



**CONSERVATION COMMISSION**  
TOWN HALL – 110 MYRTLE AVENUE  
WESTPORT, CT 06880  
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**WESTPORT™**

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
FEBRUARY 9, 2022**

The February 9, 2022 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  
Susan Voris, Admin. Asst. II

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the February 9, 2022 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:** The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing. - **NONE**

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

1. **59 Red Coat Road:** Application #IWW,WPL/E-11446-21 by LandTech on behalf of RMF Builders LLC for revision of a previous approval, IWW,WPL/E-11237-21, to remove the proposed pool and replace with an enlarged patio still surrounded by a retaining wall, add a potable supply well instead of public water, and move the proposed construction access driveway further north away from the wetlands. Portions of the work are within the upland review area.

Brian Carey, Director of Environmental Services with LandTech, presented the application on behalf of the new property owner. He explained that the new owner did not want the pool so replaced that with a larger patio. They have submitted a revised stormwater report. They have also moved the construction access a bit further from the wetland and are adding timber planking for extra protection for use of heavy equipment. He stated that after doing more due diligence, they decided to apply for a drinking water well permit rather than extending the public water supply line. The distance is about 240 feet to the property line to the public water line hook-up and would be about another 460 feet to the house.

Mr. Davis noted reference to the pool equipment pad is still on Sheet C-1.

Mr. B. Carey stated this is a mistake and should be removed.

Mr. Davis asked about the house footprint size.

Mr. B. Carey stated it is located on Sheet C-1 under the Zoning Coverage.

Mr. Davis asked for clarification of Sheet EX-FP.

Mr. B. Carey explained it was part of the stormwater management plan and the watershed boundary used to calculate the drainage.

Mr. Lobdell asked what the depth of the well would be.

Mr. B. Carey stated he is uncertain. They will drill until they meet a certain yield of water. He would guess at least a 100-foot depth.

Ms. Rycenga asked why the issue of the water line was not better investigated when the application was originally submitted.

Mr. B. Carey stated he is not sure as he was not working with LandTech then. Perhaps, they thought the water main was in Redcoat Road. Through his due diligence efforts, he ended up going to Aquarion Water Company, who could not tell where the water main hook-up was either. However, Aquarion ended up issuing an exemption form, which allows a well even though public water is available to be less than 200 feet from the connection. Mr. Carey explained that the exemption was not necessary or realistic as the connection is more like 600 feet away. He discussed the water budget and how the water from the well would be for the most part be given back in the septic area.

Ms. Mozian asked how the wetlands will not be adversely impacted by the well.

Mr. B. Carey stated the wetlands and the well are not hydraulically connected. The wetland is a shallow aquifer. The well is at least 100 feet below.

Ms. Mozian asked for a discussion of the Well Permit Process.

Mr. B. Carey stated they had to apply to the State Department of Consumer Protection and the application is signed by the local Health District. He noted that the depth of the well is determined by a prescribed yield. The Well Completion Report is filed with the State and Health District.

Ms. Mozian suggested the Well Completion Report should be submitted as a condition of approval. She noted the Engineering Department's comments that the drainage is okay but that sediment and erosion controls are very important. They will install the foundation first and then the well.

Mr. Lobdell asked what happens if the well runs dry.

Mr. B. Carey indicated they can dig deeper or they can pound it and open up more fractures.

Ms. Mozian noted the property is just outside the boundary of the Aquifer Protection Overlay Zone.

Mr. Bancroft added the water pressure required for the Fire Department is 20 gallons per minute.

Mr. Kelly highlighted the staff report. He noted the Construction Sequence was amended to include the well installation. He concurred that a site monitor may not be necessary to watch the drilling but the monitor should still be visiting the site on a daily basis while drilling is occurring to address any issues that may arise. The proposal is using the former pool area for drainage. If in the future, a pool is requested, it should come back to the Commission regardless of it whether or not it is outside the 35-foot setback.

Ms. Rycenga gave three minutes to allow for submission of public comments.

There were no public comments and the hearing was closed.

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

#### **FINDINGS**

**Application # IWW -11446-21**  
**59 Redcoat Road**  
**Assessor's Map: B15 Tax Lot: 066**  
**Public Hearing February 9, 2022**

- 1. Receipt Date:** **January 19, 2022**
- 2. Application Classification:** **Plenary**
- 3. Application Request:** To modify Application #IWW-11237-21 for a new single-family residence on a vacant lot, driveway, pool, and patio surrounded by a retaining wall and instead, construct a new single-family residence with a new driveway, eliminate the pool and replace with enlarged patio still surrounded by retaining wall and serve the house with a private drinking water well rather than connect to public water supply.
- 4. IWW and WPLO Regulated Areas:**  
IWW setbacks determined for this property include a 50' review area for the new house and septic, a 30' review area for the driveway, 35' review area for pools, 30' for patio and walls, and a 20' non-disturbance buffer for the proposed grading and drainage from wetland boundaries. The residence, portions of the driveway, and grading will be located within each applicable setback under these regulations. The proposed well would be located ~5-6' in front of the house and ~31' from the wetland boundary. Well drilling activity is located just at the 20' non-disturbance buffer from wetlands.
- 5. Plans reviewed:**
  - a. "Equal Area Exchange Survey Map of Property between land of Kevin M. Dorsey & Deborah L. Dorsey 25 Cavalry Road and land of Kevin M. Dorsey 59 Red Coat Road Westport, CT", prepared by Walter H. Skidd – Land Surveyor, dated February 13, 2020, and last revised to July 9, 2020, scale 1" = 30'

- b. "Proposed Site Improvements for a New Single Family Residence – RMF Builders 59 Red Coat Road Westport, CT", prepared by Landtech, dated February 25, 2021 and last **revised to December 3, 2021**, Sheets C-1, C-3, C-4, C-5; Sheet C-2 last revised **December 6, 2021**, scale: 1"=30'
- c. "Stormwater Management Report for 59 Red Coat Road Westport, CT", prepared by Landtech, dated February 25, 2021, Revised December 6, 2021.
- d. "Project Narrative – Site: 59 Redcoat Road, Westport, CT, Owners: RMF Builders, LLC (Greg Field)" prepared by LandTech, undated.

**6. Wetlands Description:**

**Ridgebury, Leicester and Whitman fine sandy loam (3):** This soil consists of poorly drained and very poorly drained loamy soils formed in glacial till. They are found in depressions and drainageways in uplands and valleys. Their interpretations are very similar, and they typically are so intermingled on the landscape that separation is not practical. The Ridgebury and Leicester series have a seasonal high water table at or near the surface from fall through spring. The Whitman soil has a high water table for much of the year and may be frequently ponded.

**7. Property Description and Facts Relative to the Application:**

- a. The existing property is undeveloped.
- b. The property is 2.05 acres (89,298 sq. ft.) in size.
- c. It is located principally in the Saugatuck River watershed.
- d. A small portion of the northwest corner of the property is within the Aquifer Protection Overlay Zone.
- e. Property does **not** exist within the Coastal Areas Management Zone.
- f. The Waterway Protection Line Ordinance is not found on this property as it does not qualify as a waterway
- g. Two distinct wetland areas are shown on the survey. The flagged wetland area is **28, 532 sq. ft.** as determined by the Walter Skidd survey, last revised July 9, 2020.
- h. The Westport Weston Health District approved a 6 bedroom house for the property on March 25, 2021. The Aspetuck Health District **issued approval** for the proposed plan changes, specifically for well installation on **February 3, 2022**.
- i. Coverage changes
  - (1) Total coverage proposed: 6,081 sq. ft.; previously approved coverage: 6,639 sq. ft.
  - (2) Patio coverage proposed 588 sq. ft.; previously approved patio coverage: 846 sq. ft.

**8. Previous Permits issued:**

- #IWW/M-11023-20: Map Amendment
- # IWW-11237-21: New residence

**9. Conformance to Section 6.1 General Standards of the Inland Wetlands and Watercourses Regulations**

- a) disturbance and pollution are minimized;
- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

**Discussion**

The Commission finds that the previously approved application #IWW-11237-21 includes Commission's Condition # 29.

- a. *Any future deviation from this plan including, but not limited to a change in the building footprint, an increase in the number of bedrooms, a change in the pool design, size or depth, accessory structures, drainage improvements, landscaping, tree removal, etc., shall require an application to the Conservation Commission.*

The proposed house design reviewed by the Conservation Commission completed under Application #IWW-11237-21 was with the understanding that the residence shall be served by an assumed connection to public water supply in Red Coat Road. Further investigation by the applicant, subsequent to the approval of the previous application, revealed that Red Coat Road

does not contain public water service provided by Aquarion Water Company. The closest connection point is found within the intersection of Cavalry Road, located to the east of the property. Therefore, the applicant and the new owner of the property requests to modify the original permit to include the installation of a private well to provide water service to the proposed home. The applicant has submitted an application for the well to the Aspetuck Health District (formerly known as the Westport Weston Health District). There are specific requirements for permitting supply wells versus requiring connection to public water supply that are managed by the Connecticut Department of Public Health and the local health departments. For example, a well must be 75' from any septic system. The applicant informed Conservation Staff on January 19, 2022, by email, that they cleared pre-requisites to allow them the ability to apply for a well installation through the local health department. And subsequently, the applicant provided the signed Aspetuck Health District approval, dated February 3, 2022.

In addition to the well request, the applicant and owner request to further modify the previous approval by removing the pool and replacing it with a slightly reduced patio, but still located within the area of the retaining walls. Also, the proposed Erosion & Sediment Control Plan, Sheet C-2, shows an updated proposed location of the construction accessway for septic construction.

The Commission finds that the Construction Sequence, on Sheet C-1, has been amended to include a new sequence #11, which identifies the new well installation. Also, proposed Sheet C-2 is amended to include a Well Installation Sequence which identifies procedures and dewatering activities associated with the well construction proposed onsite.

#### **10. Conformance to Section 6.2 Water Quality of the Inland Wetlands and Watercourses Regulations**

- a. flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- b. water stagnation will neither be contributed nor caused;
- c. water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
- d. pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- e. all applicable state and local health codes shall be met;
- f. water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes;
- g. prevents pollution of surface water

#### **Discussion**

The Commission finds that the proposed changes to the plan do not alter the previously approved plan other than for the removal of the pool, and the installation of the well proposed ~5-6' on front of the house. The main components of the project propose to manage stormwater onsite using six (6) concrete galleries located beneath the driveway, a pervious portion of the driveway, a constructed stone filter strip along the eastern side of the driveway, a pervious patio and a 40' long level spreader on the south side of the retaining wall surrounding remain with minor changes to the pervious patio area. The Commission finds that this proposal does not change the previous permit requirements, and must adhere to all previous appropriate conditions and reinforce the statement from Permit # IWW-11237-21:

*... that the elevations, as proposed, are extremely important to adhere to during construction onsite. The functionality of all portions of the proposed stormwater drainage system relies heavily on accurate placement. A few inches would make a considerable difference in flow of water through the system. ... the site engineer (shall) witness and certify all drainage features (including crawlspace elevation) to ensure the drainage functionality. An as-built survey should verify all elevations, including a foundation as-built.*

#### **11. Conformance to Section 6.3 Erosion and Sediment of the Inland Wetlands and Watercourses Regulations**

- a. temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
- b. permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
- c. existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
- d. formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
- e. applicable state, federal and local guidelines shall be met.

### **Discussion**

The Commission finds that the applicant shall be required to maintain sediment and erosion controls as noted in Permit #IWW-11237-21 which included:

*...silt fence around the perimeter of the work area. The silt fence is set at the 20' wetland setback line to allow for work. The proposed grading is located outside 20' wetland setback line. An anti-mud tracking pad is proposed at the site entrance. Two temporary stockpiles are shown, adjacent to the proposed driveway and near the septic leaching field. Also proposed is a 12 ft. wide temporary construction access road that would traverse the property between the two wetland areas to access the location of the septic system which would be constructed first.*

The Commission finds that the applicant provides a "Well Installation Sequence" on sheet C-2 to establish appropriate sediment protections during well drilling. The drilling procedure proposed uses a pneumatic hammer and will be done within a defined area identified on the plan. The drilling area will be contained by silt fence and haybales. The well drilling equipment area, dewatering area, sump area, and drill spoil area are shown on the plans abutting the 20' non-disturbance buffer. In addition, an area for a silt bag is shown and will be used as the dewatering discharge point for any groundwater encountered during well drilling and development. The Commission finds that this pneumatic hammer (also known as air rotary drilling) process is preferable to an alternative method of mud rotary drilling. Air rotary utilizes air pressure to remove drill spoils from the well and mud rotary uses a slurry mixture of bentonite clay and water to remove spoils. The management of the drilling waste and debris should be easier to manage with air rotary and care shall be taken to limit any spoils from entering the wetland areas.

Edward Gill, Engineering Department, submitted comments in "Addendum to Memorandum Dated 05/05/2021, Modification to WPL/E-11237-21", dated January 11, 2022, that addresses well construction that state:

*The change from a public water service to a well increases the potential impact of construction to the neighboring wetlands considerably. While the sediment & erosion control plan on sheet 2 of the 6 sheet set prepared by LANDTECH referenced above does appear to include sufficient controls for the construction of a well, it may be necessary to have an independent inspector on site throughout well construction to ensure that the controls are maintained in a suitable condition until well construction is completed.*

### **12. Conformance to Section 6.4 Natural Habitat Standards of the Inland Wetland and Watercourses Regulations**

- a. critical habitats areas,
- b. the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
- c. breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
- d. movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
- e. periods of seasonal fish runs and bird migrations shall not be impeded;
- f. conservation or open space easements will be deeded whenever appropriate to protect these natural habitats

### **Discussion**

This modification request will be a minimal change from the previous approval granted by the Commission. As noted in permit #IWW-11237-21:

*Staff notes the applicant provides more herbaceous material for the wetland buffer plan, as requested in the previous review of this proposal, and has increased the buffer overall size and width. Staff acknowledges this buffer will be an enhancement to the current wetland.*

**13. Conformance to Section 6.5 Discharge and Runoff of the Inland Wetland and Watercourses Regulations**

- a. the potential for flood damage on adjacent or adjoining properties will not be increased;
- b. the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c. the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d. flooding upstream or downstream of the location site will not be significantly increased;
- e. the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

**Discussion**

The Commission finds that Staff requested the Engineering Department review the updated site plan and drainage analysis for compliance with the Town's drainage standards for this application. Edward Gill responded to the request in "Addendum to Memorandum Dated 05/05/2021, Modification to WPL/E-11237-21", Dated January 11, 2022. Wherein he states,

*The reduction of the pool patio area and removal of the proposed pool have not substantially altered the proposed drainage on the site. As such, the plans referenced above substantially comply with the Town of Westport Drainage Standards.*

**14. Conformance to Section 6.6 Recreational and Public Uses of the Inland Wetland and Watercourses Regulations**

- a. access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
- b. navigable channels and or small craft navigation will not be obstructed;
- c. open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
- d. wetlands and watercourses held in public trust will not be adversely affected.

**Discussion**

Current application will not have a significant impact on recreational and public uses.

**15. Criteria to be considered by the Commission**

Section 5.1(d) of the Regulations for the Protection and preservation of Wetlands and Watercourses of Westport refers to the irreversible and irretrievable loss of wetlands or watercourses which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resource, and any mitigation measures which may be considered as a condition of issuing a permit for such activity, but not limited to, measures to:

- (1) prevent or minimize pollution or other environmental damage;
- (2) maintain or enhance existing environmental quality; or
- (3) In the following order of priority: restore, enhance, and create productive wetland

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application # IWW-11446-21  
59 Red Coat Road  
Assessor's Map: B15 Tax Lot: 066  
Date of Resolution: February 9, 2022**

**Project Description:** The application is to modify Application #IWW-11237-21 for a new single-family residence on a vacant lot, driveway, pool, and patio surrounded by a retaining wall and instead, construct a new single-family residence with a new driveway, eliminate the pool and replace with enlarged patio still surrounded by retaining wall and serve the house with a private drinking water well rather than connect to public water supply.

**Owner of Record:** Gregg Glass, RMF Builders LLC.

**Applicant:** Pete Romano, LandTech

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW-11446-21 with the following conditions:

Completion of the regulated activity shall be within FOURTEEN (14) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than NINETEEN (19) years.

#### **STANDARD CONDITIONS OF APPROVAL**

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

#### **SPECIAL CONDITIONS OF APPROVAL**



- 16.** Conformance to the plans entitled:
  - a. "Equal Area Exchange Survey Map of Property between land of Kevin M. Dorsey & Deborah L. Dorsey 25 Cavalry Road and land of Kevin M. Dorsey 59 Red Coat Road Westport, CT", prepared by Walter H. Skidd – Land Surveyor, dated February 13, 2020, and last revised to July 9, 2020, scale 1" = 30'
  - b. "Proposed Site Improvements for a New Single Family Residence – RMF Builders 59 Red Coat Road Westport, CT", prepared by Landtech, dated February 25, 2021 and last **revised to December 3, 2021**, Sheets C-1, C-3, C-4, C-5; Sheet C-2 last revised **December 6, 2021**, scale: 1"=30'
  - c. "Stormwater Management Report for 59 Red Coat Road Westport, CT", prepared by Landtech, dated February 25, 2021, Revised December 6, 2021.
  - d. "Project Narrative – Site: 59 Redcoat Road, Westport, CT, Owners: RMF Builders, LLC (Greg Field)" prepared by LandTech, undated.
  
- 17.** The site monitoring report frequency shall increase to daily reports during the active well drilling installation dates onsite and return to the previous requirement timing upon well completion.
- 18.** Conformance to all other conditions of previous application #IWW-11237-21, notwithstanding the conditions that are germane to the pool
- 19.** Any future deviation from this plan including, but not limited to a change in the building footprint, an increase in the number of bedrooms, accessory structures, drainage improvements, landscaping, tree removal, etc., shall require an application to the Conservation Commission.
- 20.** Any future pool application on the site shall require an application to the Conservation Commission.
- 21.** A copy of the "Well Completion Report" shall be submitted prior to issuance of a Conservation Certificate of Compliance.
- 22.** Reference to pool equipment noted in "General Notes" and on Site Plan, Sheet C-1 shall be disregarded.
- 23.** A foundation "as-built" survey shall be submitted prior to the commencement of house construction.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review. This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

**Motion:** Lobdell  
**Ayes:** Lobdell, Davis, Rycenga, Carey, Bancroft  
**Nays:** 0  
**Second:** Davis  
**Abstentions:** 0  
**Vote:** 5:0:0

**Work Session:**

**1.** Receipt of applications

Ms. Mozian stated there was one application to officially receive:

- **33 Red Coat Road:** Application #IWW/M-11464-22

Ms. Mozian stated the application has been sent to a soil scientist they cautioned they may not be able to conduct their investigation yet due to the ground being frozen. Hopefully, they will be able to prior to the March 16, 2022 meeting.

Ms. Mozian stated the submission deadline is February 10, 2022. There are two other applications submitted at this time and there is a possibility of 4 more that staff knows of. There are another 10 applications in the pipeline staff is aware of with more inquiries coming in every day.

Motion to officially receive 33 Red Coat Road, Application #IWW/M-11464-22.

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

2. Approval of January 14, 2022 field trip minutes.

The January 14, 2022 field trip minutes were approved as submitted.

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

3. Approval of January 19, 2022 minutes.

The January 19, 2022 meeting minutes were approved as submitted.

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

4. Compliance Report

Ms. Mozián gave an overview of the Compliance Report dated February 7, 2022

**Commission Update – February 2022**  
**Prepared by Nathan Hartshorne, Conservation Compliance Officer**

**21 Violations (20 Open)**

**1) 7 Woody Lane (Violation Removed)**

**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.

**10/15/21** – Follow-up email sent.

**11/2/21** – Second follow-up email sent.

**01/5/22** – Homeowner wrote back stating that he would be applying for permit and has cleaned up the dumping.

**01/13/22** – Permit application and payment received.

**01/28/22** – Met with homeowner and inspected property. Will issue ROV after homeowner signs permit.

**02/07/22** – Removal of Violation issued.

**2) 2 Timber Lane**

**12/27/21** – Issued NOV to CCO Habitats/Mr. Vynerib for lack of S&E controls and lack of site monitor, a condition of approval.

**01/6/22** – Colin Kelly spoke with Mr. Vynerib about fixing the violation.

**01/7/22** – Mr. Vynerib wrote stating that he would have a site monitor and fixed S&E controls on this date.

**01/21/22** – Carolyn Matthews of William Kenny Associates stated that she would inspect ASAP.

**3) 9 Lakeview Road (2 Violations Issued to Separate People, Cease and Correct Order Issued to 1)**

**12/08/21** – Received complaint about work done in the wetlands. Inspection noted significant digging of wetlands soil, digging a trench in the wetlands, and an excavator and tractor in the wetlands.

Contractors were digging up a pipe and replacing it without a permit, adding a channel, and dumped significant debris in the wetlands.

**12/10/21** – Issued a Notice of Violation and \$1,000 citation to James DeVito of DeVito and Sons for conducting regulated work in the wetlands and WPLO without a permit or sediment and erosion control measures.

**01/10/22** – Issued a Notice of Violation to the homeowners.

**01/24/22** – Received phone call from Mr. DeVito with no constructive resolution. Reiterated request for a plan to be submitted.

**02/28/22** – Spoke with Catherine Havas at length about potential resolutions going forward, including the likelihood of a Cease and Correct order.

**02/01/22** – Issued Cease and Correct order to homeowners.

**02/11/22** – Show Cause Hearing will be held.

#### **4) 12 Cottage Lane (Also Cease and Correct)**

**11/19/21** – Received complaint about fill in the wetlands. Site inspection confirmed fill, drainage, berm, and fence.

**11/18/21** – Issued Notice of Violation.

**11/29/21** – Issued Cease and Correct Order.

**11/29/21** – Received soils report dated June 2020.

**12/03/21** – Commissioners' Field Trip.

**12/08/21** – Show Cause Hearing.

**01/28/22** – Revised plan submitted.

#### **5) 20 Berndale Drive**

**11/22/21** – Received complaint about tree clearing. Inspection revealed significant tree loss, though only a portion in the wetlands setback. Tractor had also been clearing vegetation in setback. No silt fence was installed.

**12/03/21** – Spoke with property owner about the violation and explained the issues and that the department would require a silt fence and restoration plantings.

#### **6) 54 Bayberry Lane**

**11/29/21** – Inspection on neighboring property revealed boardwalk and bridges in wetlands of 54 Bayberry.

**11/29/21** – Issued Notice of Violation for unpermitted structures.

**12/07/21** – Spoke with homeowner about removal of boardwalk and administrative approval of footbridges. Homeowner sent application for footbridges.

**01/28/22** – Spoke with Keith in Engineering about reviewing flooding and bridge height.

#### **7) 1 Rex Lane**

**11/22/21** – Inspection revealed significant clearing of vegetation alongside pond, dumping of dead vegetation alongside pond, and a silt curtain—or something similar—in the pond.

**11/22/21** – Notice of Violation Issued.

**12/07/21** – Met contractor on site to discuss restoration.

**12/24/22** – Inspected for removal of debris, but it was still there.

#### **8) 13 Sprucewood Lane (Also Cease and Correct)**

**11/19/21** – Show Cause Hearing.

**12/16/21** – Grass has grown on slope.

#### **9) 13B Dogwood Lane**

**11/12/21** – Homeowner forwarded letter from surveyor stating that it would take another month to site sports court in new location.

**12/15/21** – Homeowner stated that he was removing the sports court while waiting on surveyor.

**12/21/21** – Spoke with homeowner. Sports court is removed while they determine if they will put it in a new place staked by surveyor. Plantings to be done in spring.

#### **10) 12 Bushy Ridge Road**

**10/25/21** – Trees planted, rocks placed along stream channel. Waiting until May to reinspect for Removal of Violation.

**11) 28 Sue Terrace**

**09/23/21** – Noticed shed built within wetlands and WPLO as well as partially on neighbors' property. Investigated at office and determined that it was unpermitted.

**09/27/21** – Issued NOV

**10/05/21** – Met with owners and discussed various paths forward to move or legalize shed as well as plant replacement trees.

**11/12/21** – Owner contacted Conservation and stated that 26 Sue terrace will grant an easement. He will finalize that and apply to the Commission.

**12/13/21** – Owner decided to apply to move shed out of the wetland and WPLO.

**12) 8 Indian Point Lane**

**10/19/21** – Department granted extension for compliance.

**13) 3 Davis Lane**

**09/12/20** – 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.

**07/8/2021** – Ted Gill received new As-Built and inspected. The grading changes were bad.

**07/16/2021** – 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.

**01/4/22** – Colin Kelly spoke with homeowner again.

**01/19/22** – Working with LandTech to resolve.

**14) 4 Blind Brook Road South**

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

**04/19/21** – Met with homeowners about planting.

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

**15) 1 Charcoal Hill Road**

**12/03/20** – NOV sent for major site work, house additions, new structures, septic, clearing, and grading without permits and within wetland setbacks.

**02/08/21** – Application received but incomplete.

**06/20/21** – ZBA granted a variance for setbacks.

**07/20/21** – Staff inspected site.

**08/16/21** – Received planting plan from LandTech.

**09/21/21** – More material submitted, but application still not complete, silt fence was reinstalled. Stop work order remains in effect.

**09/29/21** – Met with Mr. Benitez to go over details of plan still needed.

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

**10/13/21** – Drainage plan not acceptable to Engineering Department, so permit issuance still delayed.

**16) 8 Lone Pine Lane (Also Cease and Correct)**

**01/29/20** – NOV sent for clear-cutting.

**02/03/20** – Cease and Correct Hearing. 1000 dollar fine was paid. Planting planned for the Spring 2021 Season – no notice of completion yet.

**07/06/21** – Wrote email to owner to see about updates on planting plan. No response.

**08/26/21** – Drove by to inspect and saw no changes. Cease and Correct order remains on the land records.

**17) 179 Bayberry Lane**

**05/11/21** - NOV sent for dumping.

**05/28/21** – Second NOV sent out for not removing debris.

**12/13/21** – Inspected. Woodchip and leaf pile is at edge of wetland, about 3-4 ft. high. Appears to have diminished in height from original violation. Same three to four trees marked for cutting remain; not sure if it is the intent of the owner to proceed. Two large trees have fallen in the wetland.

**18) 5 Bayberry Lane (Also Cease and Correct)**

**10/15/21** – Work began.

**12/16/21** – Work appears to be mostly complete.

**01/28/22** – Spoke with homeowner about the rest of process and potential for a Commissioners' field trip in the early summer or late spring.

**19) 24 Spriteview Ave**

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

**10/15/21** – Sent email follow-up. Owner responded stating that plantings have been washing away in floods and it might be spring before it's fixed.

**20) 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. No word received.

**5. Other business**

- a. Ms. Rycenga noted the February 28, 2022 Special Meeting will be cancelled since the cell tower would not be moving forward at 55 Greens Farms Road.
- b. Mr. Kelly indicated that the Engineering Department is looking to put together a sub-committee to look at the WPLO regulation and the Flood Board's role in the administration of those regulations and its future role. Members of the Engineering Department, Conservation Department and Flood Board will be on the Committee. He asked if any members would be interested in participating.

Ms. Rycenga and Mr. Lobdell volunteered to be on the committee.

- c. Ms. Mozian stated she will be organizing a meeting of the sub-committee to discuss the upland review area for Accessory Dwelling Units at the end of the month. Commissioners Carey, Davis and Lobdell had previously volunteered to be on the sub-committee. Ms. Rycenga expressed her interest as well.

The February 9, 2022 Public Hearing of the Westport Conservation Commission adjourned 9:21 p.m.

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