



# 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 July 5, 2023

Present for the Board: Paul Lobdell (Chair)  
Ronald Clarke  
Robert Aldrich

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

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Paul Lobdell, Chair, opened the meeting at 7:30 pm.

### **PUBLIC HEARING**

1. **Parker Harding Plaza / WPL-11724-23;** *Application of Keith S. Wilberg, Town Engineer, on behalf of the Town of Westport, to revise the existing roadway and parking lot, build sidewalks, a riverfront boardwalk, and park areas, and to relocate trash and recycling dumpsters. The proposed activity is within the WPL area of the Saugatuck River.*

This application was withdrawn by the applicant, who noted that the application would be considering recent input and may come back in the future.

2. **9 Green Acre Lane / WPL-11754-23;** *Application of Bryan Nesteriak on behalf of Jessica & Jonathan Manela, to construct an addition to an existing single-family dwelling, driveway, and retaining wall. The proposed activity is partially within the WPL area of an unnamed tributary to Pussy Willow Brook.*

The application was presented by Bryan Nesteriak of B&B Engineering on behalf of the owners, Jessica and Jonathan Manela.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that he had reviewed multiple versions of this project for permits in the past, each of which had complied with Town standards and had not required F&ECB approval. He said that the only work within the WPL area was a small portion of the excavation for one of the proposed subsurface drainage systems. Mr. Gill noted that the drainage calculations would need to be reviewed to maintain compliance with Town standards prior to the issuance of a Zoning Permit. He said that he was in favor of approval.

There were questions from the Board regarding the septic system and the regulated area.

The Chair 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, 8, 9, 10, 11, and 12.

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

3. **25 Ford Road / WPL-11764-23**; *Application of David Fiereck on behalf of the owner, 25 Ford Road LLC, to conduct environmental remediation consisting of shallow excavation, installation of a flexible membrane liner, backfill, and restoration to existing grades. The work is partially within the WPL area of the Saugatuck River and the West Branch of the Saugatuck River.*

The application was presented by Tristan Wallace of Loureiro Engineering Associates, Inc., on behalf of the owner, 25 Ford Road LLC.

There were questions from the Board regarding the nature of the parking lot construction, the amount of soil being removed, the testing that was conducted, the contaminants found, where the removed soil would be taken, and why contaminant migration was not a concern.

Mr. Wallace noted that he is not a Licensed Environmental Professional (LEP), so he is not fully familiar with the environmental aspects of the project. He said that testing was conducted on the site to determine what contaminants were present and where, and that the plans were prepared to meet the necessary remediation standards from the DEEP.

There were additional questions from the Board about why testing was not done, why remediation was necessary, and why contaminant migration was not a concern.

Mr. Gill said that all of the questions being asked were of an environmental nature, which would be regulated under the DEEP and the Conservation Commission, and the F&ECB purview is limited to the aspects of the project related to flooding.

There were additional questions from the Board regarding the potential for damage to the liner and exposure of contaminants due to flooding, as well as the age of the study of the site.

Mr. Gill said that the proposed activity had no impact on flooding, and that the final proposed conditions would be functionally identical to the existing conditions with regards to flooding.

Members of the Board stated their concern about the age of the study, and the fact that it had taken so long for this project to move forward.

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

The Board went into work session. It was agreed that their approval should be subject to the Board sending a letter to the Conservation Commission to express their concerns regarding the application.

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

The meeting was adjourned at 8:40 pm.

Respectfully submitted,

**Paul H. Lobdell, Chair**

Flood & Erosion Control Board

PHL/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](mailto:minutes@westportct.gov)

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**STANDARD CONDITIONS OF APPROVAL:**

1. Applicant shall provide adequate sedimentation and erosion control devices for the proposed activity from the time that construction begins until such time that established ground cover has grown in. More specifically, the toe of filled slopes shall be protected by silt fencing and hay bales or other approved measures, and the face of all exposed slopes shall be protected with hay matting or other approved measures until such time that the slopes have stabilized. Tree protection and/or dewatering measures for the site shall be employed as specified on the approved plans OR as needed by specific field conditions.
2. Proposed site grading, as well as development in general, shall not alter drainage patterns to the detriment of adjoining or downstream properties.
3. All drainage facilities shall be designed to comply with the Town of Westport Engineering Department Storm Water Drainage Design Standards as amended to date (current revision date, 11/01/2015).
4. Applicants shall excavate test pits and conduct percolation tests at the proposed location of any storm water leaching facilities such as drywells, galleries, and stone pits. The test pits shall be witnessed and approved by the Engineering Department prior to installation of the proposed detention system.
5. The area under the proposed deck shall be excavated to a minimum depth of 6" and filled with ¾" crushed stone, or use an alternative drainage methodology as approved by the Town Engineer.
6. All construction shall conform to the requirements of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), as outlined in publication ASCE/SEI 24-14, "Flood Resistant Design and Construction," as amended to date.
7. All enclosed spaces below the Base Flood Elevation shall be constructed in conformance with FEMA Technical Bulletin 1-08, "Openings in Foundation Walls and Walls of Enclosures."
8. All final plans, details, and calculations shall be reviewed and approved by the Town Engineer.
9. All proposed work within the regulated area shall be subject to final approval by both the Town Engineer and the Conservation Director.
10. All plantings within the regulated area shall be as approved by the Westport Conservation Commission. No significant fill shall be placed within the WPLO setback other than that incidental to the plantings.
11. If the scope of this project increases or changes in any significant way, all additional or modified proposed work shall be approved by the Flood & Erosion Control Board and the Conservation Commission **prior to its commencement**, not after its completion.
12. It shall be the responsibility of the applicant to obtain and secure any additional necessary assent, permit, or license as required by law or regulation, including but not strictly limited to other Town of Westport, State of Connecticut, or United States Federal agencies.



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#### MEMORANDUM

**Date:** 7/7/2023  
**To:** Conservation Commission  
**From:** Paul Lobdell, Chair  
**Re:** 25 Ford Road, WPL-11764-23

Dear Conservation Commission,

At its July 5, 2023, meeting, the Flood & Erosion Control Board approved an application to conduct environmental remediation at 25 Ford Road.

The property is on the bank of West Branch Saugatuck River, and is subject to frequent flooding. The project involves the removal and disposal of asphalt and underlying soil from a contaminated site (a parking lot), and replacing the asphalt and underlying soil with an impermeable liner approximately 24 inches below the surface.

The soil at this site, and other nearby sites, was contaminated with formaldehyde. The CT DEEP approved the project in 2011 on the basis of surface runoff. At that time, the Flood & Erosion Control Board expressed their concern over the possibility of sub-surface migration of the formaldehyde into the Saugatuck River and surrounding properties.

The Board noted that the CT DEEP permit was more than 10 years old. We also did not have a clear understanding of the details of the permit or whether any consideration as to possible migration of the formaldehyde or other contaminants had been given. In addition, we noted there was no definitive plan for the disposal of the contaminated soil.

While the Project met the conditions for approval of our Flood & Erosion Control Board at its 07/05/2023 meeting, we wish to pass on our concerns regarding the potential contamination issues to the subsequent Town Boards as this Project goes through the Land Use review and approval process.

Thank you,  
Paul Lobdell  
Chair, F&ECB



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## LEGAL NOTICE OF DECISION

Notice is hereby given that the Westport Flood & Erosion Control Board took the following actions at an electronic meeting held on July 5, 2023:

### I. PUBLIC HEARING

1. **Parker Harding Plaza / WPL-11724-23; WITHDRAWN.** Application of Keith S. Wilberg, Town Engineer, on behalf of the Town of Westport, to revise the existing roadway and parking lot, build sidewalks, a riverfront boardwalk, and park areas, and to relocate trash and recycling dumpsters. The proposed activity is within the WPL area of the Saugatuck River.
2. **9 Green Acre Lane / WPL-11754-23; APPROVED.** Application of Bryan Nesteriak on behalf of Jessica & Jonathan Manela, to construct an addition to an existing single-family dwelling, driveway, and retaining wall. The proposed activity is partially within the WPL area of an unnamed tributary to Pussy Willow Brook.
3. **25 Ford Road / WPL-11764-23; APPROVED.** Application of David Fiereck on behalf of the owner, 25 Ford Road LLC, to conduct environmental remediation consisting of shallow excavation, installation of a flexible membrane liner, backfill, and restoration to existing grades. The work is partially within the WPL area of the Saugatuck River and the West Branch of the Saugatuck River.

Decisions, applications, and plans may be inquired into by contacting the Public Works Office at (203) 341-1120, Monday through Friday, from 8:30 am to 4:30 pm.

Respectfully submitted,  
**Paul H. Lobdell, Chair**  
Flood & Erosion Control Board  
PHL/eamg



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July 10, 2023

Jessica & Jonathan Manela  
9 Green Acre Lane  
Westport, CT 06880

**9 Green Acre Lane / WPL-11754-23;** Application of Bryan Nesteriak on behalf of Jessica & Jonathan Manela, to construct an addition to an existing single-family dwelling, driveway, and retaining wall. The proposed activity is partially within the WPL area of an unnamed tributary to Pussy Willow Brook.

Please be advised that at its July 5, 2023 meeting, the Westport Flood & Erosion Control Board resolved to APPROVE the above referenced application.

Details of the meeting are recorded in the attached meeting minutes.

Respectfully submitted,

**Paul H. Lobdell, Chair**  
Flood & Erosion Control Board

PHL/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

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July 10, 2023

Bryan Nesteriak  
15 Research Drive, Suite 3  
Woodbridge, CT 06525

**9 Green Acre Lane / WPL-11754-23;** Application of Bryan Nesteriak on behalf of Jessica & Jonathan Manela, to construct an addition to an existing single-family dwelling, driveway, and retaining wall. The proposed activity is partially within the WPL area of an unnamed tributary to Pussy Willow Brook.

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Flood & Erosion Control Board

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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





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July 10, 2023

25 Ford Road LLC, Thomas M. Sinchak, Esq.  
1 Glendenning Place  
Westport, CT 06880

**25 Ford Road / WPL-11764-23;** Application of David Fiereck on behalf of the owner, 25 Ford Road LLC, to conduct environmental remediation consisting of shallow excavation, installation of a flexible membrane liner, backfill, and restoration to existing grades. The work is partially within the WPL area of the Saugatuck River and the West Branch of the Saugatuck River.

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Flood & Erosion Control Board

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July 10, 2023

David Fiereck, Loureiro Engineering Associates, Inc.  
100 Northwest Drive  
Plainville, CT 06062

**25 Ford Road / WPL-11764-23;** Application of David Fiereck on behalf of the owner, 25 Ford Road LLC, to conduct environmental remediation consisting of shallow excavation, installation of a flexible membrane liner, backfill, and restoration to existing grades. The work is partially within the WPL area of the Saugatuck River and the West Branch of the Saugatuck River.

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