

**STAFF REPORT**  
**Application #WPL-10992-20**  
**111 Harbor Road**  
Prepared: May 1, 2020  
**Public Hearing: May 20, 2020**

**Application Request:** Applicant is proposing to construct a pier supported by timber pilings, hinged ramp, float, and removable stairs. This site lies within the Waterway Protection Line (WPL) of Saugatuck River.

**Plans reviewed:**

1. “**Existing General Plan View**, Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut” Sheet 3 of 5, Prepared by John Hilts, Scale 1” = 20’, Dated June 21, 2018 and last revised to September 9, 2019.
2. “**Proposed General Plan View**, Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut” Sheet 4 of 5, Prepared by John Hilts, Scale 1” = 20’, Dated June 21, 2018 and last revised to September 9, 2019.
3. “**Proposed South Elevation, Proposed Pier Section**, Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut” Sheet 5 of 5, Prepared by John Hilts, Scale 1” = 20’, Dated June 21, 2018 and last revised to September 9, 2019.
4. **CT D.E.E.P.** Permit #201905119-TWSDf April 29, 20120 email to Alicia Mozian from Susan Bailey of DEEP – Expected approval from as it is “consistent with all applicable statutory standard and policies.”

**Property Description:**

**Location of 25-year Flood Boundary:** the 9 ft. contour interval.

**Location of WPLO boundary:** 15 ft. landward of the 9 ft. contour. The entire dock is located within the WPLO area.

**Property contains Flood Zones AE (el. 13’), Limit of Moderate Wave Action line, and VE (el. 14’)** as shown on F.I.R.M. Panel 09001C05551G Map revised to July 8, 2013.

**Coastal Area Management (CAM):** The property is located within the CAM zone. The coastal resources identified on the property include coastal hazard area and tidal wetlands. The off-shore area is classified as an estuarine embayment.

**Previous Permits issued:**

**WPL-10621-18:** Construction of a new single-family residence and pool

**Permits/Approvals Granted by Others for the Dock:**

1. Shellfish Commission Recommendations, 1/9/19; Determined no adverse impact to a shellfish area as well as:
  - Time of dock installation should avoid spawning season (Work should take place between October 1<sup>st</sup> and April 30<sup>th</sup> of any given year)

- The ramp and float should be removed by November 1<sup>st</sup> of any given year to avoid freezing conditions in the river.
2. CT Dept. of Energy and Environmental Protection approval for the dock is expected. An email from Susan Bailey, DEEP, LWRD, on April 29, 2020 states:
    - No public comments received in response to the Notice of Tentative Approval.
    - Permit is circulating for review and signage. Will (possibly) not be available by date of hearing.
    - Anticipates approval as it is “consistent with all applicable statutory standard and policies.”
  3. The Flood and Erosion Control Board approved the application at its May 6, 2020 hearing.

**Discussion:** The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

“ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.”

The proposed activity is a 4’ x 80 timber pier, 34’ aluminum ramp and 8’ x 20’ floating dock anchored to 3 pilings. This is a structurally-minimized private recreational boating facility. Twelve pilings will be driven to sufficient depth to preclude pullout in the event of flooding or high-velocity water flows. The floating docks will be supported by three pilings and be placed in an area with a minimum of 3’ of water at MLW, which allows for clearance above the substrate at low tide. The floating dock will not impede water flow. The minimization of structural components and overall encroachment into the waterway will prevent adverse impacts to the waterway, its resources and ecosystems. The distance to the dock at 107 Harbor Road is 82 ft. The distance to the dock at 115 Harbor Road is 60 ft.

Staff recommends that the ramp and floating dock will be removed and stored at an upland location away from tidal wetlands during the winter months, in agreement with the Shellfish Commission. Staff feels that the proposed pier, ramp, and float do not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance.

#### **Alternatives to Reduction of Impacts**

1. No construction alternative.
2. Approval of application with the following conditions:
  - a) Submission of an anticipated DEEP approval #201905119-TWSDF.
  - b) Construction activity to commence should take place between October 1st and April 30th of any given year

- c) The ramp and float should be removed by November 1st of any given year to avoid freezing conditions in the river.
- d) Conformance to F&ECB conditions of approval of May 6, 2020.