



**CONSERVATION COMMISSION**  
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**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
OCTOBER 13, 2021**

The October 13, 2021 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

**ATTENDANCE**

**Commission Members:**

Anna Rycenga, Chair  
Paul Davis, Vice-Chair  
Tom Carey, Secretary  
Donald Bancroft  
Paul Lobdell

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the October 13, 2021 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director

**Changes or Additions to the Agenda:**

Ms. Mozian reiterated that **15 Stony Point Road** and **36 Green Acre Lane** have been postponed to the November 17, 2021 Public Hearing. The agenda was amended to reflect these changes. There will be no Public Hearing.

**Public Hearing: 7:00 p.m.**

1. **15 Stony Point Road:** Application #WPL-11337-21 by LandTech on behalf of Encore Holding Revocable Trust & Hunter Holding Revocable Trust for a new residential dock with boat lift and jet ski lift. The proposed activity is within the WPLO area of the Saugatuck River.

This agenda item was postponed to November 17, 2021.

2. **36 Green Acre Lane:** Application #IWW,WPL-11388-21 by Kousidis Engineering, LLC on behalf of Leora Goren for A proposed renovation to the existing residence and construction of building additions including a new garage, pool, spa, pool house, patio, driveway, storage shed, and sports court. A new septic and drainage systems are proposed. Portions of the work are within the upland review area and the WPLO area of unnamed watercourse in the Pussy Willow Brook watershed.

This agenda item was postponed to November 17, 2021.

**Work Session:**

All members of the Commission visited the sites in preparation of the hearing.

1. Approval of September 3, 2021 field trip minutes.

The September 3, 2021 field trip minutes were approved as submitted.

<b>Motion:</b>	<b>Lobdell</b>	<b>Second:</b>	<b>Davis</b>
<b>Ayes:</b>	<b>Lobdell, Davis, Bancroft, Carey, Rycenga</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>

2. Approval of September 8, 2021 minutes.

The September 8, 2021 minutes were approved with corrections.

<b>Motion:</b>	<b>Davis</b>	<b>Second:</b>	<b>Carey</b>
<b>Ayes:</b>	<b>Davis, Carey, Bancroft, Lobdell, Rycenga</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>

3. Approval of September 22, 2021 Show Cause minutes

The September 22, 2021 Show Cause minutes were approved as submitted.

<b>Motion:</b>	<b>Bancroft</b>	<b>Second:</b>	<b>Lobdell</b>
<b>Ayes:</b>	<b>Bancroft, Lobdell, Carey, Davis, Rycenga</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>

4. Compliance Report

**Commission Update – October 2021**

**13 Sprucewood Lane**

**9/16/21** – Sediment and erosion control inspection found no silt fence.

**9/17/21** – Inspection showed no silt fence and work beyond the scope of the permit. Spoke with Mr. Mancusi and Mr. Iaconi

**9/16/21** – Inspection showed no improvement regarding silt fence or staying within the scope of the permit. Met owners on site and explained the situation.

**9/17/21** – Issued Notice of Violation and \$500.00 fine to Mr. Iaconi and Signature Pools.

**9/29/21** – Spoke with owner about replacement trees to fulfil that part of the NOV. Also sent email.

Ms. Mozian noted that the fine was paid.

### **13B Dogwood Lane**

**10/05/21** – Discovered sports court being built on property in wetlands setback and WPLO. Issued NOV and spoke with owners about potential paths to move forward.

**10/07/21** – Discovered that sports court was built within a Conservation Easement created by Conservation Commission meeting 10/06/1982 and is in the deed. Currently exploring paths forward.

Ms. Mozian noted that the owner agreed to remove the sports court and will explore relocating it to a different location on the property.

### **12 Bushy Ridge Road**

**9/15/21** – Received complaint about work being done. Inspected and discovered a significant amount of work being done on a watercourse through the property. Spoke with homeowners about the situation.

**9/16/21** – Spoke with owners again and issued a violation. Currently waiting on a site plan and application.

**10/01/21** – Spoke with owner about delays due to family concerns. Reiterated the need for sediment and erosion controls on stockpiled materials.

**10/05/21** – Silt fence is installed.

### **28 Sue Terrace**

**9/23/21** – Noticed shed built within wetlands and WPLO. Investigated at office and determined that it was unpermitted.

**9/27/21** – Issued NOV

**10/5/21** – Met with owners and discussed various paths forward to move or legalize shed as well as plant replacement trees.

Ms. Mozian noted the shed was partially constructed on the neighbor's property so it will take some work to legalize it in its present location.

### **8 Indian Point Lane**

**9/28/21** – Received citizen complaint about a structure and woodchips in the wetlands on the property. Inspection revealed that an older structure for ziplines had been added to, there was a woodchip path with some mounds of woodchips, and the fence that was installed was not the fence that was permitted a few years earlier.

**9/29/21** – Spoke with owners on the phone stating that I was going to issue an NOV.

**9/30/21** – Sent NOV in email and certified mail.

**10/4/21** – Spoke with owner about removing stairs to the platform, raising fence bottom, and leaving woodchips, but not adding more as conditions for removing violation.

### **2 Gordon Lane**

**9/2/21** – Was asked for an inspection, but due to hurricane, the site was underwater and mostly out of sight. It also looked like there was no herbaceous growth. Will await new seed sowing, reinspect later in October or the spring, depending on germination time.

Ms. Mozian noted she inspected the property recently. The plantings and seed were installed. It is okay to remove the violation.

### **3 Davis Lane**

**9/12/20** – Ted Gill received As-Built, but it showed significant grade changes and a pipe. He notified applicants that situation would need to be fixed.

**11/18/20** – Gillian Carroll wrote that the Conservation Department would support recommendations by Engineering.

**7/8/2021** – Ted Gill received new As-Built and inspected. The grading changes were bad.

**7/16/2021** – Colin Kelly wrote owners and their representatives that they need to rectify situation.

**10/4/21** – Colin Kelly spoke with homeowner and anticipates resolution in the near future.

### **4 Blind Brook Road South**

**12/16/20** – NOV about tree removal and fill added.

**4/19/21** – Met with homeowners about planting.

**10/08/21** – Checked in with homeowners about updates. Scheduling delays occurred due to pandemic surge.

### **1 Charcoal Hill Road**

**12/3/20** – NOV sent for major site work, house additions, new structures, septic, clearing, and grading without permits and within wetland setbacks.

**2/8/21** – Application received but incomplete.

**6/20/21** – ZBA granted a variance for setbacks.

**7/20/21** – Staff inspected site.

**8/16/21** – Received planting plan from LandTech.

**9/21/21** – More material submitted, but application still not complete, silt fence was reinstalled. Stop work order remains in effect.

**9/29/21** – Met with Mr. Benitez to go over details of plan still needed.

**10/08/21** – Approved planting plan around pond.

Ms. Mozian noted that the drainage plan is still not acceptable to the Engineering Department and that is leading to the delay in permit issuance.

### **8 Lone Pine Lane**

**1/29/20** – NOV sent for clear-cutting.

**2/3/20** – Cease and Correct Hearing

**7/6/21** – Wrote email to owner to see about updates on planting plan. No response.

Planting planned for the Spring 2021 Season – no notice of completion yet.

**8/26/21** – Drove by to inspect and saw no changes.

Ms. Mozian noted the Cease & Desist Order remains on the Land Records.

Ms. Rycenga asked and Mr. Kelly confirmed that the \$1,000 fine had been paid.

### **24 Vineyard Lane**

**8/25/21** – Drove by and noticed the “no dumping” sign was laying on the ground.

**8/26/21** – Wrote letter to new owners explaining that the “no dumping” sign was a condition of removing the violation from the property and to please put it back.

**10/1/21** – A week after talking with renters about putting the sign back up, the sign has been removed completely.

### **179 Bayberry Lane**

**5/11/21** - NOV sent for dumping.

**5/28/21** – Second NOV sent out for not removing debris.

### **5 Bayberry Lane**

**5/11/21** – NOV sent for clearing, digging, and adding drainage.

**5/26/21** – First Show Cause Hearing.

**9/22/2021** – Second Show Cause Hearing. Owners and their contractor will update their plan to include a safety fence, list of species, more woody vegetation, details on stockpile usage, removal of note 13 (water circulator), removal of cul-tecs, and a maintenance plan. They will also submit an as-built survey with the pond detailed upon completion.

**10/08/21** – Received updated and revised restoration plan. Scheduled meeting with contractor on site for 10/12/21.

Ms. Mozian noted that an on-site pre-construction meeting had been scheduled for October 12, 2021 but was postponed because the contractor has covid.

### **7 Woody Lane**

**5/13/21** - Sent NOV for dumping and creating a pond.

**5/20/21** – Spoke with owner about approving a patio and bridge on condition of removing pond and woody debris.

### **299 North Avenue/4 Fraser Lane**

**5/25/21** – Shut down tree clearing and sent NOV. Allowed already-cut debris to be removed pending silt fence, which was installed 5/26/21.

**7/21/21** – Received soils report showing flagged wetland boundary from 2014.

**8/12/21** – Received planting plan by Jay Petrow of Petrow Gardens and spoke with him about steps going forward with permit and slight revisions to plan.

**8/17/21** – Sent Removal of NOV for 4 Fraser Lane.

**9/7/21** – Issued permit for 299 North Ave tree removal and planting plan.

**10/11/21** – Restoration work began.

### **24 Spriteview Ave**

**6/2/21** – Sent NOV for rain garden removal, which was a special condition of approval. Spoke with owner.

### **2 Snowflake Lane/6 Snowflake Lane**

**4/18/19** – Sent NOV for dumping on 274 North Ave and ATV use.

**8/19/21** – Sent email to manager of 274 North Ave for follow-up.

### **64 Bukley Avenue North (No Violation Issued)**

**7/21/21** – Received complaint about tree clearing. Spoke with homeowner on site.

**7/27/21** – Certification from arborist that the trees needed removal and application submitted by owner.

**9/23/21** – Planting plan submitted by owner and accepted.

### **8 Abbotts Lane (No Violation Issued)**

10/4/21 – Dumping has been cleaned up

- 5. 14 Allen Raymond Lane:** Request by the Westport Weston Family YMCA for release of surety bond for site landscaping held as a condition of Permit #IWW, WPL-80207A-07 for a building addition and parking lot expansion.

Mr. Carey stated he was recusing himself because his son is on the Y Board. He took himself off video and muted himself in order not to participate in this discussion.

Ms. Mozian stated this is a request for bond release. The bond for \$96,704.41 is being held for plantings associated with Permit #IWW, WPL-8027A-07 for building addition and parking lot expansion. The plantings were installed last fall. All plantings are thriving and staff recommends release of the bond.

Motion to release the bond.

**Motion: Lobdell Second: Davis**  
**Ayes: Lobdell, Davis, Bancroft, Rycenga**  
**Nays: None Abstentions: None Vote: 4:0:0**

Mr. Carey rejoined the meeting by video.

6. **21 Crooked Mile Road** – Request by Vesna Herman, AIA on behalf of Robert and Constance Slimmon to allow issuance of a staff-level permit to construct an addition within the 50 ft. upland review area setback.

Ms. Mozian reviewed a request for issuance of a staff-level permit to construct an addition within the 50-foot upland review area. The proposal is for a one-story, 400 s.f. house addition. She noted the property is bisected by the West Branch of the Saugatuck River. The work is outside the WPLO area but is within the 50-foot upland review area. However, the proposed work is on the far end of the house, therefore, the river will be protected by the existing portion of the house. The project does not propose a basement but will be slab on grade. There is a proposed retaining wall that is required but it is outside the 30-foot upland review area. There will be sediment and erosion controls installed. No soil stockpiling will occur with this project. All excavated materials will be removed off-site during excavation.

Motion to allow staff to issue a staff level permit with conditions including:

- Need a construction phasing plan;
- Need sediment and erosion controls; and
- Need the retaining wall to be designed by a structural engineer.

**Motion: Carey Second: Lobdell**  
**Ayes: Carey, Lobdell, Bancroft, Davis, Rycenga**  
**Nays: None Abstentions: None Vote: 5:0:0**

7. **225 Riverside Ave, a/k/a Pascareta Park:** Request by Town of Westport Public Works Department to allow staff-level permit to relocate existing sewer main and upgrade flow capacity by increasing pipe diameter from 10” to 15.” Work is within the WPLO area of the Saugatuck River.

Ms. Mozian reviewed a request for a new 15-inch, 280-foot long sewer line relocation. This sewer line is within the WPLO area of the Saugatuck River at Pascareta Park. The existing 10-inch line was installed in 1959 and will be abandoned. The new line will be closer to the sidewalk, further away from the river. The work will take place in the lawn area. There will be dewatering provisions on-hand. They will try to work around the tides but cannot guarantee it. The work will most likely begin mid-November or December. They will reseed the area in the spring. The methodology of construction was submitted along with the proposed Site Plan.

Ms. Rycenga asked what will happen with the abandoned pipe.

Mr. Kelly stated they will leave it in place and cap it. He noted that the existing trees along Riverside Avenue are proposed to be saved. The construction will take place outside the dripline of the trees but root zones may still be disturbed. He also discussed soil contamination. He noted that when soil borings were done, they did encounter contaminated soils in the two borings closer to the pump station. This was traced back to the Sunoco station. The State DEEP said this soil should remain on site. They will stockpile with a poly tarp material and use it again to refill the excavation. He noted the DEEP is well aware of the site and the monitoring well and felt comfortable with the soil handling. He said that any evidence of sheen in the River will be managed.

Mr. Bancroft asked about the construction scheduling and that ideally, it should take place during low tide but acknowledged that some excavation work will take place during high tides.

Mr. Kelly replied they will either have to stop work or put in another dewatering pump. He noted that construction will be done in sections up to 100 feet at a time. This is so the entire trench is not exposed at once and the dewatering can be managed. If it turns out that 100 feet is too much, the exposed area can be decreased to 50 or 75 feet as needed. He stated that staff will be on-site regularly to inspect.

Mr. Davis asked if we are confident that the gas station is still not an issue.

Mr. Kelly stated the CT DEEP is on top of this and so far there are no issues. If there is a problem revealed during excavation, the State will be notified immediately and they will intervene.

Motion to allow the staff to issue a WPL/E permit for a sewer line relocation.

<b>Motion:</b>	<b>Lobdell</b>	<b>Second:</b>	<b>Carey</b>
<b>Ayes:</b>	<b>Lobdell, Carey, Bancroft, Davis, Rycenga</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>

8. **3 Lakeview Rd.:** Request by Sherwood Homes, LLC to amend Resolution #IWW, WPL/E-10782-19 to allow: increasing the footprint by approximately 209 sq.ft.; add a cantilevered deck; and allow a time extension to complete installation of the house slab, footings and driveway.

Ms. Mozian reviewed a request to amend Resolution #IWW,WPL/E-10782-19 to allow the increase in the footprint, add a cantilevered deck and to allow a time extension to complete the installation of the house slab, footings and driveway. The larger footprint is about 3 feet in width larger than what the former owner had initially applied for and was rejected and would come closer to the wetland buffer. It would also affect the stormwater design storage area beneath the driveway. The Resolution said the time of construction for the house slab, footing and driveway installation shall be limited to the dry season between June to October. The applicant is requesting this be extended to November 30<sup>th</sup>.

Mr. Carey noted the Commission received extensive testimony during the Public Hearing. There was an intense discussion about the dimension of the house to keep it to the minimum necessary to protect the wetland and watercourse. He is absolutely opposed to additional square footage to the footprint. He would be more sympathetic with the time issue.

Mr. Davis indicated that he agreed with Mr. Carey. He would not support the additional square footage.

Mr. Bancroft noted the 2-car garage extends further toward the wetlands. He does not support this proposal.

Mr. Lobdell agreed with Mr. Carey. He asked about the timing. He questioned why it was the end of October.

Mr. Kelly explained that the concerns are with groundwater and that the water table rises once the leaves come off the trees.

Ms. Rycenga agreed with Mr. Carey. She noted that there was expert testimony given during the Public Hearing. Even though there are new property owners, the condition stays with the land. The balcony is not a concern but the extra square footage is a problem.

It was the consensus of the Commission that the resolution is still in effect and the request is not approved. The Commission feels the proposed significant modifications are enough to warrant submission of a new application.

**9. Other business**

- a. Ms. Mozian noted CACIWC is holding its Annual Meeting November 6, 2021.

The October 13, 2021 Public Hearing of the Westport Conservation Commission adjourned at 8:27 p.m.

<b>Motion:</b>	<b>Carey</b>	<b>Second:</b>	<b>Rycenga</b>
<b>Ayes:</b>	<b>Carey, Rycenga, Bancroft, Davis, Lobdell</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>