

Memorandum

To: Members, Zoning Board of Appeals
From: Michelle Perillie, AICP CFM; Planner
Date: October 15, 2020
Re: Coastal Site Plan Review, ZBA #20-000689, 9 Surf Road

ZBA PROPOSAL

The applicant has requested relief from:

- Height (§13-5)
- Non-Conforming Height (§6-3.3)

The applicant has proposed extensive renovations to the house including bringing the lowest level into floodplain compliance by converting the finished area to storage/potting shed and installing flood vents. The proposal also includes:

- New front and rear entries,
- New second floor with attic,
- New Elevator,
- Small 2nd story addition to house over the existing covered porch,
- Expansion of the pool,
- Pergola over patio

BACKGROUND

The site is located in the Res. A district and is serviced by town sewer and the public water supply. The gross lot area is 0.513 acres (22,340 square feet) and the property is located wholly within the 100-year flood zone (AE 13/VE 14).

9 Surf Road 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. of the Zoning Regulations identifies additions to a single-family residential building within two hundred (200) feet of Mean High Water Line that expand, extend or enlarge either the building area or floor area by more than 25% are not exempt from

requiring CAM approval. As the proposed activity is occurring within 200 feet of the Mean High Water Line and is proposed to expand the floor area by more than 25%, a Coastal Site Plan review is required.

COASTAL RESOURCES

The applicant has noted that following coastal resources are present on site or within the influence of the project: General Resources.

According to the Cahn, Inc. Map, the following coastal resources have been identified as either on and/or adjacent to the site: General Resources, Coastal Hazard Area, Nearshore Waters and Tidal Wetlands. The coastal resources are defined in the *Connecticut Coastal Management Manual*. The coastal resources as defined in the *Connecticut Coastal Management Manual* are as follows:

General Resource: *“Coastal resources” means that 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.*

Coastal Hazard Areas: *“Coastal hazard areas” means those land areas inundated during coastal storm events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended (U.S.C. 42 Section, 4101, P.L. 93-234) and all erosion hazard areas as determined by the Commissioner.*

Coastal hazard areas encompass most other important coastal resources, can serve as flood storage areas and provide open space and recreational opportunities. They are, by their nature, hazardous areas for structural development, especially residential-type uses. This resource is located on and adjacent to the site.

Nearshore waters: *“Nearshore waters” means the area comprised of those waters and their substrates lying between mean high water and depth approximated by the ten meter contour.*

Nearshore waters provide habitat for a variety of marine organisms (shellfish, finfish, crustaceans and benthic organisms); support many diverse floral and faunal species; provide spawning and breeding areas for many species; and are an important contributor to the productivity of contiguous ocean waters. This resource is located adjacent to the site.

Tidal Wetlands: *“Tidal wetlands” means those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marshes, swamps, meadows, flats, or other lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above the local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all of the plant species in CGS Section 22a-29.*

Tidal wetlands are areas of high nutrient and biological productivity that provide detrital products forming the base of the food web in Long Island Sound. Tidal wetlands provide habitat, nesting, feeding, and refuge areas for shorebirds; serve as a nursery ground for larval and juvenile forms of many of the organisms of Long Island Sound and of many

estuarine-dependent oceanic species; and provide significant habitat for shellfish. Tidal wetlands also improve water quality by trapping sediments, reducing turbidity, restricting the passage of toxics and heavy metal, decreasing biological oxygen demand (BOD), stabilizes shorelines and buffers erosion. This resource is located on and adjacent to the site.

DATA TABLE

	Existing	Proposed	Required/Allowed
Gross Lot Area:	22,340 SF	No change	21,780 SF
Net Lot Area:	19,615 SF	No change	N/A
Building Coverage:	14.05% 2,734 SF	14.59%** 2,861 SF	15% 2,942 SF
Total Coverage:	23.83% 4,674 SF	24.96%** 4,896 SF	25% 4,903 SF
Setbacks:			
Front:	>30'	>30'	30'
Sides:	>15'	>15'	15'
Rear:	>25'	>25'	25'
Height and Stories:	2 stories/ 20.5' to midpoint of dormer	2 stories with attic / 30.5' from average existing grade to midpoint of highest roof	2 stories/26' to midpoint from average existing or proposed grade, whichever is lower per §6-3.3. (Additional 0.9' permitted per §6-3.3*)
Flood Zone Standards: AE 13	First floor located at EL 12.5'	First floor located at EL 21.3' with adequate flood openings.	First floor located at EL 14' with flood openings below

*§6-3.3 permits building height for principal buildings may be increased by up to an additional five feet; (Maximum of 31') for an existing or new structure located within the Special Flood Hazard Area specifically, when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE

and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings).
**Does not include 205 SF for entries

FLOOD ZONE

The site is wholly located within the bounding limits of the 100-year Flood Line (AE 13/VE 14) as shown on the Panel #090019C0532G (effective 7/8/13) of the FIRM maps.

The house is located within the AE 13 flood zone and will be brought into floodplain compliance as the lower level will be converted to storage/potting shed/garage, flood openings will be installed and the first flood will be located at El. 21.3'. The pool is located within the VE 14 flood zone and will be required to be constructed in accordance with VE requirements.

A new hydraulic elevator is proposed and floodplain requirements indicate that in order to minimize flood damage, elevator shafts/enclosures must be designed to resist hydrostatic, hydrodynamic, and debris impact forces, as well as erosion, scour, and waves. Prior to issuance of a zoning permit, the architect must submit a letter indicating the following:

- The elevator will be equipped with controls that prevent cabs from descending into floodwater.
- The elevator shaft will resist flood loads.
- Jacks should be installed inside the elevator shaft, with critical seals and components located above BFE.
- Hydraulic pumps and fluid reservoirs should be located above the BFE.
- Hydraulic lines connecting the assembly should be located where the lines are protected from physical damage or coated with galvanic or rust-preventive paint.

SEDIMENT AND EROSION CONTROLS

The proposed silt fencing with hay bales should be installed prior to commencement of construction and remain in place until the lot is stabilized which will help to limit possible sediment movement into the coastal resources.

Storm water Management: The *Connecticut Coastal Management Manual* encourages storm water management systems which provide that the volume of runoff generated by the first one-inch of rainfall 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 cover adjacent to coastal waters and other sensitive coastal resources.

The applicant proposes increasing the overall coverage on the property by 222 square feet, from 23.83% total coverage to 24.96% total coverage. The new stormwater system is designed to store water for water quality volume and to treat the first inch of runoff from the new impervious surfaces. This is consistent with CAM policies.

VEGETATED BUFFER

Staff does not feel that a vegetated buffer is necessary as there will be little site disturbance and increase in impervious area.

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 with the following recommendations:

1. The proposed silt fencing with hay bales should be installed prior to commencement of construction and remain in place until the lot is stabilized which will help to limit possible sediment movement into the coastal resources.

Associated Approvals

Comments were received from the Engineering Department, dated 9/14/20 which state, *“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.”*

Prior to Zoning Permit

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

- A. Filing the resolution on the Land Records;
- B. Final Engineering Department approval; and
- C. Documentation that the elevator will be installed in accordance with Technical Bulletin #4, Elevator Installation for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, June 2019.

Available in the File:

- Coastal Resources map prepared by Cahn, Inc. for the Town of Westport’s participation in the CAM program, Section
- Existing Conditions Survey, prepared by Leonard Surveyors, dated 2/23/20, revised 9/29/20
- Proposed Improvement Plan, prepared by Leonard Surveyors, dated 2/23/20, revised 10/14/20
- Site Plan, prepared by Kousidis Engineering, dated 7/29/20
- Building Plans, prepared by Patricia Mailhot Miller, dated 8/25/20, revised 9/28/20