

Memorandum

To: Members, Planning and Zoning Commission

From: Michelle Perillie, Planning and Zoning Director

Date: November 4, 2024, (Corrected on Nov. 14, 2024 for Work Session Date)

Re: 14 Owenoke Park, Coastal Site Plan Appl. #PZ-24-00599

Statutory Timelines

Application Submission Date: 10/10/24

Application Receipt Date: 10/28/24

Must Decide 65 Days from Date of Receipt: 1/1/25

Work Session Scheduled: 11/18/24

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 Flood and Erosion Control Board approved the project at their 10/9/24 meeting, see minutes . The Conservation Commission approved the project pursuant to #WPL-12002-24 on 10/16/24.
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. A standards in §13, 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	Owenoke Park Partners, LLC, owner/ Cindy Tyminski, Monn Gardens LLC, applicant
Requested Action	Coastal Site Plan approval
Purpose	To construct a new single-family dwelling with pool, patio, driveway, and associated drainage and septic system. See the applicant's Narrative .
Existing Zoning	Res. A
Location	North side of Owenoke Park, adjacent to Grays Creek. The lot is wholly within the Coastal Area Management boundary and partially within the 100 -year flood zone (AE 13), PID #D03002000.
Lot Size	0.725 acres (31,574 SF)
Existing/Proposed Land Use	Single-family residential
Surrounding Land Use and Zoning	Single-family residential / Residence A 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>2017 Plan of Conservation and Development cont...</p>	<p>6.6 Promote non-structural activities in the coastal area as opposed to groins, seawall revetments, etc. (pg. 52). 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>On May 1, 2023, a demolition permit was issued, and the lot is now vacant.</p>
<p>Applicable Regulations</p>	<p>§13, Res. A; §31-10, Coastal Area Regulations; §43/§44, Special Permit and/or Site Plan Procedures/ Documents</p>

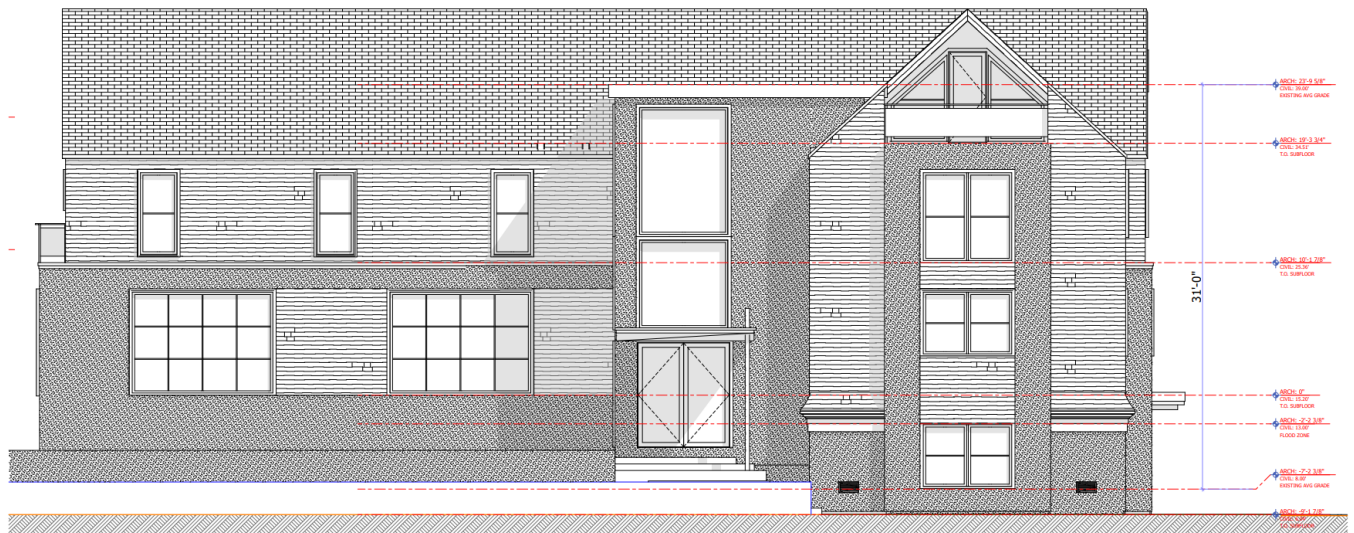
Property/Project Description:

14 Owenoke Park is a conforming lot encompassing 0.725 acres within the Residence A district, where a minimum of 0.5 acre is required. According to the elevations documented in the Existing Conditions Survey, the topography exhibits a downward gradient toward Grays Creek from Owenoke Park. The lot is served by public water and sewer. There are 2,899 SF of tidal wetlands and no steep slopes on site.

The lot is wholly within the Coastal Area Management boundary and the rear of the property contains the 100-year (AE 13) flood zones.

The application proposes to construct a 2-story single family residence compliant with the flood zone regulations. Additional improvements include a new driveway, subsurface drainage system, and tidal wetland buffer plantings.

Figure 1. Front Elevation as depicted on the Architectural Plans, prepared by Tanner White, dated 8/20/24



Data Table:

	Existing	Proposed	Required/Allowed
Gross Lot Area:	31,574 SF	No change	21,780 SF
Net Lot Area:	29,254 SF	No change	N/A
Building Coverage:	Vacant Lot	3,371 SF 11.52%	15%
Total Coverage:	Vacant Lot	6,135 SF 20.97%	7,314 SF 25%
Setbacks:			
Front		45'	30'
Sides	Vacant Lot	20' & 65'	15'
Rear		30'	25'
Height/Stories for the single-family residence:	Vacant Lot	2 Stories/31' from average existing grade to midpoint	2 Stories/26' from average existing or proposed grade, whichever is lower, (Additional 5' permitted per §6-3.3*)
Flood Zone Standards: (AE 10)	Vacant Lot	Finished Floor to be constructed at 15.2' with unfinished area at 6.5' with flood openings	Finished First Floor located at El. 13' + 1' freeboard = 14' with required 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

**§6-3.3 permits building height for principal buildings may be increased by up to an additional five feet; (Maximum of 31') for an existing or new structure located within the Special Flood Hazard Area specifically, when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings).

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, Coastal Hazard Area, Coastal Waters, Freshwater Wetlands and Watercourses, Intertidal Flats 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. This resource is located on and adjacent to the site.

Flood Zone: The lot is wholly located within the bounding limits of the 100-year Flood Line, designated AE 13’ as shown on Panel #09001C0551G (effective 7/8/13) of the FIRM maps. The proposed dwelling complies with flood zone regulations as the first finished floor is located at El. 15.2 and the utility equipment pad is proposed at 14.1. The flood vents will need to be modified prior to issuance of the zoning permit per Engineerign Department comments dated 10/25/24.

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,

“Stormwater Best Management Practices have been used on site and will improve the existing conditions. Underground stormwater galleries have been provided that will capture the roof discharges and run-off from pervious surfaces and are sized to accommodate the first inch of runoff produced during a 25-year storm event.”

This is consistent with CAM policies.

The Town Engineer, Edward Gill, reviewed the Site Plan and stated in his [comments dated 10/25/24](#), *“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.”*

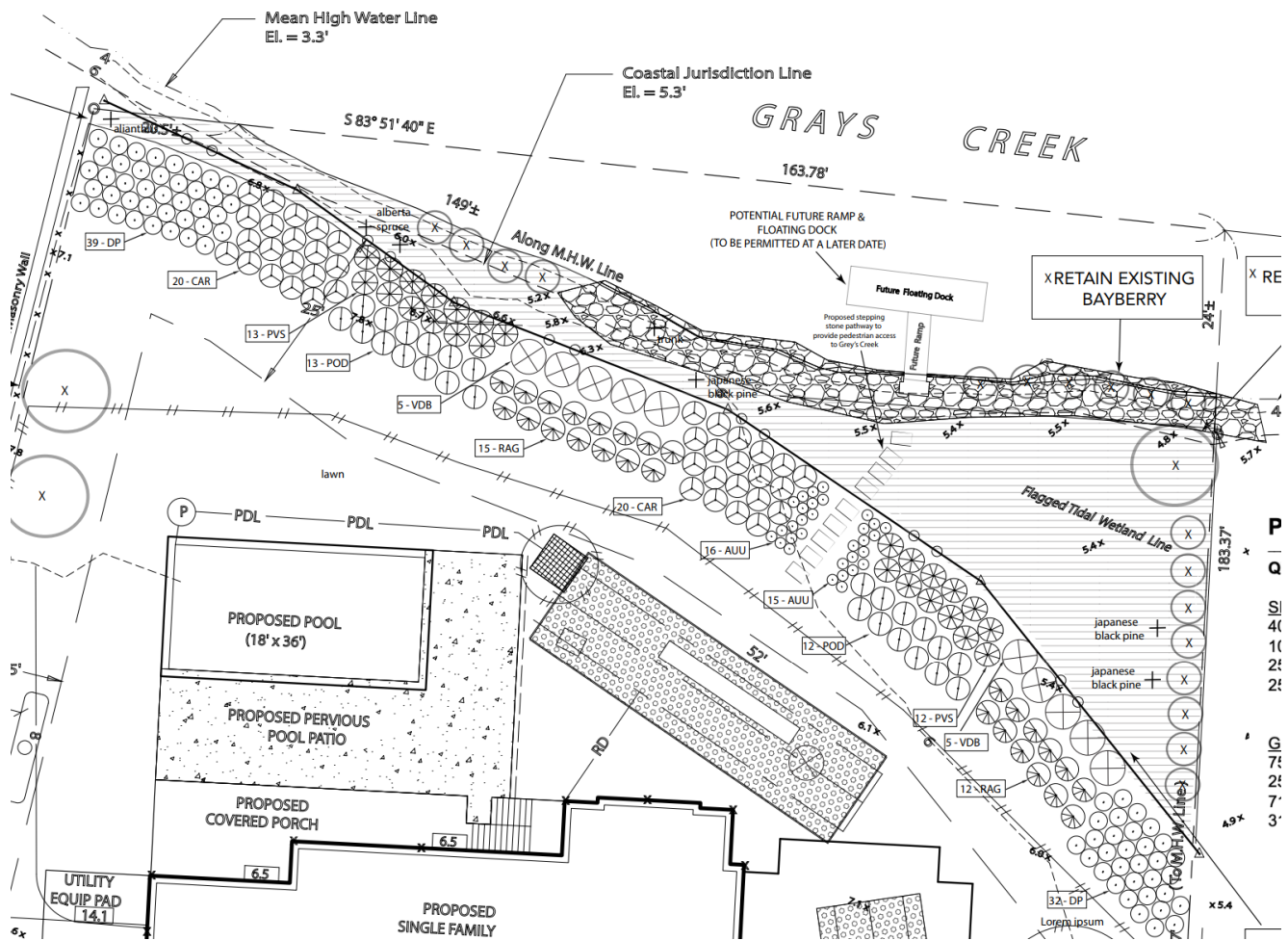
The buffer must consist of native salt tolerant plantings and will be required to remain in perpetuity in order to:

- 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 the removal of non-native and invasive plants such as Ailanthus, bittersweet vine, English ivy and grape vines. The landscape plan indicates that the tidal wetland will be restored with 750 plugs of saltmeadow cordgrass. A wetland buffer will be planted 15 feet wide with 100 shrubs and 127 herbaceous perennials. This will protect the coastal resource as seen here on the [Planting Plan](#).

Figure 2. Buffer Plantings as depicted on Planting Plan prepared by Moon Gardens, LLC dated 9/6/24



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.
2. The installation of the proposed Tidal Wetland buffer as required by the Conservation Commission.

§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. Modify the building plans to provide adequate flood venting; and
2. 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:	The Conservation Commission approved the project pursuant to # WPL-12002-24 on 10/16/24.
Engineering Department:	“The proposed activity does not have any adverse engineering impacts with respect to drainage, grading, or other public safety considerations. While the granting of this approval is at the discretion of the Commission, we find no issues in our review that would preclude such action.” 10/25/24

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

Application materials are available in the File and Online on the Town’s website [here](#).