



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Email: pandz@westportct.gov
www.westportct.gov

January 21, 2026

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

Planning & Zoning Commission Meeting

January 12, 2026

Remote Meeting

Meeting Start Time: 6:00 P.M.

P&Z Members in Attendance: Paul Lebowitz, Michael Cammeyer, Bre Injeski, Michael Calise, John Bolton, Craig Schiavone

Town Staff: Michelle Perillie, Planning and Zoning Director

I. PRE-APPLICATION

1. **399 Post Road West:** Appl. PZ-25-00727, Submitted by Lywyn Spero, requests approval to revise the delivery window for Whole Foods by shifting the earliest permitted delivery time from 8:00 a.m. to 4:00 a.m.

Feedback provided by Commission members.

II. WORK SESSION

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

2. **Approval of Minutes:** 11/24/25, 12/8/25

Minutes unanimously approved with one correction on the 11/24/25 minutes.

III. PUBLIC HEARING

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

3. **Text Amendment #859:** PZ-25-00659 submitted by Wendy Van Wie on behalf of the Historic District Commission (HDC), to delete the existing regulations and add a new §32-18, Historic Residential Structure (HRS), which clarifies and strengthens the intent to preserve and ensure continued use of Historic Structures explicitly tying incentives to preservation outcomes; requires formal designation by the HDC before HRS application with criteria to be used by HDC; limits structures to pre-1940, with flexibility for later structures of exceptional integrity or significance; adds explicit definition of alteration for purposes of the section, as any exterior change, including enclosed historic feature; requires all exterior alterations reviewed, regardless of

visibility; requires mandatory HDC review for changes impacting significant features or additions; clarifies process for ongoing review by HDC Administrator and Planning & Zoning for all future exterior changes; retains incentives but more explicitly ties them to demonstrated preservation necessity and scale compatibility; clarifies subdivision incentive, generally limited to pre-1800 structures, with limited extensions for exceptional cases and prohibited in Local Historic Districts or after demolition; adds clear timelines (generally 18 months from notification) for required maintenance and repair; clarifies procedures, including 72-hour notice, repair plans, and restoration deadlines, adds explicit enforcement authority, including nullification of approvals for unauthorized alterations and permits greater flexibility in incentives provides by the Planning and Zoning Commission. A copy of the text amendment is available on-line at 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. *(Must close by 2/16/26)* **Applicant's Presentation Time: 25 Minutes.**

Testimony was taken by the applicant, Commission members and public. The application was continued to Feb 2, 2026 meeting.

4. **4 Squire Lane:** Special Permit/Site Plan Appl. PZ-25-00694 submitted by Emma Rojas, LANDTECH, for property owned by Andrew and Caroline Fisher, to permit non-exempt Excavation and Fill to accommodate a proposed pool, patio, and covered porch, located in the Residence AA district, PID E14078000. **Applicant's Presentation Time: 10 Minutes.**

Testimony was taken by the applicant and Commission members. Upon a motion by P. Lebowitz (2nd M. Cammeyer), the Commission voted 4 (Lebowitz, Cammeyer, Injeski, Schiavone) - 0 to approve the application.

Motion to Approve: P. Lebowitz (2nd M. Cammeyer)

Vote: (4-0) AYE: P. Lebowitz, M. Cammeyer, B. Injeski, C. Schiavone

NAY:

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:

5. *(The application was closed on 12/8/25 with no decision rendered)* **63-67 North Avenue:** Special Permit/Site Plan Appl. PZ-25-00621 submitted by Mark Fois, for property owned by Aquarion water Company of CT, to modify Res. #17-043 concerning modifications made during the construction of the water tanks that resulted in changes to Total Coverage, Height and Landscaping, located in the Residence AA district, PID #F11095000. *(Must decide by 2/11/26)*

Motion to Approve: B. Injeski (2nd P. Lebowitz)

Vote: (5-0) AYE: P. Lebowitz, M. Cammeyer, M. Calise, B. Injeski, C. Schiavone

NAY:

See Resolution attached.

New Business:

6. **8 Stony Point Road:** Coastal Site Plan Appl. PZ-25-00598 submitted by Cindy Tyminski, Moon Gardens LLC, for property owned by Nadia M. and Thomas M. Wearsch for construction of a new single-family dwelling with a pool, patio, driveway, parking court and associated drainage and landscaping, located in the Residence AA district, PID #B05117000. *(Must decide by 2/12/26)*

Testimony was taken by the applicant and Commission members.

Motion to Approve: P. Lebowitz (2nd M. Cammeyer)

Vote: (4-0) AYE: P. Lebowitz, M. Cammeyer, B. Injeski, C. Schiavone

NAY:

See Resolution attached.

The meeting concluded at 9:16pm.



**Town of Westport
Planning & Zoning Commission**

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
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Meeting: January 12, 2026
Decision: January 12, 2026

January 15, 2026

LANDTECH
Attn: Emma Rojas
518 Riverside Ave.
Westport, CT 06880

RE: 4 Squire Lane, Special Permit/Site Plan Appl. #PZ-25-00694 for Excavation & Fill

Dear Emma Rojas, LANDTECH:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on January 12, 2026, it was moved by P. Lebowitz and seconded by M. Cammeyer to adopt the following resolution:

RESOLUTION #PZ-25-00694

WHEREAS, THE PLANNING AND ZONING COMMISSION met on January 12, 2026 and made the following findings:

FINDINGS

Property Description/Background

1. 4 Squire Lane is a 1.33-acre (58,100 SF) lot located in the Residence AA (1-acre, 43,560 SF) zoning district.
2. The lot is located off Cob Dr, just north of Cross Highway.
3. The property contains 8,993 SF of steep slopes and 2,699 SF wetlands, resulting in a base lot area of 48,746 SF.
4. The property is improved with a single-family residence and a driveway. The lot is currently serviced by a septic system and public water.

Proposal

5. The applicant, LANDTECH, is requesting Special Permit and Site Plan approval for non-exempt, excavation and fill activities in conjunction with the construction of two (2), one (1) foot high retaining walls and to flatten the rear portion of the yard pursuant to §32-8, Excavation and Filling of Land listed in the Westport Zoning Regulations.

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 activity does not represent excessive fill. A total of 500 cy (450 cy cut, 50 cy fill) is proposed, and 2,689.8 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 8 inches.
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. Note #1 on the Site Development Plan prepared by LANDTECH revised to 9/3/25, states *"Land disturbance will be kept to a minimum; restabilization will be scheduled as soon as possible."*

Department Comments

11. The Town Engineering Department issued comments on 11/20/25 indicating that "The proposed activity has no adverse engineering impacts with respect to drainage, grading, or other public safety considerations."
12. The Comments from Nathan Hartshorne, Conservation Compliance Officer, dated 11/18/25 state "The Conservation Commission reviewed and approved a permit amendment application for grading changes to the original permit #AA-WPLE-12104-25 for a proposed pool, pool mechanicals, patios, covered porch, and retaining walls. The grading changes are outside of the 20' wetland nondisturbance setback and avoid steep slopes. The Conservation Department recommends no removal of native vegetation and the planting of native vegetation where any needs to be removed."

Public Hearing

13. A public hearing was held, and testimony was received on January 12, 2026.
14. 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.
15. The Planning and Zoning Commission finds this application complies with the standards found in §32-8, Excavation and Filling of Land, §12, Residence AA District, and the general standards applicable to Special Permits and Site Plans, set forth in, §44-5 and §44-6.

NOW THEREFORE, BE IT RESOLVED that 4 Squire Lane: Special Permit/Site Plan Appl. PZ-25-00694 submitted by Emma Rojas, LANDTECH, for property owned by Andrew and Caroline Fisher, to permit non-exempt Excavation and Fill to accommodate a proposed pool, patio, and covered porch, located in the Residence AA district, PID E14078000 is GRANTED subject to the following modifications:

Modifications

1. Conformance to the Engineer's Narrative prepared by LANDTECH, dated 11/10/25.
2. Conformance to the Site Development Plan prepared by LANDTECH, revised to 9/3/25.
3. Conformance to the Zoning Location Survey and Topographic Survey prepared by LANDTECH dated 9/19/24.
4. Conformance to the Property Survey prepared by Neal K. Jain, L.S., dated 10/12/24.
5. Conformance to the Illustrative Plan Showing Exempted Grading prepared by LANDTECH dated 11/5/25.
6. Conformance to Conservation Department comments dated 11/18/25.
7. Conformance to Conservation Permit AA-WPLE-12104-25
8. Conformance to the Town Engineer's comments dated 11/20/25.
9. Conformance to Health Permit HLTH-2025-00079.
10. Conformance to Health Permit HLTH-2025-00173.
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. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
14. All new utilities shall be placed underground.

15. Prior to the issuance of the Zoning Permit, the following minimum requirements must be met:
 - A. Proof of filing the Resolution on the Land Records;
 - B. Obtain approval from the Engineering Department; and
 - C. Obtain updated approval from the Aspetuck Health District.
16. 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.
17. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by January 12, 2031.
18. 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 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	-4-	Lebowitz, Cammeyer, Injeski, Schiavone
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz
Chairman, Planning & Zoning Commission

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



WESTPORT

**Town of Westport
Planning & Zoning Commission**

Town Hall, 110 Myrtle Avenue, Room 203, Westport, CT 06880
Telephone (203) 341-1030 | Fax: (203) 454-6145
pandz@westportct.gov | www.westportct.gov

Meeting: December 8, 2025
Decision: January 12, 2026

January 13, 2026

Mark Fois
Senior Engineer
Aquarion Water Company
600 Lindley Street
Bridgeport, CT 06606

RE: 63-67 North Avenue, Special Permit/Site Plan Appl. PZ-25-00621 Modification of Res. #17-043

Dear Mr. Fois:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on January 12, 2026, it was moved by Ms. Injeski and seconded by Mr. Lebowitz to adopt the following resolution:

RESOLUTION #PZ-25-00621

WHEREAS THE PLANNING AND ZONING COMMISSION met on January 12, 2026 and made the following findings:

FINDINGS

Property Description/Background

1. 63-67 North Avenue is a conforming 129,472 SF (2.97 acre) property located within the Res. AA district. The site currently contains two (2) 2.15 MG concrete water storage tanks and pump station. The topography of the site slopes from northeast corner of the site to southwest corner of the site from EL 200 (NAVD 88) to EL 159 (NAVD 88). There are approximately 13,329 SF of inland wetlands and 9,944 SF of steep slopes on the site.
2. The lot is located outside the Coastal Area Management boundary, the Waterway Protection Line Ordinance, and the 100-year floodplain.
3. In 2017, the applicant submitted Special Permit/Site Plan application to demolish an existing 24' tall steel water storage tank and construct two (2) 2.5 million gallon prestressed concrete storage tanks. The north water tank was proposed to be 32.9' in height and the south water tank will be 39.08'.

4. During the course of the public hearing in 2017 the applicant revised the design by using a shallower dome design, reducing the height by 3 feet and decreasing the storage capacity of each tank to 2.15 MG for a total capacity of 4.3 MG. Special Permit/Site Plan approval #17-043 was granted on 9/14/17 for construction of two concrete water storage tanks.
5. On 10/15/17, a group of neighbors submitted an Appeal Petition to PURA pursuant to CGS 16- 235. PURA's Decision on the Appeal was issued on 7/7/19, which affirmed the issuance of the Special Permit with conditions. PURA found "there is clear and public need for the proposed tanks and that the design and location of the water storage tanks promote public safety and the public interest." A Settlement Agreement with many but not all the neighbors was reached on 9/10/19. The resolution was modified 12/18/19 to conform to PURA's decision.
6. As a result of the PURA appeal Aquarion proposed an additional \$225,000 for plantings and fencing to supplement the plantings approved as part of the Special Permit/Site Plan approval.
7. Condition #5 of Resolution #17-043 requires that the growth and maturity of the proposed trees be reviewed at 3-year and 5-year intervals following the issuance of the final Zoning Certificate of Compliance (ZCC) to monitor whether the walls of the tanks are screened from view. The applicant has agreed to replace any dead trees and/or fill in any gaps found during these inspections.
8. Condition #14 of Resolution #17-043 required that Aquarion provided a 10-year \$25,000 bond to the Town for the continued maintenance of the landscaped screening. The bond is valid for 10 years and expires on 4/3/2033.
9. On June 19, 2020 Zoning Permit #ZN-20-00366 was issued for demolition of existing 1.5 MG steel water storage tank and construction of two 2.15 MG concrete water storage tanks.

Proposal

10. The applicant is seeking Special Permit/Site Plan approval to modify Res. #17-043 concerning modifications made during the construction of the water tanks that resulted in changes to Height and Landscaping including:
 - A. Minor increase in Height from of South tank from 30.97' to 31.13' with 40' permitted;
 - B. Minor increase in Height of North tank from 25.07' to 25.14' with 40' permitted; and
 - C. Changes to the approved Landscape Plan.

While the original request included a minor increase in Total Coverage from 21.53% to 21.64% (with 25% permitted), the As-Built Coverage remains at 21.53%, or 23,847 SF, as originally approved. Therefore, no modification to Total Coverage is necessary.

11. The South tank was approved at a height of 30.97 feet as measured from average grade (El. 188), to the top of the flat roof (El. 219.13). The Zoning Compliance Plan indicates the

constructed tank height is 31.13 feet, an increase of 0.15 feet. The tank is 8.87 feet lower than the 40 feet permitted in the Res. AA district.

12. The North tank was approved at a height of 25.07 feet as measured from average grade (El. 193.90), to the top of the flat roof (El. 219.04). The Zoning Compliance Plan indicates the constructed tank height is 25.14 feet, an increase of 0.07 feet. The North tank is 14.86 feet lower than the 40 feet permitted in the Res. AA district.
13. Condition #13 of Resolution #17-043 required that a Landscape Review Team be formed and that they meet to review the landscape plan to evaluate whether modest changes to the number and height of trees can be made to the plan. The approved Landscape Plan proposed a total of 275 planting (176 trees and 99 shrubs) which were implemented with several changes, which were reviewed and approved by the Town, the Landscape Review Team (LRT), and a Neighbor Representative.
14. §43-6.4 authorizes the Planning and Zoning staff and/or the Planning and Zoning Commission to hire an outside consultant to provide technical assistance as needed at the applicant's expense. Staff hired Bartlett Tree Experts to provide a tree inventory of the plantings installed on the site since town staff did not have the tools necessary to measure the height of the trees.
15. The initial inventory was completed on June 3, 2024 and July 26, 2024, prior to the replanting of the rain garden, and concluded that 229 plants were installed. Bartlett reinspected the site in the beginning of October and an updated report is anticipated to be submitted prior to the public hearing.
16. The As-Built Planting Plan dated 9/23/25 reflects the plantings installed to date. The updated plan shows 470 plantings (183 trees and 287 shrubs), compared to 275 plantings in the original plan — an overall increase in plantings due to the following:
 - a. Tree Replacement: The applicant installed new trees while leaving stressed ones in place when possible to avoid damaging site grounds with equipment. This resulted in duplicate counts in the survey but healthier overall plantings. For example, the replacement of poor-condition Red Cedars led to a net increase of 7 trees.
 - b. Rain Garden Adjustments: The rain garden was replanted with additional grasses and herbaceous species such as Pennsylvania Sedge and Blue Flag Iris. These adjustments produced a net increase of 188 shrubs and herbaceous plants compared to the original plan.

Department Comments

17. Comments from the Tree Warden dated 11/7/25 indicate the landscaping is substantially compliant. He stated,

"The site underwent an independent review by Bartlett Tree Experts, which provided an inventory. The initial inventory provided GPS points were subsequently utilized to cross-reference the As-Built planting plan. Most recently, Bartlett returned to verify the rain garden planting area. While their findings did find some species under-sized in some cases, select species exceeded the number of shrubs to be planted. Select species also appeared to have experienced damage from browsing. This may have

occurred prior to the installation of the deer fence, which may have contributed to the low heights and condition when inventoried."

18. Comments from the Conservation Director dated 10/21/25 concludes, "The items that are subject to your current review (tank height, total coverage, and Landscape Plan) are changes that will have negligible impact on the wetland system noted above. Staff will not require plan revision or further review of these items." The administrative permit #AA-WPL/E-11001-20 will be closed once the final as-built and final inspection for compliance have been completed.
19. The Town Attorney submitted a memo dated 8/7/17 outlining the requirements in Connecticut General Statutes §16-235, as interpreted by the Connecticut Supreme Court. The law mandates that the Commission view the application as a matter of public utility regulation and that the Commission apply a standard of "public convenience and necessity and the standards of public health, safety and welfare and the stabilization of property values". The memo further states specific zoning standards can be considered but the broader "public convenience and necessity" standards must govern this particular review.

Public Hearing

20. A public hearing was held, and testimony was received on 12/8/25.
21. 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.
22. The Planning and Zoning Commission finds this application complies with the standards found in §12, Residence AA District, and the general standards applicable to Special Permits and Site Plans, set forth in §44-5 and §44-6.

NOW THEREFORE, BE IT RESOLVED that 63-67 North Avenue: Special Permit/Site Plan Appl. PZ-25-00621 submitted by Mark Fois, for property owned by Aquarion water Company of CT, to modify Res. #17-043 concerning modifications made during the construction of the water tanks that resulted in changes to Height and Landscaping, located in the Residence AA district, PID #F11095000 is GRANTED subject to the following modifications:

Modifications

1. Conformance to the Narrative prepared by Mark Fois, Senior Engineer for Aquarion Water Company, dated 10/8/25.
2. Conformance to the As-Built Planting Plan, prepared by Nafis & Young Engineers, Inc., dated 9/23/25.
3. Conformance to the Tree Inventory & Validation 2024, prepared by Bartlett Tree Experts, dated November 2024.
4. Conformance to Rain Garden Tree Inventory Report 2025, prepared by Bartlett Tree Experts, dated October 2025.

5. Conformance with Tree Warden comments prepared by Ben Sykas, dated 11/6/25.
6. 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.
7. 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.
8. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
9. All new utilities shall be placed underground.
10. Prior to the issuance of the Zoning Certificate of Compliance, the following minimum requirements must be met:
 - A. Proof of filing the Resolution on the Land Records;
 - B. Final Conservation Certificate of Compliance; and
 - C. Final Engineering Department approval.
11. 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.
12. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by January 12, 2031.
13. 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 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	-5-	{Lebowitz, Cammeyer, Calise, Injeski, Schiavone}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz

Chairman, Planning & Zoning Commission

- cc: Kevin Desjardins, P.E., Town Engineering Department
Colin Kelly, Conservation Department Director
Ben Sykas, Tree Warden



**Town of Westport
Planning & Zoning Commission**

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Meeting: January 12, 2026
Decision: January 12, 2026

January 13, 2026

Cindy Tyminski
Moon Gardens LLC
PO Box 2
Westport, CT 06881

RE: 8 Stony Point Roaf, Coastal Site Plan Appl. #PZ-25-00598

Dear Ms. Tyminski:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on January 12, 2026, it was moved by Mr. Lebowitz and seconded by Mr. Cammeyer to adopt the following resolution:

RESOLUTION #PZ-25-00552

WHEREAS, THE PLANNING AND ZONING COMMISSION met on January 12, 2026 and made the following findings:

FINDINGS

Property Description/Background

1. 8 Stony Point Road is a conforming lot consisting of 1.1213 acres, located in the Residence AA district, where 1.0 acre is required. The Zoning Location Survey prepared by Shevlin Land Surveying, LLC revised August 28, 2023, shows the property ranges from El. 32 along Stony Point West and slopes up to El. 58 in the center of the property then back down to El. 28 along northeast corner adjacent to Stony Point Road. The lot is served by public water and sanitary sewer.
2. The lot is located entirely within the Coastal Area Management boundary but is not within the floodplain. To the west, across Stony Point Road and adjacent residential properties, lies the mouth of the Saugatuck River near its confluence with Long Island Sound. The site contains approximately 8,400 square feet of steep slopes and includes a 3,506-square-foot road right-of-way along the eastern property line.

Proposal

3. The applicant is seeking to construct a new FEMA-compliant single-family dwelling with a garage. Additional improvements include a driveway, pool, a parking court with associated retaining wall, in-ground propane tank and drainage structures. Minor grading is associated

with the construction of the new driveway, pool and drainage.

4. The proposed anti-tracking pad construction entrances and silt fencing should be installed prior to the commencement of construction and remain in place until the lot is stabilized which will help to limit possible sediment movement into the coastal resources.
5. As described by the applicant in the Coastal Site Plan Application,
6. *"A new stormwater retention system, where none had existed on site before, has been designed to attenuate the peak discharge and encourage in-ground infiltration on the Property. Stormwater will be captured from the roof, and the parking courtyard drains and will be directed to the drainage structures. Twenty (20) - 8' long and 1'0 high by 4' wide precast concrete underground stormwater galleries have been provided that will capture the roof discharges and pervious surfaces and are sized to accommodate the first inch of runoff produced during a 25-year storm event. To further improve conditions on site, the patio will be constructed with pervious materials."* This is consistent with CAM policies.
7. The wooded in the area in the southwest portion of the property, will be retained and will serve as a vegetative buffer which will greatly improve the infiltration of runoff. This buffer will also slow surface runoff and encourage sediment and sediment bound contaminants to settle before crossing roadways and eventually entering the waterway. The vegetated area will also provide stabilization of the soil and reduce erosion.

Department Comments/Approvals

8. The Engineering Department provided comments dated 1/9/26 indicating the proposed activity has no engineering impacts with respect to grading, drainage, or other public safety consideration.
9. Conservation Department comments dated 1/8/26 recommend the applicant or site contractor should regularly inspect the site to ensure that no sediment is entering adjoining streets or stormwater catch basins. A stockpile measuring approximately 25 feet by 30 feet is shown on the plans; however, its adequacy given the extent of proposed site activity is unclear. The Commission may wish to require a construction sequencing plan, clearly defined limits of disturbance on steep slopes, and/or the presence of a Sediment and Erosion Control Site Monitor during periods of site disturbance.

Public Hearing

10. A public hearing was not held as one is not required by the Connecticut State Statutes and is no longer required pursuant to Text Amendment #779 adopted in 2021 modifying the Westport Zoning Regulations to authorize, but not mandate, public hearing review of residential coastal site plans.
11. The work session was held remotely consistent with State Statutes. The meeting was broadcast live on public access television, was live streamed on the Town's website.
12. All application materials, and public comments received in writing prior to the meeting were posted on the Town's website to maintain transparency while conducting remote meetings.
13. Neighboring property owners within a 250' radius of 8 Stony Point Road received a notice letter.

Conclusions

14. The Westport Planning and Zoning Commission finds this project is consistent with the policies identified in Section(s) 22a-92(b) (1) and 22-a-92 (b) (2) of the Coastal Area Management Act; that it will not adversely affect adjacent Coastal Resources (General Resources and Shorelands) identified in Sections 22-93 (a) (7) of said Act.
15. The Planning and Zoning Commission found benefit in the applicant retaining a Sediment and Erosion Control Site Monitor during periods of site disturbance and to submit weekly reports to the Planning and Zoning Office to ensure compliance with the approved plans and to prevent off-site sedimentation impact.
16. The Westport Planning and Zoning Commission finds this project is consistent with §12 Residential AA standards, Site Plan Standards and Objectives listed in §44-5, and the Special Permit standards listed in §44-6, Coastal Area Management standards listed in §31-10.

NOW THEREFORE, BE IT RESOLVED that 8 Stony Point Road: Coastal Site Plan Appl. PZ-25-00598 submitted by Cindy Tyminski, Moon Gardens LLC, for property owned by Nadia M. and Thomas M. Wearsch for construction of a new single-family dwelling with a pool, patio, driveway, parking court and associated drainage and landscaping, located in the Residence AA district, PID #B05117000 is APPROVED subject to the following modifications:

Modifications

1. Conformance to the Plot Plan prepared by Leonard Surveyors, LLC dated 5/26/25.
2. Conformance to Site Plan, prepared by Chappa Site Consulting, LLC revised 12/17/25.
3. Conformance to the Architectural Plans prepared by DeMasi Architects, PC dated 12/16/25 (9 Pages).
4. Conformance to the Town Engineer's comments dated 1/9/26.
5. 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.
6. 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.
7. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
 - A. Name and contact information of the Sediment and Erosion Site Monitor hired by the applicant (se Finding #15 above);
 - B. Obtain final approval from the Engineering Department;
 - C. Obtain final approval from the Conservation Department; and
 - D. Obtain final approval from the Aspetuck Health District for the pool and spa.
8. The replacement and/or repair of a stone wall greater than four (4) feet in height shall require the issuance of a building permit.
9. All new utilities shall be placed underground.

10. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor.
11. 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.
12. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by January 12, 2031
13. 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 the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

REASONS:

The application as modified is found to be in conformance with all applicable zoning regulations, and no adverse impacts to coastal resources should result with the mitigation implemented as required.

VOTE:

AYES	-4-	{Lebowitz, Cammeyer, Injeski, Schiavone}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Paul Lebowitz
Chairman, Planning & Zoning Commission

cc: Colin Kelly, Conservation Director
Luci Bagnò, Aspetuck Health District Director
Edward Gill, Town Engineer I