



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

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
MAY 15, 2024**

The May 15, 2024 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

**ATTENDANCE**

**Commission Members:**

Josh Lewi, Chair  
Rory Murphy, Vice-Chair  
Patrick Ryll, Secretary  
Diana McDowell, Sergeant at Arms  
Paul Davis, Alternate

**Staff Members:**

Colin Kelly, Conservation Director  
Andrew Hally, Conservation Analyst  
Susan Voris, Admin. Asst. III  
Nathan Hartshorne, Conservation Compliance Officer

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 15, 2024 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Colin Kelly  
Conservation 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.

CK stated there is a request for **3 Tupelo Road** for consideration of an alternative for the two man boulders for demarcating the no mow zone. He asked this be added to the Work Session

Motion to amend the agenda to add 3 Tupelo to the Work Session.

Motion: Murphy                      Second:                      McDowell  
Vote: 5:0:0

Mr. Kelly noted that Tom Carey resigned from the Commission effective immediately. Based on discussions with the Town Attorney, all regular members of the Commission will move up in position as officers rather than holding new elections. He thanked Mr. Carey for his service. The next election will occur during the Commission's Annual Meeting in January.

All members visited the sites in preparation for the meeting.

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

- 1. 5 Sea Spray Road:** Application #WPL-11914-24 by Bryan Nesteriak, PE & Lucien Vita, AIA on behalf of Heidi Rot & Joseph Sperl to demolish an existing single-family dwelling, and construct a new single-family dwelling, driveway, walkways and deck. Work is within the WPLO area of the Saugatuck River.

Kyle Mecchella, PE of B&B Engineering presented the application on behalf of the property owners. They are proposing a new single family residence with pervious driveway, walkways and deck. The existing pool and hot tub will remain. Drainage is proposed with the project to account for the new construction. Sediment and erosion controls provided for including a tracking pad at the front of the property and a stockpile area is shown. He indicated they reviewed the staff report and agree with the proposed conditions of approval.

Mr. Lewi asked about the reduction in coverage.

Mr. Hally stated the site coverage goes from 25.6% To 23.3%.

Mr. Lewi noted that on the walk, members were asking about which trees were being removed. He also noted that the staff report asked for a landscape plan.

Mr. Mecchella stated most of the trees around the house will likely be removed. He indicated that a landscape plan has not been created but they are willing to prepare one.

Mr. Davis asked about flood vents for the structure.

Mr. Mecchella reviewed the architectural plans and showed where the flood vents were located. There are 13 flood vents proposed.

Mr. Davis asked if the shed will be removed.

Mr. Mecchella stated yes.

Mr. Hally noted that this plan is slightly reconfigured from a previous submission and asked how it is different.

Mr. Mecchella stated the driveway was reduced by 100 s.f.

Mr. Hally noted that change was not reviewed by the Flood and Erosion Control Board but by the Engineer in charge of the board, who deemed the change too minimal to go back for review. The

driveway says pervious, He asked about the material being used. Mr. Hally spoke about the landscape plan and tree removal and should consider salt tolerant species as well as the migrating birds that use the area.

Mr. Lewi asked for public comment. There were no public comments.

Mr. Lewi confirm there would be no changes to the pool.

Mr. Mecchella agreed.

Mr. Murphy agreed with Mr. Hally's comments on the planting plan and is comfortable with staff reviewing a planting plan.

Motion to close the Public Hearing.

**Motion: Murphy Second: Ryll**  
**Ayes: Murphy, Ryll, Davis, Lewi, McDowell**  
**Nays: None Abstentions: None Vote: 5:0:0**

**Town of Westport  
Conservation Commission  
FINDINGS  
Application #WPL-11914-24  
5 Sea Spray Road  
Assessor's Map: C02 Tax Lot: 007  
Public Hearing: May 15, 2024**

1. **Application Request:** The applicant is proposing to demolish the existing dwelling and associated development and construct a new residential dwelling, with new driveway, walkways and deck. The proposed work is occurring within the WPLO (elevation 9') area of the Saugatuck River.
2. **Plans Reviewed:**
  - a. **Improvement Location Survey**, prepared for Sea Spray Acquisitions, LLC, 5 Sea Spray Road, Westport, Connecticut, prepared by Land Surveying Services LLC, dated May 9, 2014 and last revised to August 18, 2014, Scale: 1" = 10'.
  - b. **Proposed Site Development Plan**, prepared for 5 Sea Spray Road, Westport, Connecticut, prepared by B&B Engineering, dated April 11, 2024, Scale: 1" = 10', Sheet 1 of 2.
  - c. **Construction Notes and Details**, prepared for 5 Sea Spray Road, Westport, Connecticut, prepared by B&B Engineering, dated April 11, 2024, Scale: 1" = 10', Scale: As Noted, Sheet 2 of 2.
  - d. **New Residence (Architecturals)**, at 5 Sea Spray Road, Westport, CT 06880, prepared by Vita Design Group, dated April 11, 2024:
    - i. **Lower Level Plan** Sheet A-101
    - ii. **First Floor Plan** Sheet A-102
    - iii. **Second Floor Plan** Sheet A-103
    - iv. **Attic Floor Plan** Sheet A-104
    - v. **Roof Plan** Sheet A-105
    - vi. **Building Elevation** Sheet A-200
    - vii. **Building Elevation** Sheet A-201
    - viii. **Building Elevation** Sheet A-202
    - ix. **Building Elevation** Sheet A-203
3. **Past Permits**
  - **WPL/E-11582-22-** Third Floor Addition w/ deck, deck expansion, stair relocation, and interior renovation
  - **WPL/E-10359-17-** Deck
  - **WPL-9894-14-** Remove portion of shed and construct a 398 sq.ft. addition to house
  - **WPL/E-9537-13-** Generator

**4. Property Description:**

**Location of 25-year flood boundary:** 9 ft. contour interval. The WPL is established 15 linear feet (LF) from the 9 ft. contour interval.

**Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.

**Proposed First Floor Elevation:** 17.9 ft.

**Proposed Garage Elevation:** 8.5 ft.

**Proposed Generator Pad Elevation:** 14.0 ft.

**Existing Average Grade:** Elev. 9.3 ft.

**Proposed Average Site Grade:** Elev. 8.9 ft.

**Lot Area:** 0.51 acres (22,215.6 sq. ft.)

**Base Lot Area:** 22,400 sq. ft.

**Existing Site Coverage:** 25.6% (5,588 sq. ft.)

**Existing Building Coverage:** 16.9% (3,687 sq. ft.)

**Proposed Site Coverage:** 23.3% (5,225 sq. ft.)

**Proposed Building Coverage:** 14.2% (3,179 sq. ft.)

**Sewer Line:** The property is serviced by municipal sewer.

**Zoning:** Property is located in Residential Zone A

- 5. Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.

- 6. Coastal Area Management:** Coastal Area Management: Property located within CAM zone. The coastal resources are identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area. Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten-meter contour. Shellfish Area areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry. Coastal Flood Hazard Areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.

- 7. Proposed Storm Water Treatment:** The applicant proposes to treat the first 1" of runoff with a concrete underground detention system consisting of three rows (104 linear feet) of pre-cast concrete galleries. Trench drains within each of the proposed driveway entrance aprons, as well as a single roof leader from the new residence will collect stormwater off the new development and convey the runoff through underground pipes towards stormwater reservoirs northeast of the residence. General site runoff not collected in the stormwater system will discharge towards the resources of the Saugatuck River.

**8. Discussion:**

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

***" An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."***

The property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property abuts the portion of the Saugatuck River that comprises the Cedar Point Yacht Club basin. The Town of Westport GIS System shows that the tidal wetland boundary extends onto the property at the eastern end. Neither the existing conditions survey nor the site plan show the wetland boundary. A site visit to the property revealed the wetland boundary was flagged eastward of the fenceline. The intertidal zone is beyond the property boundary. The mean high water line is established at elevation 3.3' (NAVD88) to the east of the property. The Coastal Jurisdiction Line is established at elevation 5.3'. The site plan demonstrates the coastal jurisdiction line (CJL) is located along the eastern property boundary.

Based on the existing spot elevations shown on the site plan, the topography is generally flat. The site gradually slopes from the center of the property to the eastern portion of the property along the river's edge and slopes from the center of the property westerly towards the roadway. The project will decrease the average grade by 0.4ft while maintaining existing slopes.

The project proposes to demolish the existing dwelling and remove a portion of the rear deck, a shed, a landing, and reconfigure the driveway. A new dwelling, driveway, propane tank pad, generator pad, rear deck, and walkways will be constructed within the footprint of the existing footprint. The existing pool, pool equipment pad, pool patio, hot tub, will remain. Overall site coverage is proposed to be reduced from 25.6% (5,588 sq. ft.) to 23.3% (5,3225 sq. ft.). The driveway surface will be pervious, but the driveway will not have stormwater storage below. The proposed dwelling will be built to conform to FEMA standards with the first habitable floor (el. 17.9') established above the 100-year base flood elevation (el. 13'). The new generator pad will be established at elevation 14.0'. The Town's Engineering Department found this design to be compliant. The Flood and Erosion Control Board approved the application on December 6, 2023 with no special conditions.

The proposed above ground propane storage tanks will be placed on a concrete slab at grade. A tank detail provided on the "Construction Notes and Details" demonstrates the three (3) 120-gal. propane tanks will be anchored to the concrete pad with steel cable, which is consistent with the FEMA guidance for installing tanks, "Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems".

#### **Water Quality Considerations:**

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~24%, which is within the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The site plan depicts one layer of perimeter silt fence beyond the limit of disturbance and a double row of silt fence upgradient from the wetland boundary. A detail for typical silt fence installation is provided with the construction details and notes. The plan includes minor grading across the center portion of the property to accommodate the new development. The site plan specifies the utilization of a soil stockpile area at the front of the property. An anti-mud tracking pad will be installed at the southwest corner of the property.

Stormwater calculations are provided on the "Proposed Site Development Plan". The drainage calculations demonstrate the proposed stormwater detention galleries and surrounding crushed stone, have a storage volume of 564.6 cu. ft. which is greater than the 538.7 cu. ft. required by Town drainage standards for the first 1" of runoff from the 6,464 sq.ft. of impervious coverage. The drainage report demonstrates that the stormwater runoff volume from the roof will be collected by roof leaders and trench drains and stored within the underground detention units. The applicant provided drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The design proposes a pervious gravel driveway surface but does not account for stormwater storage within the pervious driveway. The site plan demonstrates existing drainage consists of a single Cultec 100 unit. F considers the proposed additional drainage and stormwater storage as a benefit, and these features should improve the stormwater quality across the site from the existing conditions. The Commission requires that the design engineer witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The site plan demonstrates that groundwater was not encountered at Test Pits #1, which was advanced to 92" deep. The Commission does not anticipate that groundwater will be encountered for excavation activities. Note #12 on "Sediment and Erosion Control Specifications" indicates the

potential utilization of a dewatering method. However, the Commission finds that no specific dewatering method or location is depicted on the plan.

The architectural drawings demonstrate that the lower level (elev. 8.5) will include garage areas for two cars, a storage room, a covered porch, and an outdoor kitchen. The "Lower Level Plan" demonstrates the lower level will be outfitted with thirteen (13) flood vents, which is the number required for the 1715.8 sq. ft. area to be FEMA-compliant.

The Commission finds stormwater quality across the property has the potential to improve with the inclusion of the driveway and roof runoff being collected and conveyed to a larger stormwater detention area. The Commission finds the new system represents a significant upgrade to the existing single Cultec unit collecting roof runoff. The feature should help mitigate any potential impacts to surface water quality within the Saugatuck River from on-site runoff. The Commission requires a report stating that the installed stormwater system and drainage features were certified by the site engineer prior to the issuance of Conservation Certificate of Compliance. The Commission finds that the new development may improve the way the site transmits flood water by raising the first floor and installing flood vents on the garage floor level.

#### **Natural Habitat Considerations:**

The Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; Northern diamondback terrapin (*Malaclemys terrapin terrapin*), yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), Atlantic seasnail (*Liparis atlanticus*), blueback herring (*Alosa aestivalis*) sand tiger shark (*Carcharias taurus*), radiated shanny (*Ulvaria subbifurcata*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species; great egret (*Ardea alba*) and snowy egret (*Egretta thula*). There is no proposed work immediately adjacent to the water or within the water column, there is minimal potential impact to any listed aquatic species. The Commission expects there will be some tree and landscape vegetation removal around the front and sides of the existing home to accommodate demolition and construction. The amount of vegetation to be removed is not specified. The Commission finds the existing vegetation around the home does not represent coastal bird nesting habitat, and the Commission does not find potential impacts to listed coastal birds. The proposed development will not extend beyond the general footprint of existing development. The Commission finds the proposed work will have minimal impact to adjacent intertidal areas. At present, the Commission does not require further consultation to evaluate impacts to listed species.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of the Saugatuck River and tidal wetland.

The proposed limit of excavation and grading associated with the installation of the stormwater detention units is ~50' from the tidal wetland boundary and ~60' from the intertidal zone. The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the double row of silt fence. With the mitigating controls and designs, the potential for short term and long-term adverse impacts from the proposed development to the natural habitat is minimal. The Commission requires a landscape plan be submitted to the Conservation Department, specifying the replacement of lost landscape vegetation with North American-native and salt-tolerant shrubs and trees. The Commission requires a planting performance bond be submitted and held for one growing season to ensure the vitality of the plants.

**Conservation Commission**  
**TOWN OF WESTPORT**  
**Conditions of Approval**  
**Application 5 Sea Spray Road**  
**Assessor's Map: C02 Tax Lot: 007**  
**Public Hearing: May 15, 2024**

**Project Description:** The applicant is proposing to demolish the existing dwelling and associated development and construct a new residential dwelling, with new driveway, walkways and deck. The proposed work is occurring within the WPLO (elevation 9') area of the Saugatuck River.

**Owner of Record: The Heidi Rot Trust & The Sperl Trust**  
**Applicant: Bryan Nesteriak, B&B Engineering**

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #WPL-11914-24 with the following conditions:

**STANDARD CONDITIONS OF APPROVAL**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. 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.
12. 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.
13. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of **December 6, 2023**.

**SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:
- a. **Improvement Location Survey**, prepared for Sea Spray Acquisitions, LLC, 5 Sea Spray Road, Westport, Connecticut, prepared by Land Surveying Services LLC, dated May 9, 2014 and last revised to August 18, 2014, Scale: 1" = 10'.
  - b. **Proposed Site Development Plan**, prepared for 5 Sea Spray Road, Westport, Connecticut, prepared by B&B Engineering, dated April 11, 2024, Scale: 1" = 10', Sheet 1 of 2.
  - c. **Construction Notes and Details**, prepared for 5 Sea Spray Road, Westport, Connecticut, prepared by B&B Engineering, dated April 11, 2024, Scale: 1" = 10', Scale: As Noted, Sheet 2 of 2.
  - d. **New Residence (Architecturals)**, at 5 Sea Spray Road, Westport, CT 06880, prepared by Vita Design Group, dated April 11, 2024:
    - i. **Lower Level Plan** Sheet A-101
    - ii. **First Floor Plan** Sheet A-102
    - iii. **Second Floor Plan** Sheet A-103
    - iv. **Attic Floor Plan** Sheet A-104
    - v. **Roof Plan** Sheet A-105
    - vi. **Building Elevation** Sheet A-200
    - vii. **Building Elevation** Sheet A-201
    - viii. **Building Elevation** Sheet A-202
    - ix. **Building Elevation** Sheet A-203
17. The design engineer shall witness and certify the construction of the stormwater management system and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
18. The applicant shall submit a landscape planting plan, consisting of North American native, salt-tolerant herbaceous vegetation, shrubs and trees, The plan shall be subject to Conservation Staff approval. The plan shall be submitted prior to the issuance of a Zoning Permit.
19. The applicant shall submit a performance bond for the planting plan to be held one full growing season to ensure vitality of the plants. The bond shall be paid prior to the issuance of a Zoning Permit.

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: Ryll                      Second: Murphy**  
**Ayes: Ryll, Murphy, McDowell, Lewi, Davis**  
**Nays: None                      Abstentions: None                      Vote: 5:0:0**

**Enforcement Activities:**

Mr. Hartshorne joined the meeting at 7:25 p.m.

1. **3 Half Mile Common:** Discussion of continuing violation for tree removal and failure to implement the approved planting plan.

Mr. Hartshorne laid out history and the notice of violation from March 27, 2023. In his review of the timeline, he reviewed the Notice of Violation, aerial photographs, photos of the property and the emails with the property owners. He noted the property owners have complicated circumstances but have been difficult to work with. There is an approved planting plan. He has been willing to work with the owners throughout the past year plus but as indicated in the emails, any changes to the plan and the implementation of this planting plan, he wanted to be involved in. In a previous job, he work on wetlands restoration. The plantings that were put in are smaller than approved and not the same species that were approved. The approved plan came after much negotiation. Some Thuja was approved but it is not the best planting to reforest the wetland or the floodplain.



Mr. Kelly stated that staff is asking the Commission how they want staff to manage this situation.

Mr. Lewi asked if the owners are being difficult or if they just do not have an understanding of the importance of implementing the planting plan.

Mr. Kelly indicated that staff is uncertain.

Mr. Murphy noted that on the site walk, it was noticed that invasives are taking over portions of the wetlands. This is going to have to be dealt with before the whole area is taken over.  
Mr. Hartshorne stated he received an email indicating that she is working to remove the phragmites and mile a minute vine.

Mr. Davis asked if it is that the owner does not have the resources to move forward.

Mr. Kelly stated that unfortunately, the Commission cannot consider financial considerations. The Commission may only look at impact to the wetlands.

Mr. Lewi asked about a way to space out implementation of the planting plan and restoration of the wetland.

Mr. Hartshorne stated that if the Commission were to issue a Cease & Correct Order, then they could set up a clear path forward including allowing the work to be done in sections and the Order would remain on the Land Records until the success of the plantings are under control.

It was the consensus of the Commission to issue the Cease & Correct Order.

Staff will be in contact with members to arrange a date for a Zoom Show Cause Hearing as that will have to be held within 10 days of issuance of the Cease & Correct Order.

2. **2 Quarter Mile Road (Map: B14 Lot 87):** In accordance with Sections 4.2.1 (a), (b), (c), (d), (e), and (f), 7.1 and 7.3 (f) and (h) of The Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport and the Section 30-124 of the Code of Ordinances of the Town of Westport, **a Show Cause Hearing of the Westport Conservation Commission will be held for a Cease & Correct Order** issued to the property owners for constructing stone walls, piping a watercourse, grading changes and clearing vegetation in the wetland and wetland upland review area setbacks without permits.

Mr. Hartshorne gave a history of the property by reviewing the timeline for the property with photos and aerial photographs. He reviewed the violations that have occurred on the property.

Kerry Szych, 2 Quarter Mile Road, purchased the property in April 2013. He reviewed a PowerPoint presentation with photos of the property. He noted they have planted over 90 trees since moving to the property. They have tried to remove invasives from the property and noted the worst invasive is Asiatic bittersweet. He noted there was a broken culvert on the property that he believes was located in the stream. He stated the culvert under the Town road is 24" and the culvert at the Merritt Parkway is 18". He does not believe this installation of the pipe impedes free flow of water. It also creates a safer solution for moving around his residence.

Mr. Kelly noted that staff has not received any information from Engineering regarding the impacts of the culvert. At this time the Commission has requirement to Affirm, Revise or Revoke the Order.

Members discussed what has occurred at the site.

Motion to REVISE the Cease & Correct Order in order to receive a:

- Detailed planting plan;
- Timeline for when the work will be done; and

- Engineering comments on the impacts of the installed culvert.

<b>Motion</b>	<b>Murphy</b>	<b>Second:</b>	<b>Ryll</b>
<b>Ayes:</b>	<b>Murphy, Ryll, Davis, Lewi, McDowell</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions: None</b>	<b>Vote: 5:0:0</b>

3. Compliance Report update

a. **159 Kings Highway North:** Update on continued violation for shed and grading within WPL.

Mr. Hally reported that Ted Gill, PE of the Engineering Department and he met on-site with the property owner and mapped out a way forward. The shed is also a violation for Zoning as it is with the setbacks. The shed will be moved outside the building setbacks and tidal wetland vegetation will be installed within that setback. The grading and the rock wall will be allowed to remain.

b. **11 Devon Road** – Update on status of plans and hearing continuation

Mr. Hartshorne reported that LandTech was not ready with plans and asked for a continuance of the hearing. Staff will reach out to the Commission once plans are received in order to setup a continued Show Cause Hearing during the day via Zoom.

**Work Session:**

1. Receipt of applications

Mr. Kelly reviewed the applications for receipt by the Commission including:

- **9 Hunt Club Lane:** Application #IWW/M-11921-24 to amend wetland boundary map #H10;
- **15 Beechwood Lane:** Application #IWW,WPL/E-11926-24 to construct a swimming pool and spa, mechanicals and associated site work; and
- **2 Webb Road:** Application #IWW/M-11928-24 to amend wetland boundary map #E10;

Mr. Kelly noted the following applications have been submitted but do not have to be received:

- **259 Riverside Avenue:** Application #WPL-11922-24 for a dock;
- **45 Compo Beach Road:** Application #WPL-11923-24 for a new FEMA compliant single family residence with detached garage and ADU above, pool, patio, driveway and drainage; and
- **66 Harbor Road:** Application #WPL-11929-24 to raise the existing residence to FEMA compliance, new addition and other site improvements.

Motion to receive the above applications.

<b>Motion:</b>	<b>Murphy</b>	<b>Second:</b>	<b>Lewi</b>
<b>Ayes:</b>	<b>Murphy, Lewi, Davis, McDowell, Ryll</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions: None</b>	<b>Vote: 5:0:0</b>

Mr. Hartshorne left the meeting at 8:45 p.m.

2. Approval of April 10, 2024 minutes.

The April 10, 2024 meeting minutes were approved as submitted.

<b>Motion:</b>	<b>Ryll</b>	<b>Second:</b>	<b>MrDowell</b>
<b>Ayes:</b>	<b>Ryll, McDowell, Davis</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions: Lewi, Murphy</b>	<b>Vote: 3:0:2</b>

- 3. 131 Beachside Avenue:** Request for release of remaining bond monies being held for invasive plant monitoring as required by Permit #IWW,WPL-10765-19.

Mr. Kelly reviewed a request for release of remaining bond monies being held for invasive plant monitoring. Staff has received the final report from the site monitor and recommends release of the bond monies.

**Motion:** Ryll **Second:** Murphy  
**Ayes:** Ryll, Murphy, Davis, Lewi, McDowell  
**Nays:** None **Abstentions:** None **Vote:** 5:0:0

**4. Other Business**

- a. 3 Tupelo Road:** Request for consideration of an alternative for the two man boulders for demarcating the no mow zone.

Mr. Kelly reviewed a request for an alternative for demarcating the no mow zone with 160 pound concrete spheres. He noted that staff supports this proposal.

Motion to grant the alternative for Condition 31 of Permit #IWW,WPL-11782-23 to allow for 160 pound concrete spheres.

**Motion:** Lewi **Second:** Murphy  
**Ayes:** Lewi, Murphy, Davis, McDowell, Ryll  
**Nays:** None **Abstentions:** None **Vote:** 5:0:0

- b.** Mr. Kelly stated he has interviewed two other potential Commission members and there is another potential interview setup. He thanked Mr. Davis for his willingness to serve during this transition.

The May 15, 2024 Public Hearing of the Westport Conservation Commission adjourned at 8:57 p.m.

**Motion:** Murphy **Second:** Ryll  
**Ayes:** Murphy, Ryll, Davis, Lewi, McDowell  
**Nays:** None **Abstentions:** None **Vote:** 5:0:0