



CONSERVATION DEPARTMENT
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**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
SPECIAL MEETING NOTICE
May 26, 2021**

Members Present: Anna Rycenga, Chair; Paul Davis, Vice-Chair; Tom Carey, Secretary; Don Bancroft; Paul Lobdell

Staff Present: Alicia Mozian, Conservation Director; Nathan Hartshorne, Conservation Compliance Officer; Keith Wilberg, Town Engineer; Susan Voris, Admin. Asst. II

Guests: Stephen and Kristine Skalicky, property owners of 5 Bayberry Lane
Erika Reader
Janis and Jay Forgotson

Show Cause Hearing: 10:00 A.M.

- 1. 5 Bayberry Lane. (Lot: 5 Map: H11):** In accordance with section 4.2.1, 7.1 and 7.3 of the "Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport," a **Show Cause Hearing of the Westport Conservation Commission will be held for a Cease & Correct Order** issued to the property owners for removing and depositing material, creation of a pond, placing drainage pipes, and altering the hydrology of a wetland without permits.

Ms. Rycenga opened the meeting and noted the function to enable email comment from the public is not working but every member of the public taking part via video will be able to speak. She asked which members of the Commission had visited the site in preparation for the hearing and all indicated they had. She noted the Legal Notice for the hearing was posted with the Town Clerk on May 17, 2021. The Cease and Correct Order will remain on the Land Records until the matter is resolved. The purpose of the Commission is to affirm, revise or withdraw the Order. The Commission has reviewed the Conformance Order, the Engineering Department's memo from Ted Gill dated May 25, 2021, a survey dated February 2021 and 22 photos submitted by Ms. Rycenga taken during the field trip.

Ms. Mozian noted that an updated survey was received May 25, 2021 at 4:30 p.m. showing the recently flagged wetland boundary. This survey has also been posted to the website.

Mr. Hartshorne read his Notice of Violation letter dated May 11, 2021 into the record. He highlighted the Cease and Correct Order. He also reviewed the Chronology for the record. Of note, the owners did stop activity when told to do so. They also did hire a soil scientist and got the wetland boundary mapped very quickly per staff's direction. Mr. Hartshorne showed multiple aerial photos and pictures of the site. He highlighted what wetland plants remained including cattails and the presence of Willows. Three cul-tec units had been installed and are shown to be sitting in water. He also noted where they excavated a pond in an area where the owners said there had been ponded water.

Ms. Rycenga asked about the presence of the pipe in that area.

Mr. Hartshorne showed the general area.

Mr. Hartshorne noted the survey indicates 44,415 s.f. or 1.020 acres of wetlands based on the updated survey dated May 19, 2021 showing the wetland flagging.

Keith Wilberg, Town Engineer, PE and PLS, stated Ted Gill, who visited the site on behalf of the Engineering Department, was not available for the meeting. Mr. Gill relayed he witnessed several curtain drains that were looking to be replaced. The Engineering Department researched their records and found very little information on this property. The cul-tec units will not give the benefit they normally would because they are sitting in water. The saw no evidence of any outlet from these cul-tecs. WLR Map #7291 subdivision map does show an old stone drain. He speculated that if the subdivision were proposed today, it may not be approved. Also, he added they do not know about the pipe in the pond. He stated the cul-tec in the wet season is not doing anything. During the dry season, it may drain some.

Ms. Rycenga asked if he believes the owners should hire their own PE to review drainage plans as they relate to the Town drainage standards.

Mr. Wilberg stated yes, but clarified that he would also defer to the Conservation Department as that work would relate to the wetland regulations.

Steve Stalicky, property owner, stated they bought the property and thought there were no wetlands. They did hire a watershed ecologist to discuss concerns. They also hired a landscape firm. They were aware that there was a drainage system but it would need maintenance. When they began working, they realized that the pipes were there but not working. They did stay away from the cattail area. They found signs of an old drainage gravel area. He shared a plan highlighting the location of plantings and drainage. They found a farmer's drain but no one knows where it goes. Their plan was to plant. He feels the excavated pond should remain. He shared a suggested planting plan and the area where they would like to plant.

Kristine Stalicky, property owner, stated the "pond" area is an area they have been told that ducks have swam there and the kids in the neighborhood would swim.

Ms. Rycenga cautioned Mr. & Mrs. Stalicky that whichever experts they choose, it should be someone who will satisfy the Town's drainage requirements. She asked Mr. Hartshorne about site stabilization.

Mr. Hartshorne indicated he feels the stockpiles should be respread, hay and seeded until a plan is devised. He would be okay with installing a deer fence until the seed matures. He suggested getting rid of the gravel.

Mr. Davis asked if there is any way to make the cul-tec work or if it should be removed.

Mr. Wilberg stated they would have to do soil testing to confirm but these are wetland soils so presumably there will be no area for percolation.

Mr. Hartshorne reiterated that wetland soils by definition are poorly drained.

Mr. Carey asked what kind of professional is needed to remediate this situation.

Ms. Mozian suggested that a wetland scientist or a landscape architect along with an engineer, most likely a civil engineer knowledgeable in drainage system. She noted that we do not want to drain the wetland. However, we have to balance the owner's desire for a useable backyard with the wetland protection.

Mr. Lobdell indicated he has witnessed this property for 25 years. He asked if there is a way to look at the larger area and find a more comprehensive solution.

