

# Memorandum

**To:** Members, Planning and Zoning Commission

**From:** Michelle Perillie, AICP CFM, Planning and Zoning Director

**Date:** February 19, 2026

**Re:** 70 Beachside Avenue, Special Permit/Coastal Site Plan Appl. #PZ-21-00792

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## Statutory Time Lines

Application Submission Date: 11/26/25

Application Receipt Date: 12/8/25

65 Days from Date of Receipt + 65 day ext (decision required by): 4/17/26

Public Hearing Scheduled to Open: 2/23/26

## Summary

Have all the documents been submitted as required pursuant to §44?	Yes.
Were any waivers to submit documents granted by the Planning Director pursuant to §44-4?	No.
Were any variances granted by the Zoning Board of Appeals pursuant to §46?	No.
Does the application appear to meet all applicable zoning requirements? If not, indicate why not?	Yes.
Have all approvals been received pursuant to §44-2?	Yes. The Engineering Department submitted comments dated 2/20/25 indicating the plan is satisfactory.  The CT DEEP issued a Certificate of Permission (COP) dated 12/29/25. Comments from CT DEEP indicating the plans are consistent with CAM policies was received on 2/20/26.
Other comments?	Section 43-5.2 requires a public hearing for a Shoreline Flood and Erosion Control Structure as

	<p>defined in CGS §22a-109 located within the Coastal Boundary as described in CGS §22a-94.</p> <p>The Planning and Zoning Commission should evaluate if the project meets the criteria listed in §31-10, Coastal Area Management, and whether it is in accordance with the 2017 Plan of Conservation and Development.</p> <p>Confirm the Planning and Zoning staff's conclusion that the application conforms to the Res. AAA standards in §11, the Site Plan Standards and Objectives listed in §44-5, and the Special Permit standards listed in §44-6 and whether it is in accordance with the 2017 POCD.</p>
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### Description of Application

Applicant/Property Owner/Agent	<p>Michael Ferdman; Applicant</p> <p>Michael and Stephanie Ferdman; Owner</p> <p>Tim DeBartolomeo, Sound Engineering Assoc; Agent</p>
Requested Action	Coastal Site Plan approval
Purpose	The proposal involves replacement of an existing seawall with a stone seawall (Shoreline Flood and Erosion Control Structure) and concrete slab, armor stone and dune with plantings along the shoreline of the property.
Existing Zoning	Residence AAA District
Location	South side of Beachside Avenue; adjacent to Long Island Sound; the property is located within the Coastal Area Management boundary; and is partially within the VE 15 flood zone; PID # #H05025000.
Lot Size	2.87 acres (125,145 SF)
Existing Land Use	Single-family residential
Surrounding Land Use and Zoning	Residence AAA, Single-family residential

2017 Plan of Conservation and Development	<p>A Goal of Chapter 6 (Manage Coastal Areas) include the following:</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><i>6.6 Promote non-structural activities in the coastal area as opposed to groins, seawall revetments, etc. (pg. 52).</i></p> <p>Chapter 7 (Protect Natural Resources) also provides the following goals:</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>
Zoning History	<p>10/19/2016: Zoning Permit (#41284) issued for construction of a new pool, spa and patios.</p> <p>5/12/2016: Lots (68 &amp; 70 Beachside Avenue) created through re-subdivision of property formerly known as 66 Beachside Avenue.</p> <p>10/19/2015: Zoning Permit (#40735) issued for construction of new single family home, terraces and patio on property now known as 70 Beachside Avenue.</p>
Applicable Regulations	§11, Res AAA; §31-10, Coastal Area Regulations; §31-11, Floodplain Requirements; §43/§44, Special Permit and/or Site Plan Procedures/Documents

**Background:**

70 Beachside Avenue is a conforming 2.87 acre rear lot in the Res. AAA zoning district, requiring 2 acres. The net lot area is 2.57 acres due to the deduction of the 12,888 SF accessway. There is also an open space conservation easement along the west property line as well as a 6 foot pedestrian easement (1,896 SF) which benefits 66 Beachside Avenue as shown on the [Resubdivision Plan approved by the P&ZC in 2016](#).

The lot is improved with a residence, driveway, pool, patio and partially collapsed seawall constructed prior to 1934. The property is located within the Coastal Area Management boundary and is partially within the VE 15 flood zone per FIRM Panel 09001C0556G. The majority of the property including the house is outside the 100-year floodplain.



Fig 1. Photo of Partially Collapsed Seawall Taken Jan 13, 2026

### **Proposal**

The application requests Coastal Site Plan approval to replace an existing 340 foot seawall with a stone seawall (Shoreline Flood and Erosion Control Structure) and concrete slab, armor stone and dune with plantings along the shoreline of the property. The proposed armor stone and dune with plantings is designed to dissipate any waves make it over the top of the wall instead of reflecting them back out to the water. It also reduces the potential for erosion of soil behind or under the structure. The dune will prevent stormwater from rushing over the top of the structure and causing erosion.

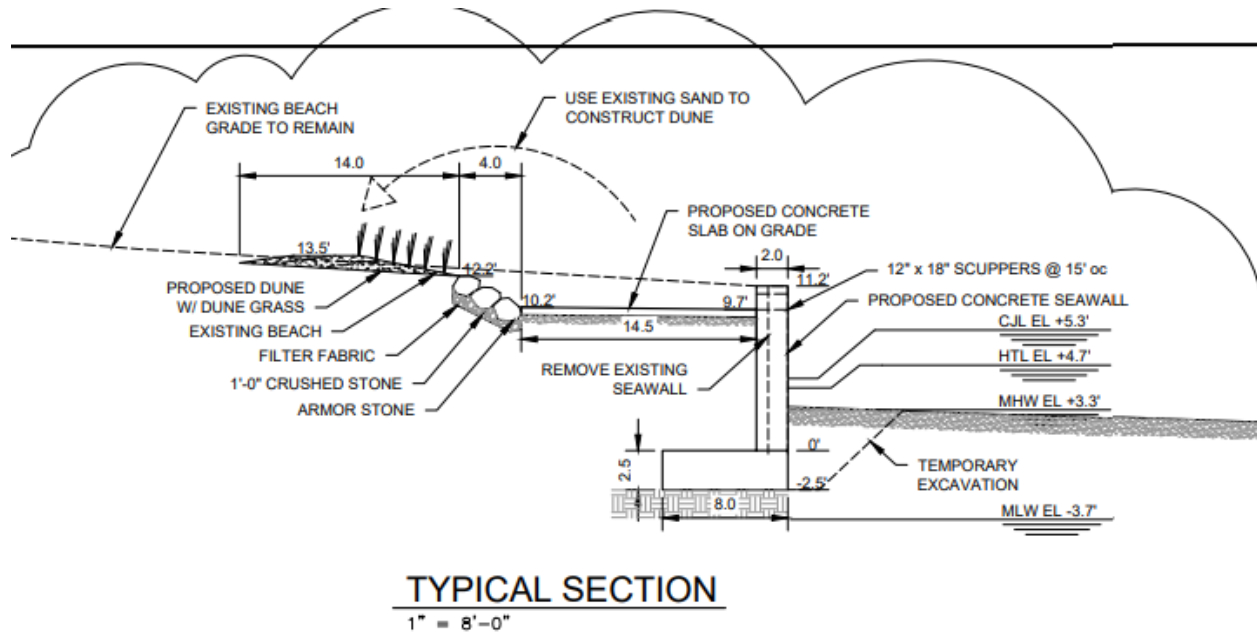


Fig 2. Section, [Site Plan by Sound Engineering, dated 2/16/25, revised 2/20/26](#)

## Analysis/Considerations

### Department Comments

The Engineering Department submitted comments dated 2/20/26 conclude, *"I have no concerns with the activity from an engineering standpoint.*

The [Conservation Department comments dated 12/29/25](#) provide the following recommendations for the Commission to consider:

- We recommend consulting with the applicant to have them prepare a soil management plan for the site. The site plan currently shows a small area for soil stockpiling and construction access to the east of the residence. The amount of proposed soil movement associated with a 350' long by eleven feet tall wall (even working in "sections") will not be contained within a 25' wide circle. We suggest identifying a proper stockpile and laydown area on the site, or considering storage near the entry driveway located at #68 Beachside Ave.
- If possible, we recommend that work occur during low tide to reduce any chance of disruption of sediment and soils.
- Ensure that the silt fence is checked daily for stability and effectiveness. Have the schedule of work and area of disturbed bare soils limited during inclement weather to minimize possible erosion and runoff.

- Have weekly inspections by the Town of Westport Sediment & Erosion Inspector
- Ensure that the silt fence is checked daily for stability and effectiveness. Have the schedule of work and area of disturbed bare soils limited during inclement weather to minimize possible erosion and runoff.
- Have weekly inspections by the Town of Westport Sediment & Erosion Inspector

### **Coastal Site Plan Review**

This property lies within the Coastal Area Management Boundary, as defined by C.G.S. §22a-94 and therefore, a CAM review is required in accordance with C.G.S. §22a-109 and the *Town of Westport Zoning Regulations* §31-10. §31-10.5 of the zoning regulations states that no use, activity or project for which a Coastal Site Plan is required by §22a-105 (b) of the 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.

The applicant indicates the following coastal resources are on and/or adjacent to the site: Beaches and Dunes and Coastal Hazard Areas.

According to the Cahn, Inc. Map, the following coastal resources have been identified as either on and/or adjacent to the site: General Resources, Shorelands, Beaches and Dunes, Nearshore waters, Coastal Hazard Areas. The coastal resources are defined in the Connecticut Coastal Management Manual.

### **Shoreline Flood and Erosion Control Structures:**

CGS 22a-109(d) requires an application for a Shoreline Flood and Erosion Control Structure be referred to the Commissioner of the Department of Energy and Environmental Protection so they can provide comments. Comments from John Gaucher, dated 2/20/26 were received indicating the improvements behind the seawall would not be considered a Flood and Erosion Control Structure with the recommended revisions which have been incorporated into the revised plan dated 2/20/26.

The Coastal Area Management (CAM) Act discourages shoreline flood and erosion control structures. Although the intent behind shoreline structures is to alleviate flood and erosion problems, in fact they can exacerbate erosion problems. The CAM policy is to promote non-structural solutions to flood and erosion problems. However repairs and maintenance of existing shoreline flood and erosion control structures are not considered inconsistent with CAM policies. CT DEEP was satisfied with the replacement as such the department issued Certificate of Permission #202507273-COP on 12/29/25 for removal of the three groins, replace and modify the concrete seawall.

**Flood Zone:** The site is partially located within the bounding limits of the 100-year Flood Line (VE 15) as shown on the Panel #090019C0556G (effective 7/8/13) of the FIRM maps.

The proposed seawall must be constructed to withstand VE zone forces. Prior to obtaining a Zoning Certificate of Compliance, the applicant shall be required to submit a letter from the design engineer that all construction met the specifications in their plans.

**Sediment and Erosion Controls:** The proposed silt fencing around stockpile areas 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. Seawall replacement shall be limited to 20 foot sections. At no time shall work begin on a second section without the prior section being stabilized to prevent erosion of exposed sediments into Long Island Sound. As suggested by the Conservation Department, staff recommends weekly inspections by the Town of Westport Sediment & Erosion Inspector until final stabilization is achieved. The project with these conditions imposed are consistent with CAM policies.

**Vegetated Buffer:** The Office of Long Island Sound Program Fact Sheet for Vegetated Buffers, by the Connecticut Department of Environmental Protection states the following,

*“Buffers protect resources from adjacent development by reducing the adverse effects of human activities on natural resources including wetlands and surface waters. They protect water quality and temperature, control erosion and trap sediment, protect and provide wildlife habitat, reduce the effects of flooding, reduce the potential for direct human disturbance of sensitive resources, and maintain aesthetic diversity and recreational value. A buffer provides a mosaic of interdependent functions. Installation of a buffer area can also lessen lawn maintenance requirements by reducing the area of manicured landscape.”*

The Department of Energy and Environmental Protection (CT DEEP) Office of Long Island Sound Fact Sheet on Vegetated Buffers suggests that *“large buffers (e.g. 100 feet or greater in width) provide the best protection for water quality by buffering temperature changes and improving control of erosion, sedimentation and pollution. However, even a narrow buffer (15 to 30 feet in width) can be effective under certain conditions.”*

The buffer must consist of native salt tolerant plantings and will be required to remain in perpetuity in order to:

- Reduce the adverse effects of human activities on natural resources including wetlands and surface waters by acting as filters to intercept and absorb nutrients, sediment and other pollutants carried in storm water runoff from fertilized lawns and landscaping where pesticides are applied.
- Slow down runoff, which both reduces erosion and allows silt and other suspended solids to settle out before they reach a receiving water body or wetlands; and
- Trap bacteria and pathogens from pet wastes and thereby preserving water quality.

A 14 foot wide dune with native salt tolerant planting will be installed from the stone slope landward in order to stabilize the disturbed area, to provide habitat for wildlife and to intercept and absorb nutrients and prevent contaminants from reaching the adjacent coastal resources.

### **Summary of Coastal Review**

The coastal site plan review concludes the application may be considered consistent with the goals and policies of the CAM act. The following recommendations are included in the CAM report.

1. Seawall replacement shall be limited to 20 foot sections. At no time shall work begin on a second section without the prior section being stabilized to prevent erosion of exposed sediments into Long Island Sound.
2. A 14 foot wide dune with native salt tolerant planting will be installed from the stone slope landward in order to stabilize the disturbed area, to provide habitat for wildlife and to intercept and absorb nutrients and prevent contaminants from reaching the adjacent coastal resources.
3. The proposed silt fencing around stockpile areas 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.
4. As suggested by the Conservation Department, staff recommends weekly inspections by the Town of Westport Sediment & Erosion Inspector until final stabilization is achieved.

§44-5 lists the Site Plan Standards and Objectives the Commission must consider in reviewing the Coastal Site Plan application.

§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 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.

### **Public Hearing and Notice to the Public:**

Section 43-5.2 requires a public hearing for a Shoreline Flood and Erosion Control Structure as defined in CGS §22a-109 located within the Coastal Boundary as described in CGS §22a-94.

The applications will be reviewed at a remote public hearing of the Planning and Zoning Commission. The Town of Westport provides access to public hearings in real-time, by live stream on the Town's website, and by broadcast television on Optimum Govt. Access Channel 79. Additionally, anyone can join the remote meeting by accessing the meeting link published on the agenda prior to the meeting. Meeting agendas are available at [www.westportct.gov](http://www.westportct.gov) on the "[Meeting List and Calendar](#)" web page. Additionally, an email address is listed on the notice and agenda to receive public comments prior to the meeting at [PandZ@westportct.gov](mailto:PandZ@westportct.gov) and interested parties may "join" the meeting and offer live testimony during the meeting as the Zoom meeting link is published on the meeting agenda in advance of the meeting.

The applicant submitted a Certificate of Mailing as proof that neighbors within a 250' radius of the subject property were notified upon application submission, in accordance

with §44-1.2 and to date, no comments from the Public have been received.

## CONCLUSION

**Prior to issuance of a Zoning Permit**, the applicant should:

1. Obtain final sign-off from Engineering Department;

**Prior to issuance of a Zoning Certificate of Compliance (ZCC)**, the applicant should:

1. Submit a letter from the design engineer that all construction met the specifications in their plans.

## Department Comments

Conservation Department :	<a href="#">Comments dated 12/19/25</a> conclude there are no inland wetlands on this site, however a Coastal Hazard Area is identified along the FEMA Flood Zone VE associated with interface of Long island Sound. Therefore, IWW regulations hold no jurisdiction on the above-referenced property. In addition, the site is beyond the jurisdiction of the WPLO. Therefore, no permits would be required from the Conservation Department. Comments and recommendations were included as well and have been considered.
Engineering Department:	Comments dated 2/20/26 conclude, <i>"I have no concerns with the activity from an engineering standpoint"</i> <a href="#">here</a> .
CT DEEP OLISP	Certificate of Permission (COP) issued 11/4/22, <a href="#">here</a> . Comments from <a href="#">John Gaucher, dated 2/20/26</a> were received indicating the improvements behind the seawall would not be considered a Flood and Erosion Control Structure with the recommended revisions which have been incorporated into the revised plan dated 2/20/26.

A formal field trip is NOT scheduled but Commission members are encouraged to visit the site individually to obtain site orientation.

**Available in the File and Online on the Town's website [here](#).**

Engineering Department Comments, dated 2/20/25

Conservation Department Comments, dated 12/19/25

CT DEEP Comments, dated 2/20/26

COP #202507273-COP, dated 12/29/25

Applicant's Narrative, received 11/26/25

CAM Application, received 11/26/25

Site Plan, prepared by Sound Engineering, dated 2/16/25, revised 2/20/26

Existing Conditions Survey, prepared by Dennis Deilus, dated 12/8/17, revised 7/14/21