

Memorandum

To: Members, Planning and Zoning Commission

From: Cindy Tyminski, AICP, Deputy Planning and Zoning Director

Date: September 11, 2020

Re: 521 Riverside Avenue, Special Permit/ Coastal Site Plan Appl. PZ #20-00217
Saugatuck Rowing Club

Statutory Timelines

Application Submission Date: 4/3/2020

Application Receipt Date: 4/9/2020

65 Days from Date of Receipt (*when public hearing must open*): 6/13/2020

65 Days extension from applicant to open: 8/17/2020

90 Days Governor's extension: (using it to open): 11/15/2020

Public Hearing Opened (*scheduled to open*): 10/8/2020 (using 52 days of governor's extension)

35 Days from Public Hearing Commencing (*when hearing must close*): 11/12/2020

65 Days from Close of Public Hearing (*when decision required*):

Summary

Were all documents submitted as required per §44?	Yes
Were waivers to submit documents requested per §44-4?	No
Were variances requested from the Zoning Board of Appeals (ZBA) per §46?	No.
Does the application appear to meet all applicable zoning requirements?	Yes. The applicant's new proposal shows the patio will be moved out of the setback.
Have all approvals been received pursuant to §44-2?	Yes.
Other comments?	The Planning & Zoning Commission should evaluate if the project meets the criteria listed in §31-10, Coastal Area Management, & whether it is in accordance with the 2017 Plan of Conservation & Development.

Description of Application

Applicant Property Owner	Mel Barr, Barr Associates SRC Realty Group, LLC
Requested Action	Coastal Site Plan and Special Permit approval
Proposal	To modify the patio by increasing its size and extending it towards the water and add a permanent pergola with a louvered roof, over a portion of the existing patio. Expand the width of the Public Waterfront Access in portions.
Existing Zoning	Restricted Office - Retail District (RORD) #2
Location	East side of Riverside Avenue between the intersections of Bridge Street and Saugatuck Avenue, within the CAM boundary, the 100-year floodplain, and the Waterway Protection Line Ordinance (WPLO) jurisdiction.
Lot ID	PID# B06039000.
Lot Size	1.53 acres (66,600 SF)
Existing Land Use	Non-Commercial Recreational Club per §11-2.2.3, serving 350 families.
Surrounding Land Use and Zoning	Residence A, single-family to the north (485 Riverside Ave); RORD #2, restaurants to the south (535 and 541 Riverside Ave/); RORD #2, multi-family use (500 Riverside Ave.) to the west; RORD #2, Retail use (512 Riverside Ave/); GBD/S, pre-existing non-conforming office uses also to the west (518 Riverside Ave.); GBD, restaurant use also to the west (530 Riverside Ave.); Saugatuck River to the east.
Zoning History	See attached last revised 9/4/2020 (P&Z) and last revised 9/3/2020 (ZBA)

<p>2017 Plan of Conservation and Development</p> <p>2017 Plan of Conservation and Development</p>	<p>Chapter 6. Manage Coastal Areas.</p> <p><i>6.1 Preserve coastal resources and carefully manage development in coastal areas (pg. 45).</i></p> <p><i>6.2. Continue programs and activities that help protect coastal resources, including requiring Coastal buffers (pf. 46).</i></p> <p><i>6.6 Limit intensification of expansion of development in coastal areas where it is not consistent with current environmental standards or coastal are flood safety standards. (pg. 52).</i></p> <p>Chapter 7. Protect Natural Resources.</p> <p><i>7.1 Protect natural resources and preserve and enhance the quality of the environment in Westport.</i></p> <p><i>7.2 Seek to reduce and/or control erosion and sedimentation for all sources. (pg. 56)</i></p>
<p>Applicable Regulations</p>	<p>§22, Restricted Office-Retail District (RORD #2); §31-10 Coastal Area Resources, §34, Off Street Parking & Loading; §43/§44, Special Permit/Site Plan Review Procedures, Documents, Standards, Objectives, and §35 Landscaping, Screening and Buffer Areas.</p>

Property Description/Background

521 Riverside Avenue is a 1.53-acre lot situated on the east side of Riverside Avenue in the Saugatuck area of Westport. The property is located in the Restricted Office-Retail District (RORD) #2, within the Coastal Area Management (CAM) boundary, within the Waterway Protection Line Ordinance (WPLO) jurisdiction, and portions of the property are within the 100-year floodplain, AE El. 10'. The property is connected to the public sewer.

521 Riverside Avenue is located adjacent to the Saugatuck River. The property is improved with a single 15,000 SF tall building and 66-space surface parking lot. A single tenant, the Saugatuck Rowing Club, occupies the building. There are two curb cuts. The southerly drive is restricted to vehicles entering the property. The northerly drive is exit-only

The property was first approved by the Planning and Zoning Commission (#99-041) as a Recreational boating facility (Rowing Club) in 1999. In 2001, the applicant received approval (#01- 023) to revise the parking area and (#01-038) to allow for outdoor patio dining for the members of the Rowing Club only. In 2016, the Planning and Zoning Commission allowed for (15-059) the restaurant to be opened up to the public for dining.

Proposal

The applicant was issued a Notice of Violation on 10/07/2020 for construction of a patio in the setbacks. The applicant attempted to remedy this work, that occurred without approvals, by applying for a setback variance. The applicant was denied this variance for having no hardship at the Zoning Board of Appeals meeting on 1/21/2020.

Most recently the applicant received a temporary Outdoor Dining permit issued on 5/22/2020 per the Governor's Executive Order 7MM for six (6) tables on the patio. The permit allows the outdoor dining to remain until 3/31/2021 per Text Amendment #783 or until further action is taken by our Governor in regard to outdoor dining.

The applicant now comes before the Commission with a Coastal Site Plan and Special Permit application and proposes to:

1. Remove the portions of the patio that were constructed within the 25' setback line;
2. Restore the delineation between the Public Waterfront Access from the outdoor patio;
3. Provide native plantings between the Public Waterfront Access and the Saugatuck River;
4. Install a 1,364 SF pergola that is 11' high that attaches to the building and projects out over the patio; and
5. Expand the width, in some areas, of the Public Waterfront Access pathway to accommodate seasonal boat (rowing shells) storage.

Associated Approvals

Conservation. The property lies within the jurisdiction of the Waterway Protection Line Ordinance (WPLO) therefore, review has been required from the Conservation Department approved the pergola location on 4/5/18 (WPL/E-10582-18). The Conservation approved the patio modification on 4/18/19 (WPL/E-10809-19). On August 1, 2019, Conservation staff issued Permit # WPL/E 1809-19. They issued a performance bond of \$1,080.00 and required the applicant to designate the "public walkway". The Conservation Department administratively reviewed and approved the current proposal on 6/16/2020.

Architectural Review Board. The Architectural Review Board approved this pergola on March 27, 2018.

Flood & Erosion Board. The proposed pergola was reviewed administratively under permit WPL/E 10582-18. Similarly, the patio removal was reviewed administratively under WPL/E 10809-19.

Zoning Data

	Existing	Proposed	Required/Allowed
Zone:	RORD#2	RORD#2	RORD#2
Lot Area:	66,600 SF	66,600 SF	n/a
Building Coverage**	14.5%	15.5%	20%
Total Coverage**	55.2%	56.2%	n/a
Setbacks **			
Front:	51.8' (building)	51.8' (building)	30'
Rear:	31' (building)	31' (building)	25'(from water)
	None	26.1' (pergola)	25'(from water)
		25' (patio)	25'(from water)
Height and Stories:	29' 2 ½ stories	29' 2 ½ stories (building) 11' 4" height (pergola)	30' 2 ½ stories

Note: **Pergolas add to building coverage and total coverage and they must meet the setbacks.

Patios do not add to coverage but must meet setbacks.

Coastal Resources

The subject property is adjacent to the Saugatuck River. The applicant has noted that following coastal resources are present on site or within the influence of the project: Coastal Hazard Area, Developed Shorefront, Estuarine Embayment, Tidal Wetlands and According to the Cahn, Inc. Map, the above-mentioned coastal resources are consistent with what the applicant has stated.

Coastal and Flood Data

Flood Zone:	AE10	Description of Resource
Coastal Resources on or adjacent to site: (Cahn, Inc. Map)	General Resources	<i>are defined as coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem</i>
	Coastal Hazard Area	<i>are defined as those land areas inundated during coastal storm events of subject to erosion induced by such events, including flood hazard area as defined and determined by the National Flood Insurance Act.</i>
	Estuarine Embayment	<i>is a protected coastal body of water with an open connection to the sea in which saline water is measurably diluted by fresh water.</i>
	Tidal Wetlands	<i>are areas of high nutrient and biological productivity that provide detrital products forming the base of the food web.</i>

CONSIDERATIONS

§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.

§44-5 lists the Site Plan Standards and Objectives the Planning and Zoning Commission should consider in reviewing the application. §44-6 lists the Special Permit standards the Commission should consider in reviewing the application. As a Special Permit application, the Commission has discretion to modify the plans as deemed necessary to conform to the Special Permit standards. The Commission may approve the application as submitted or approve it with modifications to conform to the Special Permit standards.

ANALYSIS

- 1. Recent Pergola and Patio History.** Staff did a site inspection on 6/20/2018 while writing their report for Coastal Site Plan and Special Permit #18-027 and noted that a new patio was in the process of being expanded and installed into the setback. It was also noted that the Public Waterfront Access (PWA) had been incorporated into the patio.

Staff also observed rowing shells stored in areas that obstructed the Public Waterfront Access. The applicant withdrew this application. The applicant subsequently submitted a variance application to “legalize the patio” that was within the setback which was denied by the ZBA on 1/21/2020 (ZBA #7767).

Consideration: The applicant has proposed removing the patio out of the setback and no longer requires a variance.

- 2. Delineation of the Public Waterway Access.** The applicant has provided a separation of lawn between the patio and the Public Waterway Access (PWA). During the authorized expansion of the patio the applicant incorporated the walkway (PWA) into the patio area.

31-10.7.4 Public Waterfront Access

Public Waterfront Access (PWA) is a dedicated portion of land along a public body of water, created through an easement or donation of fee ownership that may be accessed by the public from dawn to dusk.

PWA will be required as part of any Coastal Site Plan review for any Special Permit Use or sites located in Non-Residential Zones that are adjacent to the Saugatuck River. However, the Planning & Zoning Commission during the course of a public hearing may waive the need for PWA if requested by an applicant.

Consideration: The Public Waterway Access (PWA) is no longer contiguous with the patio and it is appropriately delineated.

- 3. Obstruction by Boats.** Staff has noted that the boats have been stored on or next to the Public Waterway Access, which has restricted the public access.

Consideration: The applicant should designate areas for seasonal boat storage to prevent continued obstruction of the Public Waterfront Access. ZBA approval #5646 disallowed the winter storage of boats and year-round storage of trailers.

- 4. Planting.** The benefits of vegetated buffer are that they protect Coastal resources from adjacent development by reducing the adverse effects of human activities on natural resources by acting as filters to intercept and absorb nutrients, sediment and other pollutants carried in storm water runoff. Planted buffers also slow down runoff, which both reduces erosion and allows silt and other suspended solids to settle out before they reach a water body.

Consideration: The planting plan for this proposal has provided evergreen shrubs in the vegetated buffer as requested in the previous applications.

- 5. Signs for Public Parking.** The applicant was required to provide three (3) public parking spaces in prior approvals for the Public Waterway Access.

Consideration: The public parking spaces should be identified in a permanent/approved location on the plan.

Prior to approval of the Coastal Site Plan and Special Permit:

1. The Commission may require an as-built landscape plan of the entire site; as many of the previous approvals, even those that included modification of the parking lot did not require a landscape plan.
2. The Commission may require that the development plan be modified to show where the rowing shells and racks will be placed. This will help prevent the issue that was noted during the last few site visits of the boat shells blocking the Public Waterfront Access.
3. The Commission should require the site plan to identify the three parking spaces for public use and the location of the associated signage for these spaces.
4. To approve this application, the Commission needs to find conformance with the CAM Act and §31-10 Coastal Area Resources.

Prior to Zoning Permit.

The applicant should submit the following prior to issuance of a Zoning Permit for the proposed work:

1. Final approval from DPW Engineering and Conservation.
2. Revised Development Plan per recommendations herein.
3. Proof of filing the resolution on the Land Records.

Department Comments

Engineering Department:	Received 7/10/2020. No outstanding issues.
CTDEEP	Received for previous application 9/29/2019. No comment.
Conservation	Permit issued 8/1/2019 WPL/E 1809-19, and revision approved 6/13/2020.
Architectural Review Board	Approved 3/27/2019.

No formal field trip is scheduled but members are encouraged to visit the site individually.

Attachments:

- Narrative last revised 9/8/20.
- Site Development Plan, prepared by Dennis A. Delius, last revised 3/9/2020.
- Improvement Location Survey, Class A-2, prepared by Dennis A. Delius, last revised 3/6/2020.
- Architectural Plans prepared by Halper Architects, last revised 1/17/2020 (2 Sheets).
- Landscape Plans prepared by Artemis Landscape Architects; Inc. last revised 3/12/2020.
- Zoning Histories last revised 9/4/2020 (P&Z) and 9/3/2020 (ZBA).

Available in the file:

- Coastal Resources Map prepared by Cahn, Inc. for the Town of Westport's participation in the CAM program.
- CAM application form.
- Conservation Staff approval.

Notice to the Public

The zoning regulations require the Commission hold a Public Hearing to invite residents to testify and offer comments in person before the Commission renders their decision. At this time, traditional public meetings are not being held due to COVID-19, the First Selectman's Declaration of a Local Civil Preparedness Emergency, and related concerns on public assembly. Consistent with Governor Lamont's Executive Order No. 7B, the Commission's public hearing will be held remotely, will be recorded, and all information made accessible to the public on the Town's website in advance of the meeting. The Town of Westport has the resources and capacity to make

remote meeting accessible to the public in real-time, and the July 23 public hearing will be live streamed on www.westportct.gov, and accessible on Optimum Government Access Channel 79 and Frontier Channel 6020. Additionally, dedicated E-mail addresses are offered to receive public comments prior to the public hearing by using PandZ@westportct.gov, during the public hearing by using PandZComments@westportct.gov, and interested parties may obtain access to the remote meeting link and “join” the meeting and offer live testimony during the public hearing if the meeting link is requested from the Planning and Zoning Director by sending an email to maryyoung@westportct.gov by noon on the day of the meeting.

The State Statutes require a legal notice appear in the local newspaper advertising a public hearing. Newspaper notice requirements were modified by EO No. 7B due to COVID-19 to instead require notice be posted on the Town’s website 10 days prior to the hearing. A legal notice will be posted on September 25, 3030 for the public hearing on October 8, 2020, satisfying all legal notice requirements.



Land Use Planning
Development Coordination
Regulatory Process Management

Barr Associates LLC

Planning and Development Consultant

REV. 9.8.20

March 17, 2020

MEMORANDUM

To: P&Z Commission

From: Melvin H. Barr, Jr., Planning Consultant

Re: Statement of Use
Accessory Shade Structure
521 Riverside Avenue

EXISTING:

The existing uses are a rowing club with a rear patio area and a 2nd floor restaurant.

PROPOSED:

The proposed uses are the same with a proposed patio modification/extension and the addition of a detached accessory shade structure (pergola with a louvered roof) over a portion of the existing patio.

1. The ARB approved the pergola design on 3/27/18.
2. The Conservation Department approved the pergola location on 4/5/18 (WPL/E-10582-18).
3. The Conservation Department approved the patio modification and proposed plantings on 4/18/19 (WPL/E-10809-19).

4. Cons. re-approved modified pergola & patio on 6-2-20.

###



WESTPORT, CONNECTICUT

DEPARTMENT OF PUBLIC WORKS

TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341 1120

MEMORANDUM

Date: 07/10/2020

To: Planning & Zoning Commission

From: Edward Gill, Engineer II

Re: 521 Riverside Avenue, PZ-20-00217

Reference Materials Reviewed:

- Existing conditions survey prepared by Dennis A. Deilus – Land Surveyors entitled “Zoning Map of Property, Prepared for Saugatuck Rowing Club, LLC, 521 Riverside Avenue, Westport, CT,” dated 10/22/2018 as revised to 03/06/2020.
- Plan prepared by Dennis A. Deilus – Land Surveyors entitled “Zoning Map of Property, Prepared for Saugatuck Rowing Club, LLC, 521 Riverside Avenue, Westport, CT,” dated 02/20/2020 as revised to 03/09/2020.
- Architectural plan prepared by Halper Architects LLC entitled “Proposed Detached Pergola,” dated 03/23/2018 as revised to 03/17/2020.
- Plan prepared by Artemis Landscape Architects, Inc. entitled “Conservation Planting Plan & Details, Saugatuck Rowing Club, LLC, 521 Riverside Avenue, Westport, CT 06880,” dated 03/12/2020.

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 construct a new pergola and remove a portion of patio previously constructed.
2. **Flood & Erosion Control Board (FECB).** The proposed pergola was reviewed and approved at staff level under permit WPL/E 10582-18. Similarly, the patio to be removed was previously reviewed and approved at staff level under permit WPL/E 10809-19.
3. **Drainage.** The proposed activity will have minimal impact to storm water drainage.
4. **Flood Zones & FEMA.** The parcel lies within Flood Zone AE (El. 10) and Zone X. All proposed work in Zone AE (El. 10) shall comply with FEMA requirements. The plans indicate that the proposed work will not create any enclosed spaces. As such, this project substantially complies with FEMA requirements.

5. **Sedimentation & Erosion Controls.** The proposed work will involve minimal disturbance. The plan prepared by Artemis Landscape Architects, Inc. includes a silt fence and plantings to be installed. As such, the project substantially complies with sedimentation and erosion control requirements.

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,

A handwritten signature in blue ink, appearing to read "Edward Gill", is centered on the page. The signature is written in a cursive style with a blue ink pen.

Edward Gill,
Engineering Department



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
Applicant Address 521 RIVERSIDE AVE
Second Address
Applicant Phone 203-221-7475

Owner Name SRC Realty Group LLC
Other Owner
Owner Address 521 RIVERSIDE AVE
Second Address
Owner Phone 203-2211-7475

Project Description
Legalize Patio Extension and Installation of Proposed Plantings *Updated Plans (CK) 8/16/20*

Comments
Conservation Planting Plan & Details Saugatuck Rowing Club, LLC 521 Riverside Avenue Westport, CT - Drawn by Artemis Landscape Arch, 2pgs, Dated 7/26/19. *Revised 3/12/20 (CK)*
Proposed Map of Property Prepared for Saugatuck Rowing Club, LLC 521 Riverside Avenue Westport, CT - Drawn by Dennis Deilus, Dated 4/16/19 *2/20/20*
Zoning (CK) 5/16/20

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

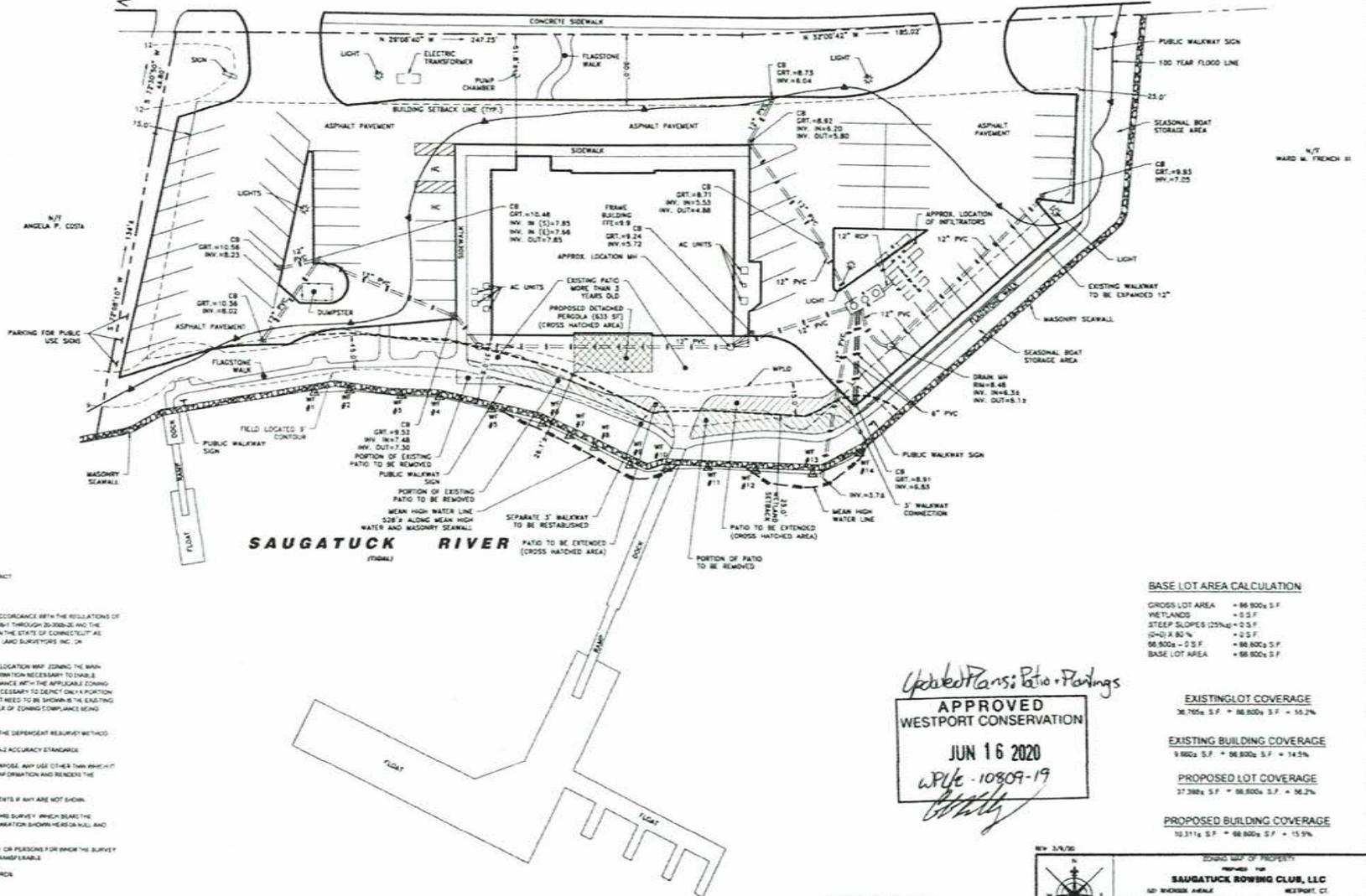
Patio encroaches within the WPLO. The Conservation Commission allowed for legalization of patio by staff at the 12/12/18 hearing with Conditions. Installation of plantings required as shown on "Conservation Planting Plan & Details" prepared by Artemis Landscape Arch. The plantings will create a buffer 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 *[Signature]* **Date** 8/1/2019



RIVERSIDE AVENUE



PROPERTY INFORMATION

OWNER SAUGATUCK ROWING CLUB, LLC
 ADDRESS 571 RIVERSIDE AVENUE
 WESTPORT, CT
 LOT AREA 96,800 S.F. (2.20 AC.)
 ZONE RESTRICTED OFFICIAL RETAIL DISTRICT

SURVEY NOTES

1. THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF THE CONNECTICUT STATE AGENCIES, SECTIONS 20-202b-1 THROUGH 20-202b-2c, AND THE WORKING STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 28, 1996.
2. THE TYPE OF SURVEY PERFORMED IS A BUILDING LOCATION MAP. THE MAIN PURPOSE OF THIS SURVEY IS TO SHOW THE INFORMATION NECESSARY TO MAKE A DETERMINATION OF COMPLIANCE OR NON-COMPLIANCE WITH THE APPLICABLE ZONING SETBACK REQUIREMENTS, AS SUCH IT MAY BE NECESSARY TO DETECT ONLY A PORTION OF THE PROPERTY. THE ONLY IMPROVEMENT THAT NEEDS TO BE SHOWN IS THE EXISTING OR PROPOSED BUILDING RELATING TO THE MATTER OF ZONING COMPLIANCE BEING ADDRESS.
3. THE BOUNDARY DETERMINATION IS BASED UPON THE DEPENDENT RECURRY METHOD.
4. THE SURVEY CONFORMS TO HORIZONTAL CONTROL CLASS 2 ACCURACY STANDARDS.
5. THIS SURVEY WAS PREPARED FOR A SPECIFIC PURPOSE, ANY USE OTHER THAN WHICH WAS ORIGINALLY INTENDED IS A VIOLATION OF THIS INFORMATION AND REQUIRES THE PREPARE'S DECLARATION NULL AND VOID.
6. UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS IF ANY ARE NOT SHOWN.
7. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY WHICH BEARS THE SURVEYORS' STAMP OF SEAL, REQUIRES A NEW DECLARATION SHOWN HEREON NULL AND VOID.
8. THIS DECLARATION SHOWS PLOTS TO THE PERSON OR PERSONS OR SHOWS THE SURVEY WAS PREPARED FOR THIS DECLARATION IS NOT TRANSFERABLE.
9. REFER TO MAP NO. 738 IN WESTPORT LAND RECORDS.
10. DATUM: NAVD 83
11. FIRST FLOOR ELEVATION: +8.9
12. MID-ROOF AVERAGE: +27.3
13. TYP. WETLANDS FLAGGED BY OTTO THEALL, SOIL SCIENTIST

SAUGATUCK RIVER

BASE LOT AREA CALCULATION

CROSS LOT AREA = 96,800 S.F.
 WETLANDS = 0 S.F.
 STEEP SLOPES (25%+) = 0 S.F.
 10-15% SLOPES = 0 S.F.
 96,800 S.F. = 96,800 S.F.
 BASE LOT AREA = 96,800 S.F.

EXISTING LOT COVERAGE

38,760 S.F. = 39,900 S.F. = 40.2%

EXISTING BUILDING COVERAGE

9,990 S.F. = 10,300 S.F. = 10.6%

PROPOSED LOT COVERAGE

27,380 S.F. = 28,200 S.F. = 28.2%

PROPOSED BUILDING COVERAGE

10,310 S.F. = 10,600 S.F. = 10.9%

Updated Plans: Patio + Plantings
APPROVED
WESTPORT CONSERVATION
JUN 16 2020
WPLC - 10809-19
[Signature]

ZONING MAP OF PROPERTY PREPARED FOR SAUGATUCK ROWING CLUB, LLC 571 RIVERSIDE AVENUE WESTPORT, CT			
PREPARED BY JAMES A. DELLIS	DATE 1/31/2020	SHEET NO. 1	OF NO. SHEETS 1
SCALE: 1"=10' NORTH DEMIS A. DELLIS - LAND SURVEYORS 107 MAP STREET, 3RD FLOOR, NORWALK, CT 06851 TEL: 781-941-8882			

Memorandum

From: Mary Young, Director Planning and Zoning and revised by C. Tyminski, AICP
Date: May 29, 2009, last revised September 4, 2020
Re: 521 Riverside Avenue – Planning & Zoning History
See also ZBA History dated 9/3/2020

- 5/22/2020 Outdoor Dining temporary permit issued per Executive Order 7MM for six (6) tables.
- 10/07/2019 Notice of Violation issued for construction of patio in the setbacks.
- 9/26/2019 Withdrawn, Special Permit/Coastal Site Plan (19-041) to:
- Expansion of the patio out to meet up with the pedestrian walkway. The patio was installed over gravel with a reservoir to retain water beneath.
 - Installation of a 1,364 SF pergola that is 11' high over the patio.
 - No additional parking has been provided.

Issues outstanding:

- The patio was constructed without approvals within the setbacks.
- The development plan should be modified to show a delineation between the patio and the Public Waterway Access. Staff suggests that a different material should be used, and preferably, there should be a planted strip or some other barrier between the patio and the Public Waterway Access.
- The existing condition plan does not match what is actually on site.
- The development plan should be modified to show precisely where the boat shells and racks would be stored. The plan should also identify the three parking spaces for the public.
- The landscape plan should be modified to install some evergreen shrubs and remove the non-native herbaceous perennials in the planted buffer between the patio and the Coastal Resource.

- 6/21/2018 Withdrawn, Special Permit/Coastal Site Plan (18-027) to:
- Install a pergola

Staff visited the site on 6/20/2018, and what was on the site was inconsistent with prior approvals, what was on both the existing conditions survey, and the development plans for the pending Coastal Site Plan and Special Permit applications. The primary issue is that the existing patio has very recently been removed and reinstalled, as well as extended into the

setback. During this unauthorized expansion, the Public Waterfront Access pathway has been incorporated into the patio. The current configuration observed on-site would require retroactive variances and Conservation Commission approval. The applicant has stacked shells (boats) in unapproved areas that obstruct the Public Waterfront Access pathway.

- 2/18/16 Site Plan Waiver granted to modify previously approved Site Plan associated with Res. #99-041 to authorize parking lot re-striping to provide 66 standard-car-size parking spaces.
- 5/29/09 Tax Assessor advised Planning Director Lot line revision consolidating #521 and #531 Riverside Avenue requested in 2001 and shown on WLR Map #9487 did not consolidate the lots; a deed must be filed on the land records and submitted to the Tax Assessor's Office by the property owner consolidating the lots. The Planning Director advised P&Z staff not to issue any new approvals until consolidation by the property owner is verified by the Tax Assessor's Office. This issue was ultimately resolved.
- 9/9/05 Zoning Permit #34403 issued for Free-Standing sign for Saugatuck Rowing Club and Riverview Restaurant. Conditions of permit include: *The club and restaurant have to continue to meet the requirements of their original approval and can only be used by the club members. Only one-free-standing sign allowed.*
- 3/7/03 Z.P. #32232 issued for Temporary Zoning Permit for tent (Public hearing deemed not to be required per Planning Director). ZCC not required. Conditions of permit include: *Must adhere to conditions of 4/3/03 letter from the Saugatuck Rowing Club.*
- 10/28/02 Z.P. #32040 issued for interior renovations and 2nd floor relocation of bathroom (Public hearing deemed not to be required per Planning Director). ZCC issued on 2/12/16.
- 6/7/02 Z.P. #31733 issued for temporary zoning permit for tent in accordance with Res. #02-050. ZCC not required.
- 6/6/02 Temporary Zoning Permit approved by the Administrative Review Committee in accordance with Res. #02-050, for tent for wedding event.
- 5/9/02 Z.P. #31662 issued for patio dining in accordance with Res. #01-038.
- 6/28/01 Modification to Special Permit approval granted by the Planning and Zoning Commission in accordance with Res. #01-038 for an outdoor eating area on the 2nd floor deck under a retractable awning. Conditions of approval include: Outdoor eating area shall be accessible from within the restaurant only, is limited to 6 tables and 24 Chairs, is valid from 5/1/02 to 10/1/02, restaurant is not a public restaurant and the outdoor patio eating area is not a public restaurant.

- 4/3/01 Z.P. #29882 modified for site parking in accordance with Res. #01-023. ZCC issued on 8/22/01 with 56 parking spaces provided on site and 10 deferred spaces, as shown on plan prepared by Dennis Deilus dated 6/29/01, and revised 8/8/01.
- 4/3/01 Site Plan approval by the Planning and Zoning Commission in accordance with Res. #01-023, to revise parking plans approved in accordance with Res. #99-041, to reclassify two parking spaces as compact car spaces.
- 3/14/01 Lot line revision requested and granted by the Planning Director to merge lots 189 and 189A (521 and 531 Riverside Avenue).
- 7/20/00 Request from Saugatuck Rowing Club granted by the Planning and Zoning Commission at a Work Session, to construct the previously deferred 22 parking spaces in accordance with Res. #99-041.
- 1/14/00 Z.P. #29882 modified for change to kitchen, see modification approved on 4/3/01.
- 11/17/99 Z.P. #29882 issued for activities approved in accordance with Res. #99-041, see modification approved on 1/14/00.
- 7/15/99 Special Permit/CAM Site Plan Approval granted by the Planning and Zoning Commission pursuant to Res. #99-041 for a new recreational boating facility for use by members and guests of the Saugatuck Rowing Association, Inc. (aka Westport Rowing Club), and a marina, in accordance with variances granted by ZBA per Case #5641. Approved building 2 ½ stories and height of 29.5' to midpoint with 3 cupolas, 14,326 SF floor area minus garage. Required parking 66 spaces with 44 provided and 22 deferred as "future parking," see modification approved on 7/2/00.



TOWN OF WESTPORT
ZONING BOARD OF APPEALS
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CT 06880
(203) 341-1081

From: Laurie Montagna, Clerk, revised by C. Tyminski, AICP
Date: May 28, 2009, revised September 3, 2020
Re: **521 Riverside Avenue – ZBA History**

ZBA #7767, Denied: SRS Realty Group, LLC (Saugatuck Rowing Club) 1-21-2020 - for variance of §31-7 Setback from wetlands and waterbodies, and §22-4 Setbacks for retroactive approval of Patio constructed without approvals in 2018.

ZBA #5646, Granted with Conditions: Shipways, Ltd, LLC – 5-4-1999 – For variance of Sec. 22-7 (for footprint greater than 2,500 sq. ft), Sec. 22-8.3 (for total maximum floor area in excess of 2,500 sq. ft in one building), Sec. 31-7 (for setbacks from water and wetlands), Sec. 22-1 (for parking: 65 spaces required; 66 spaces provided; not all parking and loading is located to the rear of the front leading edge of the principal building); To demolish all existing buildings to permit the consolidation of land parcels, and the redevelopment of the property with new recreational boating facility for the Westport Rowing Club and Marina with associated appurtenances in an RORD#2 zone .

The variance was approved subject to the following conditions:

- No storage of trailers on site except for incidental storage
- No winter storage of anything on the exterior – trailers, boats, etc. – except boats in the water for the marina
- No exterior storage of any type of equipment, sheds, etc.
- No gas tanks, pumps or refueling at the marina
- Adherence to Flood & Erosion Control Board conditions
- Adherence to the Conservation Commission conditions
- Adherence to CAM Review Conditions as stated in memorandum dated March 26, 1999
- Building is for single tenant use only

Appeal #3840, Denied and Appealed to Superior Court: Shipways, LLC– 8-10-1987 – Appeal of Cease and Desist order.

Appeal #3143, Denied: Phil Punzelt– 10-28-1980 – Appeal from Cease and Desist order dated August 27, 1980.