

Text Amendment to update Coastal Site Plan Review Procedure pursuant to P.A. 25-33

Text Amendment #858

Submitted: 10/23/2025

Received: 10/27/2025

Public Hearing: 12/08/2025

Adopted: _____

Effective Date: _____

Deleted language is ~~struck out and in brackets~~; New language is underlined.

§31 REGULATIONS APPLYING TO ALL DISTRICTS

31-10 Coastal Area Regulations

31-10.1 Purpose

The purpose of this regulation is to a) promote and encourage public access to and use of the waters of Long Island Sound, Saugatuck River, Sasco Creek, and other similar marine and tidal waters as identified in Chapter 444 of Conn. General Statutes and b) assure that development within the coastal area of Westport is accomplished in a manner which is consistent with the goals and policies of the Conn. Coastal Area Management Act (CAM Act)¹ and with the goals and policies of the Town of Westport P&Z Commission.

31-10.2 Location

The Coastal Area shall be defined as that area of Westport which lies within the Coastal Boundary (CAM Boundary) as described in § 22a-94 of the Connecticut General Statutes and as shown on the Official Building Zone Map.

31-10.3 Permitted Uses

In the Coastal Area, any use, activity or project which is allowed in the Zoning District in which the property is located shall be permitted, subject to compliance with the requirements of all pertinent sections of these regulations except that priority shall be given to water dependent uses as defined in §22a-93 (16) of Conn. General Statutes.

31-10.4 Water Dependent Uses

Water dependent uses shall be those uses defined in Chapter 444 of the Conn. General Statutes, except that a water dependent use that is water dependent by virtue of providing "general public access to marine and tidal waters" only shall also provide three (3) or more of the following amenities for general public use in any non-residential zone and shall require same for all Special Permit uses in any residential zone, except an Accessory Apartment.

- a. open space easement for passive public use;
- b. pedestrian access easement;
- c. vehicular access easement and additional public parking;
- d. conservation easement for natural preservation;
- e. view land/vistas preservation easement;

- f. canoe and/or boat ramp;
- g. fishing pier;
- h. marina and boat docks;
- i. dry-dock boat storage; and
- j. boat rentals.

31-10.5 Coastal Site Plan Requirements

No use, activity or project for which a Coastal Site Plan is required by § 22a-105 (b) of CAM Act shall commence until a Coastal Site Plan has been approved by the P&Z Commission or the Zoning Board of Appeals in accordance with the requirements of §22a-105 through 22a-109 of the CAM Act.

31-10.6 Exemptions

A Coastal Site Plan as defined in §22a-105(b) of the CAM Act shall be required for any use, activity or project which is proposed to be located either wholly or partially within the Coastal Boundary.

The following uses, activities and project shall be exempt from the coastal site plan review requirements of §22a-105 through §22a-109 of the Conn. General Statutes.

31-10.6.1

Interior modifications to buildings.

31-10.6.2

Gardening, grazing and the harvesting of crops.

[31-10.6.3]

~~[Construction of an individual single family residential structure, except when such structure is (a) located on an island not connected to the mainland by an existing road, bridge or causeway, or (b) is in or within two hundred (200) feet of the Mean High Water Line (MHWL), or (c) is in or within one hundred feet of the following coastal resource areas; tidal wetlands, coastal bluffs and escarpments and beaches and dunes.]~~

31-10.6.[4] 3

Additions and or exterior modifications to any existing residential building or structure, except for additions within two hundred (200) feet of MHWL that expand extend or enlarge either the building area or floor area by more than 25%.

31-10.6.[5] 4

Construction of new or modification of existing on premise fences, driveways, swimming pools, tennis courts, utility sheds, cabanas, garages, decks, docks, pedestrian walks, patios and terraces, underground utility connections, essential electric, gas, telephone, water and sewer lines, signs and other similar detached accessory buildings and structures, that are incidental to the enjoyment of a residence, that will not substantially alter the natural coastal resources and that will not restrict access along the public beach, shoreline or near shore waters.(813, 03/27/2023)

31-10.6.[6] 5

Minor excavating, regrading, filling or stockpiling of materials, not to exceed 5,000 square feet in area, 1,000 cubic yards in quantity, and ten (10) feet in height except in or within one hundred (100) feet of tidal wetlands, coastal bluffs, escarpments, beaches, dunes, islands, near shore waters, fresh water wetlands and embayment's or coastal jurisdiction line.

31-10.6.[7] 6

Minor additions to and minor changes of use in a non-residential building, structure, or property except those changes occurring on property abutting tidal wetlands and/or coastal waters including the Saugatuck River. Minor shall be defined as less than 1000 square feet of building coverage, or less than 1000 square feet of floor area or fewer than four (4) new parking spaces and shall include exterior staircases or elevator mandated by the fire marshal for public safety and awnings.

31-10.6.[8] 7

Other activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land, water and other related resources that will not substantially alter the natural coastal resources and that will not restrict access along the beach, shoreline or near shore waters.

The above exemptions from coastal site plan review requirements shall apply to all applications to the P&Z Commission for Special Permit and Site Plan Review pursuant to §43 herein and requests to the Zoning Board of Appeals for a Variance.(813, 03/27/2023)

31-10.7 Coastal Site Plan Procedures

An application for approval of a Coastal Site Plan shall be filed with the P&Z Commission or the Zoning Board of Appeals in addition to any required application for a Zoning Permit, Special Permit, or Site Plan Review. and all other required local, State and/or Federal approvals, and shall comply with all provisions of the applicable Zoning District in which the property is located; with §43 & §44 herein; with all other pertinent requirements of these Zoning Regulations; and with all applicable provisions of §22a-105 through §22a-109 of the CAM Act.

31-10.7.1 Coastal Site Plan

An application for a Coastal Site Plan shall comply with the provisions of §43-3, Application, Site Plan Document and Objectives, herein, and shall contain the following additional information:

- a. Location and spatial relationship of coastal resources on and contiguous to the site;
- b. A project description including location, design, timing and methods of construction;
- c. An assessment of the capability of the resources to accommodate the proposed activity;
- d. An assessment of the suitability of the project for the site;
- e. An evaluation of the potential, beneficial and/or adverse impacts of the project;
- f. A description of proposed methods to mitigate adverse effects on coastal resources;
- g. Reasons why the adverse impacts of the proposed activity are acceptable;
- h. A statement of how such activity is consistent with the goals and policies of the CAM Act;
- i. A sedimentation and erosion control plan shall be submitted for all projects, activities and uses requiring site plan review pursuant to §31-10.5 herein involving ground disturbance.

31-10.7.2 Environmental Assessment/Impact

The Commission or its designated agent may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis.

Any required Environmental Assessment or Environmental Impact Statement shall consider:

- a. The physical and environmental characteristics of the site.
- b. The potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities.
- c. All applicable goals and policies of the CAM Act, and identify conflicts between the proposed activity and any goal or policy.

31-10.7.3 Vegetated Buffers

In coastal site plans where there are environmentally sensitive and/or ecologically fragile natural resources such as inland wetlands, steep slopes in excess of 25% or scenic vistas, or coastal resources such as tidal wetlands, coastal bluffs and escarpments, beaches, and dunes, the Commission may require the provision of a vegetative buffer in order to protect and preserve such natural or coastal resources. Plantings shall be native species, and salt-tolerant.

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.

Each PWA will differ depending on topography and/or geological circumstances, but shall satisfy the following design guidelines:

1. Pedestrian Corridors - Linear pedestrian connections shall be established or continued from the public street level to the shoreline and along the waterfront. A minimum six (6) foot wide path shall be provided unless deemed unnecessary by the Planning and Zoning Commission.
2. Parking - Signed and delineated public parking spaces shall be provided and shall be located on site between the public street and the waterfront unless specifically modified by the Planning and Zoning Commission. The number of actual spaces shall be not less than 1 parking space per 100 linear feet of water frontage as measured generally parallel to the waterfront, or 1 parking space per 10,000 square feet of floor area, whichever is greater.
3. Signage - Uniform informational, interpretive and locational signs shall be included within each public waterfront access component. Signage may be required to be both on site and adjacent to the site within public rights-of-way. Signage shall be consistent with §33-11 herein and the Coastal Public Access Sign Catalog provided by the Connecticut Department of Energy and environmental Protection.
4. Handicap Accessibility - Where feasible, handicap accessibility to the waterfront shall be provided.
5. Sustainable Design - PWA facilities, including walkways, permeable paths, timber boardwalks, interpretive signage, protective railings, and ornamental landscaping, shall be designed and constructed of quality, sustainable materials requiring minimal maintenance.
6. Site Amenities - Site amenities such as landscaping, historical or interpretive signage, benches, stationary binoculars, small rain or sun shelters, fishing piers, commercial fishing docks, and public boat slips are encouraged to be incorporated into the PWA.
7. Site amenities shall not be counted in calculating coverage subject to approval from the Planning and Zoning Commission.
8. At least 25% of the frontage of any site adjacent to the water shall allow views of the water from the street. These views shall not be blocked by landscaping, fencing or walls.
9. Public pedestrian access to the water and a Riverwalk along the water shall be provided on all sites adjacent to the water.

Section Deleted(779, 03/04/2021)

31-10.7.6 Commission/Board Action

The Commission or Board shall approve, approve with conditions, modify, or deny the application. It shall set forth the reasons for its decision and shall notify the applicant of its decision by certified mail within fifteen (15) days after such decision is rendered. In approving any activity proposed in a Coastal Site Plan, the Commission or Board shall make a written finding that the proposed activity, with any conditions or modifications imposed by the Board or Commission, is:

1. consistent with all applicable goals and policies of the CAM Act;
2. Incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

31-10.7.7 Time Periods

Any approved coastal site plan for which a zoning permit has not been issued within one (1) year from the effective date shall become null and void, unless an extension of time is applied for and granted by the Commission or Board.

31-10.7.8 Bond

The Board or Commission reviewing a Coastal site Plan may require a bond, escrow account or other surety or financial security arrangements to secure compliance with any modifications, conditions and other terms stated in its approval of a Coastal Site Plan.

§43 SPECIAL PERMIT AND /OR SITE PLAN REVIEW PROCEDURES

43-1 Purpose

The purpose of this process is to review the development plans of an applicant to assure that they meet the stated objectives and standards, provide for necessary public facilities or services, preserve topographic features, protect historical and archeological factors and protect adjacent properties, through appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping and other site development features.

43-2 Authorization

43-2.1 Special Permit

In all cases where these regulations require approval of a Special Permit, no zoning permit shall be issued by the Zoning Enforcement Officer except after a public hearing and upon authorization of the Planning & Zoning Commission.

43-2.2 Site Plans

In all cases where these regulations require approval of a Site Plan, no zoning permit shall be issued by the Zoning Enforcement Officer except after Site Plan Review by and authorization of the Planning & Zoning Commission.

43-3 Application

Applications for a Special Permit and/or Site Plan Review shall be in a form prescribed by the Commission and shall be considered in accordance with the procedures adopted by the Commission, as amended from time to time.

43-3.1 Required Documents

Before the commission shall consider any such application, all the required documents set forth in §44-1 shall be submitted by the applicant.

43-3.2 Required Dates

The applicant shall submit any required report or document set forth in §44-2 at least fourteen (14) calendar days prior to the public hearing or Commission review of an application. If any such report or document has not been submitted, the Commission may deny the application.

43-3.3 Application Forms

Application for approval of a special permit or site plan shall be made to the commission in writing on Westport Planning & Zoning forms. The application shall be signed by the applicant, and if the project is proposed by an applicant other than the owner of the property, the application shall be signed by the owner. If the applicant is unable to obtain the signature of the property owner the applicant may submit a letter of authorization signed by the property owner.

43-4 Completeness, Date of Submission and Date of Receipt

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §44-1. The P&Z Staff shall note on the application the date that these requirements have been met and that date shall be the date of submission to the commission.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission of a complete application, or thirty-five (35) days after such submission, whichever is sooner.

43-5 Public Hearing

43-5.1 Special Permit Hearings

The Commission shall hold a public hearing on an application for a Special Permit. If the grant of such an application is dependent on the Commission's approval of a Site Plan, the applicant shall submit an application for Site Plan review at the same time as he submits his application for a Special Permit and both applications shall be considered at the same public hearing.

43-5.2 Site Plan Review and Hearings

Site Plan approval by the Planning & Zoning Commission shall be required for construction, addition or alteration of a non-residential building involving more than five hundred (500) square feet of building coverage or containing more than five hundred (500) sq. ft. of gross interior floor space, or any of the uses or activities listed below:

1. A Change of Use pursuant to §5-2.
2. **New Single Family Dwellings and** Shoreline Flood and Erosion Control Structure as defined in CGS §22a-109 located within the Coastal Boundary as described in CGS §22a-94.(779, 03/04/2021; 800, 11/19/2021; 807, 01/07/2022; 814, 04/01/2022)
3. Truck trailer storage for more than 7 days pursuant to §32-8.1.
4. Excavation and fill activities that are not exempt pursuant to §32-8.1.
5. Outdoor Special Events, pursuant to §32-23, that:
 - a. Exceed ten (10) days in duration and are located in a non-residential district.
 - b. Exceed two (2) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located in a residential district.

- c. Exceed seven (7) days in duration and/or extend beyond 10:00pm on Fridays and Saturdays and are located on a privately-owned property in a residential district containing a Special Permit Use.
6. Outdoor Eating Areas pursuant to §32-20.(779, 03/04/2021; 800, 11/19/2021; 807, 01/07/2022; 814, 04/01/2022)

The P&Z Commission, at its discretion, may hold a public hearing on an application for Site Plan or Coastal Site Plan review.(779, 03/04/2021; 800, 11/19/2021; 807, 01/07/2022; 814, 04/01/2022)

The P&Z Director may waive P&Z Commission review of small-scale projects, except those located in the Village District Overlay (VDO) Zone/Westport Center that are not recommended for approval by the Joint Committee of the Historic District Commission and the Architectural Review Board.. Small-scale projects include:(779, 03/04/2021; 800, 11/19/2021; 807, 01/07/2022; 814, 04/01/2022)

- i. Minor Site Plan modifications such as parking lot alterations or expansions, landscape modifications and utility modifications;
- ii. Exterior façade changes to commercial buildings;
- iii. Small building additions with fewer than five hundred (500) sq. ft. of building coverage or containing fewer than five hundred (500) sq. ft. of gross interior floor space.
- iv. Exterior staircases mandated by the Connecticut State Fire Safety Code.(779, 03/04/2021; 800, 11/19/2021; 807, 01/07/2022; 814, 04/01/2022)
- v. Handicap ramp and elevators mandated by the Building Official for public safety.

43-5.3 Hearing Dates

Any such public hearing shall be held within 65 days after the date of receipt of a complete application and shall be completed within 35 days after such public hearing commences.

43-6 Commission Review

43-6.1 Conditions and Safeguards

In reviewing a Special Permit and/or Site Plan application, the Commission shall take into consideration the public health, safety and general welfare, and may prescribe such conditions and safeguards as are necessary to assure compliance with §44, herein.

43-6.2 Submission of Additional Information

The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

43-6.3 Conservation Commission Regulated Activities

If a Special Permit or Site Plan application involves an activity regulated by the Conservation Commission or Conservation Director, the Planning and Zoning Commission shall not render its decision on such application until the Conservation Commission or Conservation Director has submitted a report with its final decision.

43-6.4 Hiring of Outside Consultants

The Planning and Zoning Director, his/her designee, or the Planning and Zoning Commission may require an applicant to pay for hiring one or more outside consultants to assist the Planning and Zoning staff and Commission in analyzing, reviewing, and reporting on areas requiring technical review.

1. Upon the filing of an application, the Planning and Zoning Director, or his/her designee, shall make a determination whether one or more consultant(s) are needed to analyze, review and report on areas requiring technical review in order to assist the Commission. Such consultant(s) may include, but shall not be limited to engineers, surveyors, soil scientists, traffic consultants and information technologists.

If such determination is made, the Director shall assess the reasonable costs for such consultant(s) to the applicant based upon a preliminary estimate from the consultant(s). The Director shall collect 150% of the estimate from the applicant, which amount shall be held in escrow until the technical review(s) are completed. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered as an integral component of the application. The failure by the applicant to make this payment shall render the application incomplete.

2. The Planning and Zoning Commission may also make a determination whether one or more outside consultant(s) are needed in the event that the Director does not make such a determination, or in the event that the Planning and Zoning Commission determines that one or more additional outside consultant(s) are needed. Prior to making such a determination, the Planning and Zoning Commission shall determine:
 - a. That the evidence in the record of the proceedings has been produced or is likely to be produced which requires the hiring of such consultant(s);
 - b. That the department staff will be unable to perform the technical review; and
 - c. That adequate time exists for the applicant to review and respond to such consultant(s)' report(s).

The Planning and Zoning Commission shall then make such a reasonable assessment and collect 150% of the estimate from the applicant. Any excess amount collected over the actual costs shall be refunded to the applicant. This payment shall be considered as an integral component of the application. The failure by the applicant to make this payment shall render the application subject to denial as incomplete.

43-7 Commission Action

43-7.1 Special Permit and/or Site Plan Requiring Public Hearing

Subject to §43-7.3, within 65 days after completion of the public hearing the Commission shall grant or deny such application.

43-7.2 Site Plan Not Requiring Public Hearing

Subject to §43-7.3, within sixty five (65) days after the date of receipt of an application for a site plan for which the Commission does not require a public hearing, the Commission shall approve, modify and approve, or deny the Site Plan.

43-7.3 Special Permit or Site Plan Involving Conservation Commission

If in the case of applications involving an activity regulated by the Conservation Commission, the time for decision by the Planning and Zoning Commission pursuant to §43-7.1 or §43-7.2 would elapse prior to the thirty-fifth (35th) day after a decision by the Conservation Commission or Conservation Director, the time period for a decision shall be extended to thirty five (35) days after the Conservation decision.

43-7.4 Simultaneous applications for Special Permit and Site Plan Review

If, pursuant to §43-5.1, and applicant submits two such applications at the same time, the two applications shall be deemed to be a single proposal for purposes of voting and the Commission shall with one vote approve, approve with conditions, modify and approve or deny such proposal, simultaneously.

43-7.5 Modifications or Denial

A site plan may be modified or denied only if it fails to comply with the requirements already set forth in the Zoning or Inland Wetland Regulations in accordance with § 8-3(c) of the Connecticut General Statutes.

43-7.6 Conditions of Approval

When the Commission grants a Special Permit or approves a Site Plan with conditions, each and all of said conditions shall be an integral part of the commission's decision. Should any of the conditions on appeal from such decision be found to be void or of no legal effect, then the conditional approval is likewise void. The applicant may refile another application for review.

43-7.7 Reasons & Permits

The Commission shall state upon its records the reason for its decision. Upon granting of a Special Permit or approval of a Site Plan, the applicant shall apply for a zoning Permit from the Zoning Enforcement Officer.

43-8 Extension of Time

The applicant for a Special Permit or Site Plan application may consent in writing for an extension of the time periods in accordance with § 8-7d of the Connecticut General Statutes.

43-9 Notice of Decision

Notice of the decision of the Commission on a Special Permit application or Site Plan shall be published in a newspaper having a substantial circulation in the Town of Westport and a copy of the decision on a Special Permit or Site Plan application shall be sent by certified mail to the applicant within fifteen (15) days after the decision.

43-10 Effective Date

Special Permits shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and the recording of a copy thereof in the land records of the Town.

43-11 Time Period and Expiration

In granting a Special Permit, the Commission may set or impose time periods or limits on the use or require periodic renewal of the permit, without a public hearing. In the event an appeal is taken from the Commission's granting of a Special Permit, any such time period shall commence on the date of final resolution or disposition of such litigation. Expired Special Permits shall be considered null and void.

43-11.1 Time to complete project

All work in connection with any site plan shall be completed within the timeframes specified by the Connecticut General Statutes.

The Commission may grant one or more extensions of the time to complete all or part of the work in connection with such site plan, provided that the total time for completion shall not exceed the timeframes allowed by the Connecticut General Statutes.

The Commission may condition the approval of an extension on a determination of the adequacy of the amount of the bond or other surety furnished under §43-12, Bond. The Resolution of approval of a site plan shall state the date on which such approval expires.

Failure to complete all work within the period of approval (including extension[s], if any,) shall result in an automatic expiration of the approval of such site plan.

43-12 Bond

The Commission may require, as a condition of approval, of a site plan or modified site plan, the applicant to post a financial guarantee in the form of a bond, a bond with surety or similar instrument satisfactory to the Commission in order to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality and (B) the implementation of any erosion and sediment controls required during construction activities. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period and shall be submitted to the Town Engineer and the Planning Director for approval. The bond may be in the form of cash, a certified bank check payable to the Town of Westport, a savings passbook with a signed withdrawal slip for a joint account in the name of the Town and the applicant, an irrevocable letter of credit from a bank, or an insurance company performance bond written by a company authorized to write bonds in the State of Connecticut. Said bond shall be posted with the Town, in accordance with the approved Site Plan. The bond cannot expire in less than five (5) years. All site work shall be completed within the period of approval of the site plan, pursuant to §43-11.3.(748, 11/11/2018)

43-13 Release of Bond

Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Town Engineer, and/or other appropriate Town Officials to determine if all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Based on the findings, the Commission may authorize the reduction or release of said bond and the subsequent issuance of a Zoning Certificate of Compliance.