



WESTPORT, CONNECTICUT

FLOOD & EROSION CONTROL BOARD

TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341 1120 www.westportct.gov

MINUTES

Flood & Erosion Control Board Meeting of January 4, 2023

Present for the Board: William S. Mazo (Chair)
Phillip Schemel
Robert Aldrich

Present for Department of Public Works: Edward Gill, Engineer II

William S. Mazo, Chair, opened the meeting at 7:30 pm.

PUBLIC HEARING

1. **37 Spicer Road / WPL-11663-22**; *Application of Moon Gardens LLC on behalf of the owner, Spicer37Westport LLC, to demolish an existing detached garage and to construct a new detached garage, additions and alterations to an existing single-family dwelling, a storm water drainage system, and modifications to an existing driveway. The proposed activity is partially within the WPL area of Pussy Willow Brook.*

The application was presented by Bill Chappa of Chappa Site Consulting, LLC, on behalf of the owner, Spicer37WestportLLC.

There were questions from the Board regarding the previously approved project on the site and the nature of the stream on the property.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the project is similar in intent but smaller in scope than the previously approved application. He noted that the main comments from the Engineering Department for that application were regarding the existing 36" pipe on the property, and the applicant had since met the recommendations to install an access manhole and clean the pipe. As such, he would recommend approval of this application.

The Board asked if there were any questions from the Public. There were none.

The Board went into Work Session. It was agreed that the following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 (see appended sheet).

DECISION: Proposed Project Approved, 3(Y)-0(N).

2. **113 Old Road / WPL-11664-22**; *Application of LANDTECH on behalf of the owners, Jenna & Dennis Crandall, to regrade and landscape a portion of the rear yard. The proposed activity is partially within the WPL area of an unnamed tributary of Sasco Brook.*

The application was presented by Andy Soumelidis of LANDTECH, on behalf of the owners, Jenna & Dennis Crandall.

There were questions from the Board regarding the existing permits that were issued and the proposed plantings.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the grading did not appear to have any impacts on the site or neighboring properties with respect to flooding, there were no FEMA drainage requirements, and from the Engineering Department's perspective, the only flooding related impact would be that the fill may have impacted an existing level spreader which would need to be reestablished by the applicant.

The Board asked if there were any questions from the Public. There were none.

The Board went into Work Session. It was agreed that the following Standard Conditions of Approval were deemed necessary: 1, 2, 8, 9, 10, 11, and 12 (see appended sheet).

DECISION: Proposed Project Approved, 3(Y)-0(N).

3. **33 Colony Road / WPL-11665-22**; *Application of J. Edwards & Associates LLC, on behalf of the owner, Jennifer Wolf, to demolish an existing retaining wall and a portion of an existing deck, construct a new pool, enclose a porch, regrade, and install landscaping. The proposed activity is partially within the WPL area of the West Parish tributary of Muddy Brook.*

The application was presented by Kevin Fowler of J. Edwards & Associates, LLC, on behalf of the owner, Jennifer Wolf.

There were no questions from the Board.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the only note on his review was regarding the proposed grading, which was different on the landscaping plan and the proposed grading plan. Prior to approving a Zoning Permit, the grading on these plans would need to be revised to be the same on the plans, and either obtain a variance for the steep slope proposed or be revised to comply with the maximum slope.

The Board asked if there were any questions from the Public. There were none.

The Board went into Work Session. It was agreed that the following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 8, 9, 10, 11, and 12 (see appended sheet).

DECISION: Proposed Project Approved, 3(Y)-0(N).

4. **46 & 48 Woodside Avenue / WPL-11666-22**; *Application of LANDTECH on behalf of the owners, Christine & Uriel Failla, to demolish one existing house, merge lots, construct a new detached garage, renovate an existing garage into an accessory*

dwelling unit, and construct additions and renovations to an existing single-family dwelling. The proposed activity is partially within the WPL area of Stony Brook.

The application was presented by Andy Soumelidis of LANDTECH, on behalf of the owners, Christine & Uriel Failla.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that there were five notes on his review, regarding the location of the proposed driveway, the restoration of the right-of-way where the existing driveways are, the sanitary sewer approval requirements, possible issues regarding trees near the Town Right-of-Way, and legalization of Belgian blocks in the Town Right-of-Way. He noted that the proposed driveway access to The Fenway would not be approved if the owners do not have legal access to that private roadway, which the applicant had not shown, and which preliminary research did not appear to find. He stated that the driveway would need to be relocated to Woodside Avenue. He said that such a relocation was, from a flooding and erosion control perspective, a minor revision that would not have any impact on the criteria regulated by the Flood & Erosion Control Board. As such, while there were minor changes required, he would be in favor of the approval of this application, knowing minor changes such as the relocation of the driveway curb cut from The Fenway to Woodside Avenue would likely be required.

There were questions from the Board regarding the existing sanitary sewer connections,

The Board asked if there were any questions from the Public. Mr. Gill said two letters had been sent to the Engineering Department about this application. He read an email from John Canning at 52 Woodside Avenue into the record, which raised concerns about increased runoff and impacts to the flood zone. Mr. Gill also began to read into the record a letter signed by the owners of 3, 4, and 5 The Fenway. The letter focused on the removal of trees on the property of the private roadway, The Fenway. It also noted possible drainage impacts to The Fenway if the proposed driveway blocked an existing drainage swale.

The Board discussed whether it would be more appropriate to have the applicant solve the issues related to the driveway prior to approving the application. Mr. Gill said that the issues at play with the driveway are outside the purview of the Board, as are the issues related to the tree removal concerns.

Roberta Romano from 3 The Fenway said that the issues that they have with tree removal are the trees that were removed from The Fenway right-of-way, and the location of the driveway accessing The Fenway.

John Canning from 52 Woodside Avenue raised concerns that the Board was only looking at a narrow realm of issues and ignoring larger scale community relevant concerns. Mr. Gill responded that there are many Commissions, Boards, and Departments that regulate according to written regulations, so the Board is limited in their jurisdiction.

John Jacobsen from 5 The Fenway said that he was concerned first that they did not receive public notice for the meeting, and that while his property is outside of the legally required notice area, he and his partner have a clear interest in this project. He also noted that the applicant is insensitive to their neighborhood and the community, and that while the Flood Board may not be the correct forum for this discussion, he requested that the Board take the actions of the applicant and the perspectives of the neighbors into account when making their decisions.

Mr. Gill stated that the regulations that the Board is tasked with enforcing are narrow and specifically enumerated, and consideration of issues outside of their jurisdiction when making a decision would be inappropriate.

Mr. Schemel agreed that while they may be sympathetic to neighbors and the other issues with the proposed activity, those actions that are outside of the purview of the Board would be inappropriate to consider when making a decision.

Mr. Soumelidis said that the alteration of the driveway either to access Woodside Avenue or to accommodate any possible drainage issues on The Fenway would not require a major revision to the plans, and that the owners are willing to work on plantings and restoration wherever necessary and can work with the neighbors.

Ms. Romano noted that the three properties accessing The Fenway did some research into the legal status of the road right-of-way and they are confident that 48 Woodside Avenue does not have any legal access to The Fenway. Mr. Gill agreed that recent research he conducted into the property did not appear to show any legal access either, but that the driveway accessing The Fenway or Woodside Avenue would still be outside of the Board's purview.

The Board discussed use of the following special condition:

If the driveway is to remain accessing The Fenway, the applicant must provide adequate justification to the Board that shows the new driveway will not have any negative impacts on existing drainage paths on neighboring properties.

The Board went into Work Session. It was agreed that the special condition above, as well as the following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and 12 (see appended sheet).

DECISION: Proposed Project Approved, 3(Y)-0(N).

DISCUSSION

The Board briefly discussed the upcoming three flooding meetings, on January 12th, 19th, and 26th, each at 7pm in the auditorium at Town Hall to discuss Sasco Brook/New Creek, Dead Man's Brook, and Stony Brook/Poplar Plains Brook respectively.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

William S. Mazo, Chair
Flood & Erosion Control Board

WSM/eamg

Cc: First Selectwoman, Town Attorney, Public Works Director, Planning & Zoning Director, Conservation Director, Chair of RTM Environmental Committee, Chair of RTM Public Works Committee, Applicants, minutes@westportct.gov