



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
WESTPORT, CT 06880
P 203.341.1170 F 203.341.1088

**MINUTES
WESTPORT CONSERVATION COMMISSION
SHOW CAUSE HEARING
SEPTEMBER 24, 2024**

Members Present: Josh Lewi, Chair; Rory Murphy, Vice-Chair; Dede McDowell, Secretary; Michele Carey-Moody; Brian Whiting

Staff Present: Colin Kelly, Conservation Director; Andrew Hally, Conservation Analyst; Nathan Hartshorne, Conservation Compliance Officer; Edward Gill, Engineer II

Applicants: Jennifer & Stephen Wolf, property owners; Dean Pushlar, landscaper; Patrick McDougall, Builder; Brian Carey, Senior Environmental Analyst, LandTech

Show Cause Hearing: 10:00 A.M., On Zoom, Meeting ID: 835 1256 9617, Passcode: 216666

1. **33 Colony Road. (Lot: 10 Map: F10):** In accordance with section 4.2.1 (a), (c), (d), and (e), 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,” a **Show Cause Hearing of the Westport Conservation Commission will be held for a Cease & Correct Order** issued to the property owners for exceeding the scope of the permit IWW-WPL-11665-22 by building a stone wall, grading, expanding a patio, and failing to remove items that were required parts of the permit.

Mr. Lewi opened the hearing with introductions of members and the format of the meeting.

Mr. Hartshorne read the Cease and Correct Order into the record. He noted the chronology/timeline for 33 Colony Road. He reviewed the Permit and Site Plans for construction of the pool and patio. He reviewed the submitted As-Built Survey and noted where the plans had not been followed. Also, he noted the new areas of wall and patio expansion. Mr. Hartshorne highlighted the proposed planting plan that was not followed, presented photos of the area, the grading plan and showed aerial photos of before and after.

There were no questions from the Commission.

Mr. Lewi offered the Wolff’s the opportunity to discuss why they did not follow the approved plan.

Brian Carey of LandTech representing the property owners stated he prepared a document for the Commission after being hired a week ago. He presented a comparison of the proposed plan versus the previous plan. He stated there are no environmental impacts from

construction. There are no stabilization issues noted. They want guidance on how to restore this area and planting. Jason Edwards is not available. Kevin Pierce of the Town's Engineering Department made a statement that the slope may be an issue. He does not believe there is an immediate threat in the current condition and should have been managed as a Notice of Violation, not as a Cease & Correct Order.

Mr. Kelly disagreed with Mr. Carey's claims regarding the need for the Cease & Correct Order. He noted the staff reached out to Ms. Wolff and had no contact until the Cease & Correct Order was issued.

Mr. Hartshorne made a statement about the impact about the impacts of pools, chemicals and the issues with the site work.

Mr. Lewi asked Mr. Carey about the planting plan.

Mr. Carey stated that Cease & Correct Order on the record and make recommendations to bring the project into compliance.

Mr. Kelly asked why the plan was not followed and why they did not come back to make changes to the plan.

Mr. Carey stated the decision was made to limit the construction activity and it was determined the work done was less impactful.

Mr. Hartshorne made comments about work done within the regulated area.

Mr. Hally commented on the temporary versus long-term conditions that were discussed with the Commission based on the impacted and the final conditions that were approved and whether the wall is able to support the pool.

Mr. Lewi lists the open questions relating to the planting plan, drainage and mitigation in order to Revise or Withdraw the Order.

Mr. Murphy agreed.

Mr. & Mrs. Wolff discussed that the response was not directly from them. They reached out to Mr. Carey two weeks ago and are willing to work with the Commission. They apologized that they were not in touch with us but assumed that their experts were responsive.

Mr. Lewi asked for a motion to Affirm the Order.

Motion to Affirm the Cease and Correct Order

Motion:	Murphy	Second:	McDowell
Eyes:	Murphy, McDowell, Carey-Moody, Lewi, Whiting		
Nays:	None	Abstentions:	None
		Vote:	4:0:0

Mr. Carey asked about the steps moving forward.

Mr. Lewi summarized the items to move forward including:

- The current conditions will be preserved until more information can be gathered.
- Discussions with owners, their engineer, landscape architect and staff to determine a path forward to minimize impacts to the wetlands and address questions relating to the planting plan, drainage, and mitigation.
- Follow up meeting with the Commission to address the questions about the planting plan, drainage and mitigation plan.

The September 24, 2024 Show Cause Hearing of the Westport Conservation Commission adjourned at 10:45 a.m.

Motion:	Murphy	Second:	Lewi
Ayes:	Murphy, Lewi, Carey-Moody, McDowell, Whiting		
Nays:	None	Abstentions:	None
			Vote: 4:0:0