



WESTPORT, CONNECTICUT

FLOOD & EROSION CONTROL BOARD

TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341 1120 www.westportct.gov

MINUTES

Flood & Erosion Control Board Meeting of June 4, 2025

Present for the Board: Ricardo Ceballos, PE (Chair)
Robert Aldrich
Tania Dimyan (Alternate)
Clarinda Higgins (Alternate, served until 9:55 pm)

Present for Department of Public Works: Edward Gill, Engineer I
Kevin Desjardins, Engineer I
Keith Wilberg, Town Engineer (Until 10:00 pm)

NOTE: The first item on the agenda was a joint hearing of the Flood & Erosion Control Board with the Conservation Commission. Portions of the meeting pertaining to either the F&ECB or to both bodies have been included in these minutes. Portions pertaining exclusively to the Conservation Commission have not. For details on the Conservation Commission hearing and decision, refer to meeting minutes from the Conservation Commission, or the audio recording of the full F&ECB meeting, which includes the entirety of the joint hearing.

Ricardo Ceballos, Chair, opened the meeting at 7:08 pm.

Joint Public Hearing of F&ECB and Conservation Commission

1. **13 Hyde Lane / WPL-12151-25;** Application of the Town of Westport, to construct a new elementary school, parking lot, athletic fields, playgrounds, and associated site and utility work. The proposed activity is partially within the WPL area of an unnamed tributary to Muddy Brook.

The application was presented by the Long Lots School Building Committee, as well as design professionals from SLR and FCA.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the application met Town drainage requirements, and had met the stricter standards including runoff reduction up to a 100-year storm, compliance with the 2024 CT DEEP Stormwater Quality Manual, significant reductions in runoff as opposed to just meeting the no-net-increase standard, and specifically implementing improvements along the property boundaries to limit impacts to neighboring properties. He said that the project complied with all Town requirements, and he would recommend approval.

The Chair asked if there were any questions from the Board. There were questions from the Board regarding documented flooding on downstream properties, the possibility of controlling offsite flow on the subject property, and whether flooding in Muddy Brook reaches the school project.

The Chairs asked if there were any comments from the Public.

Janine Scotti of 36 Riverside Avenue commented regarding the proposed hydrodynamic separator, maintenance of the proposed drainage systems, the possibility of increasing Town drainage standards, and the impact of a potential lack of maintenance in the future.

Wendy Batteau of 6 Arlen Road, RTM Member District 8, commented regarding grass and artificial turf athletic fields, the environmental impact of artificial turf, and the risks of that turf for bringing mosquitos and creating a toxic soup.

Jennifer Johnson of 28 Tamarac Road, RTM Member District 9, commented regarding the 100-year storm design, input from neighbors, and public comment after the meeting, as well as safety, drainage, and air quality during construction.

Joe Nader of 36 Westfair Drive commented regarding the improvements implemented on behalf of neighbors and the exceeded drainage standards, as well as drainage on the lower athletic fields.

Toni Simonetti of 27 Evergreen Parkway commented regarding the presentation documents that had not been posted, runoff from Trailing Rock Road, the tiers of the property and their ownership, the possibility of using athletic fields as flood controls, impermeability and toxicity of artificial turf, the proposed rain garden, and soil remediation on the site.

Ellen Lautenberg of 10 Woody Lane, RTM Member District 7, commented regarding trees, the landscape buffers, and a site walkthrough with neighbors on these topics.

Valerie Seiling Jacobs of 11 Compo Parkway commented regarding the possible use of athletic fields as storm drainage, the potential for future use of artificial turf, and the possibility of including a pollinator garden.

Sam Anderson of 29 Hyde Lane commented regarding the proposed berm along the northern property line, drainage for the northern athletic fields, drainage on Hyde Lane, landscaping along the north property line, parking and landscaping across the frontage of the property on Hyde Lane, landscaping around the building, and landscaping buffers around the north field.

Colin Kelly read into the record written comments submitted for the application regarding artificial turf.

There were additional questions from the Board regarding Muddy Brook and artificial turf.

The Board closed the public hearing and went into work session.

DECISION: Proposed Project Approved, 4(Y)-0(N).

After the conclusion of the above hearing, the Conservation Commission adjourned and left the meeting.

Public Hearing

Prior to continuing the agenda items for the F&ECB Public Hearing, Edward Gill told the Board that F&ECB Alternate Rindy Higgins had notified him she needed to leave the meeting after the approval of the above application.

Mr. Gill also said that there was a significant discrepancy in the expected length of applications on the agenda, and he would recommend that the two longer applications for 107 Old Road and the Hamlet be moved to be the final two items heard, after the other four items on the agenda, which could remain in the order they were on the agenda. The Board discussed amending the agenda in accordance with Mr. Gill's recommendation. The Board voted to amend the agenda according to Mr. Gill's recommendation, 3(Y)-0(N).

2. **40 Compo Beach Road / WPL-12124-25**; Application of David Giorlando on behalf of the owner, Michele Cardello, to construct a pool cabana. The proposed activity is within the WPL area of Gray's Creek.

The application was presented by Justin Giorlando of Force Engineering, on behalf of the owner, Michele Cardello.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the project complied with Town requirements and he recommended approval.

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

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

The Board closed the public hearing and went into work session.

The following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 8, 9, 10, 11, and 12.

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

Prior to continuing the public hearing, Ellen Lautenberg of 10 Woody Lane, RTM Member District 7, raised a concern that the application on the agenda for 107 Old Road would not be heard for some time, and that neighbors who may have wanted to provide public comment may not be able to stay on the meeting, as well as raising the concern about whether the Board would be able to start additional items after a certain hour if they had a policy in place. Mr. Gill responded that the Board could vote to amend the agenda again to hear the longer items first if they wished to. The Board discussed holding the longer or shorter items first.

The Chair noted that the application for 107 Old Road may not be able to be continued. Mr. Gill said that while that had been stated at the previous meeting, he had since confirmed that is not the case, and the Board had time to continue any of the applications on the agenda to

future meetings if they needed to. The Chair said that the Board should continue hearing applications in the order they had voted for earlier with the shorter applications first.

3. **125 Riverside Avenue / WPL-12127-25**; Application of Lucien Vita on behalf of the owners, 125 RA LLC, to construct a new single-family residence and a detached accessory dwelling unit. The proposed activity is partially within the WPL area of the Saugatuck River.

The application was presented by Bryan Nesteriak of B&B Engineering and Azure Dee Sleicher of RACE Coastal Engineering on behalf of the owners, 125 RA LLC.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that while the project complied with all applicable Town requirements, he did note that he would strongly recommend that the applicant lift the lowest level of the proposed ADU to be above the adjacent flood zone BFE of 10.0, but because the building was outside of the flood zone and was separated by intervening high ground, this was not a requirement. He reiterated that the project met Town requirements, and he recommended approval.

There were questions regarding the existing site flooding, runoff, and impacts to neighboring properties.

The Chair asked if there were any questions from the Public.

Louis Mall of 30 Ludlow Road, RTM Member District 2, commented regarding the clear cutting and construction at 79 Riverside Avenue, the historic value and age of the house to be demolished, the lack of Town protection for the river, the existing flooding on the property, the removal of trees on the property, protection of trees on neighboring properties.

Charles Tirreno of 137 Riverside Avenue commented regarding the existing, regular flooding on the site, the proposed retaining wall being a sea wall, fill on the property, the removal of trees on the site, the lack of any Town body to regulate clearing of trees, the potential impacts to trees on neighboring property, the endangered species habitat in danger, and the lack of significant punishments for violating the Waterway Protection Line Ordinance.

Mr. Gill showed pictures to the Board that had been shared by Charles and Mary Tirreno showing the existing conditions and flooding at 125 Riverside Avenue.

Wendy Batteau of 6 Arlen Road, RTM Member District 8, commented regarding support for Mr. Mall and Mr. Tirreno, the discussions with the previous Flood Board Chair about changes to the Waterway Protection Line Ordinance, consideration of trees as erosion control devices, environmental impacts of the proposed development.

Mr. Mall asked if the project had been approved by CT DEEP for the retaining walls along the river.

The Board closed the public hearing and went into work session.

The Board discussed the erosion controls and the proposed retaining walls along the river.

The following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and 12.

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

4. **1 Riverview Road / WPL-12141-25**; Application of John Hilts on behalf of the owner, 1 Riverview LLC, to construct a new dock and steps. The proposed activity is within the WPL area of the Saugatuck River.

The application was presented by John Hilts on behalf of the owner, 1 Riverview LLC.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the project complied with Town requirements and he recommended approval.

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

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

The Board closed the public hearing and went into work session.

The following Standard Conditions of Approval were deemed necessary: 1, 2, 8, 9, 11, and 12.

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

5. **Lee's Pond Dam / WPL-12152-25**; Application of Young Men's Christian Association of Westport/Weston, CT, DBA: Westport Weston Family YMCA, to repair deficiencies in an existing dam. The proposed activity is within the WPL area of the Saugatuck River.

The application was presented by Lynn Rae and Rebecca Madsen of Fuss & O'Neill on behalf of the owner, Young Men's Christian Association of Westport/Weston, CT, DBA: Westport Weston Family YMCA.

Per the Chair's request, Edward Gill summarized the Engineering Department's review. He said that the project complied with Town requirements and he recommended approval.

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

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

The Board closed the public hearing and went into work session.

The following Standard Conditions of Approval were deemed necessary: 1, 2, 8, 9, 11, and 12.

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

Prior to continuing the public hearing, Ellen Lautenberg of 10 Woody Lane, RTM Member District 7, requested that the application on the agenda for 107 Old Road be continued due to the

lateness of the hour, the fact that only 3 members of the Board were present, and that while several neighbors were on the meeting, some had left and would not be able to participate. Mr. Gill noted that the application should be opened before the Board made any decision, but that while some neighbors were not present, the Board had received significant public comment at the last meeting, as well as comments in writing prior to this meeting, several neighbors were still present to provide additional comments, and that at the previous meeting, the Board had continued the application specifically stating that they wanted to provide the neighbors time to provide an engineering report opposed to the development. The Board had received that report as well as a response from the applicant, and he would recommend that the Board open the application to discuss, hear all of the new information being provided, allow public comment, and only then determine if they had enough information to deliberate and vote or continue.

6. **107 Old Road / WPL-12126-25**; Application of Andy Soumelidis on behalf of the owner, George Tsionis, for a 4-lot subdivision and construct a new roadway. The proposed activity is partially within the WPL area of an unnamed tributary to Sasco Creek.

Andy Soumelidis of LANDTECH summarized the currently proposed application and some of the history of the application up to the current application, and noted that no new plans were provided because no additional information as requested by the Board at the last meeting.

Per the Chair's request, Edward Gill summarized the Engineering Department's review of the engineering report prepared by Trinkaus Engineering on behalf of a neighboring property owner. He said that the majority of comments did not relate to the regulations adopted by the Town of Westport, but that there were comments related to the modeling of the pervious paver roadway in the Drainage Report that he agreed with and would require the applicant to address prior to obtaining Planning & Zoning approval. He said that the additional previous comments from the last month remained the same, and that he would recommend approval with the understanding that those comments would be addressed, and if any changes were made that would impact F&ECB requirements, the applicant would need to return to the F&ECB.

Mr. Gill then summarized a history of the past Flood Board reviews of subdivision applications on the subject property to correct the record from the previous meeting, and noted that he found six hearings where a subdivision application for 107 Old Road had been heard by the Flood Board, not including the current application and its first hearing on May 7, 2025, and at summarized the decisions and reasons provided at each meeting, showing that while neighbors said the Flood Board had denied previous applications, the Flood Board had approved a 3-lot subdivision and two variations of a 4-lot subdivision, and had never denied an application for a subdivision, and that previous denials had been received from the Conservation Commission, not the Flood Board.

Mr. Gill recommended that the Board consider the application in front of them, the report from the engineer hired by neighboring properties, the responses from the applicant, and public comment, but that from his review based on Town of Westport regulations, he would recommend approval of the application.

The Chair asked if there were any questions from the Board. There were questions from the Board regarding the report from Trinkaus Engineering and the response to the report from LANDTECH.

Mr. Soumelidis noted that the engineering report from Trinkaus Engineering was not an independent review, as it was commissioned by neighbors in opposition to the application and was provided with the goal to poke holes in the application.

There were additional comments from the Board regarding the proposed roadway bridge and its foundations.

The Chair asked if there were any questions from the Public.

Steve Trinkaus of Trinkaus Engineering spoke regarding the report he provided to the applicant and the Board, and said he disagreed with the Engineering Department's statement that the CT DEEP 2024 Stormwater Quality Manual was not a governing regulation in Westport, because the CT MS4 General Permit required towns to adopt the manual, and it was the responsibility of the design engineer to meet the standards therein regardless of the Town adopting the manual. He also said that the drainage designs utilized soil testing that should not be acceptable, that the drainage systems needed to be shown to work, and that his review should be considered independent.

Mr. Soumelidis noted that all plans had been provided in accordance with regulations adopted by the Town of Westport, and that while some revisions were noted by the Engineering Department at the previous meeting, they were minor and could be addressed prior to Planning & Zoning approval, which is why no additional revised plans had been provided for this meeting. He noted that the soil testing had been done with the Engineering Department there to witness, which Mr. Gill confirmed. Mr. Soumelidis also said that the subdivision plan also only specifically included the roadway and the drainage for the roadway, whereas the individual lots and the drainage designs on them were to show the viability of the lots, and specific drainage would need to be designed and approved by the Engineering Department for any permits to develop those lots in the future.

Tim Lester of 8 Forest Drive commented regarding the potential impacts to groundwater, concerns related to pervious pavers and the roadway going through the wetlands, and he recommended denial, and said that the applicant had not addressed feasible and prudent alternatives.

Dan Rubenstein of 9 Mallard Lane commented regarding existing flooding and erosion concerns, groundwater impacts to his property, erosion controls for the proposed development, and the cutting of trees, and urged denial of this application.

Augie Wilkinson of 11 Mallard Lane commented regarding the illegal cutting of trees, and the lack of governance from Town Hall.

There was a question from the Board about what illegal clearing of trees had been done. Mr. Gill responded with a history of the work that had been documented on the site since 2020, including work without permits, a Stop Work order from the Building Department, a Planning & Zoning Notice of Violation, and a Conservation Department Notice of Violation, and a note from the Engineering Department concerning a broken septic system, and that the Health Department had been involved with handling the broken septic system, and that none of this was in the Flood Board's purview. He noted that while removal of trees could impact drainage, there is no standard for installing subsurface drainage to address cutting of trees, so while drainage impacts from trees are important, the primary concern should remain the environmental impact of the removal of trees.

There was a question from the Board regarding the grading on the property without permits, whether that was shown on the surveys, and whether that impacted the proposed activity or neighboring properties.

Mr. Soumelidis also noted that the septic that had been impacted was for a pool house that was removed so no new septic had to be approved to replace the one removed, and other violations were addressed with the departments they came from.

Ellen Lautenberg of 10 Woody Lane, RTM Member District 7, said that she did not think prior approvals should be considered while reviewing the current application.

Mr. Gill said that he agreed, and that he did not mean for the history of past applications to impact how the Board reviewed the current application, and that he had described those applications and their history only to correct the record about claims of past denials. He said that the current application had to be considered by the Board on its own merit.

Gurpreet Singh of 105 A Old Road commented regarding existing flooding in the wetlands, his sump pump, and the possible impacts to neighboring properties from the proposed activity.

Nikolas Zografos of 10 Forest Drive commented regarding existing water problems in the neighborhood and in the wetlands, and that while the Engineering Department had noted that the applicant could not make anything worse but would not be required to make things better than they currently are, he said that as a lay person he did not understand how things could not be made worse by the proposed activity. He also had concerns about what could be done in the future if things were made worse once the project is completed.

Mr. Gill said that if the applicant followed the plans the Board was reviewing, the drainage would not be made worse, and if the neighbors felt drainage or flooding were made worse, they should contact the Engineering Department to investigate whether the drainage complied with the plans that were approved. He did note that there was a long history of existing flooding problems in the area, as noted by the neighbors in the past and at this meeting, and that he could investigate, but it would also be incumbent on them to document the existing flooding if they wanted to make the case that it was being made worse, and he would encourage that if they felt that there was a likelihood of problems, they should document the existing flooding concerns and bring any issues they experience to the Engineering Department.

The Board had questions regarding the ability to adopt drainage standards that would require applicants to address existing flooding to make things better rather than no-net-increase, and the possibility of impacts to the groundwater table.

The Chair said that if the applicant provides plans and calculations to show that there will be no impact, and those plans and calculations comply with Town standards, that the Board had to trust that the result would be what the engineering shows us it would be, and the Board would need to approve.

Paolo Ferrari of 12 Hunt Club Lane commented that he did not think the Board's job should be to trust the applicant, but to challenge the applicant.

The Chair responded that he did not mean trust, but that the Board's job was to confirm that the design met the Town requirements, and that in the Board's review,

they had analyzed all engineering aspects, and it was not a blind trust, but a review in accordance with adopted regulations and engineering practices. He also said that the drainage standards of Westport were also comparable to similar regulations adopted across the county and the state, and that while Westport has its own regulations, they are not unlike regulations throughout the region.

Mr. Gill also noted that he agreed and viewed his own role in the Town of Westport and in reviewing applications for the Board as one where he is supposed to challenge applicants and poke holes in their plans, but that once he had done so, he could not do it indefinitely, and if the applicant addresses the concerns he raises, he could not recommend denial or continuation for no reason. He said that because the remaining comments he had did not amount to any significant change to the proposed drainage, he could not recommend denial or continuation of the application at this point because to do so would be to hold this applicant to a different standard than other applicants. He did encourage neighbors to continue to bring concerns to him and the Engineering Department, regardless of Flood Board's review or approval.

Gurpreet Singh of 105 A Old Road asked a question regarding the soil testing and depth to groundwater.

There was a question from the Board regarding the proposed roadway bridge and the portion that overhangs and crosses wetlands.

The Chair asked if there were any additional comments from the public.

Mr. Gill read into the record an email from Adam Glazer of 105 Old Road, as well as a petition that had been sent to him in opposition to the subdivision. Mr. Gill noted that some of the statements in the petition appeared to be applicable to the Conservation Commission and were not all applicable to the Flood Board.

Dan Rubenstein of 9 Mallard Lane commented that the petition was also meant to address Conservation Commission issues.

The Board discussed their support for the neighbors to advocate for themselves and to bring their environmental concerns to Conservation. There was a question from the Board regarding the future meetings required for the applicant after Flood Board, whether any possible changes to the application would need to come back to the Flood Board.

The Board closed the hearing and went into work session.

The following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 8, 9, 10, 11, and 12.

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

Prior to continuing the public hearing, Toni Simonetti commented that she did not think it was appropriate for the Board to continue with their agenda to hear the Hamlet due to the late hour and the possibility that people from the public were not in attendance, and that this agenda had been overloaded. Mr. Gill responded that the application had been with the Board for two months, that in that time no written comments had been received for Flood Board, that public comment had been received at the hearing last month, that there were two commenters at the last meeting, and that both of those commenters were in attendance this time as well.

7. **601, 606, and 609 Riverside Avenue, 91 and 96 Franklin Street, and 2 and 16 Railroad Place / WPL-12098-25;** Application of Eric D. Bernheim on behalf of the contract purchaser of the above properties, ROAN Development Ventures LLC, to redevelop the properties to create “the Hamlet,” a mix of commercial and residential uses in the Saugatuck area. The proposed activity is partially within the WPL area of the Saugatuck River.

Per the Chair’s request, Edward Gill summarized the Engineering Department’s review of the documents received since the last meeting. He said that the revisions addressed all of the comments that he had read into the record at the May 7, 2025 meeting, and that he had eight new comments, which he read into the record.

There were questions from the Board regarding the drainage comments from the Engineering Department, whether CTDOT review had been completed, a sedimentation and erosion control monitor, the tunnel that had been removed from the plans, the Letter of Map Revision (LOMR) recommendation from the Engineering Department, and whether the stormwater would be separate from the sanitary sewer.

The Chair asked if there were any questions from the public.

Dara Lamb of 21 Sea Spray Road commented regarding the many open questions from the previous meeting, questions that had been posed by the Planning & Zoning Commission, that the Westport Alliance for Saugatuck had experts waiting to review the applicant’s plans, but that they would not deploy them until they knew that the plans were complete and not continually fluid and changing, and they requested a date certain from the Planning & Zoning Commission to have complete plans that would not change, so they could have their expert review the completed plans. She also noted that while the tunnel had been eliminated, that the applicant may bring it back, and she was not convinced that it would not be put back onto the plans. She also said she had concerns regarding the wet garage, contaminants in water that would be able to flow around the cars there, forces on the wet floodproofed garage structure, the flood door to the western garage, and how the west garage would stay dry and prevent rain from entering the dry floodproofed garage.

Mr. Gill said that the request for additional time for neighbors to hire their own engineer was understandable, but that the request to wait until the applicant had final plans that would never change was an impossible standard, as the plans can always change. Some changes are minor and do not impact any actual requirements, and some are major and necessitate a new approval. Field changes could also be considered changes to plans, and it is standard practice even in much smaller, less complex projects that field changes need to occur, and may only need updated approvals if they include changes to things that were specifically of note in a specific approval. As such, setting the bar that plans could never be changed was not a reasonable standard to set in his opinion, and that there had been plenty of time for review of plans, and while each new updated submission is a new set of plans, the changes are not representing an entirely new project, but individual revisions to plans that had already been reviewed would not be fair to treat as an entirely new application.

Dara Lamb said that Planning & Zoning had received revised plans as late as two days before this Flood Board meeting, and that was not enough time for the Saugatuck Alliance to review them to determine if there were impacts to flooding created by those changes.

Toni Simonetti of 27 Evergreen Parkway commented that she had not seen the Engineering Department's review in writing and she had not been able to follow his comments, and she did not follow all of the changes to the plans since the last month, that she did not know what it meant for the tunnel to be gone, that there were additional issues related to the marina, and that the Board should explain these issues to the public. She said one of her number one concerns was the river and the impacts of this application to the river, and she did not wish the Saugatuck River to turn into the Mississippi River.

Janine Scotti of 36 Riverside Avenue commented that she did not understand why the CT DEEP approval was the only important thing for the Flood Board, that she would equate the tunnel on this application to the astroturf on the application for Long Lots School, and that she was concerned that at the beginning of the meeting there were many more people who were no longer on the meeting, so they may have wanted to comment on this application.

Mr. Gill begged anyone and everyone with concerns about flooding and drainage to call, email, or visit him in Town Hall to discuss their concerns, because that was his job, and if the concerns are only brought up at meetings, they cannot go into the personalized level of detail needed for any one individual, but that many of these concerns were addressed on the plans and were addressed in his review, and that the issues were also regulated by bodies other than the Flood & Erosion Control Board, and that the Flood Board could not continue a project for no reason, they would need to request some new information if they needed it, but that in his review, he found none and would recommend that the Board approve the project with the conditions he noted in his review.

Toni Simonetti requested that Mr. Gill send her his comments in writing. She said that his comments had been posted prior to the last meeting. He said that he had never posted his own comments online in the past, but he could if there was interest in them, and he would send his comments to anyone who requested them.

Toni Simonetti said that not enough time had been given to the Town or public to review the revised plans. Mr. Gill responded that he felt he had adequately reviewed the plans that were provided to the Board, and if he did not, he would recommend the Board continue the application, but that he did review them, he did not find any issues that would preclude Flood Board approval, and he would recommend approval.

The Board closed the hearing and went into work session.

The Chair said that he felt the Engineering Department's review was very thorough and complete. He also believed that the plans presented met the requirements they were intended to meet, but that he did take into consideration what the public was saying about not having enough time. He said that the last time the Board reviewed this project, the plans lacked a sufficient level of detail, but this time, he felt the Board should give the neighbors more time to review the plans. The Chair said he felt it would be fair to allow additional time for the public to review the plans.

The Board discussed concerns about the changes made due to the removal of the tunnel, The potential for changes that would impact Flood Board approvals due to financial reasons.

Mr. Soumelidis noted that due to the timing of other approvals, a continuation of the Flood Board hearing would preclude them from obtaining Planning & Zoning approval prior to their statutory time limits.

Janine Scotti pointed out that the applicant could withdraw and resubmit their Planning & Zoning application.

Mr. Soumelidis said that plans had been with the Town for many months, albeit in an evolving form, but that was the nature of land use permitting, and changes were being made to address comments and requests from Town Boards and Commissions, and the request for only final plans to be reviewed would not be fair or realistic.

The Chair said that the Board was in work session and should not be receiving any comments from the public or the applicant.

Rick Costantini, attorney for the applicant, said that it was his understanding that the Board had voted to close the public hearing already, and that for that reason, they could not hear any additional comments from the public or the applicant.

The Chair agreed and reiterated that he still felt that the Board should allow time for the public to review and provide their comments. The Board agreed. The Board asked if they could set up an interim meeting to review comments from the public.

Mr. Gill said that he would not recommend setting a meeting too close to the meeting tonight if they felt that not enough time had been given, but that he also did not recommend continuing the application to allow neighbors to hire an engineer only to review complete plans because that was not a standard that was possible to meet.

The Board discussed allowing more time for the public to review the plans and the lateness of the hour.

Attorney Costantini asked for clarification because the Board could not reopen the public hearing at a future meeting.

The Chair asked what the procedure would be to continue the application and reopen a public hearing.

Mr. Gill said that he recommended the Board request that information from the Town Attorney, but he believed it was correct that to close a public hearing could not be undone. Mr. Gill said he believed that the Board could approve, deny, or continue the application, but not request additional information, as additional information cannot be requested once the Board had voted to close the public hearing.

The Chair moved to continue the application to the next month and to request information from the Town Attorney to determine whether or not they could reopen the public hearing.

Mr. Gill also noted that there was a second part to the application, because in addition to an approval or denial of work under the Waterway Protection Line Ordinance (WPLO), the Board was also requested to send a recommendation to the Planning & Zoning Commission. The Board discussed providing a recommendation to the Planning & Zoning Commission. The Chair recommended that they stay consistent and send a recommendation to the Planning & Zoning Commission that is the same as their determination under the WPLO.

The Chair said that they would only extend the hearing a maximum of one month for the neighbors to review.

The Board discussed what to do if they received the response from the Town Attorney that they could not reopen the public hearing. They agreed that if they are not allowed to reopen the public hearing, they would schedule a special meeting sooner than the next month's regular meeting to deliberate and vote on the application.

The Chair revised his previous motion, and moved to continue the application.

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

The meeting was adjourned at 2:11 am.

Respectfully submitted,

Ricardo Ceballos, PE, Chair

Flood & Erosion Control Board

RC/eamg

Cc: First Selectwoman, Town Attorney, Public Works Director, Planning & Zoning Director, Conservation Director, RTM Moderator, Chair of RTM Environment Committee, Chair of RTM Public Works Committee, Applicants, minutes@westportct.gov

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STANDARD CONDITIONS OF APPROVAL:

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