



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

Hearing: October 8, 2020
Decision: October 8, 2020

October 9, 2020

Robert Pryor
LANDTECH
518 Riverside Avenue
Westport, CT 06880

RE: 312 Bayberry Lane, Special Permit/Excavation and Fill Appl. #PZ-20-00487

Dear Mr. Pryor:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on October 8, 2020, it was moved by Ms. Dobin and seconded by Mr. Olefson to adopt the following resolution:

RESOLUTION #PZ-20-00487

WHEREAS, THE PLANNING AND ZONING COMMISSION met on October 8, 2020 and made the following findings:

Property Description

1. The site, located in the Residence AAA zone, is serviced by septic system and public water. The gross lot area is 2.54 acres, or 110,441 SF, which is conforming in the Residence AAA zone, where a minimum lot area of 87,120 square feet is required.
2. 312 Bayberry Lane is located within the 100-year flood zone (EL 94') as it is adjacent to the Aspetuck River. There are 33,209 SF of wetlands and 1,125 SF of steep. A conservation easement areas is also located within the property.
3. The survey shows the property ranges in grade from approximately EL 105' on the north portion of the property near the road and slopes down to EL 88' near the river and slopes further in the southern portion of the property to EL 84'.

Background

4. In 2017, the property received Special Permit/Site Plan approval (#17-035) pursuant to §32-18, Historic Residential Structures, to obtain side setback relief to

the south side of the lot.

5. The property was also part of a Resubdivision approval (#17-036) which retained the existing historic single-family residential structure and barn/garage on the 2.32 acre (101,303 SF) lot and created a new 2.535 acres (110,441 SF) lot. The approval also included the creation of a 0.98 acre (42,894 SF) Conservation Easement Area along the portion of both lots which abuts the Aspetuck River.

Proposal

6. The applicant is requesting Special Permit approval for excavation and fill activities, adjacent to new drainage, outside the exempt area per §32-8.1.12 (a). The proposal includes 250 CY of earthwork, including 150 CY of excavation and 100 CY of fill over a 9,500 SF area. The purpose of the regrading is to create a flatter lawn. The average depth of the cut/ fill is 1 feet.
7. §32-8.4 requires a restoration plan showing final grading and landscaping. The applicant has indicated the regraded area will be restored with lawn.

Department Comments

8. The Westport-Weston Health District approved the grading on 10/1/20.
9. The Conservation Department issued permits for the work on 10/6/20.
10. The Engineering Department submitted comments dated 7/30/20 indicating the plan is substantially correct and requires no further revisions.
11. Testimony was received at the October 8, 2020 public hearing.

NOW THEREFORE, BE IT RESOLVED that 312 Bayberry Lane: Special Permit/ Site Plan Appl# PZ-20-00487 submitted by Robert Pryor for property owned by David Herling for excavation and fill activities associated with driveway expansion and regrading of the lawn, located in the Residence AAA zone, PID#E18025001, be **GRANTED** subject to the following modifications:

1. Conformance to Existing Conditions Survey, prepared by Dennis Deilus, dated 11/12/19.
2. Conformance to Engineering Department comments, dated 7/30/20.
3. Conformance to Applicant's Narrative, dated 6/17/20.
4. Conformance to Excavation and Fill Exemption Plan, prepared by LANDTECH, dated 6/8/20.
5. Conformance to Site Plan, prepared by LANDTECH, dated 6/8/20 revised to indicate the regraded area will be restored with lawn.

6. Prior to the issuance of a new Zoning Permit for this work, the applicant shall submit and obtain the following:
 - A. Obtain final sign-off from Engineering Department; and
 - B. Proof of filing the resolution of approval on the Land Records.
7. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer.
8. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
9. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by October 8, 2025.
10. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up to the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

1. The application as conditioned has been found to be in conformance with all applicable zoning regulations, with the 2017 Plan of Conservation and Development, and the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE:

AYES	-7-	{Dobin, Stephens, Walsh, Lebowitz, Cammeyer, Olefson, Gratrix}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,

A handwritten signature in black ink that reads "Danielle Dobin". The signature is written in a cursive style with a small flourish at the end.

Danielle Dobin
Chairman, Planning & Zoning Commission

cc: Keith Wilberg, DPW Engineering Department
M. Cooper, Westport-Weston Health District
A. Mozian, Conservation Department
R. Pryor, LANDTECH