

Memorandum

To: Members, Planning and Zoning Commission

From: Michael Tartaglia, Planner

Date: March 5, 2026

Re: 58 Turkey Hill Rd S Special Permit/Site Plan Appl. #PZ-25-00750 for Excavation & Fill

Statutory Timelines

Application Submission Date: 12/19/25

Application Receipt Date: 1/5/26

65 Days from Date of Receipt (when public hearing must be opened): 3/11/26 + 65-day Ext. = 5/16/26

Public Hearing Scheduled to Open: 3/16/26

Summary

Have all the documents been submitted by the applicant as required in accordance with §44?	Yes.
Were any waivers to submit documents requested by the applicant and granted by the Planning Director in accordance with §44-4?	No.
Were any variances requested from the Zoning Board of Appeals in accordance with §46?	No.
Does the application appear to meet all applicable zoning requirements?	Yes.
Has the applicant received all necessary prior approvals pursuant to §44-2.1?	Yes. The Conservation Department issued permit AA-WPLE-12231-25 for the garage bay addition with upper deck, porch structure with upper deck, outdoor kitchen, prefab shed, masonry gas fireplace, outdoor shower, driveway, and an engineered retaining wall on November 19, 2025 (will need to be updated). The Aspetuck Health District issued approvals on October 9, 2025, for the garage bay addition with upper deck, porch, outdoor kitchen, shed, masonry gas fireplace, outdoor shower, driveway, and an engineered retaining wall (will need to be updated).

Other comments?	Confirm the Planning and Zoning staff's conclusion that the application conforms to the Res. AAA standard in §11, the Excavation and Fill standards listed in §32-8, the Site Plan Standards and Objectives listed in §44-5, the Special Permit standards listed in §44-6, and whether it is in accordance with the 2017 POCD.
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Description of Application

Owner/Applicant	Owner: Phillip & Jessica Polito Applicant: Glengate Company
Requested Action	Special Permit/Site Plan Excavation and Fill approval
Purpose	To permit additional fill outside of the excavation and fill exemption area to support an addition, covered porch, walkway, patio, outdoor kitchen, driveway, and drainage system, as stated in the Narrative seen here .
Existing Zoning	Res AAA
Location	A rear lot, located off Turkey Hill Rd S, between Turkey Hill Rd S and Morningside Dr S, with the south side of the property containing an unnamed stream, and abutting 8.6 acres of Aspetuck Land Trust property to the north. PID #G07036000.
Lot Size	1.86-acres (80,926 SF)
Existing Land Use	Single-Family Residence
Surrounding Land Use and Zoning	Single-family residential, Res AAA (All sides)
<i>2017 Town Plan of Conservation and Development</i>	Chapter 4, (Maintain and Enhance Community Character) states, <i>"Drainage changes associated with new development (or redevelopment of sites in existing neighborhoods) is another common issue or concern. Houses that have existed for years without drainage problems can be affected by tree clearing and/or regrading of adjacent properties that no longer intercepts rainfall, diverts water onto them, or changes the groundwater table so that soils become saturated."</i> Pg. 35
Zoning History	The 1.86-acre lot was created from a 7-lot resubdivision approved by the P&Z Commission on July 21, 1958. The subject property is plot G on WLR Map #4612 . The lot has since been improved with a single-family residence, pool, patios, and drainage constructed in 2021, with a ZCC issued on 1/5/22.
Applicable Regulations	§11, Res AAA; §32-8, Excavation and Filling of Land; §43/§44, Special Permit and/or Site Plan Procedures.

Property Description

58 Turkey is a 1.86-acre lot located in the Residence AAA (2-acre) zoning district. The lot was created as part of a 7-lot subdivision approved by the P&Z Commission on June 21, 1958. The lot has since been improved with a single-family residence, pool, patios, and drainage constructed in 2021, with a ZCC issued on 1/5/22.

To date, the Conservation Department issued permit [AA-WPLE-12231-25](#) for the garage bay addition with upper deck, porch structure with upper deck, outdoor kitchen, prefab shed, masonry gas fireplace, outdoor shower, driveway, and an engineered retaining wall on November 19, 2025. Additionally, the Aspetuck Health District issued [approvals](#) on October 9, 2025, for the same improvements. Due to revisions to the grading, wall height, and shed removal, these approvals will need to be updated.

There are 989 SF of steep slopes and 35,731 SF of wetlands located on the site, reducing the base lot area to 51,550 SF. The property is serviced by a septic system and public water.

Proposal

The applicant, Glengate Company, is requesting Special Permit and Site Plan approval for, non-exempt, excavation and fill activities at 58 Turkey Hill Rd. S. pursuant to §32-8, Excavation and Filling of Land listed in the Westport Zoning Regulations. The purpose of the grading is to support an addition, covered porch, patio, outdoor kitchen, driveway, walkway, and drainage system, as stated in the Narrative seen [here](#).

The areas requiring excavation and fill approval are highlighted in yellow (shown below) on the [Site Development Plan prepared by Kousidis Engineering LLC, revised 2/26/26](#).

[Comments from the Town Engineer, dated 1/15/26](#), state, *“The proposed activity has no adverse engineering impacts with respect to grading, drainage, or other public safety considerations. While the granting of this approval is at the discretion of the Commission, we find no issues in our review that would preclude its approval.”*

As Described in the Engineer’s Narrative, seen [here](#), the applicant proposes to comply with cut/fill quantity limits and maximum fill height/excavation depth requirements per §32-8.2. Additionally, the applicant proposes to comply with slope requirements and does not propose any grading within five (5) feet of a property line and all proposed slopes will be under 20% (5:1) in accordance with §32-8.3. A detailed analysis of the proposed grading activities is provided in the Analysis section below.

Analysis/Considerations

Excavation and fill activities are permitted. Certain activities are exempt from review when associated with other proposed activities as listed in §32-8.1 and §32-8.3, Excavation and Fill activities must conform to the standards listed in §32-8.

Excessive fill is not permitted. Excessive fill is defined as an amount greater than that required to raise a parcel ten 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 is permitted and will not represent excessive fill as illustrated below:

Lot area (80,926 SF x 50% of 25% Coverage (0.125) = 10,115.75 x 10 = 101,157.5 / 27 = **3,746.57 cubic yards of cut/fill allowed; a total of 660 cy is proposed (593 cy. Fill and 67 c.y. cut)**

§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 natural grade. The applicant has proposed 6.5 feet of grade change for the retaining walls.

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 applicant is not proposing to exceed these standards.

§32-8.4 requires a restoration plan showing final grading and landscaping. Note #32 on the [Site Development Plan prepared by Kousidis Engineering LLC, revised 2/26/26](#), states *“Prior to removal of sediment control measures, the contractor shall stabilize and have established permanent stabilization for all disturbed areas using sod or an approved six mixture. Areas brought to finished grade during the seeding season must be stabilized with permanent growth as soon as possible. When property is brought to finished grades during the winter months when permanent stabilization is impractical, then an approved temporary stabilization shall be done until the spring months, when permanent stabilization is possible.”*

Standards for Review

The Planning and Zoning Commission may approve, approve with modifications, or deny the application. Reasons must be provided. §44-5 lists the Site Plan Standards and Objectives the Planning and Zoning Commission should consider in reviewing the application, including:

- §44-5.1, *Public Safety*;
- §44-5.2, *Traffic and Pedestrian Access*;
- §44-5.3, *Circulation and Parking*;
- §44-5.4, *Landscaping and Screening*;
- §44-5.5, *Lighting and Noise*;
- §44-5.6, *Public Health*; and
- §44-5.7, *Function-and Appearance*.

§44-6 lists the Special Permit Standards the Commission should consider:

“In reviewing a Special Permit application or an application for a change in a Special Permit use, the Commission shall consider all the standards contained in §44-5, Site Plan Standards and Objectives, herein, and shall take into consideration the public health, safety and general welfare and may prescribe reasonable conditions and appropriate safeguards to assure the accomplishment of such standards and objectives. In granting any Special Permit, including any change in a Special Permit Use, the Commission shall determine that the proposed use conforms to the overall intent of these regulations and shall consider each case whether the proposed use will:

1. *Be in conformance with the Plan of Conservation and Development;*
2. *Not prevent or inhibit the orderly growth and development of the area;*
3. *Not have a significant adverse effect on adjacent areas located within the close proximity to the use;*
4. *Not interfere with pedestrian circulation;*
5. *Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation;*
6. *Not have a significant adverse effect on historical, archeological and/or paleontological sites;*
7. *Preserve important open space and other features of the natural environment related to the public health, safety, and welfare;*
8. *Not obstruct significant views which are important elements in maintaining the ~~character~~ of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings;*
9. *Not have a significant adverse effect on storm drainage, sewage disposal or other municipal facilities;*
10. *Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.”*

Public Hearing and Notice to the Public

The applications will be reviewed at a remote public hearing of the Planning and Zoning Commission. The Town of Westport provides access to public hearings in real-time, by live stream on the Town's website, and by broadcast television on Optimum Govt. Access Channel 79. Additionally, anyone can join the remote meeting by accessing the meeting link published on the agenda prior to the meeting. Meeting agendas are available at www.westportct.gov on the "[Meeting List and Calendar](#)" web page. Additionally, an email address is listed on the notice and agenda to receive public comments prior to the meeting at PandZ@westportct.gov, and interested parties may "join" the meeting and offer live testimony during the meeting as the Zoom meeting link is published on the meeting agenda in advance of the meeting.

The applicant submitted a Certificate of Mailing as proof that neighbors within a 250' radius of the subject property were notified upon application submission, in accordance with §44-1.2. To date, the Planning & Zoning Department has not received any comments.

Conclusion

The application appears to comply with all applicable zoning standards and is consistent with the following goal contained in Chapter 4, *Maintain and Enhance Community Character*, of the *2017 Plan of Conservation and Development*.

"Drainage changes associated with new development (or redevelopment of sites in existing neighborhoods) is another common issue or concern. Houses that have existed for years without drainage problems can be affected by... regrading of adjacent properties that no longer intercepts rainfall, diverts water onto them, or changes the groundwater table so that soils become saturated." (Page 35)

Prior to issuance of a Zoning Permit, assuming the application is approved, the applicant should:

1. Proof of filing the Resolution on the Land Records;
2. Obtain approval from the Engineering Department; and
3. Obtain updated approval from the Aspetuck Health District; and
4. Obtain updated approval from the Conservation Department.

Department Comments

Engineering Department:	Comments from the Town Engineer, dated 1/15/26 , state, "While the granting of this approval is at the discretion of the Commission, we find no issues in our review that would preclude its approval."
Conservation Department:	The Comments from the Conservation Department, dated 1/8/26 , state, "The Conservation Commission reviewed this project and approved it on 11/19/25. The Commission findings and approval are attached for your record. The revised site plan does not have any changes that would affect this approval."
Aspetuck Health District:	The Aspetuck Health District issued approvals on October 9, 2025, for the garage bay addition with upper deck, porch, outdoor kitchen, shed, masonry gas fireplace, outdoor shower, driveway, and an engineered retaining wall (will need to be updated).

A formal field trip is NOT scheduled, but Commission members are encouraged to visit the site individually to obtain site orientation.

Available in the File and Online on the Town's website [here](#):

- Application submitted 12/19/25
- Narrative prepared by Kousidis Engineering, dated 12/11/25
- Engineering Narrative prepared by Kousidis Engineering, dated 12/11/25
- (Existing Conditions) Plot Plan prepared by Leonard Surveyors, revised 8/20/25
- Proposed Improvement Plan prepared by Leonard Surveyors, revised 2/23/26
- Site Development Plan prepared by Kousidis Engineering revised to 2/26/26
- Architectural Plans prepared by Glengate Company, revised 2/24/26
- Drainage Analysis prepared by Kousidis Engineering, revised 2/26/26
- Wall Detail drawing prepared by Glengate Company
- Soil Investigation Report prepared by Otto R. Theall revised 4/12/19
- Conservation Department Comments dated 1/8/26
- Engineering Comments dated 1/15/26
- Supplementary Engineering Comments dated 2/12/26

Background submitted by P&Z Staff

- WLR Map #4612
- Health permit HLTH-2025-00361
- Health permit HLTH-2025-00362
- Health permit HLTH-2025-00363
- Health permit HLTH-2025-00364
- Conservation permit IWW-WPL-12231-25