



Town of Westport  
Planning and Zoning Commission  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Tel: 203-341-1030 Email: [pandz@westportct.gov](mailto:pandz@westportct.gov)  
[www.westportct.gov](http://www.westportct.gov)

July 1, 2025

*The following meeting of the Planning & Zoning Commission was held remotely using Zoom Technology*

## Planning & Zoning Commission Meeting

June 2, 2025

Remote Meeting

Meeting Started: 6:00 P.M.

**P&Z Members in Attendance:** Paul Lebowitz, Neil Cohn, Michael Cammeyer, Amy Wistreich, Michael Calise, John Bolton, Patricia Zucaro, Bre Injeski

**Town Staff:** Michelle Perillie, Planning and Zoning Director

### I. PUBLIC HEARING

*(The following will be discussed and voted on as time permits. The public may observe and participate at the public hearing.)*

1. **601, 606, and 609 Riverside Ave, 91 and 96 Franklin St, 2 and 16 Railroad Place (The Hamlet at Saugatuck):** Special Permit/Coastal Site Plan #PZ-25-00067 submitted by Eric D. Bernheim, Esq. FLB Law, for property owned by Robert Sloat, Hanes Realty Corp, TGN Properties LLC, Railroad Place of Westport LLC, for Special Permit/Coastal Site Plan approval for a mix of non-residential, hotel and residential uses as part of an integrated site development, for property located in the General Business District/Saugatuck Marina (GBD/SM), PID # C06002000, B05101000, C05001000, B05097000, B05096000, C05003000, B05100000. *(Must close by 6/18/25 w/ 65 day ext)*

Continued from 3/10/25 and 3/24/25 with testimony received, continued on 3/31/25 without testimony to 4/7/25 and further continued to 4/28/25, 5/5/25, 5/19/25 and 6/2/25. Testimony received from applicant, Commission and members of the public. Continued to 6/11/25.

B. Injeski left. J. Bolton joined the meeting.

2. **Text Amendment #852 :** #PZ-25-00223 submitted by Richard W. Redniss, FAICP, to modify Sec 5, Specific Terms, to modify the Definition of Special Needs Individuals; to modify Sec. 32-27, Special Needs Housing, to permit a General Development Plan on State and Town owned property and to authorize the Planning and Zoning Commission to reduce Setback up to five (5) feet on Town owned land; and Sec. 39A, Inclusionary Housing Overlay District, to permit offsite affordable housing at the discretion of the Planning and Zoning Commission with standards for review. A copy of the text

amendment is available on-line at [www.westportct.gov](http://www.westportct.gov) on the Planning & Zoning Office web page under "P&Z Pending Applications & Recent Approvals." A copy may also be viewed at Town Hall, 110 Myrtle Ave., in the Town Clerk's Office and Planning & Zoning Office.

Continued from 5/12/25 with testimony received and further continued to 6/2/25 with no testimony received. Continued to 6/23/25.

3. **980 Post Road E:** Special Permit/Site Plan Appl. #PZ-25-00086 submitted by Apple Montessori Schools, LLC, for property owned by Sterling Development Company of Connecticut, LLC, to convert an existing commercial building into a private school and to utilize an "Other" parking standard pursuant to Section 34-5 of the Zoning Regulations, located in the Highway Service District( HSD) and A district, PID #F09058000.

Continued from 5/5/25 with testimony received and further continued to 6/2/25 with no testimony received. Continued to 6/30/25.

4. **11A River Oaks Rd:** Special Permit/Site Plan Appl. #PZ-25-00176 submitted by Dean E. Martin, P.E., for River One Building Co, LLC for Excavation and Fill, for single family dwelling, septic, and drainage, located in the Residence AA district, PID #F06004000.

All Commissioners in attendance sat on the item. A motion to approve the application was made with a recommendation that remediation be completed as requested by the neighbor.

**Motion to Approve:** A. Wistreich (2<sup>nd</sup> N. Cohn)

**Vote:** (7-0) AYE: P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, M. Calise, J. Bolton, P. Zucaro

*See Resolution attached*

M. Calise left the meeting.

5. **12 Evergreen Ave:** Special Permit/Site Plan Appl. #PZ-25-00225 submitted by Sean Gerrity of Glengate Company, for Boris and Christine Bystrov for Excavation and Fill related to construction of an approximately 20' x 40' inground gunite pool and stone retaining wall located in the Residence A district, PID #D10078000.

All Commissioners in attendance sat on the item.

**Motion to Approve:** N. Cohn (2<sup>nd</sup> P. Zucaro)

**Vote:** (6-0) AYE: P. Lebowitz, N. Cohn, M. Cammeyer, A. Wistreich, J. Bolton, P. Zucaro

*See Resolution attached*

## II. WORK SESSION

*(The following will be discussed and voted on as time permits. The public may observe but may not participate.)*

**Old Business:** None

**New Business:**

6. **Discussion of proposed modification to §5-2, Specific Terms, to add a minimum 10 foot separation between an Accessory Dwelling Unit (ADU) and a principal dwelling excluding a covered walkway.**

The Commission voted unanimously to submit this text amendment as a formal application.

**The meeting concluded at 10:38pm.**





**WESTPORT**

**Town of Westport  
Planning & Zoning Commission**

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Meeting: June 2, 2025  
Decision: June 2, 2025

June 5, 2025

Dean Martin, P.E.  
Grumman Engineering  
20 Knight Street  
Norwalk, CT 06851

**RE: 11A River Oaks Road, Special Permit/Site Plan Appl. #PZ-25-00176 for Excavation & Fill**

Dear Dean Martin P.E.:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on June 2, 2025, it was moved by A. Wistreich and seconded by N. Cohn to adopt the following resolution:

**RESOLUTION #PZ-25-00176**

WHEREAS, THE PLANNING AND ZONING COMMISSION met on June 2, 2025 and made the following findings:

**FINDINGS**

Property Description/Background

1. 11A River Oaks Road is a 1.29-acre lot located in the Residence AA (1.0-acre) zoning district. The lot has remained vacant since the resubdivision approved by the P&Z Commission on December 28, 2004 shown on MLR Map #9676.
2. There are 2,933 SF of steep slopes and 11,861 SF of wetlands located on site. The property is serviced by a private sewage disposal system (septic). Muddy Brook, located at the rear of the property lies within the 100-year floodplain designated AE, with a Base Flood Elevation (BFE) of 10 feet. The brook is buffered by a 50-foot wide Conservation Easement consisting of mature woodland.
3. The Planning and Zoning Commission recommends the remediation of the property to remove garbage and construction materials that have been dumped on the site.

Proposal

4. The applicant is requesting approval for grading beyond the 25-foot exemption limit in the rear of the property to support the construction of a new single-family residence, new septic system, and new drainage system on the west side of the property.

5. Excavation and Fill activities are permitted. Certain activities are exempt from Excavation and Fill Permit review when associated with other proposed activities as listed in §32-8.1. The regrading activities performed herein are not covered by the exemptions listed in §32-8.1. All Excavation and Fill activities, even those exempt from review, must conform to the standards listed in §32-8.3.
6. On March 11, 2025 variance application #ZBA-24-00659 was granted for §32-8.2.1 (excessive fill), §32-8.2.3 (fill greater than 10ft), and §32-8.3.2 (slopes greater than 20%, and grading within 5ft of the property line). The applicant also received Coastal Site Plan approval at the March 11, 2025 ZBA hearing.
7. Excessive excavation or fill is not permitted. Excessive excavation or fill is defined as an amount greater than that required to raise a parcel ten (10) feet above or below the existing natural grades over an area equal to 50% of the allowable Total Coverage in the respective zones per §32-8.2.1. The proposed activity will not represent excessive fill. A total of 2,385 cy is proposed as 2,607.87 cubic yards of cut/fill is allowed.
8. §32-8.2.3 states that no portion of any lot shall be filled or excavated to a height or depth greater than ten (10) feet above or below the existing grade. The proposal received a variance (ZBA-24-00659) for this regulation as the maximum height change is approximately 11 feet.
9. A Restoration Plan is required per §32-8.4 showing the final grading and landscaping and indicating how the site will be restored after the excavation and fill activities is required.

#### Department Comments

10. The Conservation Department issued permit #AA-WPLE-11608-22 for the new house, septic, driveway, and grading changes on August 24, 2022.
11. Comments from Colin Kelly, Conservation Director, dated February 19, 2025 state the Conservation Department should be contacted if the ZBA application and subsequent discussion requires significant changes to the Site Plans.
12. Comments from Edward Gill, PE, dated February 21, 2025 state while the granting of this approval is at the discretion of the Commission, he finds no issues in his review that would preclude such action.
13. The Aspetuck Health District issued approvals (HLTH-2022-00432) for the new house on August 1, 2022.

#### Public Hearing

14. A public hearing was held and testimony was received on June 2, 2025.
15. The public hearing was held remotely consistent with State Statutes. The hearing was broadcast live on public access television, was live streamed on the Town's website, and anyone could join the meeting and offer testimony by accessing the meeting link published on the agenda one week prior to the meeting.

16. The Planning and Zoning Commission finds this application complies with the standards found in §32-8, Excavation and Filling of Land, and the general standards applicable to Special Permits and Site Plans, set forth in §44-6 and §44-5.

**NOW THEREFORE, BE IT RESOLVED** that 11A River Oaks Road Special Permit/Site Plan Appl. #PZ-25-00176 submitted by Dean E. Martin, P.E., for River One Building Co, LLC for Excavation and Fill, for single family dwelling, septic, and drainage, located in the Residence AA district, PID #F06004000 is **GRANTED** subject to the following modifications:

Modifications

1. Conformance to the Narrative prepared by Grumman Engineering LLC, dated 3/14/25.
2. Conformance to the Drainage Analysis prepared by Grumman Engineering, revised to 1/14/25.
3. Conformance to the Site Development Plan (For Construction) prepared by Grumman Engineering revised to 1/14/25.
4. Conformance to the Site Development Plan (For Permit) prepared by Grumman Engineering revised to 1/14/25 to be further revised to include sediment and erosion controls.
5. Conformance to the Zoning/Location Survey Map of Property prepared by Walter H. Skidd L.S. revised 10/17/24.
6. Conformance to the Town Engineer's comments dated 2/21/25.
7. Conformance to the Conservation comments dated 2/19/25.
8. Conformance to the Conservation Permit #AA-WPLE-11608-22, dated 8/24/22.
9. Conformance to the Aspetuck Health District Approval, dated 8/1/22.
10. Conformance to the Variance resolution #ZBA-24-00659.
11. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced without the consent of the Town's Tree Warden.
12. Prior to the commencement of any construction, site work, tree removal or demolition, the soil and erosion controls shall be installed and inspected by Staff.
13. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
  - A. Proof of filing the Resolution on the Land Records.
  - B. Submit a revised site plan pursuant to modification #4.
  - C. Obtain approval from the Engineering Department.
  - D. Obtain updated approval from the Conservation Department pursuant to modification #7.
  - E. Obtain updated approval from the Aspetuck Health District pursuant to modification #9.

14. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
15. All new utilities shall be placed underground.
16. Prior to the issuance of the Zoning Certificate of Compliance, the following minimum requirements must be met:
  - A. The applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor; and
  - B. Planning and Zoning staff shall conduct an inspection of the site to verify that the lot is stabilized.
17. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
18. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by June 2, 2030.
19. 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.

**ENFORCEMENT** Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease-and-desist order; 3) issuance of a municipal citation with daily fines of up to the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

**REASONS:**

The application as modified has been found to be in conformance with all applicable zoning regulations, with the *2017 Plan of Conservation and Development*, and the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE:

AYES	-7-	Lebowitz; Cohn; Calise; Cammeyer; Zucaro; Bolton; Wistreich
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz  
Chairman, Planning & Zoning Commission

cc: Edward Gill, Town Engineer  
Colin Kelly, Conservation Director  
Luci Bagno, Director of Health





**WESTPORT**

**Town of Westport  
Planning & Zoning Commission**

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Meeting: June 2, 2025

Decision: June 2, 2025

June 4, 2025

Sean Gerrity  
Glengate Company  
47 Old Ridgefield  
Wilton, CT 06897

**RE: 12 Evergreen Ave, Special Permit/Site Plan Appl. #PZ-25-00225 for Excavation & Fill**

Dear Sean Gerrity:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on June 2, 2025, it was moved by N. Cohn and seconded by P. Zucaro to adopt the following resolution:

**RESOLUTION #PZ-25-00225**

WHEREAS, THE PLANNING AND ZONING COMMISSION met on June 2, 2025 and made the following findings:

**FINDINGS**

Property Description/Background

1. 12 Evergreen Road is a 1.26-acre lot located in the Residence A (.5-acre) zoning district. The lot was created as part of a 5-lot subdivision approved by the P&Z Commission on July 1, 1987, shown on WLR Map #8557.
2. The lot has since been improved with a single-family residence constructed in 1993. In 2004, the property received a permit to construct a 37' x 17' pool with patio and retaining walls.
3. The shed located in the rear of the property appears to have been constructed as a barn that predates the zoning regulations.
4. There are 874 SF of steep slopes and 2,835 SF of wetlands located on site. The property is serviced by the town sewer system. Deadman's Brook, located at the rear of the property lies within the 100-year floodplain designated AE. There is a conservation easement over the rear of the property, highway easement, CL&P utility easement, and a driveway easement servicing 5 lots at the front of the property.

### Proposal

5. The applicant is requesting approval for grading beyond the 25-foot exemption limit in the rear of the property to support the construction of a new pool, new patio, and retaining wall.
6. Excavation and Fill activities are permitted. Certain activities are exempt from Excavation and Fill Permit review when associated with other proposed activities as listed in §32-8.1. The regrading activities performed herein are not covered by the exemptions listed in §32-8.1. All Excavation and Fill activities, even those exempt from review, must conform to the standards listed in §32-8.3.
7. The regrading may not exceed a five (5) horizontal to one (1) vertical (20%) slope unless approved by the Town Engineer per §32-8.3.2. In addition, the regulations state that there shall not be any grading or slope changes within five (5) feet of any lot line. The proposed work does not result in any manmade slopes more than 20%, nor does it include grading within five (5) feet of the property line.
8. Excessive excavation or fill is not permitted. Excessive excavation or fill is defined as an amount greater than that required to raise a parcel ten (10) feet above or below the existing natural grades over an area equal to 50% of the allowable Total Coverage in the respective zones per §32-8.2.1. The proposed activity will not represent excessive fill. A total of 16 cy is proposed (0 cy cut, 16 cy fill) as 2,264 cubic yards of cut/fill is allowed.
9. §32-8.2.3 states that no portion of any lot shall be filled or excavated to a height or depth greater than ten (10) feet above or below the existing grade. The proposal complies with this regulation as the maximum height change is approximately 3.2 feet.
10. A Restoration Plan is required per §32-8.4 showing the final grading and landscaping and indicating how the site will be restored after the excavation and fill activities have been completed. The applicant's site plan is showing an anti-tracking pad at the construction entrance and a silt fence around the proposed pool, patio, and retaining wall. However, Prior to issuance of a zoning permit, the applicant should update the site plan to show silt fencing around the stockpile area and driveway expansion.

### Department Comments

11. The Conservation Department issued permit #IWW-WPLE-12035-24 for pool, patio, and retaining walls on January 15, 2025.
12. The Comments from Andrew Hally, Conservation Analyst, dated 5/13/25 state "Conservation Staff approves of the changes and finds no increase risk of impacts to the watercourse and wetlands."
13. Comments from Kevin Desjardins, PE, dated 5/8/25 state "while the granting of this approval is at the discretion of the Commission, he finds no issues in his review that would preclude such action."
14. The Aspetuck Health District issued approvals (HLTH-POOL-2024-00356) for the pool, patio, and retaining walls on November 1, 2024.

## Public Hearing

15. A public hearing was held and testimony was received on June 2, 2025.
16. The public hearing was held remotely consistent with State Statutes. The hearing was broadcast live on public access television, was live streamed on the Town's website, and anyone could join the meeting and offer testimony by accessing the meeting link published on the agenda one week prior to the meeting.
17. The Planning and Zoning Commission finds this application complies with the standards found in §32-8, Excavation and Filling of Land, and the general standards applicable to Special Permits and Site Plans, set forth in §44-6 and §44-5.

**NOW THEREFORE, BE IT RESOLVED** that 12 Evergreen Ave, Special Permit/Site Plan Appl. #PZ-25-00225 submitted by Sean Gerrity of Glengate Company, for Boris and Christine Bystrov for Excavation and Fill related to construction of an approximately 20' x 40' inground gunite pool and stone retaining wall located in the Residence A district, PID #D10078000 is **GRANTED** subject to the following modifications:

## Modifications

1. Conformance to the Narrative prepared by Hem Khona P.E., dated 4/9/25.
2. Conformance to the Site Plan prepared by Neal K. Jain L.S., drainage design by Hem Khona P.E. revised to 4/09/25, to be further revised to show sediment and erosions controls around the stockpile area and driveway expansion.
3. Conformance to the Zoning Location Survey prepared by Neal K. Jain L.S. revised to 4/09/25.
4. Conformance to the Town Engineer's comments dated 5/8/25.
5. Conformance to the Conservation Department Comments, dated 5/13/25.
6. Conformance to the Conservation Permit #IWW-WLPE-12035-24, dated 1/15/25.
7. Conformance to the Aspetuck Health Approval (HLTH-POOL-2024-00356), dated 11/1/24.
8. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced without the consent of the Town's Tree Warden.
9. Prior to the commencement of any construction, site work, tree removal or demolition the soil and erosion controls shall be installed and inspected by Staff.
10. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
  - A. Proof of filing the Resolution on the Land Records.
  - B. Submit a revised site plan pursuant to modification #2.
  - C. Obtain approval from the Engineering Department.

11. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
12. All new utilities shall be placed underground.
13. Prior to the issuance of the Zoning Certificate of Compliance, the following minimum requirements must be met:
  - A. The applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor; and
  - B. Planning and Zoning staff shall conduct an inspection of the site to verify that the lot is stabilized.
14. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
15. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by June 2, 2030.
16. 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.

**ENFORCEMENT** Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease-and-desist order; 3) issuance of a municipal citation with daily fines of up to the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

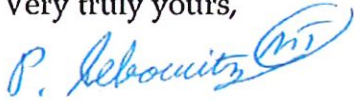
**REASONS:**

The application as modified has been found to be in conformance with all applicable zoning regulations, with the *2017 Plan of Conservation and Development*, and the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE:

AYES	-6-	Lebowitz; Cohn; Cammeyer; Zucaro; Bolton; Wistreich
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz

Chairman, Planning & Zoning Commission

cc: Edward Gill, Town Engineer  
Colin Kelly, Conservation Director  
Luci Bagno, Director of Health

