



# 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 October 4, 2023

Present for the Board: Paul Lobdell (Chair)  
Phillip Schemel  
Aimee Monroy-Smith  
Robert Aldrich  
Ron Clarke

Present for Department of Public Works: Peter Ratkiewich, Director of Public Works  
Keith Wilberg, Town Engineer  
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-11805-23;** *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 presented by Peter Ratkiewich, Director of Public Works.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the project included new water quality measures and a reduction in impervious surfaces, making it an improvement from the existing conditions. He also said that he would be in favor of approval.

There were questions from the Board regarding the causes of flooding and whether they were only tidal or also due to rainfall.

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, 6, 7, 8, 9, 10, 11, and 12.

DECISION: Proposed Project Approved, 5(Y)-o(N).

2. **15 Riverview Road / WPL-11800-23;** *Application of John Hilts on behalf of the owner, Nancy Kail 2013 Revocable Living Trust, to replace a stone seawall, replace a ramp and float with a pier, ramp, and floating dock, and replant and augment wetland vegetation. The proposed activity is within the WPL area of the Saugatuck River.*

This application was presented by John Hilts, on behalf of the owner, Nancy Kail 2013 Revocable Living Trust.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the applicant had obtained a COP and met all CT DEEP requirements, and that he would be in favor of approval.

There were no questions from the Board.

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

DECISION: Proposed Project Approved, 5(Y)-0(N).

3. **4 Marsh Court / WPL-11801-23;** *Application of John Hilts, on behalf of the owner, William Mitchell, to construct a new ramp and float dock. The proposed activity is within the WPL area of the Saugatuck River.*

This application was presented by John Hilts, on behalf of the owner, William Mitchell.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the canal is Town property, but it has several private docks that can be repaired or replaced with Board of Selectwomen approval, which this applicant has obtained, and that he would be in favor of approval.

There were no questions from the Board.

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

DECISION: Proposed Project Approved, 5(Y)-0(N).

4. **30 Edgewater Hillside / WPL-11807-23;** *Application of Bryan Nesteriak on behalf of the owner, Kevin Chessen, to lift an existing single-family dwelling, and to construct a new front porch, in-ground swimming pool, pool patio, terrace, sports court, walkways, and retaining walls. The proposed activity is within the WPL area of the Sherwood Mill Pond.*

This application was presented by Bryan Nesteriak on behalf of the owner, Kevin Chessen.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the only additional information he would need prior to a Zoning Permit was

related to the specific construction of the proposed boardwalk, but that they may have more stringent requirements from the Conservation Commission that could change the location or nature of the boardwalk so they should obtain that approval, and work out details of construction prior to a Zoning Permit. He said that he would be in favor of approval.

There were questions from the Board regarding the proposed boardwalk, the elevation of the site, the neighboring properties, and the proposed drainage.

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, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

DECISION: Proposed Project Approved, 5(Y)-0(N).

## **DISCUSSION**

The Chair led a discussion of his meeting in August with the Director of Public Works, the Town Engineer, and the Conservation Director, regarding the roles and duties of the Flood Board. The DPW Director had suggested that the Board could help with prioritizing flooding projects, holding 1-2 meetings a year dedicated specifically to inviting the Public to discuss any flooding concerns, and reducing their involvement in the WPLO.

Mr. Gill noted that these were substantially the same goals that the Board had outlined in their letter dated 12/09/2021. The Board discussed their ongoing interest in pursuing these goals.

Mr. Aldrich said he was not as concerned about reducing their review of applications, and the Board could be made available to hearing applications that were more complicated or controversial.

Mr. Gill said that any changes to the WPLO would not be written by the Flood Board or Engineering, and that because it is an ordinance, the RTM would need to write, review, and adopt or revise ordinances themselves, so all that Flood Board members would be able to do is discuss with RTM members what their concerns and goals are, and let the RTM work on the specifics of a solution that works for everyone.

Ms. Monroy-Smith recommended that while the Board could have meetings to invite the Public to discuss flooding issues, they should also emphasize education for residents at those meetings, to provide information about how to address what can be addressed but to set their expectations and be clear about the limitations associated with what the Town could do.

Mr. Lobdell agreed that providing information and education at any meeting where the Public was invited to bring forward their issues would be important.

The Board discussed coming up with a few points about their goals with respect to what changes they wanted in the WPLO, with a particular focus on the additional work they would be able to carry out with the reduced redundancy in their review of applications. These points could then be a starting point in conversations with RTM members about working out the Board's role in the future.

Mr. Lobdell said he would write up some of the points discussed, and have a draft that the Board could discuss at their next meeting.

The meeting was adjourned at 8:50 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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## 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 October 4, 2023:

### I. PUBLIC HEARING

1. **Parker Harding Plaza / WPL-11805-23; APPROVED.** 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. **15 Riverview Road / WPL-11800-23; APPROVED.** Application of John Hilts on behalf of the owner, Nancy Kail 2013 Revocable Living Trust, to replace a stone seawall, replace a ramp and float with a pier, ramp, and floating dock, and replant and augment wetland vegetation. The proposed activity is within the WPL area of the Saugatuck River.
3. **4 Marsh Court / WPL-11801-23; APPROVED.** Application of John Hilts, on behalf of the owner, William Mitchell, to construct a new ramp and float dock. The proposed activity is within the WPL area of the Saugatuck River.
4. **30 Edgewater Hillside / WPL-11807-23; APPROVED.** Application of Bryan Nesteriak on behalf of the owner, Kevin Chessen, to lift an existing single-family dwelling, and to construct a new front porch, in-ground swimming pool, pool patio, terrace, sports court, walkways, and retaining walls. The proposed activity is within the WPL area of the Sherwood Mill Pond.

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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October 5, 2023

Keith Wilberg, Town Engineer  
110 Myrtle Avenue, Room 210  
Westport, CT 06880

**Parker Harding Plaza / WPL-11805-23;** 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.

Please be advised that at its October 4, 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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October 5, 2023

Jeffrey Wieser  
RTM Moderator  
23 Compo Parkway  
Westport, CT 06880

**Parker Harding Plaza / WPL-11805-23;** 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.

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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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October 5, 2023

Nancy Kail 2013 Revocable Living Trust  
15 Riverview Road  
Westport, CT 06880

**15 Riverview Road / WPL-11800-23;** Application of John Hilts on behalf of the owner, Nancy Kail 2013 Revocable Living Trust, to replace a stone seawall, replace a ramp and float with a pier, ramp, and floating dock, and replant and augment wetland vegetation. The proposed activity is within the WPL area of the Saugatuck River.

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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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October 5, 2023

John Hilts  
P.O. Box 47  
Rowayton, CT 06853

**15 Riverview Road / WPL-11800-23;** Application of John Hilts on behalf of the owner, Nancy Kail 2013 Revocable Living Trust, to replace a stone seawall, replace a ramp and float with a pier, ramp, and floating dock, and replant and augment wetland vegetation. The proposed activity is within the WPL area of the Saugatuck River.

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October 5, 2023

William Mitchell  
4 Marsh Court  
Westport, CT 06880

**4 Marsh Court / WPL-11801-23;** Application of John Hilts, on behalf of the owner, William Mitchell, to construct a new ramp and float dock. The proposed activity is within the WPL area of the Saugatuck River.

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October 5, 2023

John Hilts  
P.O. Box 47  
Rowayton, CT 06853

**4 Marsh Court / WPL-11801-23;** Application of John Hilts, on behalf of the owner, William Mitchell, to construct a new ramp and float dock. The proposed activity is within the WPL area of the Saugatuck River.

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October 5, 2023

Kevin Chessen  
30 Edgewater Hillside  
Westport, CT 06880

**30 Edgewater Hillside / WPL-11807-23;** Application of Bryan Nesteriak on behalf of the owner, Kevin Chessen, to lift an existing single-family dwelling, and to construct a new front porch, in-ground swimming pool, pool patio, terrace, sports court, walkways, and retaining walls. The proposed activity is within the WPL area of the Sherwood Mill Pond.

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October 5, 2023

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

**30 Edgewater Hillside / WPL-11807-23;** Application of Bryan Nesteriak on behalf of the owner, Kevin Chessen, to lift an existing single-family dwelling, and to construct a new front porch, in-ground swimming pool, pool patio, terrace, sports court, walkways, and retaining walls. The proposed activity is within the WPL area of the Sherwood Mill Pond.

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