EXCAVATION AND FILL APPLICATION

WESTPORT PLANNING AND ZONING COMMISSION

☐ **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:** 12 copies, 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):* 12 copies, 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:** A week prior to submission email pandz@westportct.gov to prepare mailing materials. Preparation Fee is $25, you will receive 250' neighbor list, assessor's map, field card & labels for both envelopes & certificate of mailing form. Envelopes with pre-stamped return address and required red stamp are additional $.10 each. The proof of mailing must be returned to the office up to 48 hours after submission.

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: Mary Young, *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 with in 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 is 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:

Distance from Property Line		Maximum Fill Height
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.

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)

MEMORANDUM

TO: Whom it may concern

FROM: Mary Young, Planning & Zoning Director

DATE: ***November 01, 2018***

SUBJECT: Complete Applications & Receipt of Materials

THIS NOTICE IS FOR ALL APPLICANTS WHO FILE APPLICATIONS FOR REVIEW BY THE **PLANNING & ZONING COMMISSION *or* THE ZONING BOARD OF APPEALS**

Applicants are to submit all materials necessary to review an application in a timely manner in order 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.

Effective January 1, 2009 pursuant to Sections 43-4, 44-1, 46-4 and 52-3 all applicants must submit the required documents for an application at the time of submission in order to be considered a complete application. An application must be complete a minimum of 7 days prior to a public hearing. A public hearing will not be held for incomplete applications.

Subsequent plan modifications and/or supplemental materials may be submitted. However, pursuant to Section 43-3.2 and 52-3.2 such materials must be submitted at least 14 days prior to the scheduled public hearing date, subject to the exception below. This requirement may be waived by the Chairman of the elected Commission and/or Board at its discretion.

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.

cc: Planning & Zoning Commission
Zoning Board of Appeals

WESTPORT CONNECTICUT
PLANNING & ZONING
110 MYRTLE AVE TOWN HALL RM 203
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.

Mary Young,
Planning & Zoning Director