



WESTPORT

TOWN OF WESTPORT
REPRESENTATIVE TOWN MEETING
RTM PUBLIC WORKS COMMITTEE PACKET
MARCH 24, 2026
07:00 PM



TOWN OF WESTPORT

RTM PUBLIC WORKS COMMITTEE AGENDA

MARCH 24, 2026
07:00 PM

1. Discussion of the role of the Flood & Erosion Control Board and possible Revisions to the Waterway Protection Line Ordinance as presented by the Public Works/Engineering Department.
2. Discussion of possible revisions to the Driveway Ordinance as presented by the Public Works/ Engineering Department to better align with the Planning & Zoning Regulations.

This meeting is an initial discussion of the agenda items and will be informational only; the rationale for the revisions will be presented by the Public Works/Engineering Department and will be available For questions.

There will be no decisions made or vote taken at this meeting.

Attachment: [CGS 477 Sec 25-84 to 25-98a Flood Boards.pdf](#)

Attachment: [CGS 97 Sec 7-147 Obstructions in Waterways.pdf](#)

Attachment: [Proposed Draft WPLO Revisions - 12-9-2025.pdf](#)

Attachment: [Proposed Driveway Ordinance Changes.pdf](#)

PART II*

MUNICIPAL FLOOD AND EROSION CONTROL BOARDS

*Cited. 1 CA 417.

Sec. 25-84. Municipal flood prevention, climate resilience and erosion control boards.

Joint flood prevention, climate resilience and erosion control boards. Appointment of

alternate members. Biannual report. (a) (1) Any municipality may, by vote of its legislative

body, adopt the provisions of this section and sections [25-85](#) to [25-94](#), inclusive, and

exercise through a flood prevention, climate resilience and erosion control board the

powers granted thereunder. In each town, except as otherwise provided by special act, the

flood prevention, climate resilience and erosion control board shall consist of not less than

five nor more than seven members, who shall be electors of such town and whose method

of selection and terms of office shall be determined by local ordinance, except that in

towns having a population of less than fifty thousand the selectmen may be empowered by

such ordinance to act as such flood prevention, climate resilience and erosion control

board. In each city or borough, except as otherwise provided by special act, the board of

aldermen, council or other board or authority having power to adopt ordinances for the

government of such city or borough may act as such flood prevention, climate resilience

and erosion control board. The flood prevention, climate resilience and erosion control

board of any town shall have jurisdiction over that part of the town outside any city or

borough contained therein.

(2) Two or more municipalities may, by concurrent votes of their legislative bodies, enter

into an agreement to jointly exercise through a joint flood prevention, climate resilience

and erosion control board the powers granted under sections [25-85](#) to [25-94](#), inclusive. The

joint flood prevention, climate resilience and erosion control board shall have jurisdiction

over each municipality subject to such agreement.

(b) Any town, city or borough shall have the power to provide by ordinance for the

appointment or election of three alternate members to its flood prevention, climate

resilience and erosion control board. Such alternate members shall, when seated as herein

provided, have all the powers and duties set forth for such board and its members. Such

alternate members shall be electors of such town, city or borough. If a regular member of

any of said board is absent or is disqualified, the chairman of the board shall designate an

alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a

number of times as possible. If any alternate is not available in accordance with such

rotation, such fact shall be recorded in the minutes of the meeting.

(c) Each flood prevention, climate resilience and erosion control board shall publish a biannual report on the Internet web site of each municipality under the jurisdiction of such board. Such report shall include, but not be limited to, (1) a current inventory and description of the flood prevention, climate resilience and erosion control system managed by such board, (2) the extent and value of property, infrastructure and natural resources protected by such system, (3) an analysis of the manner in which vulnerable communities, as defined in subsection (a) of section [16-243y](#), are prioritized and protected by such system, and (4) the revenues and expenditures of such board.

(1955, S. 2383d; November, 1955, S. N206; 1957, P.A. 13, S. 94; P.A. 76-398, S. 1, 2; P.A. 89-305, S. 29, 32; P.A. 21-115, S. 4.)

History: P.A. 76-398 replaced provision requiring that flood and erosion control board consist of five members with provision requiring at least five but no more than seven members and added Subsec. (b) re alternate members; P.A. 89-305 amended Subsec. (a) by authorizing towns with less than 50,000, rather than 25,000, to empower selectmen to act as the board; P.A. 21-115 amended Subsec. (a) to redesignate existing provisions as Subdiv. (1), replaced references to flood and erosion control board with references to flood prevention, climate resilience and erosion control board, added Subsec. (a) (2) re joint flood prevention, climate resilience and erosion control boards, and added Subsec. (c) re publication of biannual report, effective July 1, 2021.

Cited. 151 C. 307.

Cited. 1 CA 417.

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Sec. 25-85. Establishment of flood prevention, climate resilience and erosion control system. Requirements of flood prevention, climate resilience and erosion control boards. (a) Such board shall have authority, within the limits of appropriations from time to time made by the municipality or municipalities, as applicable, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise, operate and manage a flood prevention, climate resilience and erosion control system. As used in sections [25-84](#) to [25-94](#), inclusive, “flood prevention, climate resilience and erosion control system” means any dike, berm, dam, piping, groin, jetty, sea wall, embankment, revetment, tide-gate, water storage area, ditch, drain or other structure or facility, and any nonstructural and nature-based measure, including, but not limited to, removal, relocation or modification of existing structures, restoration and maintenance of open floodplain or other water storage area and any feasible, less environmentally damaging alternative, as defined in section [22a-92](#), that

is useful in preventing or ameliorating damage from floods or erosion, whether caused by fresh or salt water, any dam forming a lake or pond that benefits abutting properties or any open space reserved for future accommodation or establishment of wetlands or watercourses, and shall include any easements, rights-of-way and riparian rights which may be required in furtherance of any such system.

(b) In planning for and conducting its activities, such board (1) shall consider all applicable regional and municipal hazard mitigation plans, resilience plans and identifications of vulnerable communities, as defined in subsection (a) of section [16-243y](#), as well as all applicable municipal plans of conservation and development adopted pursuant to section [8-23](#), and (2) may consult with the Connecticut Institute for Resilience and Climate Adaptation.

(1955, S. 2384d; November, 1955, S. N207; June Sp. Sess. P.A. 83-38, S. 4; P.A. 21-115, S. 5.)

History: June Sp. Sess. P.A. 83-38 provided that the definition of flood or erosion control system includes dams; P.A. 21-115 designated existing provisions as Subsec. (a) and amended same to add “, operate”, change defined term from “flood or erosion control system” to “flood prevention, climate resilience and erosion control system” and redefine same, and make technical and conforming changes, and added Subsec. (b) re planning considerations, effective July 1, 2021.

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Sec. 25-86. Taking of property. Such board is authorized to enter upon and to take and hold, by purchase, condemnation or otherwise, any real property or interest therein which it determines is necessary for use in connection with the flood prevention, climate resilience and erosion control system. Whenever the board is unable to agree with the owner of any such property as to the compensation to be paid for the taking thereof, the board, in the name of the municipality, may bring condemnation proceedings in accordance with the procedure provided by part I of chapter 835 for condemnation by municipal corporations generally. In such case, the court or judge may permit immediate possession of such property by the board in accordance with the procedure provided by said chapter.

(1955, S. 2385d; P.A. 21-115, S. 6.)

History: P.A. 21-115 changed “flood or erosion control system” to “flood prevention, climate resilience and erosion control system”, effective July 1, 2021.

Cited. 151 C. 312.

Cited. 1 CA 417.

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Sec. 25-87. Bond issue authorized. Assessments. At any time after voting to acquire, construct, reconstruct, operate or maintain any flood prevention, climate resilience and erosion control system or portion thereof, the board in its discretion may elect to defray the cost thereof by issuing bonds or other evidences of debt, from general taxation, special assessment, federal, state or private grant funds or any combination thereof or by drawing upon a municipal Climate Change and Coastal Resiliency Reserve Fund created pursuant to section [7-159d](#). If it elects to defray any part of such cost from special assessment, it may apportion and assess such part upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such flood prevention, climate resilience and erosion control system or not, and upon the owners of such lands and buildings, subject to the right of appeal as hereinafter provided. Such assessment may include a proportionate share of any expenses incidental to the completion of such flood prevention, climate resilience and erosion control system, such as fees and expenses of attorneys, engineers, surveyors, superintendents or inspectors, the cost of any property purchased or acquired for such work, interest on securities, the cost of preparing maps, plans and specifications, the cost to reconstruct, repair, maintain, supervise, operate and manage such system and the cost of printing, publishing or serving advertisements or notices incidental thereto. The board may divide the total territory to be benefited by any flood prevention, climate resilience and erosion control system into sections and may levy assessments against the property benefited in each section separately. In assessing benefits against the property in any section, the board may add to the cost of the part of the flood prevention, climate resilience and erosion control system located in such section a proportionate share of the cost of any part of such system located outside the section which is useful for the operation or effectiveness of that part of such system within the section and of any of the other items of cost or expense above enumerated.

(1955, S. 2386d; P.A. 21-115, S. 7.)

History: P.A. 21-115 added “, operate or maintain” re system, changed “flood or erosion control system” to “flood prevention, climate resilience and erosion control system”, added provisions re federal, state or private grant funds, re drawing upon municipal Climate Change and Coastal Resiliency and Reserve Fund and re cost to reconstruct, repair,

maintain, supervise, operate and manage system and made a conforming change, effective July 1, 2021.

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Sec. 25-88. Method of assessment. Whenever any assessment is made as herein provided, the amount to be raised thereby shall be apportioned among the properties benefited according to such rule as the board may adopt, based upon area, street frontage, assessed valuation of the land in the last-completed grand list of the municipality, the present or permitted use of any real property in the section, or any combination of these or other relevant factors. The board may make reasonable allowances when for any reason the particular condition or situation of any property requires such allowance. No benefits shall be assessed against any property in excess of the special benefit to accrue to such property. Assessments under this part shall be made subject to the provisions of sections [7-139](#) to [7-145](#), inclusive.

(1955, S. 2387d.)

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Sec. 25-89. New and supplementary assessments. If any assessment is not valid or enforceable for any reason, a new assessment may be made in the manner hereinbefore provided for the determination of the original assessment. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be made by the board against those properties previously assessed, to the end that a sum sufficient to pay the cost of such work may be obtained, provided the total of such supplementary assessment and the original assessment shall not exceed the value of the special benefit to accrue to the property against which the benefit is assessed.

(1955, S. 2388d.)

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Sec. 25-90. Assessment due date. Notice. Assessments shall be due and payable at such time as may be fixed by the board, provided no assessment shall become due until the work, or particular portion thereof for which such assessment was levied, has been completed. The board shall give notice of the date when such assessments are due and

payable by publication at least twice within a period of fifteen days in a newspaper having a circulation in the municipality, listing the streets and describing the area within which are located the properties against which assessments are due. Such notice shall state the date when such assessments are due and payable, which date shall be more than thirty and less than sixty days after the date of the first such publication.

(1955, S. 2389d.)

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Sec. 25-91. Installment payment of assessments. The board may provide for the payment of such assessments in such number of substantially equal annual installments, not exceeding twenty, as it determines, and may provide for interest charges on any deferred payments. Any person who has elected to pay his assessment in more than one installment may make payment at any time in full of the whole or such part of such assessment as still remains unpaid.

(1955, S. 2390d.)

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Sec. 25-92. Segregation and use of assessment funds. The proceeds of such assessments, whether or not pledged for the payment of securities, shall be segregated from other funds of the municipality and shall be used only to pay for the construction, reconstruction, repair, maintenance, supervision, operation or management of the flood prevention, climate resilience and erosion control system or particular portion thereof in respect to which such assessments are made or, as the case may be, for the payment of the interest on or principal of any securities issued to pay for such system or particular portion thereof.

(1955, S. 2391d; P.A. 21-115, S. 8.)

History: P.A. 21-115 added provision re repair, maintenance, supervision, operation or management of system and changed “flood or erosion control system” to “flood prevention, climate resilience and erosion control system”, effective July 1, 2021.

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Sec. 25-93. Delinquent payments. Any assessment against benefited property not paid within thirty days of the due date shall thereupon be delinquent and shall be subject to interest from the due date at the same interest rate and in the same manner as provided by the general statutes in the case of delinquent taxes, provided, in the case of an assessment payable in installments, interest shall be computed on the entire unpaid balance of such assessment from the due date of the last installment which was paid, or from the due date of the assessment if no previous installment has been paid. Each addition of interest shall become, and be collectible as, a part of such assessment. Whenever any installment of an assessment becomes delinquent, any remaining unpaid installments of such assessment shall also become delinquent; provided, if all past due installments, together with interest and any other charges, have been paid in full, remaining installments may be paid without additional penalty, except for subsequent default, in accordance with the original installment schedule.

(1955, S. 2392d.)

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Sec. 25-94. Agreements concerning navigation and flood prevention, climate resilience and erosion control systems. Any flood prevention, climate resilience and erosion control board established under section [25-84](#), any such board or commission established by special act or any district having as one of its powers and purposes the right to construct or maintain a flood prevention, climate resilience and erosion control system under chapter 105, acting through its officers, is authorized to negotiate, cooperate and enter into agreements with (1) the United States, (2) the United States and the state of Connecticut, (3) the state of Connecticut, or (4) one or more municipalities in the state of Connecticut, in order to satisfy the conditions imposed by the United States or the state of Connecticut in authorizing any system for the improvement of navigation of any harbor or river and for constructing, reconstructing, operating or maintaining any flood prevention, climate resilience and erosion control system, provided such system shall have been approved by the Commissioner of Energy and Environmental Protection.

(1949 Rev., S. 4770; 1955, S. 2393d; 1957, P.A. 364, S. 26; 1971, P.A. 872, S. 117; P.A. 11-80, S. 1; P.A. 21-115, S. 9.)

History: 1971 act replaced water resources commission with environmental protection commissioner; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection", effective July 1, 2011; P.A. 21-115 changed "flood and erosion control board" to

“flood prevention, climate resilience and erosion control board”, changed “flood and erosion control system” to “flood prevention, climate resilience and erosion control system”; added Subdiv. (4) re one or more municipalities, and changed “protection of property against damage by floods or by erosion” to “constructing, reconstructing, operating or maintaining any flood prevention, climate resilience and erosion control system”, effective July 1, 2021.

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Sec. 25-95. Agreements of state and local authorities. The state, acting through the Commissioner of Energy and Environmental Protection, may enter into agreements with such local authority authorized to contract under section [25-94](#) for the purpose of constructing projects or systems to prevent, correct and arrest flood damage and impacts of climate change within the boundaries of the state. The plans, specifications, system and construction shall be under the direct control and supervision of the commissioner. The contract shall describe (1) the nature and extent of the system, (2) the amount of the cost to the state, (3) the share to be paid by the district or board, and (4) the method of financing the payment by such local authority, all of which shall be subject to the approval of the commissioner.

(1955, S. 2395d; 1957, P.A. 364, S. 27; 1971, P.A. 872, S. 118; P.A. 11-80, S. 1; P.A. 21-115, S. 10.)

History: 1971 act replaced water resources commission with environmental protection commissioner; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011; P.A. 21-115 deleted “erosion and” and added “and impacts of climate change”, effective July 1, 2021.

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Sec. 25-96. Attorney General to approve agreements. Assistance furnished at local expense. All contracts and agreements which the state may enter into shall be approved as to form by the Attorney General. The commissioner is authorized to furnish, at the request and expense of such local authority authorized to contract under section [25-94](#), such technical advice consisting of plans, specifications, surveys, cost estimates, engineering and inspection services as such local authority deems advisable. If such local

authority enters into a contract with the commissioner for the construction of a system, such expense shall be deemed part of the cost of construction.

(1955, S. 2396d; 1971, P.A. 872, S. 119.)

History: 1971 act replaced references to water resources commission with references to environmental protection commissioner.

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Sec. 25-97. Joint projects of two or more municipalities. When any such improvement or protection project or system is located within two or more municipalities, such municipalities, acting by their individual or joint flood prevention, climate resilience and erosion control boards, as applicable, are authorized to undertake jointly any such action as is authorized by sections [25-94](#) and [25-95](#), and the cost to each board shall be determined by mutual agreement of the municipalities involved.

(1949 Rev., S. 4771; 1955, S. 2397d; 1957, P.A. 364, S. 28; 1971, P.A. 872, S. 120; P.A. 11-80, S. 1; P.A. 21-115, S. 11.)

History: 1971 act replaced water resources commission with environmental protection commissioner; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection", effective July 1, 2011; P.A. 21-115 added "individual or joint" re boards, changed "flood and erosion control boards" to "flood prevention, climate resilience and erosion control boards", replaced reference to Commissioner of Energy and Environmental Protection with mutual agreement of municipalities re determination and made a conforming change, effective July 1, 2021.

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Sec. 25-98. Acceptance of gifts. In carrying out the purposes for which it was established, any local authority authorized to contract under section [25-94](#) may (1) accept, receive and expend gifts, devises or bequests of money, lands or other properties to be applied and expended in the manner provided herein, and (2) apply for and receive grants from state, federal and private sources.

(1955, S. 2398d; P.A. 21-115, S. 12.)

History: P.A. 21-115 designated existing provision re authority for acceptance, receipt and expenditure of gifts, devises or bequests as Subdiv. (1) and added Subdiv. (2) re authority to apply for and receive grants from state, federal and private sources, effective July 1, 2021.

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Sec. 25-98a. Taking or acquisition of certain municipal property by the Department of Energy and Environmental Protection for flood control and protection. Requirements. Removal or relocation of public service facility. Order.

(a) Notwithstanding any provision of the general statutes, the Commissioner of the Department of Energy and Environmental Protection may acquire, in the name of the state and for flood control and protection and associated public purposes, not more than 25.7 acres of real property, or interests or rights therein, by purchase, gift, devise or exchange, or may take the same by eminent domain in the manner provided in part IV of chapter 238, provided: (1) Such acquisition occurs prior to October 1, 2034; (2) the owner of any private property taken by eminent domain pursuant to this section shall be entitled to challenge the amount of compensation in accordance with section [13a-76](#); and (3) such property or interest therein is located in a municipality that was incorporated in 1836 and has a population between one hundred forty thousand and one hundred fifty thousand as reported in the 2010 federal decennial census and is necessary to construct a disaster relief, long-term recovery or infrastructure restoration project funded in 2016 by the Community Development Block Grant-National Disaster Resilience program, 81 CFR 36557.

(b) Whenever the Commissioner of the Department of Energy and Environmental Protection determines that the construction, operation, maintenance, repair or reconstruction of the property described in subdivision (3) of subsection (a) of this section or the flood control and protection improvements thereon, would necessitate the readjustment, relocation or removal of a public service facility, as defined in section [13a-126](#), the commissioner may issue a readjustment, relocation or removal order to the company, corporation or municipality owning or operating such public service facility and such company, corporation or municipality shall readjust, relocate or remove such public service facility promptly, in accordance with such order, provided an equitable share of the cost of such readjustment, relocation or removal, including the cost of installing and constructing a public service facility of equal capacity in a new location, shall be borne by the state, within available appropriations, and calculated in accordance with section [13a-126](#), as applied to state highways other than limited access highways.

(P.A. 24-69, S. 14.)

History: P.A. 24-69 effective July 1, 2024.

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Sec. 7-147. Regulation of obstructions in waterways. (a) Any town, city or borough may, within its jurisdiction, establish by ordinance lines along any part of any waterway beyond which, in the direction of the waterway, no permanent obstruction or encroachment shall be placed by any private person or any firm or corporation, unless permission is granted in writing by the legislative body of the town, city or borough or by the municipal board, commission, department or inland wetlands agency which the legislative body may authorize by ordinance to administer the provisions of this section. In establishing such lines, the legislative body or such board, commission, department or inland wetlands agency shall base their location on the boundaries of the area which would be inundated by a flood similar in size to one or more recorded floods which have caused extensive damages in such area or on a size of flood computed by accepted methods applicable generally throughout the state or a region thereof. The determination of the size of the flood and the boundaries of the inundated area shall take into consideration the effects of probable future developments. The position of the lines may vary from the boundaries of the inundated area so as to minimize the area of land to be regulated when a portion of the inundated area does not contribute to the flood-carrying capacity of the waterway. The position of the lines shall, insofar as practical, equitably affect riparian properties and interests depending upon existing topography and shall be interdependent throughout the reaches of the waterway, and shall conform with the requirements of the federal government imposed as conditions for the construction of flood control projects. When the existing waterway, because of natural or man-made constrictions, is such that such lines cannot be established by standard engineering methods, a channel may be adopted, whereby the removal of such constrictions may be anticipated so that reasonable lines can be established by methods applicable to the state generally. When the flood boundary falls along the channel banks, the lines shall be placed at the top of the bank.

(b) The legislative body or such board, commission, department or inland wetlands agency may grant or deny permission based on a finding of the effect of the obstruction or encroachment on the flood-carrying and water storage capacity of the waterways and flood plains, flood heights, hazards to life and property, the protection and preservation of the natural resources and ecosystems of the municipality including, but not limited to, ground and surface water, animal, plant and aquatic life, nutrient exchange and energy flow with due consideration given to the results of similar encroachments constructed along the reach of the waterway. Wherever there is a city or borough within a town, the town shall have authority to establish such lines for such of its area as is not within such city or borough, and the city or borough shall have such authority within its boundaries. Any two or more adjoining municipalities shall have authority to investigate jointly the desirability of establishing lines on either or both sides of a waterway within their jurisdiction. Any private person or any firm or corporation aggrieved by any decision of a legislative body or any such board, commission,

department or inland wetlands agency made in accordance with this section may, within thirty days after notice thereof, appeal from such decision in the manner provided by section [8-8](#) for appeal from the decisions of a municipal zoning board of appeals. Nothing contained in this section shall limit or restrict the Commissioner of Transportation in exercising his authority over the harbors and navigable waters of the state, nor apply to any dam, bridge, pipeline or other similar structure, and appurtenances thereto, extending across any waterway, which are otherwise in compliance with law.

(c) The provisions of this section shall not be construed to limit or alter the authority of the Commissioner of Energy and Environmental Protection over the tidal, coastal and navigable waters of the state and within stream channel encroachment lines established by said commissioner pursuant to section [22a-343](#).

(1949 Rev., S. 708; 1957, P.A. 13, S. 25; 1969, P.A. 768, S. 64; P.A. 88-327, S. 1, 3; P.A. 11-80, S. 1.)

History: 1969 act gave power over harbors and navigable waters to commissioner of transportation and deleted reference to state board of harbor commissioners for New Haven Harbor; P.A. 88-327 redesignated provisions of section as Subsecs. (a) and (b), empowered municipal legislative body to authorize by ordinance a municipal board, commission, department or inland wetlands, agency to administer provisions of section, provided standards for establishing lines along waterways, provided standards for granting or denying permission to place obstructions in waterways and added Subsec. (c) re authority of commissioner of environmental protection; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (c), effective July 1, 2011.

See Sec. 19a-336 re consideration of watercourse obstruction as nuisance.

See Sec. 22a-348 re establishment of lines by municipality and/or Commissioner of Energy and Environmental Protection.

Statute held constitutional; proper standard for delegation of power to municipality is whether delegation provides reasonable notice of what conduct may be authorized or prohibited. 209 C. 652. Cited. 217 C. 588.

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Added Language

Removed Language

Last Revision: 12/9/2025

Sec. 30-80. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permitted use means any use of a waterway which does not disturb the natural and indigenous character of the waterway and is for the purpose of maintenance, conservation or restoration of property and drainage of soil, vegetation, water, fish, shellfish and wildlife, gardening or landscaping and does not involve disposition of material or fill.

Waterway means any river, stream, brook, watercourse or tributary, both fluvial and tidal, including any contiguous backwater, pond or other body of water or any floodplain, swamp, marsh, bog or other wetlands.

Waterway protection lines means those lines defining the limits of a waterway between which no person shall carry on, or permit to be carried on, an activity except as may be permitted by this article.

Sec. 30-81. - Purpose.

This article is hereby adopted by the RTM of the Town in order to protect all waterways of the Town from activities that would cause hazards to life and property and/or activities having adverse impact upon the flood-carrying and water-storage capacity of the waterways and floodplains, the flood heights and the natural resources and ecosystems of the Town, including but not limited to groundwater and surface water, animal, plant and aquatic life, nutrient exchange and energy flow, with due consideration given to the results of similar encroachments constructed along the reach of the waterway.

Sec. 30-82. - Violations and penalties.

Whoever violates any provisions of this article shall be punished by a fine of not more than \$90.00, and shall be liable to the Town for the cost of restoring the affected area as closely as possible to its condition prior to the violation. For the purposes of the fine provisions of this section, each day after the violator has received written notice that he or she is in violation of the article shall constitute a separate violation.

Sec. 30-83. - Appeals.

Any person aggrieved by a final decision of the **Town Engineer**, Flood and Erosion Control Board, Conservation Commission or the RTM made in accordance with this article may, within 30 days from receiving notice of its decision, appeal from such decision in the manner provided by C.G.S. § 8-8 for appeals from decisions of a municipal Zoning Board of Appeals.

Sec. 30-84. - Enforcement.

The First Selectman shall designate agents who are members of the Conservation Department to enforce the provisions of this article. The enforcement agent(s) may seek such injunctive relief as may be necessary to halt any violation of this article by any person.

Sec. 30-85. - Notice of violation; time limit for corrections; extensions.

Any violator of this article shall be given written notice of the violation by the Conservation Department. This notice shall be sent by certified mail, return receipt requested, and the violator shall have 14 days from receipt of the notice in which to correct the violation before action is taken to enjoin the violation or to fine the violator in accordance with the provisions of [Section 30-86](#) of this article. A further extension of time may be granted by the enforcement agent(s) for good cause shown by the violator. When a violation has been corrected, the enforcement agent(s) shall so certify in writing to the property owner and shall so note in his or her records.

Sec. 30-86. - Authority of other bodies.

(a) Nothing in this article shall limit or restrict the State Commissioner of Transportation in exercising his or her authority over the harbors and navigable waters of the State, nor apply to dams, bridges, pipelines or other similar structures and appurtenances thereto, extending across any waterway, which otherwise comply with current laws and regulations.

(b) The provisions of this section shall not be construed to limit or alter the authority of the State Commissioner of Environmental Protection over the tidal, coastal and navigable waters of the State and within stream channel encroachment lines established by said Commissioner pursuant to regulations of the Department of Environmental Protection promulgated pursuant to C.G.S. § 22a-343.

Sec. 30-87. - Establishment and determination.

(a) Waterway protection lines are hereby established on both sides of all waterways in the Town and are set at the 25-year storm flood elevation (mean sea level datum) along each edge of the waterway, except that the clear horizontal distance from the 25-year storm flood elevation of any such waterway shall be 15 additional feet on each side of the following waterways:

- (1) Saugatuck River.
- (2) West branch of the Saugatuck River.
- (3) Aspetuck River.
- (4) Stony Brook.
- (5) Muddy Brook.
- (6) Deadman's Brook.
- (7) Sasco Brook.
- (8) Indian River.
- (9) Poplar Plains Brook.
- (10) Pussy Willow Brook.
- (11) Silver Brook.
- (12) Willow Brook.
- (13) New Creek.

~~(b) The determination of the elevation of the 25-year storm shall take into consideration the effects of probable future developments.~~

(b) The position of the lines may vary from the 25-year storm elevation so as to minimize the area of land to be regulated when a portion of the inundated area below said elevation does not contribute to the flood-carrying capacity of the waterway.

~~(d) When the existing waterway, because of natural or manmade constrictions, is such that such lines cannot be established by standard engineering methods, a channel may be adopted, whereby the removal of such constrictions may be anticipated so that a reasonable delineation of the 25-year storm elevation may be established.~~

(c) When the 25-year flood boundary falls along the channel banks, the lines shall be placed at the top of each bank along the waterway.

(d) In no case shall a waterway protection line be less than 15 horizontal feet from each edge of the waterway or top of bank, whichever is greater.

~~Sec. 30-88. - Stream improvement projects.~~

~~Notwithstanding the provisions of Section 30-87, in areas in which Muddy Brook or West Parish tributary are improved under a stream-improvement project to hold a 25-year storm~~

within its banks, the waterway protection lines shall be set at three horizontal feet from the top of the bank of the improved waterway.

Sec. 30-89. - Regulated activities.

The following activities are regulated within said waterway protection lines: dumping, filling and transferring of any materials and the encroachment by any construction, building or portion of a building or other permanent structure(s) within said waterway protection lines.

Sec. 30-90. - Permitted activities.

(a) If the Town Engineer finds that the proposed use, activity or project does not have adverse impact on flooding, drainage, erosion or the natural carrying and water-storage capacity of the waterway and involves only a permitted use as defined herein does not meet any of the conditions in 30-90 (d), then a recommendation for administrative approval, subject to the appropriate conditions, shall be made by the Town Engineer and forwarded to the Conservation Director. If the Conservation Director finds that the proposed use, activity or project does not have adverse impact on the natural resources and ecosystems of the waterway and the project involves only a permitted use as defined herein, then an administrative approval shall be issued by the Conservation Director, subject to the appropriate conditions.

(b) Replacement or repair of any previously existing buildings or structures which do not conform to this article, which are subsequently damaged or destroyed due to natural causes, shall be permitted, provided that the replacement or repair of any such nonconforming building or structure shall be commenced within nine months after the damage or destruction. In addition, the plans for such replacement or repair must be approved by the Conservation Director and the Town Engineer. Such nonconforming buildings or structures shall not be extended or expanded, except to raise the finished floor elevations to conform to the requirements of the federal government which are imposed as conditions for the construction of flood control projects.

(c) Projects involving maintenance of existing structure(s) or restoration of natural resources which are approved by the Conservation Director and the Town Engineer shall be permitted within said waterway protection lines, provided that they are in compliance with current laws and regulations. Such nonconforming building or structure shall not be extended or expanded, except to raise the finished floor elevations to conform to the requirements of the federal government which are imposed as conditions for the construction of flood control projects.

(d) Any applications subject to this ordinance that are submitted by the Town of Westport, or by any board, commission, department, or other subdivision of the Town, shall require

the approval of the Flood and Erosion Control Board in addition to the approval of the Town Engineer.

Sec. 30-91. - Approval required for conduct of regulated activities.

Written applications to conduct a regulated activity shall be filed with the Conservation Department. Applications for regulated activities that are not permitted pursuant to Section 30-90 shall be considered by the Flood and Erosion Control Board and the Conservation Commission. Only those regulated activities that are not permitted pursuant to Section 30-90 will require the approval by both the Flood and Erosion Control Board and the Conservation Commission. Only completed applications, on the form supplied by the Town, shall be considered by the Flood and Erosion Control Board and the Conservation Commission. Applications to conduct a regulated activity shall be filed with the Conservation Department. Applications shall be considered by the Town Engineer, Flood and Erosion Control Board, and Conservation Commission pursuant to Section 30-90. Only applications subject to 30-90 (d) shall be subject to the approval of both the Flood and Erosion Control Board and the Conservation Commission. Only completed applications shall be considered. Failure of an applicant or his or her representative to sufficiently answer inquiries at a meeting of either the Flood and Erosion Control Board or Conservation Commission may be sufficient grounds for denial of an application. For all applications for regulated activities filed after December 21, 2018, each body shall render a written decision to the RTM Moderator within 200 days after the first regularly scheduled meeting following the date the application is filed, and shall follow the timing (but not the notice) provisions for public hearings provided in Section 9.8 of the "Regulations for the Protection and Preservation of Wetlands and Watercourses, Westport, Connecticut," as they may be amended from time to time. Each body shall notify the applicant by certified mail of its decision within 15 days from the date of the decision. Failure of either body to act within the prescribed time period shall be deemed an approval of the application by that body.

Sec. 30-92. - Information to be submitted. to Flood and Erosion Control Board

An applicant shall submit information to the Flood and Erosion Control Board showing that such activity will not cause flooding, drainage, erosion and/or related conditions hazardous to life and property and will not have an adverse impact upon the flood-carrying and water-storage capacity of the Town's waterways, including, but not limited to, the impact upon flood heights, hydrological energy flow, maintenance of essential and natural patterns of water circulation, drainage and basin configuration and maintenance of freshwater and saltwater exchange through the placement of culverts, tide gates or other drainage or flood-control structures.

Sec. 30-93. - Information to be submitted to Conservation Commission.

(b) An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to impact on groundwater and surface water, aquifers, animal, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

Sec. 30-93. - Section Removed.**Sec. 30-94. - Final decision; commencement of activity.**

(a) The Conservation Commission may grant or deny permission to conduct a regulated activity based on a finding of the effect of the obstruction or encroachment on the flood-carrying and water-storage capacity of the waterways and floodplains, flood heights, hazards to life and property, the protection and preservation of the natural resources and ecosystems of the municipality, including but not limited to groundwater and surface waters, animal, plant and aquatic life, nutrient exchange and energy flow, with due consideration given to the results of similar encroachments constructed along the reach of the waterway.

(b) The applicant may commence any permitted activity regulated activity that has been approved pursuant to this ordinance no earlier than 30 days after receipt of the final decision of the Conservation Commission.

Sec. 30-95. - Review of decisions by RTM.

The RTM shall have the right to review any decision(s) of the Town Engineer, Flood and Erosion Control Board, and/or the Conservation Commission. Such right of review shall include the ability to reverse any decision of either or both reviewing bodies. Such right of review shall be exercised only upon the written petition for review submitted by two members of the RTM or 20 electors of the Town of Westport, which petition must be received by the RTM Moderator or Town Clerk within 30 days from the date a decision is rendered by the latter of the two reviewing bodies. The receipt of such a petition for review shall prohibit any applicant from commencing the proposed activity until receipt of the RTM decision. The right to review of the RTM must be exercised within 90 days after receipt of the petition for review. The Town Clerk shall give written notice of the decision of the RTM by certified mail to the applicant within 15 days of the RTM action. If the RTM fails to act on

the petition for review within the prescribed time period, the application shall be deemed approved.

Sec. 30-96. - Submission of Town applications for final approval.

All applications submitted by the Town of Westport or by any board, commission, department or other subdivision of the Town shall be submitted to the RTM for final approval; however, such applications must first be filed with the Conservation Department. The Conservation Department will submit the application to the Flood and Erosion Control Board and the Town Engineer for comments and recommendations. Each reviewing body shall submit its written decision and recommendations to the Moderator of the RTM within 15 days after the RTM's second regularly scheduled meeting following the date the application is filed with the Town Engineer. Failure of either body to submit such written decision and recommendations within the prescribed period shall be deemed an approval. In the event that one or both of the bodies fails to act within the prescribed time period, that body shall give notice to the Moderator of the RTM that the application has been deemed approved by that nonreviewing body. The RTM shall then give final approval or denial to the application within 90 days from the date of receipt by the Moderator of the latter of the written decision or notice by each body. Failure of the RTM to act within the prescribed time period shall constitute an approval of the application.

Sec. 30-97. - Notification of applicant and adjacent property owners required.

An applicant shall be given written notice by certified mail at least 14 days prior to the date on which his/her initial application shall be reviewed by a municipal board or commission acting under this article. If the board or commission extends review of the initial application, the applicant shall be given written notice by certified mail at least seven days prior to the date on which his/her initial application shall be given continued review; and further, such seven-day notice shall be required for every continuance thereafter. In addition, the applicant shall submit the names and addresses of all property owners adjacent to the applicant's property. Said adjacent property owners shall also be given written notice at least 14 days prior to the date the initial application is scheduled to be reviewed by a municipal board or commission acting under this chapter. If the board or commission extends review of the initial application, any adjacent property owners shall also be given written notice at least seven days prior to the date on which the initial application is scheduled for continued review; and further, such seven-day notice shall be required to be provided for said adjacent property owners for every continuance thereafter.

PART II - CODE OF ORDINANCES, TOWN OF WESTPORT
Chapter 50 - STREETS, SIDEWALKS AND DRIVEWAYS
ARTICLE II. DRIVEWAYS

ARTICLE II. DRIVEWAYS¹

Sec. 50-334. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driveway means any accessway to private property for vehicles from a Town road, from a private road or from a subdivision road approved by the Planning and Zoning Commission and on file with the Town Clerk. The term "driveway" in this article shall mean only that portion from the traveled portion of the road to a point 20 feet in from the property line. The term "driveway" shall include a common or shared driveway serving two lots only for which an easement of right-of-way map has been recorded with the Town Clerk.

Multiple-family dwelling driveway means any driveway serving a building or buildings designed, constructed and used as a residence building(s) for three or more dwelling units. The term "Multiple-family dwelling driveway" includes cooperatives, condominiums, townhouses and apartments.

Residential driveway means any driveway serving one or two dwellings other than a multiple-family dwelling.
(Code 1981, § 37-1)

Sec. 50-335. Violations and penalties.

- (a) Any person who violates any provision of this article or fails to comply with the conditions set forth in Section 50-340, except those granted a variance according to Section 50-337, shall be fined not more than \$25.00 for each offense, except with respect to multiple-family dwelling driveways or driveways serving commercial sites, in which case the penalty shall be no more than \$99.00 for each offense.
- (b) Each day that a driveway exists in violation after 30 days' written notice by certified mail from the Town Engineer to the owner(s) of the driveway shall be considered a separate offense. Access to the road shall be prohibited from any driveway constructed in violation of this article.

(Code 1981, § 37-4)

State law reference(s)—Penalties for ordinance violations, C.G.S. § 7-148(c)(10)(A).

Sec. 50-336. Obligation of Town.

Nothing in this article shall require the Town to repair or improve any private driveway or entrance thereto or shall render the Town liable to a property owner(s) upon failure to make said repair or improvement, except where such repair or improvement is made necessary as a result of the widening, repair, maintaining or relocating of a Town road.

¹Editor's note(s)—The 1981 Code stated that this article was adopted on October 16, 1979 (with an effective date of October 31, 1979) and amended in its entirety on January 8, 1985 (with an effective date January 18, 1985).

(Code 1981, § 37-8)

Sec. 50-337. Variances.

The Town Engineer may vary the strict application of the conditions set forth in Section 50-340 if the size, location or topography of the premises creates an unreasonable hardship or extreme difficulty in carrying out such conditions, provided that the spirit of this article and the public safety and welfare are secured. Any common driveway serving three or more lots shall require a variance from the Town Engineer.

(Code 1981, § 37-6)

Sec. 50-338. Appeals.

Any person aggrieved by a decision of the Town Engineer in the issuance or denial of a driveway permit may appeal in writing to the Board of Selectmen within 30 days of said decision. The Board shall hear and decide such appeal within 30 days of the date of receipt by the Board.

(Code 1981, § 37-9)

Sec. 50-339. Permit procedure.

- (a) *Requirement.* No person shall construct, widen or relocate a driveway in the Town without a permit issued by the Public Works Department. Said permit may be revoked by the Public Works Department if, at any time, the applicant is found to have violated any of the conditions of the issuance of the permit.
- (b) *Application.* Application for such permit shall be made on forms furnished by the office of the Public Works Department and shall be accompanied by an accurate scale drawing showing the location and dimensions of the driveway in relation to the surrounding property lines, the travel path lines for 100 feet on each side of the driveway, the proposed dimensions and the existing and proposed grades of the driveway at its intersection with the traveled portion of the roadways and its opening from the property line, as well as any trees greater than three inches in caliper, utility poles, utility structures, such as manholes, catchbasins and headwalls, retaining walls or other similar obstruction located within the street right-of-way. Where a driveway is being installed to serve proposed new construction for which a zoning permit is sought, the aforementioned scale drawing shall be incorporated in the plot plan accompanying the application for the zoning permit. Where necessary, the Town Engineer may require the submission of an engineered plan and profile showing location, width, grades, drainage and other similar engineering features of the driveway.
- (c) *Processing.* Before issuing a permit, the Public Works Department shall determine that the applicant will comply with the conditions set forth in Section 50-340, unless a variance is granted by the Town Engineer pursuant to Section 50-337.
- (d) *Fee.* A fee as established by the Town and on file at Town Hall shall be submitted with each application for a driveway permit.

(Code 1981, § 37-2)

Sec. 50-340. Construction standards.

- (a) *Location and size.*
 - (1) No driveway shall be located within 25 feet of the intersection of two or more roads, as measured from intersecting street lines or from the tangent of a corner radius, whichever is greater.

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- (2) No residential driveway shall be less than 12 feet wide or more than 25 feet wide at any point. Driveways shall have a minimum radius of 5 feet where they meet the traveled portion of a roadway.
 - (3) No multiple-family dwelling driveway or driveway serving a commercial site shall be more than 40 feet wide at its intersection with the traveled portion of the roadway. At its intersection with the property line, no such driveway shall be less than 18 feet wide for two-way traffic or less than 13 feet wide for one-way entering traffic and 11 feet wide for one-way exiting traffic. No such driveway shall be within 400 feet of a public school driveway.
 - (4) Not more than one driveway shall be constructed on the same premises unless the distance between driveways is approved by the Engineering Department, based upon sound engineering, traffic and safety considerations, but shall not be less than 5 feet.
 - (5) No driveway shall be located within 5 feet of a catchbasin on a Town roadway.
 - (6) The portion of any driveway within a Town Right-of-Way must be constructed from bituminous asphalt, or a minimum apron of 5 feet, whichever is less.
- (b) *Drainage.* If necessary to prevent road drainage from entering the driveway, a berm or raised area shall be constructed and maintained by the owner of the premises at a location to be determined by the Public Works Department. If the driveway will interfere with drainage, culverts of a design determined by the Public Works Department shall be installed and maintained by the owner of the premises. On driveways with long, sustained or steep upgrades which may cause excessive water to drain onto the roadway, sufficient drainage shall be installed to the satisfaction of the Town Engineer.
 - (c) *Traffic hazard.* The view of the road at a point where the driveway opens into it shall be unobstructed for a minimum distance of 150 feet in each direction from a point 10 feet back from the edge of the roadway.
 - (d) *Grade.* The grade of the driveway from its intersection with the traveled portion of the road to the property line must be a plus grade not to exceed three percent. The grade of the driveway from the property line into the property shall not exceed six percent.
 - (e) *Construction.* The design and construction of driveways under the jurisdiction of this ordinance shall conform to the specifications of this section and the details adopted with this ordinance.
 - (f) *Access to premises.* No regular ingress to or egress from premises by vehicles shall be provided, except by a driveway.

(Code 1981, § 37-3)

Sec. 50-341. Construction of roads.

No action by the Town in widening, repairing, maintaining or relocating any road shall be construed to cause any driveway to violate this article.

(Code 1981, § 37-5)

Secs. 50-342—50-370. Reserved.

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