



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
WESTPORT, CT 06880
P 203.341.1170 F 203.341.1088

WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
MARCH 11, 2026**

The March 11, 2026 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

Josh Lewi, Chair
Timothy Kwong, Vice Chair
Brian Whiting, Sergeant at Arms
Michele Carey-Moody

Staff Members:

Colin Kelly, Conservation Director
Andrew Hally, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the March 11, 2026 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

Changes or Additions to the Agenda: The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Public Hearing:

- 1. 24 Roosevelt Road:** Application #WPL-12278-26 by Jane Gitlin, Architect, on behalf of Christopher & Grace Mulliken to construct an addition to the garage to access a second-floor addition for an ADU. Work is within the WPL area of Gray’s Creek.

Jane Gitlin, Architect, presented the application on behalf of the property owner to construct an accessory dwelling via a second-floor addition over an existing two-car garage with a 200 s.f. addition containing interior stairs. She noted that the existing house and garage were built in 1939 and the entire property is within the WPLO area of Gray’s Creek. The ADU will tie into the existing Town sewer. The project received a zoning variance on January 13, 2026. There is no CAM review required as garages are exempt and the ADU is not within 200 feet of the high water line. The Flood and Erosion Control Board approved the project on March 4, 2026 with the provision for flood vents in the architectural drawings.

Mr. Hally reviewed his staff report. He stated this is a small project with 200 s.f. of addition. There is no new foundation. The closest waterbody is approximately 100 feet away. He stated he has no specific special conditions.

Members of the Commission asked about the existing edge of pad and stairs.

Ms. Gitlin stated the edge of pad and stairs would remain as is.

Mr. Lewi asked for public comment. There was none.

Motion to close the public hearing.

Motion:	Kwong	Second:	Lewi
Ayes:	Kwong, Lewi, Carey Moody, Whiting		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

**Town of Westport
Conservation Commission
FINDINGS
Application #WPL-12278-26
24 Roosevelt Rd
Assessor’s Map: D03 Tax Lot: 025
Public Hearing: March 11, 2026**

- 1. Applicant:** Jane Gitlin, Architect
- 2. Owner of Record:** Grace & Christopher Mulliken
- 3. Application Request:** Applicant is proposing to construct additions to the garage structure to convert into an ADU with garage. Work is within the WPL area of Gray’s Creek.
- 4. Plans Reviewed:**
 - a. Plot Plan,** prepared for Grace & Christopher Mulliken, 24 Roosevelt Road, Westport, Connecticut, prepared by Land Surveying Services LLC, dated August 20, 2025, Scale: 1” = 10’.
 - b. Proposed Improvement Plan,** prepared for Grace & Christopher Mulliken, 24 Roosevelt Road, Westport, Connecticut, prepared by Land Surveying Services LLC, dated August 20, 2025, last revised January 30, 2026. Scale: 1” = 10’.
 - c. Mulliken Residence** (Architectural Renderings), 24 Roosevelt Road, Westport, CT, prepared by Jane Gitlin, Architect, dated January 14, 2026, Scale: As Noted
 - i. Site Plan with Proposed ADU** **Sheet A1.0**
 - ii. Proposed ADU Floor Plans** **Sheet A2.0**

- iii. **Proposed ADU Elevations**
- iv. **Proposed ADU Sections**

Sheet A3.0
Sheet A4.0

5. **Past Permits:** None

6. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. The property is within the Waterway Protection Line Ordinance (WPLO) boundary.

Property is situated in Flood Zones AE (el. 11') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013

Proposed First Floor Elevation: 18.4 ft.

Proposed Garage Slab Elevation: 9.0 ft.

Proposed Average Site Grade Elevation: 9.1 ft.

Lot Size: 0.344 acres (15,000 sq. ft.)

Existing Site Coverage: 20.77% (3,335 sq. ft.)

Proposed Site Coverage: 22.23% (2,126 sq. ft.)

Existing Building Coverage: 15.4% (2,310 sq. ft.)

Proposed Building Coverage: 16.87% (2,530 sq. ft.)

Sewer: The existing residence is serviced by municipal sewer.

Existing Residence: The existing residence was constructed in 1939.

Residential Zone: Zone A

- 7. **Aquifer:** Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 8. **Coastal Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. AE-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
- 9. **Proposed Storm Water Treatment:** The increase of 200 sq. ft. of impervious coverage will not require a dedicated stormwater management system. Roof leaders will convey stormwater from the roof to splash blocks at ground surface. The Commission does not require additional measures for stormwater treatment.
- 10. **Discussion:**

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

"An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The entire property lies within the WPLO boundary (elevation 9') of Grays Creek. The property is situated ~425' east of Grays Creek and ~750' north of the Saugatuck River. The mean high-water line of the Saugatuck River is established at elevation 3.3' (NAVD88) to the south of the property. West of the property is Grays Creek, a tidal watercourse featuring tidal wetlands and mudflats. The portion of the Saugatuck River nearest to the subject property is the Ned Dimes Marina basin. The intertidal zone within the marina basin can be characterized as highly modified, noting the presence of a stone/concrete seawall along much of the shoreline.

Based on the existing spot elevations shown on the site plan, the topography of the site is relatively flat. The elevations indicate the site generally drains towards the northern property boundary. Noting that the Saugatuck River is located to the south of the site, The Commission finds that potential flood waters may originate from the Gray's Creek during heavy storm events, though flooding from the Saugatuck River is likely to occur in more extreme events.

The application proposes to construct additions to the side and above the existing 2-car garage. The garage will become an accessory dwelling unit. The coverage will have a minor increase by 200 sq. ft. The driveway surface area will stay the same. The proposed ADU will have a first-floor elevation of 18.4' and will conform to FEMA standards with the first habitable floor established above the 100-year base flood elevation (el. 11'). The architectural

renderings demonstrate that the ground level will contain parking for two cars with a slab elevation of 9.0'. The rendering, "Proposed ADU Floor Plans", demonstrates there are three (3) flood vents throughout the ground level which complies with FEMA requirements. During the Flood and Erosion Control Board meeting held on March 4, 2026, the application was approved by the Board with no special conditions.

Water Quality Considerations:

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~23%, which is within the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The site plan indicates minimal excavation and a proposed soil stockpile just south of the ADU. The project will employ the use of a single row of perimeter silt fence around the eastern portion of the property. The Commission does not find temporary or long-term impacts to water quality.

Natural Habitat Considerations:

The Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided no results of potential habitat for state listed species. At present, The Commission does not require further consultation to evaluate impact to listed species.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of the Saugatuck River and tidal wetland.

The Commission finds that the proposed ADU will create minor soil disturbance. Soil disturbance will be limited to the construction of the side addition and porch. Potential adverse impacts from soil disturbance will be mitigated by the installation of the perimeter silt fence. Given that the project is ~425 from the nearest waterbody, The Commission finds that there is minimal potential for adverse impacts of sediment release into the aquatic habitat.

The site is moderately well vegetated with ornamental perennials and trees in its present condition. The project does not propose significant vegetation removal. The Commission often requires compensatory plantings of native trees and shrubs to account for a new footprint of impervious surface. The Commission finds that impervious coverage will only increase 200 sq ft. within an area maintained as lawn adjacent to patio. The Commission discussed if it finds a native compensatory planting is necessary to offset any anticipated impacts.

Overall, The Commission finds the project has minimal potential to have adverse short-term and long-term impacts to water quality and natural habitat of the Saugatuck River and Grays Creek.

**Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application #WPL-12278-26
24 Roosevelt Rd
Assessor's Map: D03 Tax Lot: 025
Public Hearing: March 11, 2026**

Project Description: To construct additions to the garage structure to convert into an ADU with garage. Work is within the WPL area of Gray's Creek.

**Owner of Record: Grace & Christopher Mulliken
Applicant: Jane Gitlin, Architect**

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **WPL-12278-26** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor, who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board March 4, 2026 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the Plans Entitled:
 - a. **Plot Plan**, prepared for Grace & Christopher Mulliken, 24 Roosevelt Road, Westport, Connecticut, prepared by Land Surveying Services LLC, dated August 20, 2025, Scale: 1” = 10’.
 - b. **Proposed Improvement Plan**, prepared for Grace & Christopher Mulliken, 24 Roosevelt Road, Westport, Connecticut, prepared by Land Surveying Services LLC, dated August 20, 2025, last revised January 30, 2026. Scale: 1” = 10’.
 - c. **Mulliken Residence** (Architectural Renderings), 24 Roosevelt Road, Westport, CT, prepared by Jane Gitlin, Architect, dated January 14, 2026, Scale: As Noted
 - i. **Site Plan with Proposed ADU** **Sheet A1.0**
 - ii. **Proposed ADU Floor Plans** **Sheet A2.0**
 - iii. **Proposed ADU Elevations** **Sheet A3.0**
 - iv. **Proposed ADU Sections** **Sheet A4.0**

- b. **Zoning Plot Plan** (Improvement Plan), located at 21 Compo Beach Road, Westport, Connecticut, prepared for Gara Morse-Newman, prepared by B.G. Root, Surveyor, dated August 17, 2025, Scale: 1" = 10'.
 - c. **Proposed Alterations to the Garage** (Architectural Plan), at 21 Compo Beach Road, Westport, Connecticut, Floor Plan and Elevations, Proposed Alterations, prepared by Roundtree Architects, dated August 26, 2025. Scale: ¼"=1'. Drawing No. A-1.
 - d. **Conservation Landscape Plan**, for 21 Compo Beach Road, Westport, Connecticut, prepared by Moon Gardens, LLC, dated February 02, 2026, Scale: 1" = 10'.
5. **Previous Permits Issued:** None
6. **Property Description:**
- a. **Location of 25-year flood boundary:** 9 ft. contour interval. The property is within the Waterway Protection Line Ordinance (WPLO) boundary.
 - b. **Property is situated in Flood Zones AE (el. 11')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013
 - c. **Proposed Pool Coping Elevation:** ~6 ft.
 - d. **Proposed Rear Pool Depth:** 5.0 ft.
 - e. **Proposed Pool Equipment Elevation:** 12 ft.
 - f. **Lot Size:** 0.1586 acres (6, 906 sq. ft.)
 - g. **Existing and Proposed Building Coverage:** 26.89% (1,857 sq. ft.)
 - h. **Existing Site Coverage:** 49.26% (3,402 sq. ft.)
 - i. **Proposed Site Coverage:** 47.63% (3,290 sq. ft)
 - j. **Sewer Line:** The existing residence is serviced by municipal sewer.
 - k. **Aquifer:** Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
7. **Coastal Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
8. **Proposed Storm Water Treatment:** The applicant proposes no drainage system for the new pool. The pool head space (the distance between the maintained water level and top of pool coping) can be claimed as stormwater storage for the new impervious surface. Engineering Staff and Flood & Erosion Control Board did not require additional stormwater storage.
9. **Discussion:**
- The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:
- "An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."***
- The property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property is across the street from the intertidal zone of Grays Creek, a tidal embayment of the Saugatuck River. The site survey depicts the tidal wetland line ~100 feet west of the subject property. The intertidal zone is not on the property boundary. The mean high water line is established at elevation 3.3' (NAVD88), and the coastal jurisdiction line (el. 5.3') is located offsite. The property is situated within the flood zone AE (el. 13').

Based on the existing spot elevations shown on the site survey, the property gradually slopes down to the west towards Grays Creek. There will be moderate earth disturbance associated with the proposed pool excavation. The Commission finds the site plan indicates the grades and slopes will be maintained.

The project proposes to construct a new in-ground swimming pool and renovate the existing garage. The garage will be modified to include two (2) flood vents and a set of French doors while maintaining its existing slab elevation of 6.75 ft. The project narrative specifies the removal of ~354 sq. ft. of existing driveway surface. Town's Engineering

Department found this design to be compliant. On **March 4, 2026**, The Flood and Erosion Control Board approved the application with no special conditions.

Water Quality Considerations:

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The proposed site coverage is ~48%, which far exceeds the 10-25% cover that is expected to impact water quality. Coverage calculations are provided on the site plan. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The planting plan depicts one layer of silt fence beyond the limit of disturbance and around a soil stockpile area. An anti-mud tracking pad will be installed at the existing driveway entrance on the Compo Beach Road travel way. Earth disturbance will be limited to the excavation for the pool. No grading is proposed. Average site grade will not change.

The Commission finds that mean high water is at el. 3.3'. The Commission finds that the excavation for the pool (coping el. ~6') in the rear of the property may encounter tidally influenced groundwater. The permitted will utilize a dirtbag dewatering area east of the pool and will discharge to ground surface pitched away from storm drains within the roadway. The dirtbag will filter any silt-laden water and discharge it into the stormwater basin. The dirtbag should be contained by silt fence and or staked haybales.

The Commission finds stormwater quality across the property has the potential to improve moderately with removal of existing impervious portions of driveway. The applicant also proposes an extensive mitigation planting along the northern property boundary, which is composed of native trees shrubs and herbaceous plants. The planting will help intercept and absorb some general stormwater runoff from the entire property. With the implementation of these measures, The Commission requires no additional mitigations to maintain water quality.

Natural Habitat Considerations:

The Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; Northern diamondback terrapin (*Malaclemys terrapin terrapin*), yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), Atlantic seasnail (*Liparis atlanticus*), blueback herring (*Alosa aestivalis*), sand tiger shark (*Carcharias taurus*), radiated shanny (*Ulvaria subbifurcata*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species: great egret (*Ardea alba*) and snowy egret (*Egretta thula*). No trees are proposed to be removed. The Commission finds that since, there is no proposed development immediately adjacent to the water or within the water column, there is no potential impact to any listed aquatic species. At present, The Commission does not require further consultation to evaluate impact to listed species.

The landscape plan indicates that a mitigation planting will be installed with 58 1-gallon and 2-gallon-sized native perennials. Five 15-gallon American hornbeam trees and two arrowwood viburnums will be included in the planting. The buffer will be planted ~10 feet wide along the northern property boundary. The site has minimal existing natural vegetation, at present. The Commission finds the planting to be greatly beneficial to adding native vegetation adjacent to the natural habitat of Gray's Creek. The plants should provide habitat and forage for passerine birds and pollinating insects that exist around the tidal estuarine basin. The planting should be useful in intercepting and infiltrating stormwater that would otherwise run across the roadway into the intertidal zone of Gray's Creek. The Commission requires a bond for the cost of the planting to be held for one year to ensure the vitality of the plants.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of the Saugatuck River and tidal wetland.

The nearest proposed limit of disturbance from the installation of the pool and driveway is ~150' from the intertidal zone of Grays Creek. The Commission finds that the risk of sediment release into the resources is mitigated by the

utilization of the row of silt fence around the project area, and a row of silt fence around the soil stockpile, and construction entrance. With the mitigating controls and designs, the potential for short term and long-term adverse impacts from the proposed development to the natural habitat is minimal.

The Commission requires no additional mitigations to maintain the natural habitat within the wetland, watercourse and upland resources within the Waterway Protection Line.

**Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application #WPL-12279-26
21 Compo Beach Road
Assessor's Map: D03 Tax Lot: 008
Public Hearing: March 11, 2026**

Project Description: To construct a new in-ground swimming pool and bring an existing garage into FEMA compliance. Work is within the WPL area of Gray's Creek.

Owner of Record: Gary Newman & Gara Morse
Applicant: Cindy Tyminski of Moon Gardens, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **WPL-12279-26** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.

14. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board March 4, 2026 conditions of approval.
17. Conformance to the previously adopted “**Standard Pool Conditions**” for pools located near wetlands or watercourses as applicable and as enumerated below:
 - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
 - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
 - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e. three (3) or more months.
 - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
 - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

18. Conformance to the Plans Entitled:
 - a. **Zoning Plot Plan**, located at 21 Compo Beach Road, Westport, Connecticut, prepared for Gara Morse-Newman, prepared by B.G. Root, Surveyor, dated July 10, 2025, revised July 21, 2025, Scale: 1” = 10’.
 - b. **Zoning Plot Plan** (Improvement Plan), located at 21 Compo Beach Road, Westport, Connecticut, prepared for Gara Morse-Newman, prepared by B.G. Root, Surveyor, dated August 17, 2025, Scale: 1” = 10’.
 - c. **Proposed Alterations to the Garage** (Architectural Plan), at 21 Compo Beach Road, Westport, Connecticut, Floor Plan and Elevations, Proposed Alterations, prepared by Roundtree Architects, dated August 26, 2025. Scale: ¼”=1’. Drawing No. A-1.
 - d. **Conservation Landscape Plan**, for 21 Compo Beach Road, Westport, Connecticut, prepared by Moon Gardens, LLC, dated February 02, 2026, Scale: 1” = 10’.
19. The applicant shall submit a performance bond for the planting plan to be held one full growing season to ensure vitality of the plants. The bond shall be paid prior to the issuance of a Zoning Permit.

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. This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

Motion: Kwong Second: Whiting
Ayes: Kwong, Whiting, Lewi, Carey-Moody
Nays: None Abstentions: None Vote: 4:0:0

3. **28 Owenoque Park:** Application #WPL-12282-26 by Moon Gardens LLC on behalf of Elizabeth A Robins to reconstruct a timber bulkhead in-kind and in place as authorized by CT DEEP Certificate of Permission 202506968-COP. Work is within the WPL area of Grays Creek.

Cindy Tyminski presented the application to reconstruct a timber bulkhead on behalf of the property owner. The property is directly on Gray’s Creek intertidal embayment. The current wall is failing at the toe. The work has received a CT DEEP Certificate of Permission on December 17, 2025 and Flood and Erosion Control Board approval on March 4, 2026. She stated they will install 28-inch soldier piles with a tieback system connected to a concrete dead man.

The work will be done in 25-foot section with stabilization prior to moving to the next section. The work must be done during low tide. They must flag the tidal wetland limits and construction cannot be any closer to the water than the existing wall. They must inspect for the norther diamondback terrapin before each work session. Ms. Tyminski commented on the staff report and confirmed that they will install a turbidity curtain. She indicated that work should be completed in approximately four weeks.

Mr. Hally expressed concern about sediment disturbance in the marsh during construction. He questioned whether the turbidity boom alone would be sufficient for containment. He requested a meeting at the start of work to discuss the sediment and erosion control measures and phasing with the contractor onsite. He asked detailed questions about the construction sequence, the duration of the exposed excavations, the dead man installation process and the potential tree impacts.

Mr. Kelly explained the turbidity curtain is floatable with chains but expressed concern about the impact on the tidal wetland vegetation from the rising and falling. He noted there is typically a 3-hour window on either side of low tide for work. He referred to a similar project at Compo Marina Basin, where a silt fence was used for sediment containment during the seawall work.

The Commission discussed where a site monitor was needed for this project. It was decided that periodic monitoring with staff discretion as determined the initial work phases would be enough.

Mr. Lewi asked for public comment. There were no public comments.

Motion to close the public hearing

Motion:	Kwong	Second:	Lewi
Ayes:	Kwong, Lewi, Carey Moody, Whiting		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

**Town of Westport
Conservation Commission
FINDINGS
Application #WPL-12282-26
28 Owenoke Park
Assessor's Map: C03 Tax Lot: 021
Public Hearing: March 11, 2026**

1. **Applicant:** Cindy Tyminski of Moon Gardens, LLC
2. **Owner of Record:** Elizabeth Robins
3. **Application Request:** The applicant is proposing to reconstruct a timber bulkhead in-kind and in place as authorized by CT DEEP Certificate of Permission 202506968-COP. Work is within the WPL area of Grays Creek.
4. **Plans Reviewed:**
 - a. **Plot Plan**, prepared for Elizabeth A. and Julian Robins, 28 Owenoke Park, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated July 18, 2018, last revised April 21, 2025, Scale: 1" = 20'.
 - b. **Site Plan, Details & Notes** prepared for Elizabeth A. and Julian Robins, 28 Owenoke Park, Westport, CT, prepared by Chappa Site Consulting, LLC, dated May 9, 2025, Scale: 1" = 20'. Sheet 2 of 2.
 - c. **WPLO Planting Plan & Schedule, Robins Residence**, prepared for Elizabeth and Julian Robins, 28 Owenoke Park, Westport, CT prepared by Kathryn Herman Design, dated May 5, 2025, Scale: 1" = 10'.
 - d. **Existing Conditions Plan**, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 30'. Sheet 4 of 7.
 - e. **Proposed Conditions Plan**, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 30'. Sheet 5 of 7.
 - f. **Elevation A**, Bulkhead Repair Project, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 5'. Sheet 6 of 7.

g. Elevation B, Bulkhead Repair Project, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 5'. Sheet 4 of 7.

- 5. Previous Permits Issued:** WPL-20593-18 Dock
WPLE-11203-21 Generator/ Propane
WPL-12145-25 Substantial Improvement, Pool, Patio

6. Property Description:

Location of 25-year flood boundary: 9 ft. contour interval. The entirety of property is within the Waterway Protection Line Ordinance (WPLO) boundary.

Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013. The proposed work will occur wholly within the flood zone.

Lot Size (above mean high water): 0.73 acres (18,511 sq. ft.)

Sewer Line: The existing residence is serviced by municipal sewer.

State of Connecticut DEP issued a Certificate of Permission for this application on December 26, 2017, DEEP License #202506968-COP

- 7. Aquifer:** Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 8. Coastal Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.

9. Discussion:

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

"An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The property lies within the WPLO boundary (elevation 9') of the Saugatuck River. The property abuts intertidal zone of Grays Creek, a tidal embayment of the Saugatuck River. The site survey depicts the tidal wetland line along the northern portion of the property. The intertidal zone is within the property boundary. The mean high water line is established at elevation 3.3' (NAVD88), and the coastal jurisdiction line (el. 5.3') is located on the property. The property is situated within the flood zone AE (el. 13'). The envelope of residential development is not within the VE zone.

Based on the existing spot elevations shown on the site survey, the property gradually slopes down gradient from the center of the property northerly towards Grays Creek and southerly towards the Owenoke roadway. The topography of the land around the proposed residence is generally flat. Reconstruction of the seawall does not propose a change in average site grade.

The existing improvements on the property include a residence, driveway, porch, patio, and steps. In July 2025, the Commission approved an application to reconfigure the driveway, walkways, and rear patios and construct a pool patio, fire pit, generator/ pool equipment, entry stairs, underground storage tank, and stormwater management system. The permit requires a planting plan that would establish a 10'-wide buffer immediately upgradient from the existing timber sea wall along the Coastal Jurisdiction Line. The application for replacement of the timber seawall/ bulkhead will utilize the planting as a part of the mitigation for the work. The planting will be implemented along the top of the new seawall once installed. The planting was subject to a performance bond for one full growing season after the date of installation. The Commission notes that the bond was paid on **September 5, 2025** and remains open. The Flood and Erosion Control Board approved the application at its **March 4, 2026** hearing.

The Connecticut Department of Energy and Environmental Protection issues Certificates of Permission licenses for minor activities related to previously authorized work. These activities include substantial maintenance of existing structures. All work is to occur from the upland side of the project.

The applicant is proposing to remove and replace the existing 181 linear foot seawall. The existing seawall is constructed of horizontal 8x8" timbers. The wall is failing and tilting toward the intertidal zone of Gray's Creek. The applicant will install 20 8" soldier piles and install a tieback system to with steel rods anchored to a concrete a deadman. The wall will be composed of 7 horizontal courses of stacked timber beams. The top of wall elevation will be around el. 7.4'.

In the COP license, the Land & Water Resources Division Director stipulated the following special conditions.

- **Height of Tide Restriction:** Bulkhead installation in Authorized Activities, paragraph above, shall be conducted during periods of lower water to minimize sedimentation. At no time shall excavation areas be exposed to tidal water.
- **Wetland Delineation and Work Restrictions:** Prior to construction commencement, the Licensee shall flag the limits of tidal wetlands located at the site. At no time shall excavation occur in tidal wetlands. Except as specifically authorized by this License, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored within the wetland area. Any such flagging should be capable of withstanding daily tidal ebbs and flows and shall be maintained in optimal operating condition until project completion, at which time flagging shall be removed to an upland location.
- **Bulkhead Footing Restriction:** The Licensee shall construct the bulkhead authorized herein such that the waterward face of the footing does not extend further waterward than the face of the existing bulkhead.
- **Wall Construction Phasing:** Bulkhead installation in Authorized Activities, paragraph above, shall be limited to 25-foot sections. At no time shall work begin on a second section of the bulkhead without the prior section being stabilized to prevent erosion of exposed sediments into Grays Creek.
- **Northern Diamondback Terrapin Preservation:** Prior to each work session, the Licensee shall visually inspect the beach area for the presence of northern diamondback terrapins. Any observed turtle shall be carefully moved, without harm, to a location outside the work area, and positioned in the same orientation that it had been moving. The Licensee shall report all observations of these turtles, relocated or not, to the DEEP-NDDDB Program to deep.nddbrequest@ct.gov after each encounter.

Water Quality Considerations:

The project plans, the narrative, and State License do not indicate what sedimentation and erosion controls or water handling measures will be utilized during disturbance of the upland ground surface or the tidal substrate. The project plans do not indicate any consideration for timing with tides or seasonal restrictions. The applicant stated that a turbidity boom would be deployed over the vegetated mudflat containing each 25' work area. The project narrative does not describe a methodology for removing the timbers. It is reasonable to think that the timbers will be both removed and replaced using machinery from the upland side of the wall. The State license specifies that the work is restricted to 25' lengths at a time to minimize the amount of disturbed area exposed to tidal action or inundation. The applicant does not provide a construction sequence.

The Commission finds turbidity curtains necessary. The Commission finds sand bags or silt fence could also be useful in containing upland soil from migrating into the water column. If soil or soft marsh sediments need to be stockpiled and dewatered, the site plan should indicate a dewatering basin fortified with silt fence or staked haybales. The Commission requires a construction sequence with a revised project plan and narrative to specify. There is no indication in the plan or the narrative of how long the entire project will take. The Commission discussed the potential need for a site monitor to provide periodic reports.

Natural Habitat Considerations:

The Commission references a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential habitat for following state species of special concern; Northern diamondback terrapin (*Malaclemys terrapin terrapin*), yellow-crowned night-heron (*Nyctanassa violacea*), glossy ibis (*Plegadis falcinellus*), Atlantic seasnail (*Liparis atlanticus*), blueback herring (*Alosa aestivalis*), sand tiger shark (*Carcharias taurus*), radiated shanny (*Ulvaria subbifurcata*), and little blue heron (*Egretta caerulea*). The review listed two state threatened species: great egret (*Ardea alba*) and snowy egret (*Egretta thula*). The Commission finds that

State Licenses typically have an internal review and provide measures for protecting State threatened and endangered species. The State specifically called out a BMP for protecting and relocating diamondback terrapin if observed onsite.

The Commission previously approved a buffer planting for WPL-12145-25. The landscape plan indicates that a buffer planting will be installed with 252 plugs of American beach grass and 49 plugs of wild lupine. The buffer will be planted 10 feet wide with 39 1-gallon herbaceous perennials, 34 shrubs, 2 serviceberry trees. The Commission finds this planting is adequate to stabilizing loose soils along the top of the wall. The Commission discussed the potential removal of the mature tree along the sea wall.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of the Saugatuck River and tidal wetland.

The nearest proposed limit of disturbance from the installation of the pool and driveway is ~20' from the intertidal zone of Grays Creek. The Commission finds that the risk of sediment release into the resources would be mitigated by the utilization of the row of silt fence around the project area, and a row of silt fence or staked haybales around the soil stockpile. With the mitigating controls and designs, the potential for short term and long-term adverse impacts from the proposed development to the natural habitat should be minimal.

**Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application #WPL-12282-26
28 Owenoke Park
Assessor's Map: C03 Tax Lot: 021
Public Hearing: March 11, 2026**

Project Description: To reconstruct a timber bulkhead in-kind and in place as authorized by CT DEEP Certificate of Permission 202506968-COP. Work is within the WPL area of Grays Creek.

**Owner of Record: Elizabeth Robins
Applicant: Cindy Tyminski of Moon Gardens, LLC**

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **WPL-12282-26** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or

watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board March 4, 2026 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the Plans Entitled:
 - a. **Plot Plan**, prepared for Elizabeth A. and Julian Robins, 28 Owenoke Park, Westport, Connecticut, prepared by Leonard Surveyors LLC, dated July 18, 2018, last revised April 21, 2025, Scale: 1" = 20'.
 - b. **Site Plan, Details & Notes** prepared for Elizabeth A. and Julian Robins, 28 Owenoke Park, Westport, CT, prepared by Chappa Site Consulting, LLC, dated May 9, 2025, Scale: 1" = 20'. Sheet 2 of 2.
 - c. **WPLO Planting Plan & Schedule, Robins Residence**, prepared for Elizabeth and Julian Robins, 28 Owenoke Park, Westport, CT prepared by Kathryn Herman Design, dated May 5, 2025, Scale: 1" = 10'.
 - d. **Existing Conditions Plan**, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 30'. Sheet 4 of 7.
 - e. **Proposed Conditions Plan**, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 30'. Sheet 5 of 7.
 - f. **Elevation A**, Bulkhead Repair Project, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 5'. Sheet 6 of 7.
 - g. **Elevation B**, Bulkhead Repair Project, prepared for Robins Property, 28 Owenoke Park, Westport, Connecticut, prepared by Coastline Consulting & Development, dated November 4, 2025, Scale: 1" = 5'. Sheet 4 of 7.
18. The applicant shall submit a S&E control plan subject to Staff approval prior to the issuance of a Zoning permit.
19. The permittee shall install S&E controls immediately north of the area of disturbance. Utilize type 1 floating turbidity curtain in Gray's Creek along each section of work.
20. Contact the Conservation Department 48 hours prior to construction to schedule a site meeting with Conservation Staff.
21. The permittee shall submit a construction sequence subject to Staff approval prior to the issuance of a Zoning permit.
22. The permittee shall retain a site monitor to provide periodic reports during the construction of the wall.
23. The permittee shall conform with DEEP COP license.
24. There is potential the replacement of the seawall will necessitate the removal of a large tree. The Conservation Department shall be notified for a site inspection prior to a potential removal of the large tree along the seawall.

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. This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

Motion: Lewi **Second: Whiting**
Ayes: Lewi, Whiting, Carey-Moody, Kwong
Nays: None **Abstentions: None** **Vote: 4:0:0**

4. **21 Old Hill Farms Road:** Application #IWW,WPL-12280-26 by Kousidis Engineering on behalf of Abundance Twenty One Trust to construct a new single-family residence, driveway, in-ground swimming pool, patio, retaining walls, septic system, drainage, and associated site improvements and to rectify in part and legalize in part a filling violation from a previous owner. Portions of the work are within the upland review area setbacks and the WPL area of an unnamed tributary to Stony Brook.

Avind Baur, PE presented the application for a new single-family residence and swimming pool on behalf of the property owner. He stated Bill Kenny was also present to discuss the landscape plan and mitigation. He stated the current owners unknowingly purchased this property with a wetland violation from the previous owner, who filled a portion of the wetland and created a retaining wall 3 to 4 years ago without permits. He indicated the topography shows a significant difference between the 2007 survey and the current conditions due to the unauthorized fill. They are proposing a hybrid option to perform restorative action while developing the property. The proposed new residence, driveway, pool and retaining walls are set back further from the wetlands to allow restoration. They have received Health Department, Engineering Department and Flood and Erosion Control Board approvals. He noted there are extensive stormwater detention systems to collect the impervious areas and detain the 25-year storm. The system will provide water quality volume and groundwater recharge.

Mr. Kenny discussed the wetland restoration plan. It includes removing the unauthorized retaining wall, steps, walkway along with 500 s.f. of wetland fill and 2,800 s.f. of buffer fill. He discussed the planting plan which includes 35 trees, 35 shrubs, 450 native ground cover perennials, and native seed mix totaling over 9,000 s.f. of wetland and buffer planting. He stated the retaining walls will become substantial demarcation features separating residential yard from natural area.

Mr. Hally raised a concern about trees within the 20-foot non-disturbance buffer that could potentially be impacted. He requested a continuation to obtain a better tree survey.

Mr. Baur identified a 10-in tree near the wall edge and a 14-inch tree near the level spreader that may be impacted. He requested as a condition of approval that the level spreader be relocated rather than a continuation.

Mr. Hally noted an underground water pipe/drainage easement that was discovered during the site visit that is not shown on the plans. The pipe daylights near the proposed work area.

Mr. Kelly used GIS to identify a street drain on Old Hill Farm Road that likely connects to the pipe discharging into the wetlands. He indicated it appears to be a municipal infrastructure from the 1950's.

Mr. Hally questioned whether all the new improvements have been minimized. He expressed concern about the 3,000 s.f. driveway; a portion of which is within the setbacks. He asked whether sufficient consideration was given to restoration.

Mr. Kelly explained the need to locate the pipe discharge, adjust the walls to avoid interference, and preserve historic flow. He recommended staff work with the applicant on the details.

Mr. Hally recommended a 3-year monitoring period with annual reports on invasive removal and restoration progress as well as a performance bond for plantings. He asked about the construction sequence.

Mr. Baur stated the construction sequence would be the house construction first, then the wetland restoration and planting at the end to avoid disturbing the plants on an active construction site.

Mr. Kelly clarified there would be no Certificate of Compliance issued until the restoration is complete. A site monitor is required weekly during restoration and wall construction phases.

iii.	1st Floor Architectural Plan	Sheet A-101
iv.	2nd Floor Architectural Plan	Sheet A-102
v.	Attic Architectural Plan	Sheet A-103
vi.	Roof Architectural Plan	Sheet A-104
vii.	Exterior Elevations	Sheet A-201
viii.	Exterior Elevations	Sheet A-202

5. Previous Permits issued:

#AA,WPL/E-12255-25: New single family residence

#AA,WPL/E-12256-25: Pool

(Neither application was issued a permit. Application records will be superseded by this potential approval).

6. Background Information:

The Conservation Compliance officer noticed historic violations of filling, grading, and construction of a retaining wall and stairs within the wetland when reviewing the above-mentioned Administrative Approval permit applications. The Conservation Department found that the violation most likely occurred around 2021. The previous owners carried out the non-permitted activity prior to the sale to the current owners. A Notice of Violation, dated December 23, 2025 was issued to the current owners by the Conservation Enforcement Officer. With cooperation from the owners, The Conservation Department is seeking a path toward voluntary compliance. The home owners will work towards compliance by applying for a permit to restore the wetland boundary and construct a new home with associated improvements outside of the restoration area. Without having a well-defined wetland boundary, the engineers for the applicant have a plan to restore to historic grade lines that likely defined the wetland limit. Conservation Staff and the project engineer visited the site and agreed on limit to restore the wetland. The new wetland boundary will be amended for the Town GIS system after construction and restoration have been completed.

The rest of the site's development will be razed. The new development includes a single family dwelling (with full basement), in-ground swimming pool, patios, walkways, driveway, a septic system. The Commission finds the current average site grade around the house is ~ el. 89' and it will be increased to ~el. 92.5'. The house will keep the same utilities servicing the current house.

7. IWW and WPLO Regulated Areas:

The Waterway Protection Line Boundary is established 15' from the wetland boundary.

The wetland existing on the property is part of a larger palustrine, forested wetland (3.5 acres) which extends beyond the property boundary to the south including properties of Old Hill Farms, The Fenway and Woodside Avenue. The wetland/waterbody drains across The Fenway to an unnamed watercourse which eventually drains to Stony Brook and Nash's Pond.

The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for this property include:

50' upland review area for construction of a new single-family residence,

50' upland review area for a septic system,

35' upland review area for a pool,

30' upland review area for a driveway,

30' upland review area for patios,

30' upland review area for walls,

25' upland review area for pool filtration units, and

20' upland review area for excavation, filling, and grading and alterations within the non-disturbance buffer.

The proposed new residence is within the 50ft upland review area. The proposed septic system is outside the 50ft upland review area. The proposed pool is within the 35ft upland review area. The proposed pool patio, driveway, and retaining walls are within the 30ft upland review area. The proposed pool equipment pad is within the 25ft upland review area. Alterations including excavation, restoration of wetlands, grading, retaining walls and installation of stormwater infiltration units will occur within the 20ft non-disturbance buffer.

The wetland boundary will be amended post construction when the wetland line is re-established and planted with a restoration planting.

The WPLO boundary is established 15 linear feet from the wetland boundary. Excavation, grading, and construction of retaining walls will occur within the WPL.

Wetlands Description: *The boundary, to which the wetland will be reestablished, was determined by reviewing historic aerial images and matching that to surveyed wetland delineation point within undisturbed areas, as delineated by Aleksandra Moch, Soil Scientist in 2025.*

The findings are detailed in Wetland Delineation (report), for the property located at 21 Old Hill Farms Road, Westport, Connecticut, prepared by Aleks Moch, Soil & Wetland Scientist, dated September 9, 2025.

Wetland soils found on the property

Timakwa and Natchaug Soils (17): The Timakwa series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials over sandy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately high or high in the organic layers and high or very high in the sandy material. Slope ranges from 0 to 2 percent. The Natchaug series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials overlying loamy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately high or high in the organic layers and moderately low to high in the loamy material.

Non-Wetland soils found on the property

Woodbridge fine sandy loam (60): This moderately well-drained soil occurs in the ground moraines, hills, and drumlins. Its parent material consists of course-loamy lodgment till derived from gneiss, granite, and/or schist. The surface is typically covered with cobbles, stones, or boulders. The depth of the restrictive layer varies from 20 to 43 inches. Groundwater tables typically occur between 19 and 27 inches deep during average conditions.

8. **Property Description and Relative Facts:**

- a. The existing house was built in 1941 with an addition built in 2008. It is served by septic. The house is proposed to be demolished.
- b. The parcel is located within Stony Brook watershed. Stony Brook is located approximately 900' southwest of the subject property.
- c. This property is situated in Flood and X (area of minimal hazard) as shown on F.I.R.M. Panel 09001C0413G, effective July 08, 2013.
- d. The property is **not** within the Aquifer Protection Overlay Zone.
- e. Property does **not** exist within the Coastal Area Management Zone.
- f. The Waterway Protection Line is established 15' from the wetland boundary. It is shown on the survey.
- g. The flagged wetland area is ~**38,835 sq. ft.** as determined by "Improvement Location Survey", prepared for Coastal Luxury Homes, LLC, 21 Old Hill Farms Road, Westport, Connecticut, prepared by Land Surveying Services, dated September 17, 2025 Scale: 1" = 30'.
- h. Lot Area: 1.88 acres (81,799 sq. ft.)
- i. Base Lot Area: 47,219 sq. ft.
- j. Existing Building Coverage: **7.0%** (3,325 sq. ft.)
- k. Proposed Building Coverage: **9.1%** (4,300 sq. ft.)
- l. Existing Site Coverage: **10.7%** (5,065 sq. ft.)
- m. Proposed Site Coverage: **24.1%** (13,360 sq. ft.)
- n. Proposed Pool Coping Elevation: 92.50'
- o. Proposed Pool Patio Elevation: 92.50'
- p. Proposed Top of Lower Wall Elevation: 84.00' – 92.00'
- q. Proposed Bottom of Lower Wall Elevation: 78.00' – 89.00'
- r. Proposed Top of Upper Wall Elevation: 88.00' – 92.00'
- s. Proposed Bottom of Upper Wall Elevation: 85.00' – 89.00'
- t. Proposed Dwelling First Floor Elevation: 93.00'
- u. Proposed Basement Floor Elevation: 82.00'
- v. Proposed Total Excavation and Fill: 3,389 cu. yd. (less than the allowed 3,787 cu. yd.)

9. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations:

6.1 GENERAL STANDARDS

- a) disturbance and pollution are minimized;
- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

Discussion:

The property contains a house, porch, driveway, septic system, retaining walls, which will all be demolished to accommodate for the new development and restoration. The house is standing but is set to be demolished soon. Removal of the wall and associated restorative excavation will be within the wetland. This is necessary to correct the standing violation.

The proposed residence will be located ~45' from the closest wetland line. The proposed septic will be ~85' from the nearest wetland boundary. The proposed pool and pool patio will be located ~25' from the nearest wetland boundary. The proposed lower retaining wall will be ~7' from the nearest wetland boundary. The driveway will be located ~28' from the nearest wetland boundary. Drainage units and a level spreader will be installed ~10-15' from the nearest wetland boundary.

The house will be serviced by an onsite septic system. The septic tank will be located in the northeastern end of the property. The size of the house, patio and pool, limit of driveway and lawn are not minimized, though the house is generally over the existing building footprint. Although the wetland boundary is being restored, the 20' non-disturbance buffer is not being maintained. The project proposes a high risk of sedimentation into the wetland based on close proximity to the wetlands and feasibility of moving equipment, staging materials, creating new grade contours, and excavating and filling. The Commission finds that disturbance of the wetlands and upland buffer are essential to restoration activity. The Commission discussed opportunities to reduce encroachment on the non-disturbance buffer by reducing size and/ or changing the site configuration.

Pursuant to Section 6.1.b The Commission finds the house could have been constructed without a basement. The house could be constructed slab on grade to eliminate the need for a level spreader 15' from the wetland boundary. Though, it is not anticipated the basement will be constructed within the water table based on test pit data proximal to the proposed house.

The proposed residence will be located over the existing building footprint, but shifted south, closer to the wetland boundary. The site plan demonstrates the proposed asphalt driveway is partially within the 30' upland review area. The Commission finds the entire driveway is proposed as conventional asphalt. The excavation activity within the wetland poses moderate to significant risk of impact to the aquatic flora and fauna of the adjacent wetland and watercourse. Loose soil within and adjacent to the wetland should be stabilized as soon as is possible after regrading. The Commission requires the applicant retain a site monitor during the construction of the walls and restoration activity and provide reports weekly and immediately after rain events exceeding 1.5" of total rainfall.

The Commission finds the forested and scrub/shrub wetland itself is not optimal fish habitat, as there is limited standing surface water. The wetland is likely much better suited for amphibians and turtles, small mammals, and passerine birds. The Commission finds that efforts to minimize sediment transport and deposition within the wetland would best protect the habitat function and value for the resident wildlife during restoration activity. The habitat and water quality will be significantly enhanced after the restoration planting is installed.

The Commission finds there will be expansion of lawned or terraced areas in the western part of the site downgradient from the existing limit of driveway and the existing shed. The Commission finds this expansion will necessitate tree removal within the 20' non-disturbance buffer. The Commission finds the overall development plan

is excessively large and unnecessarily disturbs the well-established forested buffer. The plan prioritizes maximizing width and length of development over protecting resources.

6.2 WATER QUALITY

- a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- b) water stagnation will neither be contributed nor caused;
- c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
- d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- e) all applicable state and local health codes shall be met;
- f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
- g) prevents pollution of surface water

Discussion:

The surface water quality classification for Stony Brook is (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located offsite to the southwest, is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

The Commission referenced UConn's CLEAR Local Watershed Assessment Tool. The subject property is located within the Stony Brook local watershed basin. The local watershed basin (local basin # 7200-31) for Stony Brook has a combined condition index (CCI) score of 0.1. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Stony Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring tree canopy and restoring riparian zones along watercourses.

The Commission finds that it's uncertain if there is an existing drainage system that serves the residence. There is a slow flow, low volume of water discharging from a pipe at the bottom of the existing retaining wall. The drainage forms a small, ponded area that has been observed to have flow throughout the winter. The ponded area flows southerly through what appears to be a partially defined channel. It is difficult to discern if the flow originates from drainage infrastructure or a natural underground source. It is important to maintain the natural hydrology and surficial flows through that area during construction and restoration. The applicant would remove any existing drainage infrastructure prior to installing the vast infiltration system that is proposed with the new construction.

The existing site coverage is 10.7% (5,065 sq. ft.) and the proposed site coverage is 24.1% (13,360 sq. ft.). The new limit of asphalt driveway will amount to 6000 sq. ft. of coverage. The application proposes two new areas for site drainage. The house and eastern portion of driveway will be treated by 205 linear feet (20 units) of Cultec R-150 recharger units. The western end of driveway will be treated by 75 linear feet (10 units) of Cultec C-100 HD recharger units. The drainage report states the proposed stormwater management system reduces peak runoff rates during a 25-year storm and be able to store the first 1" of rainfall from all the proposed development (Water Quality Volume). The drainage system combined has a storage capacity of 1,591 cu. ft. which exceeds the 1,394 cu. ft. required by Town drainage standards. Any overflow volume from the systems would discharge through overflow grates and flow overland toward the wetland.

The site plan proposes to install a footing drain level spreader within the 20- non disturbance area, downgradient of the lower wall. The Commission finds that based on site groundwater elevations, the basement may not collect groundwater. The Commission discussed the volume of groundwater expected to discharge from the level spreader. Sheet 2 of 4, "Site Development Plan", provides test pit data from investigations on October 22, 2025 from pits advanced to 124" and May 22, 2008 from pits advanced to 84" below ground surface. Soil mottling and groundwater was only encountered at 64" and 90", respective at Test Pit-106 in the southeast, which is the area of the proposed stormwater recharger units. Excavations for the pool and basement are unlikely to advance into groundwater level. At present, The Commission does not feel that providing a specific dewatering method or location is necessary to address potential temporary adverse impacts of water quality pollution from dewatering excavations. "Sediment and

Erosion Control Note” #31 describes a potential dewatering method for excavations, if necessary. The Commission does not find potential adverse impacts to groundwater level or quality due to the design of the pool or basement.

The Commission finds that the 72 trees and shrubs as well as the extensive planting of herbaceous ground cover proposed in the wetland planting plan should have a positive effect on enhancing surface water quality within the larger forested wetland. The tree strata and shrub strata should provide shading to help attenuate thermal increases to the surface water. The herbaceous ground cover layer made up of 450 grasses and flowering perennials should benefit water quality through biofiltration of stormwater runoff and capture of suspended sediment. Native wetland and upland seeding should help stabilize temporarily disturbed areas after excavation and restoration of grades.

6.3 EROSION AND SEDIMENT

- a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
- b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
- c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
- d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
- e) applicable state, federal and local guidelines shall be met.

Discussion:

The applicant has provided sediment and erosion controls on sheet 3 of 4 “Sediment & Erosion Control Plan”, which incorporates the use of perimeter silt-fencing all along the property boundary, silt fence around the temporary stockpile area, and an anti-mud tracking pad at the proposed construction entrance along the southern boundary of the property. If a dewatering basin or bag is needed for capturing suspended sediment while discharging groundwater during excavation activities, the dewatering should be fortified with a double row of silt fence or a row of staked hay bales. Three soil stockpiles are shown in north, southeast, and southwest portions of the site.

The S&E plan provides details for the perimeter silt fence, catch basin, soil stockpile and construction entrance. Proper installation and continued maintenance of these features should be adequate to control sediments onsite. The Engineering Department found the S&E controls to be sufficient. The Flood and Erosion control board approved the application with no special conditions on March 4, 2026.

6.4 NATURAL HABITAT STANDARDS

- a) critical habitats areas,
- b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
- c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
- d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
- e) periods of seasonal fish runs and bird migrations shall not be impeded;
- f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. The Commission finds fish and aquatic wildlife habitat will not be directly impacted because any disturbance to the wetland will be related to restoring and protecting habitat. No sensitive habitats will be disturbed.

The Commission finds the restoration planting to be beneficial in reestablishing the wetland boundary. The planting will help with delineating the limit of development while adding hundreds of native flowering and fruiting plants. These plants will significantly benefit pollenating insects, passerine birds, and small mammals. William Kenny Associates provides a wetland function and value assessment table that indicates the restorative effort will enhance the wetland habitat across all criteria. The planting plan includes large scale invasive plant management within the wetland. The Commission requires a planting performance bond to be held for one season. The Commission requires a portion should be retained for 3 years for invasive plant monitoring.

The Commission discussed the presence of existing canopy trees within the 20’ non-disturbance buffer and a drainage pipe that was discovered during a Staff site visit. The Commission required that the pipe and trees be surveyed and

added to a revised site plan and submitted to Conservation Staff for approval prior to seeking issuance of a Zoning permit.

6.5 DISCHARGE AND RUNOFF

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d) flooding upstream or downstream of the location site will not be significantly increased;
- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:

The corrective excavation, regrading, and planting will help restore the property to conditions that pre-date the violation. By correcting the slope and reestablishing an upland buffer, the design plan will improve the discharge patterns across the site, as well as improve the wetlands capacity to transmit and absorb flood waters. The implementation of the stormwater management system won't increase peak runoff rates. Water that previously ran off the roof and driveway will now be collected and infiltrated back into the groundwater table.

The Commission finds that the pool patio and driveway are excessively large and could be built as pervious surfaces to help instantaneous stormwater absorption. The current design of the retaining walls limits the space for a fully vegetated 15-20' wetland buffer throughout. A wider or deeper buffer can better slow down and dissipate general site stormwater runoff during heavy rain events.

At the March 4, 2026 meeting, the Flood & Erosion Control Board approved the application with no special conditions.

6.6 RECREATIONAL AND PUBLIC USES

- a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
- b) navigable channels and or small craft navigation will not be obstructed;
- c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
- d) wetlands and watercourses held in public trust will not be adversely affected.

Discussion:

Current application will not have a significant impact on recreational and public uses.

Waterway Protection Line Ordinance (WPLO)

Section 148-9 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The WPLO boundary is located 15' from the delineated wetlands boundary onsite. Excavation, grading and installation of retaining walls is occurring within the WPL. The applicant plans to mitigate the encroachments into the WPL with a large-scale planting composed of native trees, shrubs, herbaceous perennials, and seeding. The Commission finds the planting as more than adequate mitigation to offset any potential long-term impact to water quality and natural habitat within the WPL.

Proposed site coverage is expected to increase to ~24.1% which is within the 10-25% cover that is expected to impact water quality. The potential for most projects to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The extensive excavation and regrading within and adjacent to the wetlands within the WPL represent the greatest risk of impacts to water quality and downstream habitat. The Commission finds that the Commission should

require a site monitor to identify where S&E controls may be weak or lacking. With routine inspection and maintenance of S&E controls, The Commission finds that temporary impacts of sedimentation will be mitigated.

Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application # IWW, WPL-12280-26
21 Old Hill Farms Road
Assessor's Map: B10 Tax Lot: 077
Public Hearing: March 11, 2026

Project Description: To construct a new single-family residence, driveway, in-ground swimming pool, patio, retaining walls, septic system, drainage, and associated site improvements and to rectify in part and legalize in part a filling violation from a previous owner. Portions of the work are within the upland review area setbacks of onsite wetlands and with the WPL of unnamed tributary to Stony Brook.

Owner of Record: Abundance Twenty One Trust
Applicant: Kousidis Engineering

In accordance with Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport and Section 30-93 of the Waterway Protection Line Ordinance and on the basis of the evidence of record, the Conservation Commission resolves to APPROVE Application #IWW,WPL-12280-26 with the following conditions:

Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application, or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.

12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board March 4, 2026 conditions of approval.
17. Conformance to the previously adopted "**Standard Pool Conditions**" for pools located near wetlands or watercourses as applicable and as enumerated below:
 - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
 - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
 - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e. three (3) or more months.
 - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

18. Conformance to the Plans Entitled:
 - a. **Improvement Location Survey**, prepared for Coastal Luxury Homes, LLC, 21 Old Hill Farms Road, Westport, Connecticut, prepared by Land Surveying Services, dated September 17, 2025 Scale: 1" = 30'.
 - b. **Wetland Violation Schematic**, 21 Old Hill Farms Road, Westport, CT prepared for Coastal Luxury Homes, prepared by Kousidis Engineering, LLC, dated November 25, 2025, last revised January 29, 2026, Scale: 1" = 20', Sheet 1 of 4.
 - c. **Site Development Plan**, 21 Old Hill Farms Road, Westport, CT prepared for Coastal Luxury Homes, prepared by Kousidis Engineering, LLC, dated November 25, 2025, last revised January 29, 2026, Scale: 1" = 20', Sheet 2 of 4.
 - d. **Sediment Erosion Control Plan**, 21 Old Hill Farms Road, Westport, CT prepared for Coastal Luxury Homes, prepared by Kousidis Engineering, LLC, dated November 25, 2025, last revised January 29, 2026, Scale: 1" = 20', Sheet 3 of 4.
 - e. **Proposed Wetlands Restoration Grading Plan**, 21 Old Hill Farms Road, Westport, CT prepared for Coastal Luxury Homes, prepared by Kousidis Engineering, LLC, dated November 25, 2025, last revised January 29, 2026, Scale: 1" = 20', Sheet 4 of 4.
 - f. **Wetland & Buffer Habitat Enhancement Plan**, prepared for Justin & Sarah Breiner, 21 Old Hill Farms Road, Westport, CT, prepared by William Kenny Associates, dated February 17, 2026, Scale: As Noted.
 - g. **Wetland and Watercourse Impact Assessment**, prepared for 21 Old Hill Farms Road, Westport, CT, prepared by William Kenny Associates, dated February 17, 2026, Scale: As Noted.
 - h. **Wetland Delineation** (report), for the property located at 21 Old Hill Farms Road, Westport, Connecticut, prepared by Aleks Moch, Soil & Wetland Scientist, dated September 9, 2025.
 - i. **Drainage Analysis** (report), located at 21 Old Hill Farms Road, Westport, Connecticut, prepared for Coastal Luxury Homes, prepared by Kousidis Engineering, dated November 25, 2025, revised January 29, 2026.
 - j. **New Single Family Home** (Architectural Renderings), 21 Old Hill Farms Road Residence, CT 06880, prepared by CMS Architects, dated November 4, 2025, Scale: As Noted.
 - i. **Title Sheet** Sheet T-1
 - ii. **Arch. Notes & Basement Plan** Sheet A-100
 - iii. **1st Floor Architectural Plan** Sheet A-101

Mr. Baur stated that it could not be determined but noted the entire site will be excavated anyway.

Mr. Kelly noted this site is in the lowest reaches of the watershed before resources. He indicated that any green infrastructure or eco-conscious structure is beneficial.

Mr. Baur agreed to a permeable driveway. He agreed to developing a planting plan with the staff. He stated there are no current plans for a pool due to the tight coverage restrictions in the A/B zone.

Mr. Lewi asked for public comment. There were none.

Motion to close the public hear.

Motion:	Kwong	Second:	Carey Moody
Ayes:	Kwong, Carey Moody, Lewi, Whiting		
Nayes:	None	Abstentions:	None
			Vote: 4:0:0

**Town of Westport
Conservation Commission
FINDINGS
Application #WPL-12281-26
65 Grove Point Road
Assessor's Map: E06 Tax Lot: 033
Public Hearing: March 11, 2026**

1. **Applicant:** Kousidis Engineering
2. **Owner of Record:** Able Construction, Inc.
3. **Application Request:** Applicant is proposing to construct a new single-family residence. Portions of the work are within the WPL areas of Pussy Willow Brook and the Sherwood Mill Pond.
4. **Plans Reviewed:**
 - a. **Zoning Location Survey**, prepared for Able Construction, 65 Grove Point Road, Westport, Connecticut, prepared by Shevlin Land Surveying, LLC, dated October 20, 2025, Scale: 1" = 20'.
 - b. **Site Development Plan**, 65 Grove Point Road, Westport, Connecticut, prepared for Able Construction, prepared by Kousidis Engineering LLC, dated February 03, 2026, Scale: 1" = 10'.
 - c. **Drainage Report**, 65 Grove Point Road, Westport, Connecticut, prepared for Able Construction, prepared by Kousidis Engineering LLC, dated February 03, 2026.
 - d. **Residence for Able Construction** (Architectural Renderings), Residence for Able Construction, 65 Grove Point Road, Westport, CT, prepared by Chase Architectural Design, dated February 4, 2026, Scale: 3/16" = 1'-0" (seven untitled sheets).
5. **Previous Permits Issued:** None
6. **Property Description:**
 - a. **Location of 25-year flood boundary:** 9 ft. contour interval. Property is located entirely within the Waterway Protection Line Ordinance (WPLO) boundary.
 - b. **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
 - c. **Proposed First Floor Elevation of House:** 18.0 ft.
 - d. **Proposed Garage Floor Elevation:** 9.5 ft.
 - e. **Proposed Patio Elevation:** 9.0 ft.
 - f. **Proposed A.C. and Generator Pads Elevation:** 14 ft.
 - g. **Base Lot Area:** 0.212 acres (9,250 sq. ft.)
 - h. **Existing Site Coverage:** 34.8% (3,220 sq. ft.)
 - i. **Proposed Site Coverage:** 31.0% (2,872 sq. ft.)
 - j. **Existing Building Coverage:** 27.2% (2,518 sq. ft.)
 - k. **Proposed Building Coverage:** 15.7% (1,456 sq. ft.)

l. Existing Average Grade: 9.43 ft.

m. Proposed Average Grade: 8.73 ft.

n. House was constructed in 1935 in residential Zone A.

- 7. Sewer Line:** The existing residence is serviced by municipal sewer.
- 8. Aquifer:** Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 9. Coastal Area Management:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
- 10. Proposed Storm Water Treatment:** The applicant proposes a drainage system that is composed of 104 linear feet or 13 units of precast concrete stormwater galleries. This proposed location of the underground retention units is immediately southwest of the proposed residence.
- 11. Discussion:**

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

"An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The entire property lies within the WPLO boundary. The application proposes to demolish the existing single-family residence and construct a FEMA-compliant, three-story, single-family residence with a first-floor elevation of 18' and garage elevation of 9.5'. The proposed location of the house is essentially within the footprint of the existing house and driveway. The new structure will be shifted slightly to the east.

The existing house, garage, shed and driveway will all be removed. All existing pavement and bituminous concrete on site will be removed and graded out to an average finished site grade of 8.73. A new elevation 9' contour will be established in the rear (north) of the property. The proposed driveway will be constructed of impervious asphalt and pitched toward a catch basin grate within a driveway turnaround.

The site plan demonstrates the flood vents on the lower level are within one foot of the adjacent grade. The architectural drawings show the surrounding proposed grade around the residence is 8.73'. The plan proposes a minimum of six (7) flood vents along the exterior wall of garage level of the residence. Each of the flood vents is sized to account for 200 sq. ft. of coverage. The plan states interior flood vents will be installed as needed. During the Flood and Erosion Control Board meeting held on March 4, 2026, the application was approved by the Board with no special conditions.

Though the footprint of the proposed residence and associated improvements is notably smaller than the footprint of development. Water, sewer, gas and electricity utilities are shown below grade. The plan proposes to install a generator and air conditioning unit(s) on pads along the eastern side of the proposed residence. The proposed generator & AC pads are proposed at an elevation of 14.0', which is above base flood elevation.

Water Quality Considerations:

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Proposed site coverage is to be **31%**, which is greater than the 10-25% cover that is expected to impact water quality.

The project proposes a 25% reduction in coverage across the lot by restoring much of the existing concrete and pavement across the property to lawn. The 2023 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Sherwood Millpond/ Pussy

Willow Brook Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

Sediment release from loose soil is one of the most significant potential impacts from demolition, excavation and grading activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. The applicant does not provide proposed quantities of cut and fill on the site plan. The Commission assumes there will have to be removal of soil offsite after completion of the excavation activities. The plan depicts soil stockpiling at the rear (north) of the property with a single layer of silt fence around the soil stockpile area.

Site excavations may encounter groundwater and/or become filled with stormwater. Note #30 of "Erosion and Sediment Controls" provided on the site plan describes a contingency dewatering plan but does not specify a method or area for dewatering. The Commission finds that the surface water of Sherwood Mill Pond is ~200' southwest of the property. The Commission finds a single dewatering bag contained within silt fence or haybales would be sufficient at controlling discharge water and suspended sediment from being transported into Sherwood Millpond and the tidal wetlands. E&S controls include a construction entrance, a single row of silt fence at the limit of disturbance, and a soil stockpile. Town Engineering Staff and the Flood & Erosion Control Board found the level of S&E to be sufficient.

Stormwater calculations are provided within the Drainage Report. The thirteen (104 linear feet) 12"-high, pre-cast concrete units provide enough storage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). The stormwater retention volume provided, 305 cubic feet (cu. ft.), exceeds the 249-cu. ft. of storage required for the 3,138 sq. ft. of proposed impervious surface. Stormwater calculations demonstrate that peak runoff rates for the 25-year storm are not increased with the new development and drainage system. The Commission requires that the design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. It is the Commission's practice to explore opportunities for low impact, sustainable design (LISD) to be utilized within the WPL. Permeable driveway and patio surfaces help instantaneously absorb and infiltrate stormwater during rain events. The Commission required that the driveway be constructed as permeable and that it remain permeable in perpetuity. In the proposed configuration the driveway is utilizing a catch basin within the pavement to convey stormwater to the system west of the house. The Commission finds the patio does not appear to have any dedicated drain. Stormwater would sheet off the patio surface toward offsite wetlands.

The Commission finds that the development plan proposes moderate site disturbance and recommends the Commission require a narrative outlining the sequence of earthwork, construction, and planting to help limit the amount of simultaneous site disturbance.

Natural Habitat Considerations:

The Commission referenced a preliminary review of the State of Connecticut DEEP Natural Diversity Database (NDDDB) for potential presence of state-listed species on or adjacent to the subject property using the EZfile online tool. The review provided results of potential nesting habitat for the following state threatened species; snowy egret (*Egretta thula*) and great egret (*Ardea alba*), and the following state species of special concern; glossy ibis (*Plegadis falcinellus*), little blue heron (*Egretta caerulea*), and yellow-crowned night heron (*Nyctanassa violacea*). Most of the proposed work is occurring within the envelope of the existing development on site. There is no proposed work immediately adjacent to the water. There is one 48" canopy tree proposed to be removed, but it does not represent wading bird roosting habitat because it is isolated from any other significant contiguous canopy cover. The preferred contiguous canopy cover exists within the pond area adjacent to the salt marsh. The Commission finds that nesting and foraging habitat of the listed species will not be disturbed. At present, The Commission does not require a full NDDDB consultation with NDDDB. The automated site assessment provides best management practices. The Commission requires site personnel to report any listed species and adhere to the BMPs listed on assessment if encountered.

Sediment release from loose soil is one of the most significant potential impacts from the proposed project activities. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. Impacted water quality may negatively affect the shellfish and aquatic vegetative community of Sherwood Mill Pond and its tidal wetlands.

The applicant does not provide any mitigation planting. The Commission finds the planting of native grasses, forbs, and shrubs will improve forage habitat across the property and will be beneficial to pollinators and migrating birds. A dense compensatory planting may be beneficial to facilitating absorption and infiltration of stormwater. The plantings will greatly increase the biodiversity of the plant community in the local ecosystem and may have the potential to populate other areas around the Sherwood Mill Pond watershed through seed spread. The Commission finds the planting could be subject to Staff's review and approval prior to the issuance of a Zoning permit. The Commission requires a performance bond for the planting to be held for one growing season to ensure vitality of the plants.

Overall, with the proper installation of site drainage, native plantings, and S&E controls, The Commission finds there will be minimal risk of adverse impacts to water quality and natural habitat within the Waterway Protection Line.

**Town of Westport
Conservation Commission
CONDITIONS OF APPROVAL
Application #WPL-12281-26
65 Grove Point Road
Assessor's Map: E06 Tax Lot: 033
Public Hearing: March 11, 2026**

Project Description: To construct a new single-family residence. Portions of the work are within the WPL areas of Pussy Willow Brook and the Sherwood Mill Pond.

Owner of Record: Able Construction, Inc.
Applicant: Kousidis Engineering

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **WPL-12281-26** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
3. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
4. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
5. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
6. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
7. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.

12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. Conformance to the Flood and Erosion Control Board March 4, 2026 conditions of approval.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the Plans Entitled:
 - a. **Zoning Location Survey**, prepared for Able Construction, 65 Grove Point Road, Westport, Connecticut, prepared by Shevlin Land Surveying, LLC, dated October 20, 2025, Scale: 1" = 20'.
 - b. **Site Development Plan**, 65 Grove Point Road, Westport, Connecticut, prepared for Able Construction, prepared by Kousidis Engineering LLC, dated February 03, 2026, Scale: 1" = 10'.
 - c. **Drainage Report**, 65 Grove Point Road, Westport, Connecticut, prepared for Able Construction, prepared by Kousidis Engineering LLC, dated February 03, 2026.
 - d. **Residence for Able Construction** (Architectural Renderings), Residence for Able Construction, 65 Grove Point Road, Westport, CT, prepared by Chase Architectural Design, dated February 4, 2026, Scale: 3/16" = 1'-0" (seven untitled sheets).
18. The proposed driveway shall be constructed as permeable. The driveway shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
19. Design Engineer shall witness and certify all site drainage features prior to the issuance to the Conservation Certificate of Compliance.
20. A compensatory planting plan specifying the species, number and size of the plants should be submitted to the Conservation Department for Staff approval prior to issuance of a Zoning Permit. The plants shall be native to North America and salt tolerant.
21. A performance bond to cover the cost of plantings shall be submitted prior to the issuance of a Zoning Permit. The bond covering the plantings shall be held for one full growing season.
22. The planting plan shall be fully implemented prior to the issuance of a Conservation Certificate of Compliance.
23. Propane tanks shall be anchored to FEMA standards.

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. This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

Motion: Whiting Second: Kwong
Ayes: Whiting, Kwong, Lewi, Carey- Moody
Nays: None Abstentions: None Vote: 4:0:0

Work Session:

1. Receipt of applications

There are no applications to be officially received. The submission deadline for the April 22, 2026 meeting is March 19th. Two WPL application have been submitted that I would like to acknowledge but do not need to be received:

- **291 Saugatuck Avenue:** Application #WPL-12291-26 for a new single-family residence, garage, driveway and associated site improvements.
- **218 Hillspoint Road:** Application #WPL-12294-26 for a new single-family residence, ADU, driveway, pool, patios, walls, and associated site improvements.

- e. Mr. Kelly announced a public education event on forever chemicals in local waterways scheduled for March 18, 2026 at the Library by Dick Harris a Shellfish Commissioner and for HarborWatch Director. He noted that this is a ticketed event. He stated Mr. Harris conducts extensive water quality testing in Westport and lower Fairfield County. His reports are available on the Conservation Department website under [Data and Resources](#) section. He noted the EPA recommends 4 parts per trillion action level for PFAs in water. Sampling shows elevated levels throughout town. A Heat Map shows the highest concentrations are located in the eastern portions of town, with some samples reaching 60 parts per trillion. PFAs are known carcinogens. The event is intended to raise public awareness of what’s flowing through the rivers and in yards. He noted there are no immediate solutions or actions, but it is important for public education.

f. WPLO Regulation Updates

Commissioners inquired about the status of the Waterway Protection Line Ordinance updates.

Mr. Kelly stated the work on the WPLO updates are progressing at a glacial pace but moving forward. They are also looking at revamping and modernizing the overall regulations, but that process has slowed due to the budget season. This will get back on track, and he expects action within the current year. There is not a specific date at this time.

g. **26 Morningside Drive South:**

Mr. Hally presented an Administrative Approval for a previously approved Commission decision. He discussed the issue with the finished elevation of the rear wall, which was slightly different than the approved plans. He reviewed the revised plan dated December 24, 2025, showing the existing wall conditions. The wall elevations are 8 inches outside the 6-inch tolerance allowed by the Planning & Zoning engineering standards. The Flood and Erosion Control Board approved the amendment on March 4, 2026 with no new conditions. Mr. Hally stated the changes have a negligible impact on water quality or natural habitat. The wetland buffer is being maintained as approved.

Mr. Kelly stated the amendment does not substantially change the Commission’s original approval but is a minor adaptation to as-built conditions. The Flood Board is satisfied with flood storage capacity implications. There is no significant impact on the Commission’s purview. The original conditions remain in effect.

The March 11, 2026 Public Hearing of the Westport Conservation Commission adjourned at 10:31 p.m.

Motion: Kwong	Second:	Whiting
Ayes:	Kwong, Whiting, Carey Moody, Lewi	
Nayes:	None	Abstentions: None
		Vote: 4:0:0