Planning & Zoning Director
DATE: Effective Sept. 1, 2022
SUBJECT: Complete Applications & Receipt of Materials

THIS NOTICE IS FOR ALL APPLICANTS FILING APPLICATIONS FOR REVIEW BY THE PLANNING & ZONING STAFF, or COMMISSION or THE ZONING BOARD OF APPEALS

Applicants should submit all materials necessary to review an application in a timely manner to allow for adequate time for review by staff, members of the Planning and Zoning Commission and/or members of the Zoning Board of Appeals.

Applications will not be officially received until P&Z Staff determines it is complete for purposes of determining deadlines for action by the respective staff and elected officials pursuant to State Statutes and local zoning regulations. Requirements for a complete application are listed on the application forms available on-line in the FORMS section [here](#), or by contacting the P&Z Office.

Revised materials may be submitted. A plan revision fee may be required if staff determines the changes are significant. Revision fees equal 50% of the original application fee, see *Westport Zoning Regulations Appendix A, Land Use Fees*, available on-line [here](#) or by contacting the P&Z Office.

A cover letter should accompany revised materials to facilitate review by staff and elected officials.

Useful Information for All Applicants

P&Z Staff is available daily to respond to questions and/or discuss applications before submission. Discussions can be scheduled in-person, via Zoom, or via Microsoft Teams. General questions can be answered over the phone.

Check to confirm submission of items often missed that can delay obtaining an approval including:

- The application fee (\$). Make check made payable to "Town of Westport" or submit cash;
- Proposed survey or site plan signed by a licensed surveyor or engineer (if required);
- Building Plans drawn to scale (if required);
- Owner's authorization if the application is being submitted by other than the owner of the property;
- All application requirements: application form, survey, building plans, owners authorization, other departmental approvals (such as Health Dept., Conservation Dept.) submitted electronically for loading into the permitting software system.

Time Needed for Review:

Materials submitted less than 14 days prior to a hearing will be received into the record as required in accordance with the Connecticut General Statutes. Items submitted less than 14 days prior to a public hearing or at a public hearing, may not be reviewed or discussed until the next scheduled hearing. A hearing may be left open if substantial materials are submitted by an applicant less than 7 days prior to the hearing to allow adequate time for review by staff, members of the Planning and Zoning Commission and/or members of the Zoning Board of Appeals. This requirement may be waived by the Chairman of the elected Commission and/or Board at its discretion.

Thank you for your cooperation.

WESTPORT CONNECTICUT
PLANNING & ZONING
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WESTPORT, CT 06880
Tel: 203-341-1030 • 203-341-1079
Fax: 203-454-6145

September 01, 2018

Site Visits

Please be advised that a formal site visit of the Planning & Zoning Commission may be Scheduled prior to the Public Hearing at which the Application is scheduled. Staff will advise you if a formal site visit is scheduled.

Furthermore, Planning & Zoning Commission members and/or staff may decide to carry out informal, independent site visits to the subject property. These visits may take place during the two week period prior to the Public Hearing at which the Application is scheduled.

We thank you for your cooperation.

Please feel free to contact the Planning & Zoning office if you have any questions or there are any special circumstances which might affect site visits.

Michelle Perillie,
Planning & Zoning Director