

Memorandum

To: Members, Zoning Board of Appeals
From: Michelle Perillie, AICP; Planner/CFM
Date: January 13, 2020
Re: Coastal Site Plan Review, ZBA #7767, 521 Riverside Avenue

BACKGROUND

The applicant has proposed to expand the existing patio in the rear of the building by constructing a pergola with louvered roof over a portion of the patio. The site is located in the Restricted-Office Retail District (RORD #2) and is serviced by town sewer and the public water supply. The gross lot area is 1.53 acres or 66,600 square feet and the property is within the 100-year flood zone.

521 Riverside Avenue is located within the Coastal Area Management Boundary, as defined by C.G.S. §22a-94; therefore a CAM review is required in accordance with C.G.S. §22a-109 and the *Town of Westport Zoning Regulations* §31-10.

§31-10.6 of the Zoning Regulations requires that a CAM Site Plan application be filed for any use, activity or project as defined in §22a-105(b) of the CAM Act, which is proposed to be located either wholly or partially within the Coastal Boundary. §31-10.6.7 of the Zoning Regulations identifies the proposed non-residential activity is not exempt from requiring a CAM review as the proposed activity is occurring on property abutting coastal waters and does not represent a "minor" activity as defined in §31-10.6.7.

ZBA PROPOSAL

The applicant has requested relief from:

- Setbacks (§22-4); and
- Setbacks from wetlands (§31-7).

COASTAL RESOURCES

The applicant has noted that following coastal resources are present on site or within the influence of the project: General Resources, Coastal Hazard Area, Coastal Waters, Developed Shorefront and Tidal Wetlands.

According to the Cahn, Inc. Map, the following coastal resources have been identified as either on site or within influence of the project: General Resources, Coastal Hazard Area, Coastal Waters and Developed Shoreline.

The Connecticut Coastal Management Manual, September 2000 provides the following information about these resources. Coastal Flood Hazard Areas can serve as flood storage areas and by their very nature are hazardous areas for structural development, especially residential-type uses. Developed Shorefronts are harbor areas that have been highly engineered and developed resulting in alteration of natural physiographic features. Coastal Waters are saline waters under low flow stream conditions that areas of high primary and secondary productivity. Tidal Wetlands are areas that border or lie beneath tidal waters and that support or could support tidal wetland vegetation.

FLOOD ZONE

The site is partially located within the bounding limits of the 100-year Flood Line (AE 10) as shown on the Panel #090019C0551G (effective 7/8/13) of the FIRM maps. The proposal includes modifying the patio which is not required to comply with the floodplain regulations so the proposal is consistent with CAM policies.

SEDIMENT AND EROSION CONTROLS

The proposal will require minimal disturbance; therefore, sediment and erosion controls will not be required.

STORM WATER MANAGEMENT

The *Connecticut Coastal Management Manual* encourages stormwater management systems which provide that the volume of runoff generated by the first one-inch of rainfall (the water quality volume) 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 coverage adjacent to coastal waters and other sensitive coastal resources.

The proposal does not increase stormwater runoff as all changes are within the existing footprint.

VEGETATIVE 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 Environmental Protection 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 applicant has submitted a Conservation Planting Plan which consists of a significant mixture of trees, shrubs and herbaceous plants which varies in width from 4 feet to 14 feet and will be installed between the existing seawall and existing walkway. The plan has been approved by the Conservation Commission. Staff does not feel an additional buffer is necessary.

CONCLUSION

The Westport Zoning Board of Appeals may find 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 identified in Sections 22-93 (a) (7) of said Act if the following recommendations are implemented:

1. Conformance to the Conservation Planting Plan.

Available in the File:

- Coastal Resources map prepared by Cahn, Inc. for the Town of Westport's participation in the CAM program, Section
- Conservation Planting Plant, prepared by Artemis Landscape Architects, dated 9/18/19, revised 11/14/19 (2 sheets)
- Existing Conditions Survey, prepared by Dennis A. Deilus, dated 10/22/18, revised 12/16/19
- Proposed Survey, prepared by Dennis A. Deilus, dated 7/16/19, revised 12/16/19
- Building Plans, prepared by Jon Halper, dated 3/23/18

RE: 521 Riverside - Spec. Per. # 19-041 - As-Built - *CONS.*

From: "Mozian, Alicia" <AMOZIAN@westportct.gov>
To: barrplan , "Tyminski, Cindy"
Cc: "Montagna, Laurie" <lmontagna@westportct.gov>, "Kelly, Colin" <ckelly@westportct.gov>, "Young, Mary" <maryyoung@westportct.gov>
Subject: RE: 521 Riverside - Spec. Per. # 19-041 - As-Built
Date: Oct 1, 2019 2:55 PM

Hi Cindy,

Colin and I reviewed this with Mel along with our photos and we concur with Mel that the patio that is out there now is what our Commission approved.

Alicia

From: barrplan <barrplan@earthlink.net>
Sent: Tuesday, October 1, 2019 2:37 PM
To: Tyminski, Cindy <ctyminski@westportct.gov>
Cc: Montagna, Laurie <lmontagna@westportct.gov>; Young, Mary <maryyoung@westportct.gov>; Mel Barr <barrplan@earthlink.net>; Mozian, Alicia <AMOZIAN@westportct.gov>
Subject: RE: 521 Riverside - Spec. Per. # 19-041 - As-Built

Cindy

I am now aware of the SE corner discrepancy. The surveyor failed to show this "jog" in the patio, but it was included in the patio extension that Conservstion approved.

I will have the survey map and planting plans updated to show it

Mel

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Tyminski, Cindy" <ctyminski@westportct.gov>
Date: 10/1/19 1:58 PM (GMT-05:00)
To: Mel Barr <barrplan@earthlink.net>
Cc: "Montagna, Laurie" <lmontagna@westportct.gov>, "Young, Mary" <maryyoung@westportct.gov>
Subject: RE: 521 Riverside - Spec. Per. # 19-041 - As-Built

The plan does not show the what is in the field.

See the picture you submitted to demonstrate the paving pattern that entire corner.

That area is not demonstrated on the plans. If you come in you can see; I drew it in with pencil on the site plan in the file.

Cindy

Cindy Tyminski, AICP

Deputy Director
Planning & Zoning Department
(203) 341 1077

From: Mel Barr <barrplan@earthlink.net>

Sent: Tuesday, October 1, 2019 1:47 PM

To: Tyminski, Cindy <ctyminski@westportct.gov>

Cc: Montagna, Laurie <lmontagna@westportct.gov>; Young, Mary <maryyoung@westportct.gov>; Barr Mel <barrplan@earthlink.net>

Subject: RE: 521 Riverside - Spec. Per. # 19-041 - As-Built

Cindy;

The As-Built Plan showing the extended patio (the unauthorized work) was submitted to you back on July 26th with our Spec. Per. Appli.

Refer to the existing conditions survey titled "Zoning Location Map of Property" by D Deilus dated Oct. 22, 2019.

The "Proposed Map of Property" dated 7/16/19 shows the same existing conditions patio with the proposed pergola added.

What else are you looking for ??

Mel



**TOWN OF WESTPORT
CONSERVATION DEPARTMENT**

TOWN HALL – 110 MYRTLE AVENUE
WESTPORT, CT 06880
P 203.341.1170 F 203.341.1088

PLANNING & ZONING TRANSMITTAL
MEMORANDUM

DATE: September 3, 2019
TO: Cindy Tyminski, Deputy Director P&Z
FROM: Colin Kelly, Conservation Analyst 
RE: 521 Riverside Avenue #19-041

This property does not contain inland wetlands, however, it does abut tidal portions of the Saugatuck River. This department holds jurisdiction over the property under the Waterway Protection Line Ordinance (WPLO) which is established at fifteen feet landward from elevation 9.0'. The Conservation Department reviewed the application materials for the "Proposed Patio Modification with an Accessory Shade Structure" For the Saugatuck Rowing Club, SRC Realty Group, LLC. Submitted as application to your Commission.

The Conservation Department issued a staff level permit, #WPL/E-10809-19, for legalizing the patio and plantings on August 1, 2019. The Conservation Commission allowed staff to issue the permit for the patio and walkway at the December 12, 2018 hearing. The Commission requested a few conditions to be completed before final signoff, a copy of the permit is attached.

The applicant was required to submit a performance bond to cover the cost of the proposed planted buffer between the seawall and patio. This was received on April 18, 2019 for \$1,080.00. Additionally, the applicant will be required to designate the "public walkway" portion of the patio by use of stones or paver materials to distinguish between the two prior to final issuance of the Conservation Certificate of Compliance.

The "Conservation Planting Plan & Details" plan by Artemis Landscaping, Dated 7/26/19, were approved for this permit. These plans were included as part of your review materials.

The Conservation Department also has approved a permit, #WPL/E-10582-18 for a louvered roof over the terrace. Staff issued this approval on April 5, 2018, updated/reissued on August 1, 2019. A copy of the permit is attached. This work will require minimal site disturbance and will pose no issues for water quality. Construction will be over the existing terrace. The Conservation Commission was aware of this permit at the site walk and December hearing.

Thank you for the opportunity to comment.



FILE COPY

WESTPORT CONSERVATION DEPARTMENT APPROVAL

PROJECT LOCATION 521 RIVERSIDE AVE

APPLICATION # WPL/E-10809-19

Approval Date 8/1/2019

GIS ID B06039

PROPERTY INFORMATION

Applicant Name Sarah Connolly obo Howard Winklevoss

Owner Name SRC Realty Group LLC

Applicant Address 521 RIVERSIDE AVE

Other Owner

Second Address

Owner Address 521 RIVERSIDE AVE

Applicant Phone 203-221-7475

Second Address

Project Description

Owner Phone 203-2211-7475

Legalize Patio Extension and Installation of Proposed Plantings

Comments

Conservation Planting Plan & Details Saugatuck Rowing Club, LLC 521 Riverside Avenue Westport, CT - Drawn by Artemis Landscape Arch, 2pgs, Dated 7/26/19.
Proposed Map of Property Prepared for Saugatuck Rowing Club, LLC 521 Riverside Avenue Westport, CT - Drawn by Dennis Deilus, Dated 7/16/19

The Application has been classified as requiring the following ruling:

DECLARATORY No

SUMMARY No

PLENARY No

Public Hearing of application by the Conservation Commission:

Required No

If "Yes" Scheduled For

Public Sewer No

As-Built Required No

APPLICATION STATUS

Health District Approval n/a

Engineering Approval n/a

Zoning Approval Not Approved

After preliminary review by the department staff, the following areas, resources and levels of environmental licensure have been identified:

This approval is valid for (9) years from the date that it is signed by the Conservation Director or until the issuance of a Conservation Certificate of Compliance, and is subject to the following data/plans(s), conditions, modification and stipulations:

Please Note: The Conservation Department shall be notified 48 hours prior to work commencement for inspection of erosion controls (i.e. silt fence, hay bales) where applicable. Trees and vegetation to be removed existing within 25' of the Town of Westport Inland Wetland boundary must be marked and approved by Conservation prior to removal.

Restrictions, Conditions, Limitations

Patio encroaches within the WPLO. The Conservation Commission allowed for legalization of patio by staff at the 12/12/18 hearing with Conditions. Installation of plantings required as shown on "Conservation Planting Plan & Details" prepared by Artemis Landscape Arch. The plantings will create a buffer between the patio and the seawall. A Bond was submitted 4/18/19 to cover the cost of proposed buffer plantings. The bond will be held for one full growing season upon completion of plantings. Contact Conservation when planting is initiated onsite and again when all plants are installed. Any excess material must be taken offsite. No debris or material will be allowed to enter the watercourse. The "public walkway" portio of new patio will be installed to design and dimensions shown on plan to differentiate walkway from patio. This will be done with the use of stones or pavers materials to show a continuation of path as on the approved plans. All areas must be stabilized for issuance of CCC. Please contact Conservation Department for final inspection.

Administrative Approval Fee \$550.00

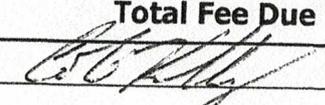
Commission Approval Fee \$200.00

Conserv Cert of Compliancy Fee \$300.00

State Fee \$0.00

Notice Fee \$30.00

Total Fee Due \$1,080.00

Approved By 

Date 8/1/2019

(OVER)



WESTPORT CONSERVATION DEPARTMENT APPROVAL

PROJECT LOCATION 521 RIVERSIDE AVE

APPLICATION # WPL/E-10809-19

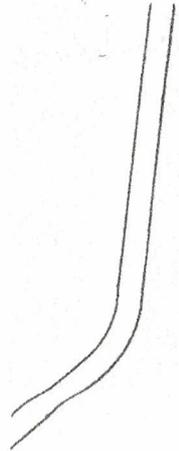
Approval Date 8/1/2019

GIS ID B06039

Applicant John A. Fisher

Date 8/1/2019

Please take a few minutes to offer your feedback at www.westportct.gov/landusesurvey Your answers will be kept confidential.



PERMIT	Patio + Plantings		
DEPARTMENT	DATE	BY	PERMIT #
HEALTH			
CONSERVATION	8/1/19	CBM	WPLE-10809-19
ENGINEERING			
P.S.Z.			
W.P.			
ENVIRONMENTAL			
BUILDING			

Conservation Plan

Saugatuck Ro
521 Riverside Avenue

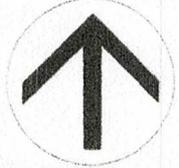
(TYP.)

ISSUE DATES

NOTES:

1. BASE MAP FROM SURVEY PREPARED BY DENNIS A. DEILUS - LAND SURVEYORS (108 MAINSTREET, 2ND FLOOR, NORWALK, CT, 203-750-8832) DATED OCTOBER 22, 2018.

**PROGRESS DRAFT
NOT FOR CONSTRUCTION**

JOB #	
DRAWN BY	JL
DATE	07/26/2019
SCALE	1"=20'
NORTH	SHEET
	L-100.00

BASE LOT AREA CALCULATION

GROSS LOT AREA	= 66,600± S.F.
WETLANDS	= 0 S.F.
STEEP SLOPES (25%±)	= 0 S.F.
(0+0) X 80 %	= 0 S.F.
66,600± -- 0 S.F.	= 66,600± S.F.
BASE LOT AREA	= 66,600± S.F.

EXISTING LOT COVERAGE

36,765± S.F. ÷ 66,600± S.F. = 55.2%

EXISTING BUILDING COVERAGE

9,660± S.F. ÷ 66,600± S.F. = 14.5%

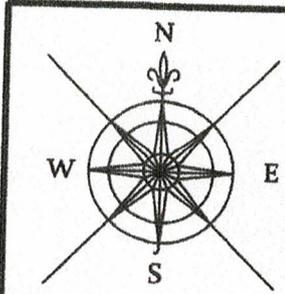
PROPOSED LOT COVERAGE

38,129± S.F. ÷ 66,600± S.F. = 57.3%

PROPOSED BUILDING COVERAGE

11,024± S.F. ÷ 66,600± S.F. = 16.6%

MIT	DATE	DESCRIPTION	REVISION
	8/1/19	Patro Peryda Plantings	

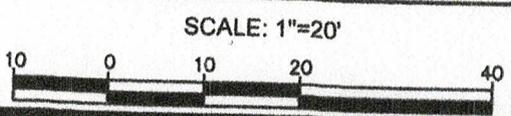


PROPOSED MAP OF PROPERTY
 PREPARED FOR
SAUGATUCK ROWING CLUB, LLC
 521 RIVERSIDE AVENUE
 WESTPORT, CT.

PREPARED BY: SM
 REVIEW: DENNIS A. DEILUS

DATE: 7/16/19

DD NO.:
 SHEET NO.: 1



DENNIS A. DEILUS - LAND SURVEYORS
 108 MAIN STREET, 2ND FLOOR, NORWALK, CT. 06851
 P. 203-750-8832

FILE COPY



WESTPORT CONSERVATION DEPARTMENT APPROVAL

PROJECT LOCATION 521 RIVERSIDE AVE

APPLICATION # WPL/E-10582-18

Approval Date 8/1/2019

GIS ID B06039000

PROPERTY INFORMATION

Applicant Name Mel Barr Barr Associates, LLC

Applicant Address 25 SYLVAN ROAD SOUTH

Second Address

Applicant Phone 203-454-9933

Owner Name SRC Realty Group LLC

Other Owner

Owner Address 521 RIVERSIDE AVE

Second Address

Owner Phone 203-221-7475

Project Description

Construct a louvered roof over the existing terrace

Comments

Proposed Map of Property Prepared for Saugatuck Rowing Club, LLC 521 Riverside Avenue Westport, CT - Drawn by Dennis Deilus, Dated 7/16/19
Saugatuck Rowing Club Westport, CT - Drawn by Halper Architects LLC, Dated 3/13/18

The Application has been classified as requiring the following ruling:

DECLARATORY No

SUMMARY No

PLENARY No

Public Hearing of application by the Conservation Commission:

Required No

If "Yes" Scheduled For

Public Sewer No

As-Built Required Yes

APPLICATION STATUS

Health District Approval n/a

Engineering Approval n/a

Zoning Approval Not Approved

After preliminary review by the department staff, the following areas, resources and levels of environmental licensure have been identified:

This approval is valid for (9) years from the date that it is signed by the Conservation Director or until the issuance of a Conservation Certificate of Compliance, and is subject to the following data/plans(s), conditions, modification and stipulations:

Please Note: The Conservation Department shall be notified 48 hours prior to work commencement for inspection of erosion controls (i.e. silt fence, hay bales) where applicable. Trees and vegetation to be removed existing within 25' of the Town of Westport Inland Wetland boundary must be marked and approved by Conservation prior to removal.

Restrictions, Conditions, Limitations

1. Construction of louvered roof will use pier footings and steel posts. Excavation of materials will be limited to those 10 footing areas.
2. Keep disturbance area to a minimum. Any excess material will be taken offsite.
3. Keep any construction material or debris from entering the river/water.
- 4 Contact Conservation Department for final inspection. Site must be stable for final signoff.

Administrative Approval Fee \$25.00

Commission Approval Fee

Conserv Cert of Compliancy Fee \$300.00

State Fee \$0.00

Notice Fee \$15.00

Total Fee Due \$340.00

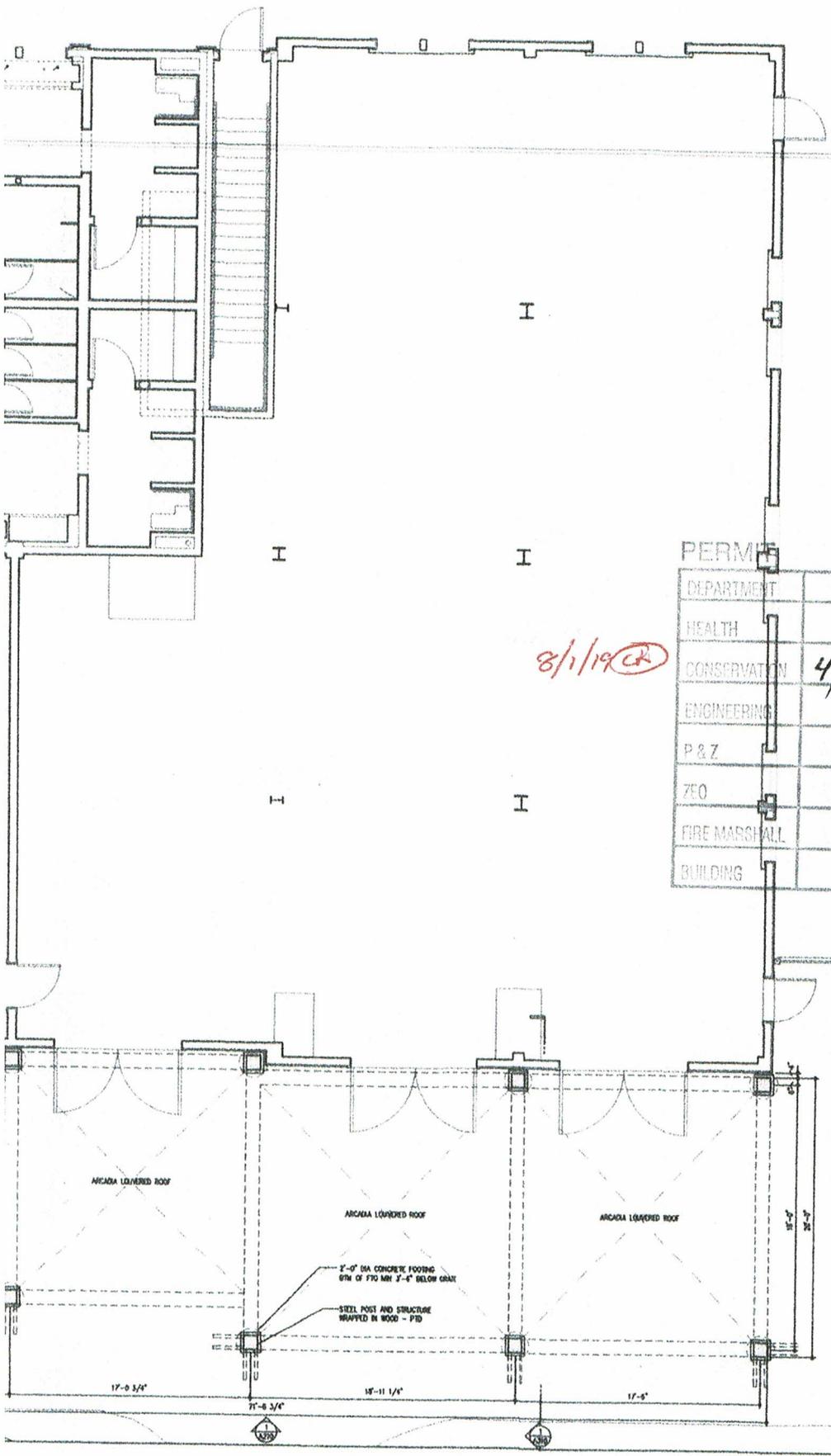
Approved By *[Signature]*

Date 8/1/2019

Applicant *[Signature]*

Date 8/1/2019

Please take a few minutes to offer your feedback at www.westportct.gov/landusesurvey Your answers will be kept confidential.



8/1/19 *CR*

Lowered Roof

DEPARTMENT	DATE	SIGNATURE	REFERENCE
HEALTH			
CONSERVATION	4/5/18	<i>[Signature]</i>	W/PUE 10582-K
ENGINEERING			
P & Z			
ZEO			
FIRE MARSHALL			
BUILDING			

ROWING CLUB
CONNECTICUT

3-23-18

FIRST FLOOR PLAN



A111



WESTPORT, CONNECTICUT

DEPARTMENT OF PUBLIC WORKS
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341 1120

MEMORANDUM

Date: 09/10/2019

To: Planning & Zoning Commission

From: Amrik Matharu, Engineer II

Re: 521 Riverside Avenue, CAM Site Plan Appl. #19-041

Reference Materials Reviewed:

- Town of Westport Application, dated 09/05/2019.
- Plans prepared by Dennis A. Deilus – Land Surveyors, entitled “Proposed Map of Property Prepared for Saugatuck Rowing Club, LLC, 521 Riverside Avenue, Westport, CT.,” dated 07/16/2019.
- Building plans prepared by Halper Architects, LLC, 3 sheet set, dated 03/23/2018.
- Landscape plan prepared by Artemis Landscape Inc., dated 07/26/2019.

Dear Planning & Zoning Commission:

Our office has reviewed the proposed activity as depicted by the above referenced documents. Based on these criteria, we offer the following comments:

1. **Project Description.** The applicant is proposing widen a small portion of the walkway and construct a pergola on top of a recently constructed patio area.
2. **Flood & Erosion Control Board (FECB).** The recently constructed patio and walkways were legalized at staff level under permit WPL/E 10809-19. Similarly, a louvered roof proposal in the same location as the patio was reviewed and approved at staff level under permit WPL/E 10582-18.
3. **Drainage.** Additional stormwater facilities are not required for the proposed pergola.
4. **Flood Zones & FEMA.** The parcel lies within Flood Zone AE (El. 10). The project appears to comply with FEMA requirements, as there are no enclosed spaces proposed.
5. **Sedimentation & Erosion Controls.** The proposed activity does not appear to involve significant disturbance.

Per this review, the application is substantially complete and requires no further submissions. 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.

Please contact me should you have any questions regarding the above items.

Thank you kindly,

A handwritten signature in black ink, appearing to read "Amrik Matharu", written over a horizontal line.

Amrik Matharu,
Engineering Department



Memorandum

From: Alan D'Amura, Staff Corporal

Date: August 22, 2019

Re: 521 Riverside Avenue #19-041

The Police Department has reviewed the above materials.

We have no public safety concerns with this application.

If I can be of further assistance, please do not hesitate to contact this office.

Thank you,

Staff Corporal Alan D'Amura

Westport Police Department

50 Jesup Road Westport, CT 06880

THE APPLICATION IS RECOMMENDED FOR APPROVAL WITH THE UNDERSTANDING THAT THE BOARD'S COMMENTS WILL BE TAKEN INTO CONSIDERATION (Unanimous)

3. **521 Riverside Ave:** To review and comment on proposed plans to construct accessory shade structure over existing terrace at 521 Riverside Avenue submitted by John Halper for property owned by SRC Realty Group in the RORD 2 zoning district. John Halper recused himself from the board. (Plans revised 3/12/18)

Appeared: Jon Halper, Architect

Mr. Halper said the proposal is for a more permanent awning at the rear of the rowing club. It is an Arcadia motorized roof system with powder coated metal fins that close and lock down. It is a flat roof pergola with painted, wood clad posts and beams. It looks ok from the terrace above.

David Mann had no questions.

Vesna Herman asked the style of the columns and was told Tuscan. She asked if it is permanent. Mr. Halper said yes, permanent and free standing 4 inches from the building. Ms Herman asked the height and was told 11 feet.

David Mann said it was appropriate and he liked the design.

Vesna Herman had a hard time that it is permanent and no longer an open space. But it looks nice.

Ward French said no problem, it is a good job.

THE APPLICATION WAS APPROVED AS PRESENTED (Unanimous)

4. **793 Post Road East:** Applicants returned for approval of a color scheme.

Appeared: Philip Fruchter, Architect; David Mann, owner/developer

Although the design was approved, the applicants were asked to return with color options for the buildings. They provided 3 options.

The board approved the tan and gray color scheme.

THE BOARD APPROVED A TAN AND DARK GRAY COLOR SCHEME (Unanimous)