September 16, 2025

Ricardo Ceballos- Chairman
The Flood and Erosion Control Board
c/o Conservation Department of the Town of Westport
Westport Town Hall
110 Myrtle Avenue
Westport, CT 06880

RE Edgemarth Hill Roadway/WPL-12191-25

Dear Members of the Board:

As the homeowner at No. 9 Edgemarth Hill Road, I am directly and materially impacted by the proposed subdivision and associated development activity currently under your review. What I raise here is not speculative, nor is it purely academic. It concerns property value, procedural integrity, and public trust. Most importantly this application is incomplete, and lacks a **road maintenance agreement**, which will further exacerbate issues as the current storm drain at the bottom of the hill is constantly being plugged up with debris which- I still remove out of the goodness of my heart for my neighbors.

1. **Misrepresentation in the Executive Summary**

- **Water Discharge from #16**: The summary falsely claims that water issues are new or unresolved. In fact, water has been pouring from #16 for years under previous ownership. The current owners have remediated the issue, and there are no longer ice conditions on the road—except at the bottom where Greens Farms Road drains into Edgemarth Hill Road.
    - The nearly two weeks of constant blasting for the subdivision at #11 and now currently #13 have lowered the water table at the top of the hill where you can see they're still visible rock ledge. Where the applicant is purporting to add drainage certainly there will be Rockledge underneath this road as well.
    - *Video evidence*: 240127 Edgemarth Road Tour.mov @ the 1:00 mark to save you time.
- **Drainage and Rock Ledge**: The proposed drainage system will require additional blasting due to visible rock ledges. This was not addressed in the summary.

- **Stormwater Mitigation**: Contrary to Mr. Lowenstein's claims, a storm drain was installed in 2022 at the bottom of the hill. They want to take most of top half of the road drainage and create bioswales across most of the property at #15- proving that not all water reaches the bottom. They have now amended those plans for our Flood and Erosion Control Board meeting on October the 8th , 2025. Mr. Lowenstein claims to have been engaged to deal with water pooling at the top of the hill, well after re-pitching and re-crowning the road at the top of the hill and now without any bioswales where will all this water end up, I asked? - **It is certainly contrary to Mr. Lowenstein's testimony that the three-foot strip of grass in front of our properties is not enough to make water infiltration and dissipation significant. Therefore, forcing all the water at the top of the hill into my property which according to Mr. Lowenstein is not the current conditions of the road**
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    - **Critical Questions**:
        - How will six additional storm drains—designed to increase water velocity—improve water quality?
        - What impact will bioswales and rip-rap aprons have on **three mature pine trees** near properties #1 and #9?
        - If these trees fall due to water inundation, current Wetlands Commission rules prohibit their removal.

2. Legal Ownership of the Road

- Attorney Adam Cohen cited case law in our Flood and Erosion Control Board meeting on September 10th 2025, stating that in the absence of formal ownership, each property owner owns half of the road in front of their parcel.
    - **Question**: How can residents be compelled to relinquish right-of-way not listed in their deeds (except for utility easements) for non-maintenance purposes?

        - You as town officials are giving precedent to the use of right away on several owner's properties without their consent here. On our deeds the only right of way that is allowed for is power and water and nothing else. The paper width of this road is 40 feet that is correct, but there is no ownership of this roadway. demonstrated by attorney Green and attorney Cohen that means that as real property owners, we own half of the road in front of our property.

- "Notably, Section 20-300b-16 of the regulations of Connecticut State Agencies Requires that surveyors conduct a thorough examination of the land records and, in subsection (d), specifically requires that the surveyor indicate a record name or names in which the property stood at the time of the survey. In this instance, the survey submitted in support of this application that purports to be a survey of Edgemarth Hill Rd. prepared for the Edgemarth Hill Rd. association Inc, **fails to identify the owner of Edgemarth Hill Rd."**

- **The process to date has been riddled with serious procedural irregularities.**

  - Mr. Cohen's testimony to the Conservation Commission on September 17th, 2025 omitted the fact that the association was dissolved and resurrected without all homeowner's approval. This can be taken as material misrepresentation in a public hearing.

  - At the outset, the Conservation Commission accepted the subdivision application of #11 Edgemarth Hil Rd. without adequately addressing concerns raised about the legitimacy of the Edgemarth Hill Road Association. In fact, the Association was administratively dissolved for 33 years and only recently resurrected—without notice, without full homeowner consent (five homeowners have written to you and the town attorney), and without any recorded covenants on our deeds mandating membership.

  - Yet we were told by attorneys and officials—including Ms. Martel, Mr. McKinney, and Ms. Montresorro—that we "had no choice" but to join this newly reconstituted association. **That is false.** The original Articles of Incorporation clearly stated that membership was voluntary—until they were
    unilaterally amended.

The Planning & Zoning Commission had to correct its own public record after I was forced to intervene, because the applicant falsely claimed to represent the Association before it had even been reestablished. This is not merely a footnote—this is a breakdown of process.

3. Inaccuracies Regarding Impervious Surfaces

- Ted Gill's assertion that no additional impervious surfaces are being added is demonstrably false:
    - Lot #11 was a densely forested 3-acre parcel that has been clear-cut.
    - The subdivision was approved using misrepresented documents from the "Edgemarth Hill Rd Association" and the applicant Ted Martell (now stricken from the Resolution #PZ-24-00621). Attached for your reference.
    - Driveways pitch toward the road with no catch basins- This was confirmed and double checked by both Stephen Trinkus as an engineer and Ted Gill as an engineer.
    - The approved plans have been amended to include a pool and tennis courts.
        i. *Reference*: Conservation Department Legal Notice of Decisions | Commission Meetings | Westport, CT
- The demolition and redevelopment of #24 further increases impervious surface area.

4. Hydrological Misstatements

- Mr. Lowenstein incorrectly stated that only one brook runs parallel to #6. There are two.
    - Drainage in front of #6 was altered in the 1990s from a natural catchment to a 12" pipe with hard 90° turns, causing flooding issues.
    - Development behind #6 at #29 has removed forest cover and redirected water via corrugated pipe into local estuaries and ponds.
    - **Concern**: Increased runoff, coupled with climate change and heavier rainfall, poses a serious threat to downstream properties.

5. Incomplete Hydrological Modeling

On August 19, 2024, our neighbors in Wilton received over 8 inches of water in a 24-hour period, Had Westport received such rain this proposed drainage system would have been grossly undersized. The Flood and Erosion Control Board and the Conservation Committee need to realize this risk- especially when **setting a dangerous precedent** and accepting applications from essentially a hostile takeover of a Private Road.

The Town engineer seems to be in favor of this project, which is quite concerning, since the catchment is based on a 25-year storm/rainfall numbers which we know now are completely inadequate given the frequency and intensity of storms over the past 25 years. The state of Connecticut and the DEEP, both recommend building to a 100-year storm numbers as standard. Given the fact that this is my property that has been outlined with a dotted line to represent wetlands and not a storm drainage dumping ground . I am extremely disappointed that I must spend this much time defending my property, to which the town ties my hands

behind my back when I need to maintain it- **this would not be the case had these areas not be designated as a wetland.**

This town has already seen controversy with the approval process for The Hamlet at Saugatuck. Residents, including Petitioner Dara Lamb, cited procedural flaws, environmental gaps, and incomplete application. Public comments were delayed until 12:50 a.m.—a time at which no meaningful public participation could reasonably occur.

Ted Gill of the Department of Public Works signed off on the application based on narrow engineering criteria. He did not opine on broader impacts, nor did he claim to be the authority on whether the public process was properly closed. Technical compliance is not a substitute for substantive due diligence, nor is it a defense against foreseeable harm.
This is not just about building code—**it is about consequences.**

The new chair of the Flood & Erosion Control Board was unfamiliar with standard procedures, and the applicant dictated the timeline. That is not how public governance should function.

We are witnessing the same patterns here. And if the process is flawed, the result cannot be trusted.

- The report does not provide **calculations** for:
    - Peak flow rates or 100 yr storms under current vs. proposed conditions (not provided, **(You will hear the same semantical games which is we have designed it for 100 year storm but there is no empirical data to back this up.)**
    - Gallons per minute (GPM) capacity of the downstream system
    - Volume of water that can be safely discharged between 119 and 115 Greens Farms Rd
- No modeling is shown for surcharge conditions or overflow scenarios, which are critical given the history of flooding in Wilton.

6. Impact on Aging Residents

- The association's aggressive redevelopment tactics threaten residents who wish to age in place. A $300K infrastructure project benefits developers while displacing long-term homeowners.
- There is always consistent talk in the town halls of Westport about affordable housing, and yet we see a classic case here of where people that are looking to age in place are being harassed, so they are forced to leave.

7. Request for Technical Data and Site Analysis

- **Drainage Design vs. Current Conditions**:
    - What is the maximum water volume (gallons per minute over time) the proposed system can handle?
    - What is the current flow rate under existing conditions?
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- **Downstream Capacity**:
    - What is the maximum flow rate between 119 and 115 Greens Farms Rd without surcharge?
    - What is the flow capacity from the pond to the Sound?

Commissioners, we are not here to obstruct for obstruction's sake. We are here to demand that the town follow its own rules, uphold property rights, and protect the public interest. Approving this application under these circumstances would not only damage trust in the town's land use process—it would create real and measurable harm to existing homeowners, to the environment, and ultimately, to the town itself.

We ask that you hold all parties—engineers, attorneys, and applicants—fully accountable. The gloves must come off. Procedural shortcuts, coercion, and misrepresentation must not be rewarded with approval.

Thank you,