



**CONSERVATION COMMISSION**  
TOWN HALL – 110 MYRTLE AVENUE  
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**MINUTES**  
**SHOW CAUSE HEARING**  
**JANUARY 25, 2023**

**PRESENT:**

**Members:** Tom Carey, Chair; Paul Davis, Vice-Chair; Don Bancroft; Josh Lewi; Pat Shea, Alternate

**Staff:** Nathan Hartshorne, Conservation Compliance Officer; Ted Gill, Engineering Dept., Susan Voris, Admin. Asst. II

**Others:** Rob Kovac, property owner; Brian Carey, wetland scientist, LandTech

In accordance with section 15.4 of the Regulations for the Protection and Preservation of Wetlands and Watercourses for Westport, Connecticut, a Show Cause Hearing of the Westport Conservation Commission will be held on Wednesday, January 25, 2023 at 10:00 am on Zoom to consider a Cease & Correct Order issued to the property owners of **3 Lakeview Road (Lot: 151 Map: D07)** for exceeding the scope of the permit and clearing vegetation, digging, and removal of material within the WPLO and wetland setback.

All members of the Commission visited the site in preparation for the hearing.

Nathan Hartshorne, Conservation Compliance Officer, read the Cease & Correct Order into the record. He highlighted the timeline of events noting the Commission's approval on July 22, 2019 and modification on November 18, 2020. He noted the regulations cited in the order. He reviewed the Site Plan noting the limit of disturbance, the conservation easement and the 100-year flood zone. Mr. Hartshorne reviewed Conditions 6, 17, 21, 26 and 27 and Findings 6.5 as they related to this Order. He reviewed e-mail from Walter Stapleton, the site monitor, who noted that digging is not allow after September and from Alicia Mozian, the former Conservation Director, regarding removal of rock and stated it could not be removed and tree clearing. Mr. Hartshorne reviewed photos showing the wetland and conservation easement, which highlighted the trees and boulders that were removed and the pipe location. He reminded the Commission that there was no hay laid down for site stabilization on the site. He also emphasized that work on the driveway is supposed to occur within the dry season.

Mr. Davis asked about the date of the photo showing the driveway excavation.

Mr. Hartshorne stated it was January 5, 2023. He added that the applicant during the original presentation indicated the propane tank was to be placed underground. He presented a photo of a propane tank that was located outside and was within the 100-year floodplain and not strapped down.

Mr. Bancroft asked about the propane tank.

Rob Kovac stated the propane tank has been removed as it was temporary. The have connected to natural gas.

Brian Carey stated that once Mr. Kovac received the Order, they went out and fixed the deficiencies. He stated Mr. Kovac would have done the same if the this had been a Notice of Violation. He acknowledged that they removed the rocks. Mr. B. Carey stated there is no impact to the wetland from the removal of the rock. There is no impact from removal of the rock to the wetland. He argued that the staff was wrong in issuing a Cease and Correct Order as they still have a means of guaranteeing compliance by withholding

