

MINUTES
Conservation Commission
Show Cause Hearing
December 13, 2019
20 Webb Road, Westport, CT 06880

Attendance:

Paul Davis, Vice President
Paul Lobdell
Tom Carey
Steve Cowherd, Alternate

Staff:

Colin Kelly, Conservation Analyst
Gillian Carroll, Conservation Compliance Officer

Also Present:

Jason Heaps, Owner
David Vynerib, Contractor

Meeting Commenced at 10:05 AM.

Paul Davis opened the meeting with an introduction of the Conservation Commission members, Staff as well as the homeowner of **20 Webb Road** and his affiliate.

Ms. Carroll read the November 22, 2019 Conformance Order into the record outlining the nature of the Cease and Correct Order. This included regulated activities of excavation and installation of a drainage pipe in the rear yard of 20 Webb Road without a permit and within the 20 ft upland review area.

G. Carroll then read the memorandum letter addressed to the Conservation Commission from the Engineering Department Staff; Amrik Matharu dated December 12, 2019.

G. Carroll explained that the Conservation Department and Engineering Department both received a complaint from a neighbor on Sue Terrace which prompted the initial inspection from both Departments and this is the second instance in which there has been drainage compliance issues.

P. Davis asked of the source of the water discharging into the wetlands.

G. Carroll explained it is from the footing drain and the issue stems from the elevation in which the footing drain was installed.

David Vynerib introduced himself as the builder of the home and local builder within the town of Westport. He has built roughly 35 homes, has children that have gone through the school system and did not mean for this to happen, it was a communication error that he understands he is responsible for.

D. Vynerib explained background of the house building process at 20 Webb Road from the start and the discovery of a pipe pre-existing his purchase of the property which discharged to the wetlands.

G. Carroll clarifies the pipe was only discovered by the surveyor after the new home D. Vynerib built was finished, as it was not on the original survey submitted to the Town to review during the application process.

P. Lobdell asked if there was a house there before.

D. Vynerib answered yes, we built a new house and installed a level spreader as a condition of the house construction.

G. Carroll states that the level spreader on the south side of the home which was approved was abandoned during the home construction. The pipe was then installed across the lawn from the south side of the home to the north side of the home into the wetlands during house construction. She stated she issued a Notice of Violation to remove the pipe in May 2019 and new plans to install a level spreader and footing drain on the north side of the property were approved to be within the 20 ft non-disturbance area by the Commission at a July 2019 work session.

G. Carroll then stated the level spreader and footing drain were installed, a planting plan was implemented and the home was issued a Certificate of Compliance in August 2019.

P. Lobdell asked if the level spreader on the south side of the home was removed.

G. Carroll confirms it was.

D. Vynerib received a call from his client roughly a month ago when they were moving in and they complained about 2 inches of water flooding the basement. He stated he needed to rectify the issue so further damage did not occur. He stated his engineer was ill and he had not yet hired another engineer to replace him, so they were left with limited resources.

D. Vynerib said he called his contractor to clean up the basement in which they needed to remove 2 ft of sheet rock and remove the flooring. He stated they needed a quick resolution to

the problem so that it did not happen again. Without his knowledge his contractor re-installed the pipe into the wetlands where it had been installed during the previous violation.

P. Lobdell asked if the basement is now dry after installation of the pipe into the wetlands.

D. Vynerib confirmed it is dry.

D. Vynerib continued to discuss the pipe, its location and that he needs a professional engineer to look into the elevations and probable solutions. He has just hired Dean Martin from Grumman Engineering although he could not make the meeting today.

G. Carroll then made note for the record that the Citation Hearing Officer did endorse the \$2000.00 fine issued and D. Vynerib paid the \$2,000.00 fine for performing work within the 20 ft upland review area and for doing so without a permit.

C. Kelly began a general discussion of ground water conditions with the neighboring property and site conditions overall in neighborhood.

D. Vynerib explained he is frustrated and understands it is a wet condition onsite but the pipe installation does not change the direction of where the water moves onsite.

P. Davis discusses ground water.

G. Carroll discusses the flow of water and the amount of time for percolation to occur which will cause ponding. She explains it is imperative to have the engineer determine the elevation of the footing drain to determine what further restrictions the site may have.

P. Davis asked what the timeline is now that the meeting has been opened.

G. Carroll explained she needed to open this hearing within 10 days of receipt of the notice so we have time now for further investigation.

P. Lobdell states it is important we keep the water out of the basement and to not further damage the property.

C. Kelly explains the Commission's choice to Revise, Affirm, Withdraw or Continue the Show Cause Hearing.

T. Carey discusses options and would like time for the Engineer to review the site and conditions.

P. Davis agreed.

Steve Cowherd asked how the pipe exacerbates the wetland issue?

Discussion amongst the commission members about the level spreader elevation and location.

P. Davis would like the timeline for investigation to be within reason.

D. Vynerib stated he spoke with his newly hired engineer yesterday.

G. Carroll discussed dates in which we can reconvene if the Commission would like to proceed in that way.

The Commissioners decided that resuming the meeting and allowing time for the new engineer to get up to speed would be suitable.

The Commissioners agreed with the homeowner, Jason Heaps and D. Vynerib that Monday, January 13, 2020 at 10 am would work for them and the meeting can resume.

P. Lobdell asked if the pipe was there before the new house was built then why was it a new pipe.

D. Vynerib said during site alterations and grading they crushed it and replaced it.

P. Lobdell asked what the pipe was attached to.

D. Vynerib stated it was attached to the footing drain from the home.

C. Kelly and G. Carroll discussed water quality.

P. Davis made a motion for a Continuance of the Hearing to January 13, 2020 at 9:30 AM. T. Carey seconded. All in favor. 4-0.

Show Cause Hearing Meeting Adjourned at 10:45 AM

Five-minute recess before beginning Work Session Items 1 & 2.

Work Session began at 10:50 AM.

C. Kelly read in the request by Bill Achilles of William A. Achilles Architects, AIA on behalf of **1 Meadowbrook Lane**.

The request by Mr. Achilles dated November 27, 2019 to Alicia Mozian, Conservation Director, for the expansion of an existing driveway and associated drainage at a staff level permit.

C. Kelly placed the Site Plan dated 11/26/2019 on the table to explain to the Commission where the request of expansion would be located and where the Waterway Protection Line and the delineated Wetland flags were.

P. Lobdell asked where the existing driveway is located.

C. Kelly stated that with proposal a small section of the WPLO would be impacted and the wetlands do not have correlation with the expansion.

C. Kelly additional stated a tree would need to be removed.

S. Cowherd asked if the driveway would remain permeable as gravel.

C. Kelly confirmed it would remain gravel.

C. Kelly asked how the Commission felt about granting request for a staff level permit.

P. Davis made a motion to grant the request of a staff level permit for the expansion of the driveway and associated drainage. T. Carey seconded. 4-0 approval.

C. Kelly stated the second Agenda item to address is **111 Harbor Road**.

C. Kelly read in the request to the Conservation Director, Alicia Mozian from Mr. Richard Benson of R B Benson and Co. homebuilders.

C. Kelly told the Commission that this permit was approved for 111 Harbor Road in July of 2019 with conditions.

C. Kelly read the request letter dated December 10, 2019 to the Commission members for the modification of condition #18 set forth by the Commission.

T. Carey asked what the change in coverage would be.

C. Kelly said the coverage would remain the same however a modification in the drainage.

P. Davis and P. Lobdell asked what the coverage percentage was.

T. Carey asked if there would be additional modification in condition referenced.

C. Kelly stated yes and proceeded to read into the record a memorandum dated December 12, 2019 from Amrik Matharu from the Engineering Department.

C. Kelly then said since the memo from Amrik Matharu there is an email from R. Benson showing location of the geothermal wells with a revised location.

T. Carey spoke about how geothermal wells works and concern with drainage being too close to the wells as it pertains to health code issues.

C. Kelly confirmed the well system and separating distances per Health Department requirements.

P. Lobdell asked if the pipe is enclosed.

C. Kelly confirmed it is closed and drew descriptive diagram for Commissioners.

T. Carey asked what C. Kelly's recommendation would be.

P. Davis stated he is reluctant to approve a modification with recent submittal of revised plans without proper review from the Engineering Department.

C. Kelly said he agreed with P. Davis's statement.

P. Davis said he is willing to listen to an explanation of the modification process.

C. Kelly proposed to the Commission to table the discussion until Amrik Matharu has had time to review the revised plans.

P. Davis made a motion to adjourn the meeting. T. Carey seconded. 4-0.

Adjourned at 11:20 AM.