CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 15, 2025

The October 15, 2025 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
Patrick Ryll, Vice Chair
Diana McDowell, Secretary
Brian Whiting, Sergeant at Arms
Michele Carey-Moody
Timothy Kwong

Staff Members:

Colin Kelly, Conservation Director
Andrew Hally, Conservation Analyst
Susan Voris, Admin. Asst. III

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the October 15, 2025 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

_____

Colin Kelly
Conservation Director

The Commission shall meet to take such action under the purview of the Town's IWW Regulations and the Waterway Protection Line Ordinance as the meeting may determine with regard to the following:

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.

Mr. Kelly noted there is one item to add to the work session:

- **32 Edgewater Hillside:** Request for bond release being held for plantings required by Permit #WPL-11888-24.

Motion to amend the agenda to add 32 Edgewater Hillside to the work session

Motion:	**Carey Moody**		**Second:**	**Lewi**	
Ayes:	**Carey Moody, Lewi, Kwong, McDowell, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Public Hearing:

Mr. Ryll and Mr. Lewi and Ms. Carey Moody and Ms. McDowell visited all sites in preparation for the meeting.
Mr. Whiting only visited 11 Devon Road.
Mr. Kwong did not visit any sites.

1. **150 Long Lots Road:** Application #IWW/M-12207-25 by Naji Farhat & Tess Fantegrossi to amend wetland map #H10.

   Tess Fantegrossi, property owner, was present on behalf of a wetland boundary amendment. This is the first step in bringing a building project forward.

   Mr. Hally stated that Steve Danzer, soil scientist, flagged the wetlands on the property. There are no wetlands shown on the Town's maps. According to the survey, there were 17,641.6 s.f. of wetlands found. Mary Jaehnig, soil scientist, was hired to verify the delineation and she indicated her agreement. Based on the results of the two soil scientists, he recommended approval of the application.

   Mr. Lewi asked for public comment. There was no public comment.

   Motion to close the public hearing.

Motion:	**Kwong**		**Second:**	**Lewi**	
Ayes:	**Kwong, Lewi, Carey Moody, McDowell, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Town of Westport
Conservation Commission
FINDINGS
Application #IWW/M-12207-25
150 Long Lots Road
Assessor's Map: H10 Tax Lot: 006
Public Hearing: October 15, 2025

1. **Application Request:** Naji Farhat and Tess Fantegrossi, owners, are requesting to amend wetland map #H10 on Lot #006.
2. **Soil Scientist for Applicant:** Steven Danzer, PhD & Associates LLC
3. **Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils, LLC

4. **Plans Reviewed:**
   a.) ***Soil Report****, 150 Long lots Road, Westport, Connecticut, prepared by Steven Danzer, PhD & Associates LLC, dated July 28, 2022.*
   b.) **Zoning Location Survey**, prepared for Naji Farhat & Tess Fantegrossi, 150 Long Lots Road, Westport, Connecticut, prepared by Advanced Surveying, dated August 15, 2022, last revised August 18, 2025, Scale: 1" = 20'.
5. **Past Permits: N**one
6. ***Wetlands Description:***
   Soil Report, 150 Long lots Road, Westport, Connecticut, prepared by Steven Danzer, PhD & Associates LLC, dated July 28, 2022.

   Wetland soils found on the property
   Walpole sandy loam (13): This nearly level, poorly drained soil is found in low areas on plains and terraces. Included with this soil in mapping are small areas of moderately well drained Ninigret soils, poorly drained Raypol soils, and very poorly drained Scarboro soils. Also included are a few areas of soils that are less acid than this Walpole soil. This soil unit has a seasonal high water table at a depth of about 6 inches from fall to spring. The permeability of the soil is moderately rapid in the surface layers and subsoil, and rapid or very rapid in the substratum. Available water capacity is moderate, and runoff is slow. Most areas of this soil are wooded. The areas that have been cleared are used mostly for hay, pasture, corn and vegetables. A few are used for community development. The high water table limits these soils for community development, especially for on-site septic systems. Slopes of excavations on the soil are unstable, and some areas do not have suitable drainage outlets. The soil is suitable for cultivated crops. Providing drainage is the main concern, but drainage is difficult in some areas because of a lack of suitable outlets. The soil is poorly suited to trees. The seasonal high water table restricts root growth and causes the uprooting of many trees during windy periods.

   Non-wetland soils found on the property
   Ninigret fine sandy loam, 0-3% slopes (701A):
   Ninigret soils - This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. The slope ranges from 0 to 5 percent and the runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is moderately well drained. The minimum depth to a seasonal water table, when present, is about 24 inches.
7. **Property Description and Facts Relative to the Map Amendment Application:**
   a. The existing house was built in 1879. It is served by septic.
   b. The property is 1.001 acres (43,626 sq. ft.) in size; located in Residential Zone AA.
   c. The parcel is shown as located within the Muddy Brook watershed (subregional watershed ID #7000-16). Muddy Brook is located ~800' property boundary. The onsite pond and wetlands drain to the southwest.
   d. Property is situated in Flood Zones X (area of minimal hazard) as shown on F.I.R.M. Panel 09001C0414G Map revised to July 8, 2013.
   e. The property **is not within** the Aquifer Protection Overlay Zone.
   f. Property **is not within** the Coastal Area Management Zone.
   g. The Waterway Protection Line is established 15' from the surveyed wetland boundary. The WPLO boundary **is not depicted** on the survey.
   h. The wetland area is not inventoried in the Town's GIS.
   i. The flagged wetland area is **17,641.6 sq. ft.,** as specified on the Zoning Location Survey.
8. ***Discussion:***
   The applicant submitted a soil report by Steven Danzer, PhD & Associates LLC, dated July 28, 2022. The report documents Mr. Kenny's investigation of the soils on the site, on July 27, 2022. Wetland soils were found on the site, identified as Walpole sandy loam (13).

   The Soil Scientist Report identifies a pond as well as a lawned and forested wetland in the eastern portion of the property.

The sketch map provided with the soil report, identifies the location of the wetland boundary. The on-site wetland flag locations for the wetland are identified on the survey as WF #1 to WF #21. The survey identifies surveyed wetland areas totaling 17,641.6 sq. ft. which represents an increase of ~17,641.6 sq. ft of wetland area on the property at 150 Long Lots Road.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on October 8, 2025 and submitted a letter, dated October 10, 2025, stating the general agreement with Dr. Danzers's report.

With the finding of the two concurring soils scientists, The Commission adopts the new wetland line.

Town of Westport
Conservation Commission
RESOLUTION
Application #IWW/M-12207-25
150 Long Lots Rd
Assessor's Map: H10 Tax Lot: 006
Public Hearing: October 15, 2025

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-12207-25** by Naji Farhat and Tess Fantegrossi, owners, to amend wetland map # H10 Tax Lot: 006 on the property located at 150 Long Lots Road with the following conditions:

1.) Conformance to the plans titled:

a. **Zoning Location Survey**, prepared for Naji Farhat & Tess Fantegrossi, 150 Long Lots Road, Westport, Connecticut, prepared by Advanced Surveying, dated August 15, 2022, last revised August 18, 2025, Scale: 1" = 20'.

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.

Motion: Whiting Second: McDowell
Ayes: Whiting, McDowell, Ryll, Carey-Moody, Lewi, Kwong
Nays: None Abstentions: None Votes: 6:0:0

2. 377 Main Street: Application #IWW/M-12211-25 by Paul & Joan Westerdale to amend wetland boundary map #C11.

Paul Westerdale presented the application to amend wetland boundary amendment by William Kenny.

Mr. Hally stated Bill Kenny, soil scientist, flagged the property and submitted a report dated May 8, 2025. The updated line indicated 494 s.f. The Town's wetlands map shows approximately 712 s.f. Mary Jaehnig, soil scientist, concurred with Mr. Kenny's delineation. Mr. Hally recommended approval of the application.

Mr. Kwong noted the wetland boundary was reduced. He asked what would cause this.

Mr. Hally stated the existing wetland boundary was based on aerial photos and are estimates over a general area. The soil mapping is site specific.

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

Motion to close.

Motion:	**Carey Moody**		**Second:**	**McDowell**	
Ayes:	**Carey Moody, McDowell, Kwong, Lewi, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Town of Westport
Conservation Commissions
FINDINGS
Application #IWW/M-12211-25
377 Main Street
Assessor's Map: C11 Tax Lot: 126
Public Hearing: October 15, 2025

1. **Application Request:** Paul and Joan Westerdale, owner, is requesting to amend wetland map #C11 on Lot #126.
2. **Soil Scientist for Applicant:** William Kenny, PWS, PLA, Soil Scientist, William Kenny Associates
3. **Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils, LLC
4. **Plans Reviewed:**
   a.) **Wetland and Watercourse Delineation**, 377 Maine Street & Miller Avenue (paper street) Delineation, Westport, Connecticut, prepared for Paul Westerdale, prepared by William Kenny Associates, dated May 8, 2025.
   b.) **Plot Plan**, prepared for Paul & Joan Westerdale, 377 Main Street, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated July 18, 2023, last revised August 20, 2025, Scale: 1" = 30'.
5. **Past Permits:** None
6. ***Wetlands Description:***
   Wetland and Watercourse Delineation, 377 Maine Street & Miller Avenue (paper street) Delineation, Westport, Connecticut, prepared for Paul Westerdale, prepared by William Kenny Associates, dated May 8, 2025.

   Wetland soils found on the property
   Raypole silt loam (12): Raypol Silt Loam - This map unit is in the Connecticut Valley Major Land Resource Area. The mean annual precipitation is 37 to 50 inches (940 to 1270 millimeters) and the average annual air temperature is 45 to 52 degrees F. (7 to 11 degrees C.) This map unit is 80 percent Raypol soils, 20 percent minor components. The Raypole silt loam component occurs on outwash plain terrace, depression, and drainageway landforms. The parent material consists of eolian deposits over sandy and gravelly glaciofluvial deposits. The slope ranges from 0 to 3 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is poorly drained. The slowest permeability within 60 inches is about 0.57 in/hr (moderate), with about 7.3 inches (high) available water capacity. The weighted average shrink-swell potential in 10 to 60 inches is about 1.5 LEP (low). The flooding frequency for this component is none. The ponding hazard is none.

   Non-wetland soils found on the property
   Ninigret and Tisbury soils (21): This map unit is in the Connecticut Valley Major Land Resource Area. The mean annual precipitation is 35 to 50 inches (889 to 1270 millimeters) and the average annual air temperature is 45 to 52 degrees F. (7 to 11 degrees C.) This map unit is 60 percent Ninigret soils, 25 percent Tisbury soils. 15 percent minor components.
   Ninigret soils - This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. The slope ranges from 0 to 5 percent and the runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is moderately well drained. The minimum depth to a seasonal water table, when present, is about 24 inches.
   Tisbury soils - This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over sand and gravel. The slope ranges from 0 to 3 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is moderately well drained.

The flooding frequency for this component is none. The ponding hazard is none. The minimum depth to a seasonal water table, when present, is about 24 inches.

Udorthents, smoothed (308): Udorthents, smoothed (308): This component occurs on leveled land and fill landforms.

7. **Property Description and Facts Relative to the Map Amendment Application:**
   - **a.** The existing house was built in 1826. It is served by public sanitary sewer.
   - **b.** The property is 0.41 acres (17,591 sq. ft.) in size; located in Residential Zone A.
   - **c.** The parcel is shown as located within the Willow Brook watershed (subregional watershed ID #7200-27). Willow Brook is located along the northern property boundary. The brook and associated wetlands drain to the southwest.
   - **d.** Property is situated in the Floodway and Flood Zones X and AE as shown on F.I.R.M. Panel 09001C0413G Map revised to June 18, 2010.
   - **e.** The property **is within** the Aquifer Protection Overlay Zone.
   - **f.** Property **is not** within the Coastal Area Management Zone.
   - **g.** The Waterway Protection Line is established 15' from the 25-year flood boundary. The WPLO boundary is depicted on the survey.
   - **h.** The wetland area inventoried in the Town's GIS system measures **~712 sq. ft.**
   - **i.** The flagged wetland area is **494 sq. ft.,** as specified on the Plot Plan.

8. ***Discussion:***

The applicant submitted a wetland delineation report by William Kenny, PWS, PLA, Soil Scientist, dated May 8, 2025. The report documents Mr. Kenny's investigation of the soils on the site, on May 8, 2025. Wetland soils were found on the site, identified as Raypole silt loam (12).

The Soil Scientist Report identifies a riverine forested wetland along the northern boundary of the property.

The sketch map provided with the soil report, identifies the location of the wetland boundary. The on-site wetland flag locations for the wetland are identified on the survey as WF #1 to WF #7. The survey identifies surveyed wetland areas totaling 494 sq. ft. which represents an increase of ~712 sq. ft of wetland area on the property at 377 Main Street.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on October 8, 2025 and submitted a letter, dated October 10, 2025, stating the general agreement with Mr. Kenny's report.

With the finding of the two concurring soils scientists, The Commission adopts the new wetland line.

Town of Westport
Conservation Commission
RESOLUTION
Application #IWW/M-12211-25
377 Main Street
Assessor's Map: C11 Tax Lot: 126
Public Hearing: October 15, 2025

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-12211-25** by Paul and Joan Westerdale, owners, to amend wetland map # C11 Tax Lot: 126 on the property located at 150 Long Lots Road with the following conditions:

1.) Conformance to the plans titled:

a.) Plot Plan, prepared for Paul & Joan Westerdale, 377 Main Street, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated July 18, 2023, last revised August 20, 2025, Scale: 1" = 30'.

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.

Motion: Whiting Second: McDowell
Ayes: Whiting, McDowell, Carey-Moody, Kwong, Lewi, Ryll
Nays: None Abstentions: None Votes: 6:0:0

3. **11 Devon Road: Continued Application:** Application #IWW/M-12178-25 by Brian Carey of LandTech on behalf of Stephen & Frances Rowland to amend wetland boundary map #H08

   Brian Carey, PWS of LandTech, represented the application on behalf of the property owners. He reviewed a slide show. There is a violation on the site from 2024. Since the violation, they have had two soil scientists review the wetland boundary. He indicated that they do not believe that the current line is accurate to today's standards. They are trying to determine what line they should be using. There is no doubt that there has been work done within the upland review area and the wetlands. The problem is moving the structure. The owners are willing to do whatever mitigation is needed. Mr. Carey stated leaving the structure is a mitigation strategy. He reviewed a map showing the three wetland lines; the town's adopted line, Anthony Zemba's flagging and Jim McManus' flagging.

   Mr. Lewi asked why the line by Otto Theall in 2001 is not up to standards.

   Mr. Carey stated the standards have changed.

   Mr. Lewi asked what gave Mr. McManus such a marked difference in his delineation.

   Mr. Carey stated that from his understanding Mr. McManus saw more historically disturbed soils.

   Mr. Hally stated that Gene McNamara delineated the wetland for the property owner and Otto Theall verified the wetland line for the Town in 2001. There has been disturbance within the wetland and the upland review area over the years. Though he is not a soil scientist, he believes the repeated disturbance over the years would make it more difficult to make a determination. Our soil scientist was going to go out but indicated that it would be best to procedurally address the resolve the violation first.

   Mr. Lewi asked how the line would change if the disturbance had not occurred but the criteria had.

   Mr. Carey indicated that he is not a soil scientist and cannot address this question. He would be glad to ask Mr. McManus to attend the next meeting to address any concerns.

   Mr. Kelly stated the two soil scientists operated under the same process in 2001. It was a field inspection with soil borings. The description is the same. The standards are modernized, but the basis of the science is the same.

   Mr. Carey stated there have been multiple field indicator updates to the mapping.

   Mr. Lewi asked what the emails from the Town's soil scientist, Jay Fain said.

   Mr. Hally read the emails from Mr. Fain dated September 4, 2025 and August 8, 2025. In both cases, he indicated that there was sufficient evidence in the record that the Commission need to seek a satisfactory resolution of the unauthorized activities and restore/mitigate that work.

   Mr. Whiting asked for clarification that the standards have changed and the line has changed or that disturbance has occurred, therefore the line has changed.

Mr. Carey noted that when he received the report from Mr. McManus, he was surprised by the significant change in the wetland line. They hired soil scientists to amend the line. He does not think it is prudent to remove everything if there is a possible wetland boundary change.

Mr. Kelly stated staff does not agree with Mr. Carey's presentation. Staff had an initial meeting with Mr. Carey and the owner. They were presented with this application. There is still a conformance order for violations on the property. The Commission may continue the application to allow Mr. Fain come and give more testimony or he reiterated, the Commission has an approved wetland amendment from 2001.

Mr. Lewi confirmed that if amendment is not approved, it does not mean that the Commission is going to require ripping everything out for mitigation. The applicant may still propose a mitigation strategy and the Commission will be allowed to review and approve what is placed in front of them.

Mr. Whiting asked if Mr. Fain visited the site.

Mr. Kelly stated Mr. Fain was contacted and entered into a contract with the staff. During his review process, he determined he would likely find similar findings as Mr. Zemba and Mr. McManus due to his respect for their professionalism. However, there is a basis of evidence from the previous record from two soil scientists that there is a wetland boundary in the record and a violation on the record that needs to be resolved prior to any further action.

Mr. Lewi asked if there was any public comment. There was none.

Mr. Lewi asked the members if they had enough information to make a decision or if they wanted to continue the application to allow for more expert testimony. A straw poll indicated that members were read to make a decision.

Motion to close the public hearing.

Motion:	**McDowell**		**Second:**	**Kwond**	
Ayes:	**McDowell, Kwong, Carey Moody, Lewi, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

The Commission members held a discussion. It was determined based on the information received that they should uphold the 2001 wetland delineation. The violation needs to be addressed first. Deny the current application.

Town of Westport
Conservation Commission
FINDINGS
Application #IWW/M-12178-25
11 Devon Road
Assessor's Map: H08 Tax Lot: 012
Public Hearing: September 17, 2025

1. **Application Request:** Brian Carey of LandTech, on behalf of Stephen and Frances Rowland, owner, is requesting to amend wetland map #H08 on Lot #012. There is currently a Cease and Correct order, dated April 3, 2024, on the property for the unauthorized activity of constructing stone walls, walkways, fences, a sports court, multiple outbuildings, grading, and vegetation removal within wetlands and upland review area setbacks of wetlands. Conservation Staff observed disturbance of wetland soils related to the activity.
2. **Soil Scientist for Applicant: James M. McManus**, Certified Professional Soil Scientist, JMM Wetland Consulting Services.

3. **Soil Scientist for Town of Westport: Jay Fain,** Forest Ecologist, Wetland Biologist, Soil Scientist, Jay Fain & Associates, LLC.
   Plans Reviewed:
   a.) **On-Site Soil Investigation Report**, 11 Devon Road, Westport, Connecticut, prepared by JMM Wetland Consulting Services, dated July 5, 2025.
   b.) **Plot Plan,** prepared for Stephen and Frances Rowland, 11 Devon Road, Westport, Connecticut, prepared by Leonard Surveyors, dated April 14, 2008, last revised May 23, 2025, Scale: 1" = 20'.
   c.) **Biological Evaluation Report**, 11 Devon Road, Westport, CT, prepared for Wetland Boundary Map Application, prepared by Brian Carey, PWS, LandTech, dated July 7, 2025.
4. **Past Permits:** AA-WPL/E-11240-21 - above-ground oil tank
5. ***Wetlands Description:***
   a.) On-Site Soil Investigation Report, 11 Devon Road, Westport, Connecticut, prepared by JMM Wetland Consulting Services, dated July 5, 2025.

The wetland map for 11 Devon Road was amended in 2001 pursuant to a wetland flagging by Eugene McNamara dated April 26, 2001, and verified by Otto Theall on behalf of the Conservation Commission. This is the boundary that is currently reflected on the Town's GIS System. Unauthorized activities occurred between 2009 and 2023. A wetland flagging was conducted by Anthony Zemba in 2024. The wetland boundary datapoints associated with that survey were then incorporated into the A-2 survey. This revised boundary was relatively similar to the amended wetland boundary from 2001.

James McManus, soil scientist for the applicant, characterized upland and wetland soils within both disturbed and undisturbed portions of the property.

Wetland soils found on the property
Raypol silt loam (12). This series consists of deep, poorly drained soils formed in a coarse-loamy mantle underlain by sandy water deposited glacial outwash materials. They are nearly level and gently sloping soils on outwash plains and high stream terraces. The soils formed in loamy over stratified sand and gravelly glacial outwash derived mainly from acid rocks. Typically, these soils have very dark brown, silt loam Ap horizons, grayish brown and dark yellowish brown, mottled, silt loam and very fine sandy loam B2 horizons over light olive brown, mottled gravelly sand IIC horizons at a depth of 29 inches.
Rippowam fine sandy loam (103). The Rippowam series consists of deep, poorly drained soils formed in loamy, alluvial sediments. They are nearly level soils on floodplains. The soils formed in recent alluvium derived mainly from schist, gneiss or granite. Typically, these soils have a very dark grayish brown fine sandy loam surface layer 5 inches thick. The subsoil from 5 to 27 inches is dark grayish brown, mottled fine sandy loam and sandy loam. From 27 to 60 inches the substratum is dark gray and grayish brown, loose stratified, loamy sand and very gravelly sand. This soil was formerly mapped in Connecticut as **Rumney**.
Saco silt loam (108). This series consists of deep, very poorly drained soils formed in coarse-silty, alluvial sediments. The soils are on low flood plains along streams and rivers and are frequently flooded. Saco soils formed in recent alluvium derived mainly from schist, gneiss or granite. Typically, the surface layer is very dark grayish brown mucky silt loam 6 inches thick. The substratum is dark gray and very dark gray silt loam to a depth of 60 inches or more.
Aquents (308w). This soil map unit consists of poorly drained and very poorly drained disturbed land areas. They are most often found on landscapes, which have been subject to prior filling and/or excavation activities. In general, this soil map unit occurs where two or more feet of the original soil surface has been filled over, graded, or excavated. The *Aquents* are characterized by a seasonal to prolonged high ground water table and either support or are capable of supporting wetland vegetation. *Aquents* are recently formed soils, which have an aquic moisture regime. An aquic moisture regime is associated with a reducing soil environment that is virtually free of dissolved oxygen because the soil is saturated by groundwater or by water of the capillary fringe. The key feature is the presence of a ground water table at or very near to the soil surface for a period of fourteen days or longer during the growing season.

Non-wetland soils found on the property

Ninigret fine sandy loam (701). This series consists of very deep moderately well drained soils formed in a coarse-loamy mantle underlain by sandy water deposited glacial outwash materials. They are nearly level to gently sloping soils on glaciofluvial landforms, typically in slight depressions and broad drainage ways. The soils formed in loamy over stratified sandy and gravelly outwash derived from a variety of acid rocks. Typically, these soils have a very dark grayish brown fine sandy loam surface layer 8 inches thick. The subsoil from 8 to 26 inches is yellowish brown fine sandy loam with mottles below 16 inches. The substratum from 26 to 60 inches is mottled, pale brown, loose, stratified loamy sand.

Udorthents (308). This soil mapping unit consists of well drained to moderately well drained soils that have been altered by cutting, filling, or grading. The areas have either had two feet or more of the upper part of the original soil removed or have more than two feet of fill material on top of the original soil. *Udorthents* or Made Land soils can be found on any soil parent material but are typically fluvial on glacial till plains and outwash plains and stream terraces.

6. **Property Description and Facts Relative to the Map Amendment Application:**
   - **a.** The existing house was built in 1930. It is served by a septic system.
   - **b.** The property is 2.11 acres (91,896 sq. ft.) in size; located in Residential Zone AAA.
   - **c.** The parcel is shown as located within the New Creek watershed (subregional watershed ID #7000-13). New Creek is located on the property.
   - **d.** Property is situated in Flood Zones X and A as shown on F.I.R.M. Panel 09001C0414G Map revised to July 8, 2013.
   - **e.** The property **is not** within the Aquifer Protection Overlay Zone.
   - **f.** Property **is not** within the Coastal Area Management Zone.
   - **g.** The Waterway Protection Line is established 15' from the 25-Year Flood (el. 43' - 48.7') boundary. The WPL is depicted on the survey.

7. Discussion:

The applicant submitted a soil report by James Mc Manus, Soil Scientist, dated July 05, 2025. The report documents Mr. McManus's investigation of the disturbed and undisturbed soils on the site, on May 13, 2025. Wetland soils were found on the site, identified as Raypole silt loam, Rippowam fine sandy loam, Saco silt loam and Aquents.

The soil investigation report identifies a perennial watercourse and associated forested and meadow wetland.

The sketch map provided with the soil report identifies the location of the boundaries of three separate wetland areas. The on-site wetland flag locations for the wetlands are identified on the survey as WF#1 to WF#8, WF#A1 to WF#A6, WF#B1-B10, and C1-C10. The new wetland boundary, as delineated by James McManus in 2025, proposes to eliminate entire portions of mapped wetlands across the property, in areas where much of the disturbance occurred.

The Town of Westport consulted with Jay Fain, Jay Fain and Associates, LLC to review the proposed wetland boundary findings. In an email, Jay Fain concluded that there was sufficient evidence for the Commission to maintain the mapped extent of wetland on the property based on the wetland boundary that was mapped prior to the disturbance and unauthorized activities occurring. The Conservation Commission agrees with Mr. Fain's conclusion. The Commission has no obligation to amend a wetland boundary that was substantially disturbed to establish a new mapping that is more beneficial to the homeowners currently in violation. Since there is a Cease and Correct in place, it is out of procedure to consider a less restrictive wetland boundary. **The Commission upholds the existing wetland mapping and denies the applciation to amend the wetland map indicating less wetland area.**

Town of Westport
Conservation Commission
RESOLUTION of DENIAL
Application #IWW/M-12178-25
11 Devon Road
Assessor's Map: H08 Tax Lot: 012
Public Hearing: October 15, 2025

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **DENY** Application **#IWW/M-12178-25** by Brian Carey of LandTech, on behalf of Stephen and Frances Rowland, owners, to amend wetland map # H08 on the property located at 11 Devon Road for the following reason(s):

1. The wetland boundary was previously amended in 2001 by soil scientist Gene McNamara for the applicant and verified for the Town by Otto Theall under Application # **IWW/M-6586-01**. Substantial disturbance of the wetland boundary occurred after the 2001 Map Amendment.
2. In agreement with the Town of Westport's third party soil scientist Jay Fain, The Conservation Commission deemed the application to be out of procedural order.
3. There has been no verification of the proposed amended boundary.
4. There is a standing Cease and Correct Order over the property at 11 Devon Road and the violation has not been remedied, nor has a plan of remedial action been accepted by this Commission.

Motion: Carey-Moody Second: Ryll
Ayes: Carey-Moody, Ryll, Kwong, Lewi, McDowell, Whiting
Nays: None Abstentions: None Votes: 6:0:0

4. **41 Jennie Lane: Continued Application:** Application #IWW,WPL-12187-25 by Tracy Chalifaux LLC on behalf of Lisa Mileto & Todd Morrison to legalize fill within regulated areas, proposed native mitigation plants and removal of invasive species and a new patio. Portions of the work are within the upland review areas and the WPLO area of an unnamed tributary to the Sherwood Mill Pond.

   Steve Danzer, PhD, soil scientist, presented the application on behalf of the property owners. The application was continued at the last hearing because the Flood and Erosion Control Board needed additional information about the grading. Those issues have been resolved and they have received approval from the Flood Board.

   Mr. Lewi asked about the fill.

   Kathy Porrier, architect, reviewed the fill within the 20-foot upland review area and the WPL area.

   Dr. Danzer stated there is no impact to the wetlands from the fill.

   Mr. Hally reviewed the staff report. He agreed there is no impacts to the wetlands from the fill or additional patio. The slope will have to get a variance for fill. The project has received FECB approval. The planting plan has been updated to staff recommendations, and monitoring will take place for 5 years. No machinery in the wetlands and all planting will be done by hand or the use of a ball cart. He recommends a planting bond with 5-year monitoring. He recommends approval of the project.

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

   Motion to close the public hearing.

   Motion: Kwong Second: Lewi
   Ayes: Kwong, Lewi, Carey Moody, McDowell, Ryll, Whiting
   Nayes: None Abstentions: None Vote: 6:0:0

Town of Westport
Conservation Commission
FINDINGS
Application #IWW-WPL-12187-25
41 Jennie Lane
Assessor's Map: D05 Tax Lot: 093
Public Hearing: October 15, 2025

1. **Applicant:** Tracy Chalifaux, LLC
2. **Owner:** Lisa Mileto & Todd Morrison
3. **Application Request:** The applicant is requesting to legalize fill and patio within regulated areas while installing a native mitigation plantings and removal of invasive plants. Portions of the work are within the upland review areas and the WPLO area of an unnamed tributary to the Sherwood Mill Pond.
4. **Plans Reviewed:**
   a.) **Zoning Location Survey,** Pool As-Built Overlay Map, Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, Connecticut, prepared by All Seasons Land Surveying, dated October 8, 2025, Scale: 1" = 20'.
   b.) **Zoning Location Survey**, prepared for Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, Connecticut, prepared by All Seasons Land Surveying, dated April 2, 2023, last revised July 16, 2025, Scale: 1" = 20'.
   c.) **Wetland Mitigation Plan,** prepared for Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, CT, prepared by Tracy Chalifoux LLC, Landscape Architect, dated July 17, 2025, revised September 23, 2025 Scale: 1" = 10'.
   d.) **Erosion Control & Planting Details,** prepared for Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, CT, prepared by Tracy Chalifoux LLC, Landscape Architect, dated July 17, 2025, revised September 23, 2025.
   e.) **Project Narrative and Environmental Report,** 41 Jennie Lane, Westport, CT, prepared by Steven Danzer, PhD & Associates LLC, dated September 23, 2024.
   f.) **Drainage Report,** Existing and Proposed Site Conditions, 41 Jennie Lane, Westport, Connecticut, prepared by Fairfield County Engineering, LLC, dated July 12, 2024.
5. **Past Permits:**
   - WPLE-9655-13 – Addition
   - WPLE-10151-15 – Addition
   - AA-WPLE-11011-20 – Generator
   - AA-WPLE-11308-21 – Pool
   - AA-WPLE-11908-24 – Pool Pavillion
6. **IWW and WPLO Regulated Areas:**
   The property is regulated by the Inland Wetland and Watercourse Regulations (IWW). The wetlands soils found on the property are associated with an unnamed tributary to Sherwood Millpond. The site drains southeasterly towards Lamplight Lane and eventually towards Sherwood Mill Pond.

   The permit is for legalizing unauthorized work that exceeded the scope of the Conservation permit for a pool (AA-WPLE-11308-21).

   The IWW setbacks determined for this property include a:

   20' upland review area for drainage installation, excavation, filling and grading.

   30' upland review area for outbuildings,

   A portion of the unauthorized completed work was completed within the wetland and the 20' upland review area of wetlands.

   The Waterway Protection Line Ordinance dictates that the WPL boundary be established 15 linear feet from the surveyed wetland boundary. A portion of unauthorized completed activity is within the WPL boundary.

A Soil Report Summary- prepared by Otto Theall dated June 28, 2005 describes the following wetland soil occurring on the property.

Wetland soils found on the property
Ridgebury, Leicester, and Whitman extremely stony fine sandy loams (Rn): This unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. Stones and boulders cover 5 percent to 35 percent of the surface. This unit consists of three soil types mapped together because they have no major differences in use and management. The soils have a seasonal high watertable at or near the surface from fall to spring. The permeability of Ridgebury and Whitman soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The permeability of the Leicester soils is moderate or moderately rapid throughout. Available water capacity is moderate in all three soils. Runoff is slow on all three, and water is ponded on the surface of some areas of the Whitman soils. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Udorthents, smoothed (UD): This unit consists of areas that have been altered by cutting or filling. The areas are commonly rectangular and mostly range from 5 to 100 acres. Slopes are mainly 0 to 25 percent. The materials in these areas are mostly loamy, and in the filled areas it is more than 20 inches thick. Some of the filled areas are on floodplains, in tidal marshes, and on areas of poorly drained and very poorly drained soils. Included in this unit in mapping are small areas of soils that have not been cut or filled. Also included are a few larger urbanized areas and a few small areas containing material such as logs, tree stumps, concrete, and industrial waste. A few areas have exposed bedrock. Included areas make up about 30 percent of this map unit. The properties and characteristic of this unit are variable, and the unit requires on-site soil investigation and evaluation for most uses.

Non-wetland soils found on the property
Charlton very stony fine sandy loam, 3 to 8 percent slopes (ChB): This soil unit consists of gently sloping, well drained soil on hills and ridges. Stones and boulders cover 1 to 5 percent of the surface. The areas are mostly irregular in shape and range from 4 to 100 acres. The permeability of this soil is moderately rapid. Runoff is medium, and available water capacity is moderate. The hazard of erosion is moderate. The stones and boulders on the surface are the main limitation of this soil for community development.

Sutton very stony fine sandy loam, 3 to 8 percent slopes (SwB): This gently moderately well drained soil is in slight depression and on the sides of hills and ridges. Sones and boulders cover 1 to 5 percent of the surface. The areas are irregularly shaped and mostly range from 4 to 30 acres. Included with this soil in mapping are small areas of well draned Charlton and Paxton soils, moderately well drained Woodbridge soils and poorly drained Leicester and Ridgebury soils.

This Sutton soil has a seasonal high water table at a depth of about 20 inches from late fall until midspring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. The hazard of erosion is moderate. The seasonal high water table and the stones and boulders on the surface limit community development. Onsite septic systems require special design and installation because of the seasonal high water table. Footing drains help prevent wet basements. Quickly establishing plant cover, mulching and using siltation basins and diversions help control erosion and sedimentation during construction.

7. **Property Description and Background Information:**
   - **a.** The existing house was built in 1952. It is connected to sanitary sewer.
   - **b.** The property is 1.5 acres (66,268 sq. ft.) in size; located in Residential Zone AA.
   - **c.** The parcel is shown as located within the Sherwood Mill Pond watershed (subregional watershed ID # 7000-21. Sherwood Mill Pond is located 0.25 miles to the southeast of the property.
   - **d.** Property is situated in partially within the FEMA Floodway and Flood Zones X and AE as shown on F.I.R.M. Panel 09001C0551G Map revised to July 08, 2013.
   - **e.** The property **is not** within the Aquifer Protection Overlay Zone.

f. Property **is not within** the Coastal Area Management Zone.

8. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

6.1 GENERAL STANDARDS

a) disturbance and pollution are minimized;
b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
e) maintain conservation, economic, recreational and aesthetic qualities;
f) consider historical sites

Discussion:

The Commission notes that the unauthorized work was work that exceeded the scope of the Conservation permit for a pool and patio. The pool was constructed slightly larger than proposed and the patio was constructed significantly wider than proposed. Instead of constructing a retaining wall at the edge of patio, the applicant constructed an earthen berm which was consequently planted. There was no attempt to minimize the pool or patio dimension. The applicant wishes to maintain the as-built dimensions of the structures and provide additional mitigation of wetland upland planting to offset the perceived long-term impact of additional encroachment of the patio. Legalizing the work would ensure there was no more disturbance to have potential adverse risk to the downgradient wooded wetland.

The applicant stated an alternative to legalizing the encroachments would be to… "build the retaining wall and remove portions of the patio so that the site plan conforms with the previous approval. Proceeding with the original plan would cause more temporary disturbance to the surrounding wetland buffer than leaving the current installation in place. While the existing conditions were not approved and do encroach upon the regulated area, they have since stabilized. Further construction would result in unnecessary disruption to the natural habitat. There is no excuse for why the original site plan was not followed, however neither the small unauthorized intrusion of deck (81.3 SF) nor the additional 24 CY of fill into the upland review area is causing any significant impact or otherwise major impacts to the wetlands, and additional native plantings are proposed to improve the wetlands and buffer. The unauthorized intrusions into the upland review area are minor and of no consequence to the wetlands in the opinion of the project wetland scientist."

The Commission generally agrees with this finding. Ted Gill of the Engineering Department must determine if the existing grade of the berm is compliant with Town grading regulation. The Commission finds the planting plan is sufficient in scope but lacking in potential to have real mitigating benefit. Much of the proposed planting is within an established forest line with dense canopy. The Commission finds that moving those plants out of the woods to adjacent lawn areas and ceasing mowing would be a more beneficial to the site's vegetative community. The Commission finds there are areas of patio that could be removed while maintaining the grading. Either option does not pose a threat to fish or aquatic wildlife of the onsite wetland.

6.2 WATER QUALITY

a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
b) water stagnation will neither be contributed nor caused;
c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
e) all applicable state and local health codes shall be met;
f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
g) prevents pollution of surface water

Discussion:
The Commission referenced UConn's CLEAR Local Watershed Assessment Tool. The local watershed basin for southwest shoreline (#7000-21) has a combined condition index (CCI) score of 0.14. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines this watershed's Recovery Status as "Mitigation", identifying that the watershed condition can be improved with mitigation efforts such as restoring naturalized riparian zones.

The Commission does not see any consequence to water quality or related factors by maintaining existing unauthorized encroachments. By exceeding the scope of the permit, there is less pervious lawn area adjacent to the patio. Though, mowed lawn is not an ideal surface to facilitate stormwater infiltration. The existing planted slope downgradient of the patio likely offsets that perceived adverse impact by intercepting and slowing runoff velocity.

6.3 EROSION AND SEDIMENT

a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
e) applicable state, federal and local guidelines shall be met.

Discussion:
Long term impacts of sedimentation and erosion are not fully understood without having all the information that the Engineering Department needs. The Commission finds that maintaining the encroachments would likely not create new concerns of erosion and sedimentation. The Commission did not note any signs of soil displacement, erosion, or deposition during the Commissioner's site walk. If it hasn't been evident in the few years that it's been constructed, The Commission can assume the as-built design does not pose any unique risk for adverse impact. Removing the fill and constructing the originally planned wall would create a disturbance condition that would require utilization of E&S controls such as silt fence and/or hay bales.

6.4 NATURAL HABITAT STANDARDS

a) critical habitats areas,
b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
d) movements and lifestyles of fish and wildlife (plant and aquatic life)will not be significantly affected;
e) periods of seasonal fish runs and bird migrations shall not be impeded;
f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:
Current data maintained by the Natural Diversity Database (NDDB) and housed in the DEEP ezFile portal, indicates that no populations of State Endangered, Threatened, or Special Concern species (RCA Sec. 26-306), and no Critical Habitats have been documented within or in close proximity to the area delineated at 41 Jennie Lane.

Natural habitat was not impacted with the unauthorized work. The Commission finds that natural habitat will not be affected by keeping or removing the encroachments into the review area.

The applicant revised the planting plan. The plan proposes to install 3 trees, 46 shrubs, and 223 1-gallon herbaceous plants. This represents a slight reduction of herbaceous planting within the wetland, though The Commission finds these areas will naturally regenerate wetland plants as a result of the invasive plant removal. The applicant provides a 5-year invasive management plan to treat phragmites, multiflora rose and other invasive plants. The Commission finds invasive management plan and the mitigation planting as a significant

benefit to the natural habitat on the property. The Commission requires a performance bond for the planting and management of invasive plants.

6.5 DISCHARGE AND RUNOFF

a) the potential for flood damage on adjacent or adjoining properties will not be increased;
b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
d) flooding upstream or downstream of the location site will not be significantly increased;
e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:
The Commission finds that peak discharge rates have increased with inclusion of the larger patio and pavilion. The report demonstrates that excess discharge will be collected and with existing eight subsurface Cultec infiltrator units. The designed capacity of the units is 238 cubic feet, and only 161 cubic feet is utilized under existing conditions. The report states the improvements have no impact on surrounding properties.

6.6 RECREATIONAL AND PUBLIC USES

a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
b) navigable channels and or small craft navigation will not be obstructed;
c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
d) wetlands and watercourses held in public trust will not be adversely affected.

Discussion:
The proposed activities will not significantly impact recreational and public uses.

Waterway Protection Line Ordinance
Section 148-9 of the Waterway Protection Line Ordinance states that the 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 ecosystem 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.

Discussion:
Portions of the grading the WPL. The Commission does not finds any impacts to water quality or natural habitat from the small portion of the planted slope within the WPL.

Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application #IWW-WPL-12187-25
41 Jennie Lane
Assessor's Map: D05 Tax Lot: 093
Public Hearing: October 15, 2025

Project Description: to legalize fill and patio within regulated areas while installing native mitigation plantings and removal of invasive plants. Portions of the work are within the upland review areas and the WPLO area of an unnamed tributary to the Sherwood Mill Pond.

Owner of Record: Lisa Mileto & Todd Morrison
Applicant: Tracy Chalifaux, LLC

In accordance with Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport and 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 #IWW,WPL-12187-25 with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.
14. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board October 8, 2025 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the Plans Entitled:
    - **a.)** Zoning Location Survey, Pool As-Built Overlay Map, Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, Connecticut, prepared by All Seasons Land Surveying, dated October 8, 2025, Scale: 1” = 20’.
    - **b.)** Zoning Location Survey, prepared for Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, Connecticut, prepared by All Seasons Land Surveying, dated April 2, 2023, last revised July 16, 2025, Scale: 1” = 20’.

c.) Wetland Mitigation Plan, prepared for Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, CT, prepared by Tracy Chalifoux LLC, Landscape Architect, dated July 17, 2025, revised September 23, 2025 Scale: 1" = 10'.

d.) Erosion Control & Planting Details, prepared for Lisa M. Mileto & Todd W. Morrison, 41 Jennie Lane, Westport, CT, prepared by Tracy Chalifoux LLC, Landscape Architect, dated July 17, 2025, revised September 23, 2025.

e.) Project Narrative and Environmental Report, 41 Jennie Lane, Westport, CT, prepared by Steven Danzer, PhD & Associates LLC, dated September 23, 2024.

f.) Drainage Report, Existing and Proposed Site Conditions, 41 Jennie Lane, Westport, Connecticut, prepared by Fairfield County Engineering, LLC, dated July 12, 2024.

18. All plantings proposed within the wetland and wetland buffer shall be installed by hand. Mulching within this area shall be done with organic leaf mulch only. The plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.

19. The applicant shall submit a performance bond to cover the cost of plantings prior to the issuance of a Zoning Permit. The bond shall be held for one growing season. The bond shall be paid prior to the issuance of the Zoning permit.

20. A portion of the bond shall be retained for 5 years for an invasive plant management plan. Yearly monitoring reports shall be submitted at the end of each season of treatment.

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: Lewi Second: Ryll
Ayes: Lewi, Ryll, Carey-Moody, Kwong McDowell, Whiting
Nays: None Abstentions: None Vote: 6:0:0

5. **Edgemarth Hill Roadway: Continued Application:** Application #IWW,WPL-12191-25 by Curt Lowenstein, PE on behalf of Ted Martell, President of The Edgemarth Hill Road Association Inc. for repaving and grading of an existing private road with associated stormwater improvements. Portions of the work are within the upland review area setbacks and the WPLO area of an unnamed tributary to Pussy Willow Brook.

   Curt Lowenstein, PE, presented the application on behalf of the Road Association. He reminded the Commission; this application was in front of them at the last meeting. It was continued to allow town counsel to adjudicate the ownership of the roadway. He gave an overview of the project. This is a private road.
   They have received FECB approval. The project includes paving, curbing, catchbasins, rip rap apron and new biofiltration swale. Treatment wise, there is no treatment for the roadway currently. There is a large wetland at the base of the road. This proposal offers a modest improvement to the stormwater treatment. This road is an existing condition and the proposed treatment a better solution to what exists today. He noted there is a good stand of invasives that will be removed where the bioswale is planned.

   Mr. Hally noted the Flood and Erosion Control Board approved this application with standard conditions. He noted there was some back and forth between the engineer for the dissenting neighbors about the Town's drainage standards. There were no additional flood hazards with this project.

   Mr. Lowenstein stated the Town Engineer reviewed and found this project will not cause an impact. Steve Trinkaus, the engineer for the opposition, asserted the bioswale would become a erosion issue. Mr. Lowenstein disagreed with his assessment.
   Mr. Hally noted the Commission's area of concern is limited to 20 to 30 feet from the wetland. In this case, he has to take the engineers' assessment that the flow will be the same towards the wetland. There are no threatened and endangered wildlife in the area. He has very few recommendations including:
   - The design engineering certify all drainage;
   - A site monitor be hired to monitor and report for the sediment and erosion controls; and

- Submission of a bond for plantings and the 3 year invasive monitoring plan.

Mr. Lewi asked if there is an alternative to rip rap apron.

Mr. Lowenstein indicated that the area could be a grass swale or a level spreader but, in this case, he feels that the rip rap is the best solution for this situation.

Ms. Carey Moody stated she read all the letters submitted into the record and feels for the impacted neighbors but the Commission has limited review area. She noted the outlet control is designed to the 100-year storm. She asked what the bioswale would be built to.

Mr. Lowenstein stated it would be built to the 25-year storm.

Mr. Kwong clarified that erosion is restricted to the impacts on water quality.

Mr. Kelly stated the Commission needs to look at the short-term and long-term impacts. Short-term impacts would be installation and stabilization or a maintenance and repair. A long-term impact could be destabilizing or failing to maintain controls.

Mr. Lewi asked for public comment.

Nicolas Hatsiandrou, 9 Edgemarth Hill Road, submitted and read letter into the record. He spoke in opposition to the project. He stated there is no road association on record. There is no information on the velocity of the runoff going into the drainage.

Mr. Lowenstein addressed the substance of what was said by Mr. Hatsiandrou that there will be more flooding. He stated the State of CT stormwater manual indicates a bioswale does not have to be only for retention. Mr. Trinkus did not state there would be more flooding. The bioswale is designed to 25-year storm and the outlet is designed to 100-year storm. The bioswale will slow down the water coming off the slope. There are elements of low impact development (LID) in this project, but it isn't strictly a LID project. This will not create a degradation in water quality. He stated he feels for the owners at 1 and 9 Edgemarth Hill that do have flooding issues within their wetlands. This project is not meant to address this.

Andrew Colabella, 83 Grove Point Road, RTM member for this area, stated he is for this project due to the improved drainage. Effective stormwater management improves water quality. What you improve up top, you improve down below. He would like to see maintenance incorporated into the project.

Mr. Kelly stated there were multiple emails submitted into the record. He asked if the Commission members needed more time to review them or would they like them read into the record. It was the sense of commission have had time to review.

Mr. Kelly clarified there would be no change in the character of the runoff.

Mr. Lowenstein agreed.

Mr. Kelly asked the Commission if they believe that could move forward or do need time to get more information. They have staff comments, applicants' comments and public comments.

Mr. Lewi asked if there were any additional public comments.
There were no further public comments.

It was the sense of the Commission that they had enough information to make a decision.

Motion to close the public hearing.

Motion:	**Kwong**		**Second:**	**Whiting**	
Ayes:	**Kwong, Whiting, Carey Moody, Lewi, McDowell, Ryll**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Town of Westport
Conservation Commission
FINDINGS
Application #IWW-WPL-12191-25
Edgemarth Hill Roadway
Public Hearing: October 15, 2025

1. **Applicant:** Curt Lowenstein of LandTech
2. **Owner:** Edgemarth Hill Road Association, Inc
3. **Application Request:** The applicant is requesting to repave and grade the existing private road with associated stormwater improvements. Portions of the work are within the upland review area setbacks and the WPLO area of an unnamed tributary to Pussy Willow Brook.
4. **Plans Reviewed:**
   a.) **Zoning Location and Topographic Survey**, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated April 25, 2024, Scale: 1" = 40'.
   b.) **Site Overview Plan**, Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025, Scale: 1" = 40'.
   c.) **Road Improvement Plan**, (3 Sheets) Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025, Scale: 1" = 20'. Sheets C-1.1, C-1.2, & C-1.3
   d.) **Roadway Profile Pan**, Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025, Scale: 1" = 40'.
   e.) **Construction Notes and Details,** Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025.
   f.) **Stormwater Management Report,** prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, Connecticut, prepared by LandTech, dated August 13, 2025.
5. **IWW and WPLO Regulated Areas:**
   The property is regulated by the Inland Wetland and Watercourse Regulations (IWW). The wetlands soils found on the property are associated with an unnamed tributary to Pussy Willow Brook. The site drains southwesterly towards Greens Farms Roadway and eventually towards Pussy Willow Brook and Sherwood Mill Pond.

   The applicant is applying the wetland boundary from the Town GIS, though the properties have adjacent streams that are not inventoried with wetland boundary in the Town GIS. The roadway plan set depicts the wetland boundary associated with the larger wetland areas on the properties of #1, #2, #4, & #9.

   The IWW setbacks determined for this property include a:

   20' upland review area for drainage installation, excavation, filling and grading.

   Only a small portion of the proposed road improvement work is within the wetland and the 20' upland review area of wetlands and watercourses. The Schedule D narrative states that "All proposed work will occur within the footprint of the existing paved roadway, with no expansion into wetland areas. Portions of the work, including installation of new catch basins, piping, asphalt curbing, and a bio-swale, will occur within the upland review area (setback) but outside the wetland boundary." The Commission notes that roadway currently has no curbing, no stormwater infrastructure and inconsistent grades and pitching.

The Waterway Protection Line Ordinance dictates that the WPL boundary be established 15 linear feet from the surveyed wetland boundary. Portions of the roadway and bioswale are within the WPL boundary.

6. **Property Description and Background Information**
   - **a.** The project area is ~1200 linear feet of 20'-wide asphalt roadway; located in Residential Zone AA.
   - **b.** All work will be conducted in the private road right-of-way.
   - **c.** The parcel is shown as located within the Pussy Willow Brook watershed (subregional watershed ID # 7000-18. The unnamed watercourse in the project area drains to Pussy Willow Brook.
   - **d.** Property is situated in partially within the FEMA Floodway and Flood Zone X as shown on F.I.R.M. Panel 09001C0414G Map revised to July 08, 2013.
   - **e.** The property **is not** within the Aquifer Protection Overlay Zone.
   - **f.** Property **is within** the Coastal Area Management Zone.
7. **Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations**

6.1 GENERAL STANDARDS

a) disturbance and pollution are minimized;
b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function; loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
c) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
d) maintain conservation, economic, recreational and aesthetic qualities;
e) consider historical sites

Discussion:
The proposed project is improving roadway drainage conditions to redirect stormwater being conveyed down and ponding on the roadway itself into detention areas and dedicated conveyance trenches and drains. The Commission finds the width of the driveway to be minimized to the same footprint of the existing driveway. On the northern side of the roadway will be installed a gravel interceptor trench at the top of the curb. The trench will convey water to the pipeline installed along the southern side of the roadway. The driveway will introduce catch basins with 24"-deep sumps connected with 12'' diameter reinforced concrete pipe. The pipe will direct towards a flared rip-rap apron as it directs discharge into the proposed vegetated bioswale. This stormwater management system will detain an amount of stormwater that was previously sheet flowing down the roadway picking up whatever pollutants, sediments and debris and discharging to the watercourses and wetlands. The Commission finds water quality and habitat of the adjacent aquatic resources is likely to benefit from reduced volume and velocities of sheet flow runoff.

6.2 WATER QUALITY

a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
b) water stagnation will neither be contributed nor caused;
c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
e) all applicable state and local health codes shall be met;
f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
g) prevents pollution of surface water

Discussion:
The surface water quality classification for the stream (Connecticut Environmental Conditions Online, http://www.cteco.uconn.edu/), adjacent to the project area, is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

The Commission referenced UConn's CLEAR Local Watershed Assessment Tool. The subject property is located within the Pussy Willow Brook local watershed basin. The local watershed basin (local basin # 7000-18) for Pussy Willow Book has a combined condition index (CCI) score of 0.18. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Pussy Willow Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring riparian zones and restoring tree canopy along watercourses.

As the stream is located within the Pussy Willow Brook subregional watershed, impacts to stormwater runoff can impact surface water quality of Pussy Willow Brook and Sherwood Mill Pond.

The drainage report provided by the applicant states that all work will occur within the existing roadway. Vegetated habitat areas are not proposed to be disturbed. Potential impact to water quality is focused on temporary risk of erosion and sedimentation from soil disturbance associated with grading the roadway and installing drainage features. The plan set depicts the utilization of silt fence and haybales as E&S controls. The Commission finds these as suitable controls. The Commission finds the Commission could consider utilization of a site monitor to inspect and maintain E&S controls during the initial phases of the project when site disturbance is at its most extensive. Long term surface water quality should be improved by making the conveyance and detention of stormwater runoff more effective and efficient. The vegetated bioswale is designed to provide the water quality treatment for discharge. The dry water quality swale designed for infiltration will be sized for a volume of 1217.32 cubic feet with 645 square feet of surface area which is greater than the 608 square feet required to treat the Water Quality Volume.

6.3 EROSION AND SEDIMENT

a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
e) applicable state, federal and local guidelines shall be met.

Discussion:

The project proposes to utilize silt fence and haybales to contain disturbed soil and roadway debris from migrating to the wetland areas. If the Commission required a site monitor during the initial phases, the monitor could take pictures of the adjacent watercourse and monitor for sediment releases and observed turbidity or suspended solids. The Commission requires a performance bond for E&S controls.

6.4 NATURAL HABITAT STANDARDS

a) critical habitats areas,
b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
d) movements and lifestyles of fish and wildlife (plant and aquatic life)will not be significantly affected;
e) periods of seasonal fish runs and bird migrations shall not be impeded;
f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:

The Commission references review of current data maintained by the Natural Diversity Database (NDDB) and housed in the DEEP ezFile portal, demonstrated that habitat for great egret (Ardea alba), a state threatened species, has been documented within or in close proximity to the project area. No vegetation or wetland or water resources are proposed to be disturbed; therefore The Commission finds there will be no impacts to state listed species or critical habitat as a result of the proposed project. The Commission does not require any further consultation with state or federal agencies for potential impacts to T&E species or critical habitats.

The site plan does not propose work outside the roadway other than the drainage swale. The drainage swale will be installed within a grassed road shoulder, and it will be planted with native plants. The applicant does not provide a planting/ seeding schedule for the roadside margins. The Commission discussed the potential need for performance bonding. The Commission finds this as more beneficial to habitat than current conditions. Habitat will not be disturbed. Seasonal fish and bird migrations will not be impeded due to the work.

6.5 DISCHARGE AND RUNOFF

a) the potential for flood damage on adjacent or adjoining properties will not be increased;
b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
d) flooding upstream or downstream of the location site will not be significantly increased;
e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:

The Commission notes there is moderate public interest in runoff onto adjacent properties. The road will be regraded and pitched to improve discharge runoff. The Commission finds that the peak discharge rates will be maintained or improved under the 25-year storm event. The drainage report states, "Based on the results of our investigation, it is our professional opinion that upon construction of the proposed improvements, stormwater discharge from the site will comply with the applicable rules and regulations of the Town of Westport and will not result in any adverse impacts to downstream drainage systems or adjacent properties." The Commission discussed the proposed discharge patterns under the proposed conditions for the benefit of the public's understanding. The Commission should ask the applicant to discuss the drainage system and demonstrate that by intercepting, detaining, and infiltrating stormwater, no abutting property will experience an increased runoff volumes or velocities.

6.6 RECREATIONAL AND PUBLIC USES

a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
b) navigable channels and or small craft navigation will not be obstructed;
c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
d) wetlands and watercourses held in public trust will not be adversely affected.

Discussion:

The proposed activities will not significantly impact recreational and public uses.

Waterway Protection Line Ordinance

Section 148-9 of the Waterway Protection Line Ordinance states that the 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 ecosystem 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.

Discussion:

Portions of the roadway and bioswale are within the WPL. Neither feature creates any unique adverse impact under review for the WPLO that hasn't already been considered by The Commission for IWW regulations. The Commission does not anticipate impacts to the resources within the WPL as a result of this project.

Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application #IWW-WPL-12191-25
Edgemarth Hill Roadway
Public Hearing: October 15, 2025

Project Description: to repave and grade the existing private road with associated stormwater improvements. Portions of the work are within the upland review area setbacks and the WPLO area of an unnamed tributary to Pussy Willow Brook.

Owner of Record: Edgemarth Hill Road Association, Inc
Applicant: Curt Lowenstein of LandTech

In accordance with Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport and 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 #IWW,WPL-12191-25 with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.

14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board October 8, 2025 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the Plans Entitled:
- **a. Zoning Location and Topographic Survey**, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated April 25, 2024, Scale: 1" = 40'.
- **b. Site Overview Plan**, Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025, Scale: 1" = 40'.
- **c. Road Improvement Plan**, (3 Sheets) Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025, Scale: 1" = 20'. Sheets C-1.1, C-1.2, & C-1.3
- **d. Roadway Profile Pan**, Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025, Scale: 1" = 40'.
- **e. Construction Notes and Details,** Site Improvements for a Proposed Roadway Renovation, prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, CT, prepared by LandTech, dated August 13, 2025.
- **f. Stormwater Management Report,** prepared for the Edgemarth Hill Road Association, Inc., Edgemarth Hill Road, Westport, Connecticut, prepared by LandTech, dated August 13, 2025.

18. The design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

19. The permittee shall retain a site monitor for the duration of the project and submit weekly E&S compliance reports.
20. The applicant shall submit a performance bond to cover the cost of E&S controls, plantings, and seeding prior to the issuance of a Zoning Permit. The bond shall be held for one growing season. The bond shall be paid prior to the issuance of the Zoning permit.
21. A portion of the bond shall be retained for 3 years for an invasive plant management plan. Yearly monitoring reports shall be submitted at the end of each season of treatment.
22. The applicant shall submit a planting plan and invasive management plan prior to the issuance of a zoning permit, subject Staff approval, prior to seeking subsequent permits for other Town departments.

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: Kwong Second: Whiting
Ayes: Kwong, Whiting, Carey-Moody, Lewi, McDowell, Ryll
Nays: None Abstentions: None Vote: 6:0:0

6. 34 Burr School Road: Application #IWW,WPL/E-12209-25 by Michale & Jessica Garaffa to construct a garage with bonus room above over existing driveway. Portions of the work are within the upland review area setbacks.

Mike Franceskino, builder, presented application on behalf of the property owners. He stated the project is to remove a portion of the driveway and build garage with a bonus room above. The drainage will be off to the side.

Mr. Hally stated the garage addition is placed in the only way it can be in order to drive forward into it. It will be over existing encroachment. They will be removing a portion of the drive that will no be used. They will be using a planting plan that has been implemented for a previous violation. The building itself will be the encroachment, but there is not a lot benefit to adding mitigation to the closest wetlands.

Mr. Lewi asked for public comment. There was no public comment.

Motion to close the public hearing.

Motion: **Carey Moody** **Second:** **Lewi**
Ayes: **Carey Moody, Lewi, Kwong, McDowell, Ryll, Whiting**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

Town of Westport
Conservation Commission
FINDINGS
Application #IWW-WPL/E-12209-25
34 Burr School Road
Assessor's Map: F11 Tax Lot: 072
Public Hearing: October 15, 2025

1. **Owner and Applicant: Michale & Jessica Garaffa**
2. **Application Classification:** **Plenary**
3. **Application Request:** The applicant is requesting to construct a garage with bonus room above over existing driveway. Portions of the work are within the upland review area setbacks.
4. **Plans Reviewed:**
   a. **Zoning/ Location Survey (Existing Conditions)**, Map of Property, prepared for Michael William Garaffa & Jessica Masso Garaffa, 34 Burr School Road, Westport, Connecticut, prepared by Walter H. Skidd Land Surveyor, LLC, dated September 17, 2019, Scale: 1" = 30'.
   b. **Zoning Location Survey (Proposed Conditions)**, prepared for Michael William Garaffa & Jessica Masso Garaffa, #34 Burr School Road, Westport, Connecticut, prepared by Shevlin Land Surveying, LLC, dated August 25, 2025, revised August 26, 2025, Scale: 1" = 30'.
   c. **Site Development Plan**, 34 Burr School Road, Westport, CT, prepared for Michael William Garaffa & Jessica Masso Garaffa, prepared by Kousidis Engineering, LLC, dated September 30, 2025, Scale: 1"=20'.
   d. **Drainage Analysis (Report)**, located at 34 Burr School Road, Westport, CT, prepared for Michael William Garaffa & Jessica Masso Garaffa, prepared by Kousidis Engineering, LLC, dated September 30, 2025.
   e. **Garaffa Residence (Architectural Renderings),** 34 Burr School Road, Westport, CT, 06880, prepared by Chase Architectural Design, dated January 6, 2025, revised May 27, 2025, Scale: As Noted
      i. **Cover Sheet** Sheet C100
      ii. **Existing Floor Plans** Sheet EX-1
      iii. **Existing Elevations** Sheet EX-2
      iv. **Foundation Plan** Sheet A100
      v. **First Floor Plan** Sheet A101
      vi. **Second Floor Plan** Sheet A102
      vii. **Roof Plan** Sheet A103
      viii. **Elevations** Sheet A200
      ix. **Elevations** Sheet A201
      x. **Sections/ Details** Sheet A300
      xi. **Sections** Sheet A301
      xii. **Sections** Sheet A302
5. **Previous Permits:** WPLE-10909-19 patio
   IWW/M-10926-19- map amendment
6. **IWW and WPLO Regulated Areas**

The Waterway Protection Line Boundary is established 15' from the wetland boundary. There is no work proposed within the WPL.

The wetland existing on the property is part of a larger palustrine, forested wetland which extends beyond the property boundary and is associated with an onsite watercourse. The wetland and watercourse flow southwesterly towards Muddy Brook.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for this property include:
50' upland review area for new residential additions,
30' upland review area for a walkway and driveway and covered porch,
20' upland review area for drainage system and grading.

The proposed garage addition is within the 50ft upland review area. The proposed driveway reconfiguration is within the 30ft upland review area. The site drainage and limit of soil disturbance are outside the 20ft non-disturbance buffer.

Wetlands Description:
Wetland soils found on the property
Leicester fine sandy loam (4): This soil occurs on upland drainageways and depression landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is poorly drained. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. Most areas of this soil are wooded. The seasonal high water table limits this soil for community development; sites for on-site septic systems commonly need extensive filling and require special design and installation. Where suitable outlets are available, footing drains help prevent wet basements. Even when drained, the soil remains wet for several days after heavy rains. Wetness makes this soil poorly suited for trees. The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

Non-wetland soils found on the property
Udorthents-Urban land complex (306): This unit consists of areas that have been altered by cut and/or fill. The slopes in this area are from 0 to 25 percent. The depth to restrictive feature is more than eighty inches. This is a well drain soil with water table hovering between 54 and 72 inches.

7. Property Description and Relative Facts:

a. The house to be demolished was built in 19600. It is served by public sanitary sewer.
b. The property is 1.58 acres (68,818 sq. ft.) in size; located in Residential Zone AA.
c. The property is shown as located within the Muddy Brook (subregional watershed ID #7000-16.) Muddy Brook is located ~450'to the southeast.
d. The wetland onsite is streamside floodplain, a freshwater forested wetland. The wetland drains to an onsite stream which flows to the south with its convergence with Muddy Brook.
e. The property is situated in Flood Zone X as shown on F.I.R.M. Panel 09001C0414G Map revised to July 8, 2013.
f. The property is **not within** the Aquifer Protection Overlay Zone.
g. The property is **not within** the Coastal Area Management Zone.
h. The Waterway Protection Line is established 15' from the wetland boundary. It is shown on the survey.
i. Base Lot Area: 43,986 sq. ft.
j. Existing Building Coverage: **4.2%** (1,833 sq. ft.)
k. Proposed Building Coverage: **6.4%** (2,814 sq. f.)
l. Existing Site Coverage: **11.1%** (4,863 sq. ft.)
m. Proposed Site Coverage: **12.1%** (5,337 sq. ft.)
n. Existing Average Site Grade: 160.8'
o. Total Volume of Excavation & Fill: 37 c. y.

8. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations:

6.1 GENERAL STANDARDS

a) disturbance and pollution are minimized;
b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
e) maintain conservation, economic, recreational and aesthetic qualities;
f) consider historical sites

Discussion:
Site development plans detail the renovation of an existing single family residence. New improvements include reconfiguring the driveway, constructing a garage addition as well as three single-story bump outs, a covered porch, a walkway and drainage structures. The proposed garage addition and driveway are within the upland review area of the onsite and offsite wetlands. There is some minor disturbance associated with removing a portion of the existing driveway within the 20' non-disturbance buffer/ review area. The proposed garage will be ~32-35' from the nearest wetland boundary. The proposed new limit of driveway will be ~23' from the nearest wetland boundary.

The Commission notes that the garage addition will be built slab-on-grade (el. 163.00') within the parking area of the existing driveway footprint. The Commission finds the driveway will be reduced to eliminate the portion nearest to the wetland. The Commission finds the temporary soil disturbance from the excavation of the pool as the greatest risk to the overall water quality and habitat health. The Commission finds that though the building footprint will further encroach towards the wetland setback, there's not a significantly less impactful way to build a new 2-bay garage addition. No new impervious surface will be created closer to the wetland. The Commission finds standard S&E controls will be enough to contain the site earth disturbance. So long as the site S&E controls are periodically monitored and maintained, The Commission does not anticipate any negative impacts to fish and wildlife habitat or native vegetation.

6.2 WATER QUALITY

a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
b) water stagnation will neither be contributed nor caused;
c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
e) all applicable state and local health codes shall be met;
f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
g) prevents pollution of surface water

Discussion:
The surface water quality classification for the unnamed freshwater stream associated with the larger palustrine forested wetlands (Connecticut Environmental Conditions Online, http://www.cteco.uconn.edu/), located offsite to the north, is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

The Commission references UConn's CLEAR Local Watershed Assessment Tool. The subject property is located within the Muddy Brook local watershed basin. The local watershed basin (local basin # 7000-16) for Muddy Brook has a combined condition index (CCI) score of 0.19. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Muddy Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring tree canopy and restoring riparian zones along watercourses.

The application proposes one new area for site stormwater drainage. The drainage report states the proposed stormwater management system is designed to manage the peak runoff rates from the 25-year storm and be able to store the first 1" of rainfall from all the proposed development (water quality volume). The proposed driveway will be reconstructed as impervious. driveway will be conveyed to 56 linear feet (7 units) of 12"-high precast concrete galleries located east of the driveway. Roof leaders off the new additions will convey the volume from the house to both retention areas. The two retention areas are designed to retain a WQV of 174 cu. ft. which exceeds the required volume of 114 cu. ft.

The driveway is being constructed as pervious. It is the Commissions common practice to inquire about possibilities to incorporate low impact and sustainable stormwater infrastructure where there is opportunity. The Commission discussed with the applicant about the possibility of pervious driveway being constructed in the section nearest to the wetland boundary.

6.3 EROSION AND SEDIMENT

a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
e) applicable state, federal and local guidelines shall be met.

Discussion:

The applicant has provided sediment and erosion controls on the site plan, which depicts the use of perimeter silt-fencing all along down gradient of the disturbance, silt fence around the temporary stockpile area, and an anti-mud tracking pad within the driveway parking area. A proposed stockpile area is noted within lawn area, east of the residence. The site plan provides details for the perimeter silt fence, soil stockpile and construction entrance. Proper installation and continued maintenance of these features should be adequate to control sediments onsite.

6.4 NATURAL HABITAT STANDARDS

a) critical habitats areas,
b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
e) periods of seasonal fish runs and bird migrations shall not be impeded;
f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:

The Commission references a preliminary review of current data maintained by the Natural Diversity Database (NDDB) and housed in the DEEP ezFile portal, which demonstrated that no populations of State Endangered, Threatened, or Special Concern species (RCA Sec. 26-306), and no Critical Habitats have been documented within or in close proximity to the project area. The Commission finds there will be no impacts to state listed species or critical habitat as a result of the proposed project.

The applicant is offering a planting plan already implemented for another permit on the property as the mitigation for the project. The applicant proposes no new plants and offers no new areas of naturalization to enhance habitat. The Commission finds the project poses very little risk of long term impact to natural habitat as the proposed encroachment towards the adjacent habitat will occur within existing footprint of development. The Commission discussed whether it thinks additional plantings in the form of a compensatory planting or bolstering existing areas with additional plants would bring more benefits. The Commission notes that the Commission has established a precedent of identifying native fruiting and flowering plants as habitat-enhancing plants.

6.5 DISCHARGE AND RUNOFF

a) the potential for flood damage on adjacent or adjoining properties will not be increased;
b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
d) flooding upstream or downstream of the location site will not be significantly increased;
e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:
The drainage report demonstrates that proposed runoff rate from the overall site is 6.82 cubic feet per second (cfs) for the 25-year storm. The runoff rate from the combined proposed conditions is 6.71 cfs. Much of the site runoff will bypass the underground retention galleries, and discharge via sheet flow into the wetlands and watercourse, matching existing conditions. The project only proposes minor grading around the proposed residence, maintaining existing contours. Average site grade will be maintained with the proposed 37 cubic yards of total cut and fill. The sites capacity to transmit and absorb flood waters will not be impacted. The design does not pose any greater risk of flooding on the subject property and neighboring properties.

6.6 RECREATIONAL AND PUBLIC USES

a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
b) navigable channels and or small craft navigation will not be obstructed;
c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
d) wetlands and watercourses held in public trust will not be adversely affected.

Discussion:
The current application will have no impact on recreational and public uses.

Town of Westport
Conservation Commission
Conditions of Approval
Application #IWW-WPL/E-12209-25
34 Burr School Road
Assessor's Map: F11 Tax Lot: 072
Public Hearing: October 15, 2025

Project Description: to construct a garage with bonus room above over existing driveway. Portions of the work are within the upland review area setbacks.

Owner and Applicant: Michale & Jessica Garaffa

In accordance with Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses and on the basis of the evidence of record, the Conservation Commission resolves to APPROVE Application # IWW-WPL/E-12209-25 with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the Plans Entitled:
    a. **Zoning/ Location Survey (Existing Conditions)**, Map of Property, prepared for Michael William Garaffa & Jessica Masso Garaffa, 34 Burr School Road, Westport, Connecticut, prepared by Walter H. Skidd Land Surveyor, LLC, dated September 17, 2019, Scale: 1" = 30'.
    b. **Zoning Location Survey (Proposed Conditions)**, prepared for Michael William Garaffa & Jessica Masso Garaffa, #34 Burr School Road, Westport, Connecticut, prepared by Shevlin Land Surveying, LLC, dated August 25, 2025, revised August 26, 2025, Scale: 1" = 30'.
    c. **Site Development Plan**, 34 Burr School Road, Westport, CT, prepared for Michael William Garaffa & Jessica Masso Garaffa, prepared by Kousidis Engineering, LLC, dated September 30, 2025, Scale: 1"=20'.
    d. **Drainage Analysis (Report)**, located at 34 Burr School Road, Westport, CT, prepared for Michael William Garaffa & Jessica Masso Garaffa, prepared by Kousidis Engineering, LLC, dated September 30, 2025.
    e. **Garaffa Residence (Architectural Renderings),** 34 Burr School Road, Westport, CT, 06880, prepared by Chase Architectural Design, dated January 6, 2025, revised May 27, 2025, Scale: As Noted

i.	**Cover Sheet**	Sheet C100
ii.	**Existing Floor Plans**	Sheet EX-1
iii.	**Existing Elevations**	Sheet EX-2
iv.	**Foundation Plan**	Sheet A100
v.	**First Floor Plan**	Sheet A101
vi.	**Second Floor Plan**	Sheet A102
vii.	**Roof Plan**	Sheet A103
viii.	**Elevations**	Sheet A200

ix.	**Elevations**	Sheet A201
x.	**Sections/ Details**	Sheet A300
xi.	**Sections**	Sheet A301
xii.	**Sections**	Sheet A302

17. Certification for all site drainage by the site engineer and submit said letter of certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

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: Kwong
Ayes: Ryll, Kwong, Carey-Moody, Lewi, McDowell, Whiting
Nays: None Abstentions: None Vote: 6:0:0

7. 4 Lantern Hill Road: Application #AA,WPL-12190-25 by Avind Baur of Kousidis Engineering LLC on behalf of 4 Lantern Hill Holding A Delaware LLC to construct a new single-family residence with attached garage, new accessory structure, new driveway, inground pool, and attached patio, with associated site improvement. Portions of the work are within the WPL area of an unnamed tributary to Dead Man's Brook.

Jim Kousidis, PE presented the application on behalf of the property owners. The house has been razed. He familiarized the Commission with the site. This site is outside the FEMA flood zone, but the Town has a flood study that they used. They will be complying with 100-year storm. A portion of the house is within the WPLO area. There will be a reconfigured driveway using the existing opening and sediment and erosion controls. They are not proposing any grading within the 100-year flood line. They obtained approvals from Health and the Flood and Erosion Control Board. Mr. Kousidis noted the staff comments include the request for more groundcover within the planting buffer. He agreed.

Mr. Lewi asked about groundwater.

Mr. Kousidis stated groundwater will be 1 foot below basement level.

Mr. Lewi asked about dewatering.

Mr. Kousidis stated they will provide a dewatering area for staff approval.
Ms. Carey Moody asked for the silt fence to be backed by staked haybales in area closest to the wetlands.

Mr. Kousidis agreed.

Mr. Hally indicated that there is not a lot of work within the regulatory areas. Only a portion of the house is within the WPLO. The pool and pool coping are outside the upland review area. Within the buffer planting, he is just recommending more groundcover in addition to the winterberry. He is recommending a dewatering plan and planting bond.

The staff and Commission discussed herbaceous plantings and buffer width.

Mr. Kelly noted that moving the septic is a known benefit to the wetland.

Mr. Lewi asked for public comment. There was no public comment.

Motion to close the public comment.

Motion:	**Ryll**		**Second:**	**Lewi**	
Ayes:	**Ryll, Lewi, Carey Moody, Kwong, McDowell, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Town of Westport
Conservation Commission
FINDINGS
Application #AA-WPL-12190-25
4 Lantern Hill Road
Assessor's Map: D10 Tax Lot: 112
Public Hearing: October 15, 2025

1. **Applicant:** Avind Baur of Kousidis Engineering, LLC
2. **Owners of Record:** 4 Lantern Hill Holdings A Delaware LLC
3. **Application Request:** The applicant is proposing to construct a new single-family residence with attached garage, new accessory structure, new driveway, inground pool and patio, new septic system with associated site improvement. Portions of the work are within the WPL area of an unnamed tributary to Dead Man's Brook.
4. **Plans Reviewed:**
   a. **Location/ Improvement Survey**, prepared for Sorabh Maheshwari, 4 Lantern Hill Road, Westport, Connecticut, prepared by Walter Skidd Land Surveyor, LLC, dated January 13, 2025, Scale: 1" = 20'.
   b. **Site Development Plan**, 4 Lantern Hill Road, Westport, CT, prepared for Sorabh Maheshwari, prepared by Kousidis Engineering, LLC, dated August 8, 2025, revised September 10, 2025, Scale: 1" = 20'. Sheet 1 of 2.
   c. **Sediment & Erosion Control Plan**, 4 Lantern Hill Road, Westport, CT, prepared for Sorabh Maheshwari, prepared by Kousidis Engineering, LLC, dated August 8, 2025, September 10, 2025, Scale: 1" = 20'. Sheet 2 of 2.
   d. **Drainage Analysis (Report)**, located at 4 Lantern Hill Road, Westport, CT, prepared for Sorabh Maheshwari, prepared by Kousidis Engineering, LLC, dated August 8, 2025.
   e. **Proposed Single Family Dwelling Unit (Architectural Renderings)**, 4 Lantern Hill Road, Westport, CT 06880, prepared by Sensus Design Studio, dated May 21, 2025.
      i. Proposed Site Plan — Sheet A-0
      ii. Proposed Basement Plan — Sheet A-1
      iii. Proposed Cabana/ Pool Plan — Sheet A-2
      iv. Proposed Second Floor Plan — Sheet A-4
      v. Proposed Roof Plan — Sheet A-5
      vi. Proposed Front Elevation — Sheet A-6
      vii. Proposed Rear Elevation — Sheet A-7
      viii. Proposed Left Elevation — Sheet A-8
      ix. Proposed Right Elevation — Sheet A-9
5. **Previous Permits Issued**: AA-WPL/E-8955-11 Septic Repair
   IWW/M-11549-22 Map Amendment
6. **Property Description**
   a. **Location of 25-year flood boundary:** The WPL is established 15' from the 25-year flood boundary mapped for the unnamed brook on the subject property.
   b. **Property is situated in Flood Zones AE and X** as shown on F.I.R.M. Panel 09001C0413G Map revised to July 8, 2013.
   c. 25- YR Flood Elevation: **75.0 ft.**
   d. 100-YR Flood Elevation: **75.3 ft.**
   e. Proposed Improvements within WPL: **House**
   f. Gross Lot Area: **1.201 acres (52,309 sq. ft.)**
   g. Base Lot Area: **1.155 acres (50,307 sq. ft.)**
   h. Existing Building Coverage: **4.44% (2,235.6 sq. ft.)**
   i. Proposed Building Coverage: **14.31% (7,199 sq. f.)**

j. Existing Site Coverage: **9.62% (4,838.6 sq. ft.)**
k. Proposed Site Coverage: **22.26% (11,199 sq. ft.)**
l. Proposed Pool Coping Elevation: **77.50 ft.**
m. Proposed Cellar Floor Elevation: **70.00'**
n. Proposed First Floor Elevation: **80.00'**
o. Existing Average Site Grade: **75.4'**
p. Proposed Average Site Grade: **77.1'**

Aquifer: The subject property is **not within** the Aquifer Protection Zone
Coastal Area Management: The subject property is **not within** the Coastal Area Management (CAM) zone.
Proposed Storm Water Treatment: The applicant proposes to construct a slot drain within the pool patio and convey surface water from the pool and patio to 336-linear feet (42 units) of precast concrete stormwater galleries located to the north, south, and west of the existing residence.

7. Discussion:

IWW: The proposed work is located outside of wetlands, watercourses and review areas. The impacts to inland wetlands and watercourses are reviewed administratively because each regulated activity is located outside its respective review area on the subject property. The Commission finds impacts will be mitigated if the standard conditions of an Administrative Approval are observed. The Commission references a soil report titled "Wetland and Watercourse Delineation", prepared by William L. Kenny, PWS, PLA Soil Scientist and Alexander Wojtkowiak, Soil Scientist, dated April 15, 2022. Wetland soils found on the property were identified as **Ridgebury, Leicester, and Whitman extremely stony fine sandy loams (3).** Upland soils found on the property were identified as **Ninigret and Tisbury soils (21)**, **Agawam fine sandy loam (29), Udorthents, smoothed (308)**. The scientist identified a small stream with bordering woodland and lawned wetlands that drains southeast to northwest.

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 western and southwestern portions lie within the WPLO boundary (25-year flood boundary) of an unnamed tributary to Dead Man's Brook. Dead Man's Brook is located offsite, ~1000 feet to the west of the subject property.

Based on the existing spot elevations shown on the site survey, the property gradually slopes downward from the southeast corner of the property to the northwest of the property. Site grading and the establishment of new contours will occur mainly around the proposed residence.

Work occurring outside the WPL will be the pool, patios, septic system, drainage system, walkways and driveways. A small portion of the proposed house is the only improvement located within the WPL. The project proposes to convey drainage from roof leaders, patio and driveway surface drains subsurface stormwater galleries sized to handle runoff from the house, driveway, pool, and patios. The house will be constructed with a basement elevation of ~70.00 first floor elevation of 80.00'. The Town's Engineering Department found this design to be compliant. To help mitigate general storm water runoff, the applicant proposes a single row of 3' high winterberry shrubs along the limit of wetlands in the southwest corner of the property, downgradient of the pool. The Flood and Erosion Control Board approved the application on **October 8, 2025,** with no special conditions.

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 ~22.26%, 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 Dead Man's Brook 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. A detail for typical silt fence installation is provided on the site plan. The site plan specifies the utilization of a soil stockpile area enclosed by a single row of silt fence, located north of the proposed house. An anti-mud tracking pad will be installed at the driveway apron. The Sediment & Erosion Control Plan includes a contingency dewatering note for dewatering excavations. The Commission notes there is no designated dewatering area. The Commission requires additional dewatering and water handling methods to be shown on the site plan. The Commission finds the work area is very limited in area to allow the operation for simultaneous work for material stockpiling and excavation and staging of equipment. The Commission requires a construction sequence to limit excessive simultaneous site disturbance.

The applicant provides drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV) and the 25-year storm event. Stormwater calculations are provided in the "Drainage Analysis" report. The calculations demonstrate the proposed stormwater detention system, consisting of 336-linear feet (42 units) of precast concrete stormwater galleries, has a storage volume of 2,157 cu. ft. which is greater than the 1,524.8 cu. ft. required by Town drainage standards for the first 1" of runoff from the 14,075 sq. ft. of new development. 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 Commission notes that test pit data indicates that soil mottling was encountered at 32", and groundwater was encountered at 52" below ground in the area of the proposed pool and house. The Commission anticipates that the excavation for the house foundation (basement floor el. 70.00') may encounter groundwater. The Commission notes the site plan identifies a dirtbag dewatering note on the site plan. The Commission requires a depiction of a designated dewatering area on a revised site plan. The Commission requires a second row of E&S controls in the form of staked haybales along the backside of the section of silt fence closest to the wetland boundary.

Natural Habitat Considerations:

The Commission references 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 no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. The Commission finds the proposed work will have no impact to offsite intertidal areas. At present, The Commission requires no further consultation to evaluate impact to listed species.

The applicant proposes a single row of nine winterberry shrubs as a buffer to the wetlands on the property. The Commission discussed that some herbaceous plants (grasses, ferns, and forbs) within the buffer could be beneficial to water quality and natural habitat. The Commission required a buffer 15-20ft wide of planting or seeding along the southwestern portion of the property, downgradient of the proposed addition. Stormwater and flood water biofiltration would benefit the riparian community of the perennial brook. Flowering plants would be beneficial to pollinators. The plantings would increase the biodiversity of the plant community in the local ecosystem and may have the potential to populate other areas around the brook through seed spread. The Commission requires a performance bond for the planting to be held for one growing season to ensure vitality of the plants.

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 aquatic habitat of the onsite watercourse.

The Commission finds that the risk of sediment release into the resources is mitigated by the utilization of the row of silt fence the project area and a row of silt fence around the soil stockpile as well as the construction

entrance .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.

Town of Westport
Conservation Commission
Conditions of Approval
Application #AA-WPL-12190-25
4 Lantern Hill Road
Assessor's Map: D10 Tax Lot: 112
Public Hearing: October 15, 2025

Project Description: to construct a new single-family residence with attached garage, new accessory structure, new driveway, inground pool and patio, new septic system with associated site improvement. Portions of the work are within the WPL area of an unnamed tributary to Dead Man's Brook.

Applicant: Avind Baur of Kousidis Engineering, LLC
Owner of Record: 4 Lantern Hill Holdings A Delaware LLC

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 #AA,WPL-12209-25 with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.

12. 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.
13. 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.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board October 8, 2025 conditions of approval.
17. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
   a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
   b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
   c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
   d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
   e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e. three (3) or more months.
   f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
   g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

18. Conformance to the Plans Entitled:
   a. Location/ Improvement Survey, prepared for Sorabh Maheshwari, 4 Lantern Hill Road, Westport, Connecticut, prepared by Walter Skidd Land Surveyor, LLC, dated January 13, 2025, Scale: 1" = 20'.
   b. Site Development Plan, 4 Lantern Hill Road, Westport, CT, prepared for Sorabh Maheshwari, prepared by Kousidis Engineering, LLC, dated August 8, 2025, revised September 10, 2025, Scale: 1" = 20'. Sheet 1 of 2.
   c. Sediment & Erosion Control Plan, 4 Lantern Hill Road, Westport, CT, prepared for Sorabh Maheshwari, prepared by Kousidis Engineering, LLC, dated August 8, 2025, September 10, 2025, Scale: 1" = 20'. Sheet 2 of 2.
   d. Drainage Analysis (Report), located at 4 Lantern Hill Road, Westport, CT, prepared for Sorabh Maheshwari, prepared by Kousidis Engineering, LLC, dated August 8, 2025.
   e. Proposed Single Family Dwelling Unit (Architectural Renderings), 4 Lantern Hill Road, Westport, CT 06880, prepared by Sensus Design Studio, dated May 21, 2025.

i.	Proposed Site Plan	Sheet A-0
ii.	Proposed Basement Plan	Sheet A-1
iii.	Proposed Cabana/ Pool Plan	Sheet A-2
iv.	Proposed Second Floor Plan	Sheet A-4
v.	Proposed Roof Plan	Sheet A-5
vi.	Proposed Front Elevation	Sheet A-6
vii.	Proposed Rear Elevation	Sheet A-7
viii.	Proposed Left Elevation	Sheet A-8
ix.	Proposed Right Elevation	Sheet A-9

19. The design engineer shall witness and certify the construction of new drainage features and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
20. The site plan shall be revised to depict a dewatering area.

21. The applicant shall enhance a planted area 15-20 wide with native herbaceous plants. The planting plan shall be submitted for Conservation Staff approval prior to the issuance of the zoning permit. All plants or seeding within the wetland shall be completed by hand.
22. A performance planting bond shall be submitted to the Conservation Department prior to the issuance of the zoning permit. The bond shall be held for one full growing season from the time of planting.
23. The furthest downgradient section of silt fence shall be backed my staked haybales. The haybales shall be implemented prior to the start of excavation activities.

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: Kwong Second: McDowell
Ayes: Kwong, McDowell, Carey-Moody, Lewi, Ryll, Whiting
Nays: None Abstentions: None Vote: 6:0:0

8. **26 Morningside Drive South:** Application #AA,WPL-12219-25 by Lucio Gabriel on behalf of 26 Morningside Builders LLC to add retaining wall to enable grade between house and proposed retaining wall to be closer to level yard. Put fence on top of retaining wall. A portion of the pool patio is under consideration with this permit. Portions of the work are within the WPLO areas of Muddy Brook.

   Scott Kiley, owner, presented the application to level the grade to the rear of the property. The retaining wall respects the 30' setback. He stated that most of the patio meets the setbacks, but a small portion is being asked to be approved to access from the rear of the house. There is some fill. A fence is proposed on top of retaining wall. The Flood and Erosion Control Board wanted a pond liner added behind the wall.

   Mr. Hally asked what the benefit of the retaining wall is.

   Mr. Kiley stated it is a steep slope coming out of the rear of the property. It is a big drop out the rear doors. He bought the properties and the plans. He needs to bring in 2 to 3 feet of fill just to walk out of back door or mow in the rear.

   Mr. Kelly read from subdivision approval for 26 Morningside Drive South. There was no grading. There was concern about flooding and acknowledgement of the sheetflow of the runoff into the floodplain.

   Mr. Hally stated he had no special conditions.

   Mr. Kelly stated there waws a buffer planting installed as part of the subdivision. It has been in for several years.

   Mr. Lewi asked for public comment.

   Ronald Ryzoff, 7 iris lane, asked about the height of the wall and the fence on top. What materials are they using? He asked what happens to the water above the wall since they will be installing the liner. He noted there were trees installed in this area and that two have died and one was replanted into the area. He asked if any other plantings will be installed below the stone wall. There is already a fence within the area.

   Scott Kiley stated the existing split rail fence was installed as a requirement of the Conservation Commission for the subdivision. The retaining wall will be timber and the fence aluminum just high enough to prevent a fall off a 2-foot wall.

   There were no additional public comments.

Motion to close the public hearing.

Motion:	**Carey Moody**		**Second:**	**Lewi**	
Ayes:	**Carey Moody, Lewi, Kwong, McDowell, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

Town of Westport
Conservation Commission
FINDINGS
Application #AA-WPL-12219-25
26 Morningside Drive South
Assessor's Map: G08 Tax Lot: 017
Public Hearing: October 15, 2025

1. **Applicant:** Lucio Gabriel
2. **Owners of Record:** 26 Morningside Builders LLC
3. **Application Request:** The applicant is proposing to construct a retaining wall to enable grade between house and proposed retaining wall, put fence on top of retaining wall. A portion of the pool patio is under consideration with this permit. Portions of the work are within the WPLO areas of Muddy Brook.
4. **Plans Reviewed:**
   a. **Property and Topographic Survey**, prepared for Grand Development LLC, 20 & 26 Morningside Drive South, Westport, Connecticut, prepared by DiMarzo & Bereczky, dated October 8, 2018, Scale: 1" = 20'.
   b. **Site Plan**, 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: 1" = 20'. Sheet C-1.
   c. **Site Plan**, 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: 1" = 20'. Sheet C-1.
   d. **Erosion & Sediment Control Plan**, 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: 1" = 20'. Sheet C-2.
   e. **Notes & Details**, 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: As Notes. Sheet C-3.
   f. **Details-1**, 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: As Notes. Sheet C-4.
   g. **Drainage Report of an Engineered Stormwater System**, for the house & swimming pool project for 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: As Notes. Sheet C-4.
   h. **Wetland Mitigation,** 3-Lot Subdivision, 26 Morningside Drive, Westport, CT, prepared by Jay Fain & Associates, LLC, dated May 08, 2019
5. **Previous Permits Issued**:
   WPL-10567-18
   AA-WPLE-11812-23 – House
   AA-WPLE-12080-25 – Pool
6. **Property Description:**
   a. **Location of 25-year flood boundary:** The WPL is established 15' from the 25-year flood boundary mapped for Muddy Brook (7000-16) on the subject property.
   b. **Property is situated in the Floodway and Flood Zones AE and X** as shown on F.I.R.M. Panel 09001C0414G Map revised to July 08, 2013.
   c. **25- YR Flood Elevation:** 23.3 – 23.7 ft.
   d. **100-YR Flood Elevation:** 23.3 – 23.7 ft.
   e. **Proposed Top of Wall Elevation:** ~28.0 ft.
   f. **Proposed Bottom of Wall Elevation:** ~25.0 ft.
   g. **Proposed Pool Patio Elevation:** ~29.0 ft.

   Aquifer: The subject property is **not within** the Aquifer Protection Zone
   Coastal Area Management: The subject property is **not within** the Coastal Area Management (CAM) zone.

Proposed Storm Water Treatment: The applicant proposes to utilize the existing drainage system of subsurface to account for the patio and retaining wall.

7. **Discussion:**

IWW: The impacts to inland wetlands and watercourses are reviewed administratively because each regulated activity is located outside its respective review area on the subject property. The Commission finds impacts will be mitigated if the standard conditions of an Administrative Approval are observed. The wetland soil associated with the onsite wetland along Muddy Brook is **Saco silt loam (41)**.

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 western end of the property lies within the WPLO boundary (25-year flood boundary) of Muddy Brook. Muddy Brook runs along the western property boundary. A portion of the property is within the FEMA floodway. The property is situated within the flood zone AE. The residential dwelling was constructed in 2024.

The application is proposing to extend the pool patio already permitted under the administrative permit. The applicant proposes to level out the rear yard with a 2-3'-high and ~240' long retaining wall. The existing stormwater management is constructed of precast concrete galleries surrounded by crushed stone. The Town's Engineering Department found this design to be compliant. To help mitigate general storm water runoff, the applicants proposes utilizing a 15' buffer planting extending from the limit of wetlands in the western of the property, downgradient of the wall.

The proposed wall within the WPL will necessitate 6.8 cubic yards cut and fill of compensatory storage. The Flood and Erosion Control Board approved the application on **October 8, 2025,** with one special condition. The special condition was to establish a layer of filter fabric on the upgradient side of the retaining wall.

Water Quality Considerations:

The site plan depicts two layers of perimeter silt fence beyond the limit of disturbance. A detail for typical silt fence installation is provided on the site plan. The site plan specifies the utilization of a soil stockpile area enclosed by a single row of silt fence and an anti-mud tracking pad. The Commission confirms the engineers finding that utilizing the existing precast stormwater retention units on the property to account for the wall and patio would maintain storm water quality.

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 no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. The Commission determines the proposed work will have no impact to offsite intertidal areas. At present, The Commission does not require further consultation to evaluate impact to listed species.

The applicant proposes to utilize the existing buffer planting of native trees, shrubs, and herbaceous plants to serve as the mitigating feature to offset the disturbance of constructing the wall and portion of patio. The Commission finds that mitigation to be acceptable to offset long term potential impacts.

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 aquatic habitat of Muddy Brook.

The nearest proposed limit of disturbance from the installation of the pool and patio is ~30' from the wetland boundary associated with the Muddy Brook. The Commission finds that the risk of sediment release into the

resources is mitigated by the utilization of the double row of silt fence the project area and a row of silt fence around the soil stockpile as well as the construction entrance. 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.

Town of Westport
Conservation Commission
Conditions of Approval
Application #AA-WPL-12219-25
26 Morningside Drive South
Assessor's Map: G08 Tax Lot: 017
Public Hearing: October 15, 2025

Project Description: To construct a retaining wall to enable grade between house and proposed retaining wall, put fence on top of retaining wall. A portion of the pool patio is under consideration with this permit. Portions of the work are within the WPLO areas of Muddy Brook.

Applicant: Lucio Gabriel
Owner of Record: 26 Morningside Builders LLC

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 #AA,WPL-12219-25 with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.

11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board October 8, 2025 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the Plans Entitled:
- **a. Property and Topographic Survey**, prepared for Grand Development LLC, 20 & 26 Morningside Drive South, Westport, Connecticut, prepared by DiMarzo & Bereczky, dated October 8, 2018, Scale: 1" = 20'.
- **b. Site Plan**, 26 Morningside Drive South, Westport, CT, prepared for TKM Group Inc., prepared by DiMarzo Site Engineering, dated August 21, 2025, Scale: 1" = 20'. Sheet C-1.
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- **h. Wetland Mitigation, 3-Lot Subdivision, 26 Morningside Drive, Westport, CT, prepared by Jay Fain & Associates, LLC, dated May 08, 2019**

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: Lewi **Second: Kwong**
Ayes: Lewi, Kwong, Carey-Moody, McDowell, Ryll, Whiting
Nays: None **Abstentions: None** **Vote: 6:0:0**

Work Session:

1. Receipt of applications

Mr. Kelly stated that there were no applications to receive. The submission deadline is tomorrow, October 16, 2025. Staff has met with 5 applicants about potential projects that we are expecting to be submitted. He expects another full agenda.

2. Approval of June 4, 2025 Special Meeting minutes.

The June 4, 2025 Special Meeting minutes were approved as submitted.

Motion:	**Whiting**		**Second:**	**Ryll**	
Ayes:	**Whiting, Ryll, Kwong, McDowell**				
Nayes:	**None**	**Abstentions:**	**Carey Moody, Lewi**	**Vote:**	**4:0:2**

3. Approval of September 17, 2025 meeting minutes.

The September 17, 2025 meeting minutes were approved as submitted.

Motion:	**Lewi**		**Second:**	**Kwong**	
Ayes:	**Lewi, Kwong, Carey Moody, Whiting**				
Nayes:	**None**	**Abstentions:**	**McDowell, Ryll**	**Vote:**	**4:0:2**

4. **60 Cranbury Road:** Request for bond release being held for plantings required by Permit #IWW,WPL-11084-23.

Mr. Hally reviewed a request for bond release being held for plantings. He inspected the property earlier in the day. The plantings have been in for a full growing season and are thriving. There is a greater that 80% survival rate. He recommended release of the bond.

Motion to release the bond.

Motion:	**Carey Moody**		**Second:**	**Lewi**	
Ayes:	**Carey Moody, Lewi, Kwong, McDowell, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

5. **6 Meadow Brook Lane:** Request for bond release being held for plantings required by Permit #IWW,WPL-1252-21.

Mr. Kelly presented a request for bond release being held for plantings. He indicated that previous inspections showed the owners were not following the plan by mowing within the easement. Nathan Hartshorne gave the owner an education on the buffer and its benefits. The meadow area has been allowed to grow and naturalize. Mr. Kelly stated he believes the result meets the intent of the Commission and recommended release of the bond.

Motion to release the bond.

Motion:	**Carey Moody**		**Second:**	**Lewi**	
Ayes:	**Carey Moody, Lewi, Kwong, McDowell, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

6. **32 Edgewater Hillside:** Request for bond release being held for plantings required by Permit #WPL-11888-24.

Mr. Kelly reviewed a request for bond release being held for plantings. The inspection showed that the plants appear to be thriving and recommended release of the bond.

Motion to release the bond.

Motion:	**Kwong**		**Second:**	**Lewi**	
Ayes:	**Kwong, Lewi, Carey Moody, McDowell, Ryll, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

7. Other Business

a. Mr. Kelly reminded members that the CACIWC Annual Meeting is coming up on November 15, 2025. If interested in attending, please let Ms. Johnson know so registrations can be sent.

b. Mr. Kelly discussed with the Commission that Mr. Hartshorne would like to have a separate meeting with the Commission to discuss the nature of the violations he is seeing and discuss expectations for remediation and compliance.

c. Mr. Kelly discussed with the Commission that when he took the position of Director, there were goals to move forward including:

- Adopting a new fee schedule, which was successfully done;
- Updating the regulations, which have not been amended in 20 years;
- Generating more conservation minded activities; and
- More public education.

To that end, he proposed that the Commission have two meetings a month. Our regularly scheduled meeting would be to address the business of the Commission and permitting. The second meeting would be more educational, learning and administrative. This could be on Zoom or in person but would be a Public Meeting rather than a Public Hearing.

The October 15, 2025 Public Hearing of the Westport Conservation Commission adjourned at 10:55 p.m.

Motion:	**Kwong**		**Second:**	**Ryll**	
Ayes:	**Kwong, Ryll, Carey Moody, Lewi, McDowell, Whiting**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**