



TOWN OF WESTPORT
PLANNING & ZONING DEPARTMENT
Town Hall, 110 Myrtle Avenue
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www.westportct.gov

3:30 – 4:30 PM

Action Minutes
Enforcement Subcommittee
January 8, 2020 3:30pm Room 201, Town Hall

Members Present: Chairman: Al Gratrix and Chip Stephens.

Members not present: Paul Lebowitz.

Staff Present: Cindy Tyminski, Deputy Director Planning & Zoning &
Stephanie McNally, Administrative Assistant II, Planning & Zoning.

Public Attendees: Dick Stein, Morley Boyd, Cathy Walsh

Public Comment: Morley Boyd

1. New Complaints.

- a. **14 Cob Drive-** A medical office with a “Patients Parking Only” sign out in front of home. Original complaint: 10/15/19. On 1/3/20, Zoning Official Reynolds sent a letter to owner requesting to file application for Zoning Permit.
- b. **Grassy Plain-** No address or owner and want to know why it is on hold (LM).
- c. **46 Compo Mill Cove-** Complaint regarding a Flood & Erosion Structure without approvals. On 7/22/19, C&D recorded on Westport Land Records.
- d. **50 Compo Mill Cove-** Complaint regarding a wall being built. ZBA appeal has been denied but Application with P&Z for CAM Site Plan is currently pending.
- e. **30 Evergreen Ave-** Owner went to HDC and working to resolve NOV on file by Ms. Tyminski.
- f. **Grassy Plains-** Complaint regarding a developer has installed a level spreader behind the block retaining wall- A note in the Complaint log stating the issue is on hold per Director, Ms. Young. Ms. Montagna to follow up.
- g. **99 Hillandale Road-** Complaint regarding the trees removed against fence causing the soil to move and caused issues with property line. Log notes Ms. Montagna will inspect on 1/13/20.

- h. **10 Little Fox-** Complaint regarding a horse riding ring inside 50ft setback (AAA zone) regarding within 50ft setback. This address has an open P&Z application, which is on the agenda for February 2020.
- i. **10 Mills St-** Complaint regarding a shed and play structure against property line and in the setbacks. Owner has a pending ZBA application.
- j. **7 Old Hill Farms-** Complaint regarding excessive noise in violation of 32-7. This complaint was assigned to Director Ms. Young in July 2019.
- k. **9 Old Hill Farms Road-** Complaint regarding new structure to building at side of main house. This is an ongoing complaint from 2017. It was asked in the meeting by Mr. Stephens if we are going to start fining the owner at this point. It was recommended that the Zoning Officer assigned, Ms. Reynolds, start this process.
- l. **1433-1435 PRE-** Complaint regarding inventory on outside of store on ground everywhere. Trucks are parked all over property. Parked trucks make driving near unsafe. Logged from August 2018- inspections happened 1/3/20 2nd NOV filed. Al Gratrix suggested we now issue a citation. Follow up by Ms. Reynolds
- m. **501 Post Road East (Terrain)-** Complaint regarding conditions of P&Z resolution #15-004 regarding "historic" building not being met. Director Ms. Young has assigned it to Ms. Reynolds on 1/7/20. The subcommittee requested that a NOV be issued.
- n. **215 Post Road East (Settlers & Traders)-** Complaint regarding the back of business is being used as a dumping ground for landscaping materials and garbage it is also being used as a parking lot for Landscaping trucks & equipment. Complaint filed on 3/19/18. Ms. Tyminski suggested we must history of site as it may be preexisting.
- o. **6 Quarter Mile Road-** Two separate complaints regarding the dumping of soil, rocks and wood and piles of gravel, boulders, topsoil etc. all over property. Using plot of land in res zone for business purposes. The Zoning Officer assigned to this will work with Department of Public Works on if it is a Zoning violation or not.
- p. **44 Reichert Circle-** Complaint regarding a large chicken coop being constructed with no permits. Assigned to Zoning Official Montagna who stated no chicken coop visible. Ms. Montagna wrote letter to owner requesting inspection on 1/7/20.
- q. **521 Riverside Ave (Saugatuck Rowing Club) - Complaint** regarding patio in setbacks. They are scheduled for ZBA application 1/21/20. A note was made that if ZBA denies it send immediate NOV.
- r. **580 Riverside Ave-** Complaint regarding new restaurant no permit for new tenant, outdoor eating or signage. Commission determined they need permits for all issues listed above and Staff needs to confirm and get more information on current situation.

- s. **575 Riverside Ave & 585 Riverside Ave-** Complaint regarding failure to apply with affordability plan. This complaint has been assign to Laurie.
A Notice of Violation has been sent to owners on 1/15/19 with the help of Town Attorney Mr. Gelderman. Commission would like to bring item up in a Work Session to the full P&Z Commission.
- t. **64 Saugatuck Ave-** Complaints regarding more than 3 units in 3 family house. Zoning Official made a note that they cannot go inside without them letting us.
- u. **3 Treadwell Ave:** Complaints regarding sign installed above the lowest point of the roof Sue confirmed violation 1/7/20. Staff will send letter to owner.
- v. **8 Turkey Hill Road-** Complaint regarding a bathroom, washer and dryer in garage. Pictures of inside of garage is listed on Zillow.com. Neighbor is saying owner tapped into their waterline. Commission suggests sending Notice of Violation due to evidence online.
- w. **41 Turkey Hill Road South-** Complaint regarding water fixtures and cooktop in pool house the violation was noticed during a Zoning Certificate of Compliance inspection. Zoning Official will re inspect after appliances are removed.

2. Proactive Enforcement.

- a. **201 Main Street** to be added to complaint log.
- b. **233 Hillspoint Road-** Currently a violation, a deck (and subsequently a wall) that was not approved has been built. Zoning Officials and later Cindy Tyminski inspected with the approved plans. It was determined what was in the field was not consistent with what was approved with P&Z Commission or ZBA. A Cease and Desist (C&D) was issued and the zoning permit was revoked. The applicant has appealed the decision of the Deputy Director to issue the C&D and revoke the zoning permit.

Mr Stephens requests that anything that goes on with Revocation or the Zoning Permit C&D needs to be discussed at the Enforcement Subcommittee and they should be required to return to the full commission.

Ms. Walsh mentioned that no work should be done during the C&D at all and the Town Attorney should speak to the Enforcement Subcommittee. Mr. Stephens mentioned this has been put on the public record. This needs review by this subcommittee and then the full Commission. Ms. Walsh reiterated that there should be no work that is allowed to continue and no attorneys making the choices without the subcommittee's discussion.

- c. Mr. Gratrix mentioned Mr. Stein submitted 79 Newtown Turnpike, dying trees, undersized trees. Mr. Gratrix will go out and look then submit the complaint if necessary.
 - d. **Signs on Post Road East-** There is a proliferation of flapping waving signs, and the only allowed sandwich board signs are allowed are on chalkboards and removed nightly. The flapping signs are illegal and need to be taken down. Mr. Stephens suggests travel with staff member. Hand out the info sheets should be given during the travel inspections. Wants Ms. Tyminski to allow travel with a staff member to speak to tenants about their temporary signs.
 - e. **Outdoor Dining -** Would like a better spreadsheet with outdoor dining 2020 and for better compliance and enforcement. Stephanie mentioned she would provide the 2019 outdoor dining permit list. Mr. Stephens asked that going forward; we reach out to the property owners.
3. **Old Business. None.**
4. **Other Issues.**
- a. Mr. Boyd, member of the public mentioned that outdoor eating areas in the regulations state there is no outdoor music allowed. He suggests we draft the 2020 permit letters stating this. Ms. Walsh responded that another (regulations) subcommittee would review the regulations about music. Mr. Stephens said the issue is the music is happening at all when their conditions say no music. Mr. Stephens also said that when someone gets a permit the regulations (90 PRE) do not have a allow music. Zoning officials to check the pervious permit when they re-up the outdoor eating permit it states in their letter that they are not allowed to have music.
 - b. It was asked to add a column in the Complaint Log with the owners name from GIS and a column with the Subcommittee notes.

Motion to close: CS second AG

Respectfully submitted by:
Stephanie McNally 1/14/2020.