



# WESTPORT, CONNECTICUT

## FLOOD AND EROSION CONTROL BOARD

TOWN HALL, 110 MYRTLE AVENUE

WESTPORT, CONNECTICUT 06880

(203) 341-1120

### MINUTES

Flood & Erosion Control Board Meeting of June 1, 2016

Present for the Board: William S. Mazo (Acting Chair)  
Arthur A. Greenberg  
John M. Toi

Present for Department of Public Works: Keith Wilberg, PE, LS

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William S. Mazo (Acting Chair) opened the meeting at 7:30 pm.

1. **2 Conte Place/Application WPL #10199-16; Application of Hasim and Opala Avdiu for the raising of the existing dwelling per FEMA requirements to above the base flood elevation and the incidental renovations, and the construction of additional deck area. The site is within the 25-year flood line of the Saugatuck River.**

The project was presented by the owner, Opala Avdiu.

Per the Chair's request, Keith Wilberg summarized the Engineering Department's review of the project, stating that the project is substantially in compliance with the Town of Westport's requirements for a FEMA house lift. He stated that there were no issues with respect to increasing stormwater run-off and that this project is basically occupying the same footprint with a slightly larger deck and stairway to provide the necessary access.

The Chair asked if there were any comments or questions from the Public. There were none.

It was agreed that the following Standard Conditions of Approval were deemed necessary; 1 and 7.

DECISION: Proposed Project Approved, 3(Y)-0(N), with the above referenced Standard Conditions of Approval.

2. **22 Owenoke Park/Application WPL#10222-16;** *Application of Barr Associates, LLC, on behalf of the owners, 22 Owenoke Park, LLC, for the installation of a new boat dock with piers, ramp, float, and stone steps. The activity is within the WPLO area of Gray's Creek.*

The project was presented by Barr Associates, LLC, on behalf of the owners, 22 Owenoke Park, LLC.

Per the Chair's request, Keith Wilberg summarized the Engineering Department's review of the project, stating that it is substantially in compliance with the Town of Westport's requirements. He stated that the dock, pier and ramp have received a permit from the CT DEEP and that no FEMA, stormwater, flooding or grading issues are present.

The Chair asked if there were any comments or questions from the Public. There were none.

It was agreed that no Standard Conditions of Approval were deemed necessary.

DECISION: Proposed Project Approved, 3(Y)-0(N), without Standard Conditions of Approval.

3. **3 Blind Brook Road South/Application IWW,WPL #10221-16;** Application of Nadine Melniker for the renovation of an existing single family residence, and the upgrading of the residence to current FEMA standards for structures within a floodway. The entire site is within the WPLO area of Nash's Pond and Stony Brook.

The project was presented by Architect, Dan Conlin on behalf of the owner, Nadine Melnicker.

There were questions from the Board regarding how the 25' point of refusal was determined for the helical piles and the type of backup power planned for the water sensors on the garage doors.

Per the Chair's request, Keith Wilberg was asked to summarize the Engineering Department's review of the project. Keith deferred to Westport Town Engineer, Peter Ratkiewich to summarize the material due to his greater familiarity with the project. Mr. Ratkiewich described the property as lying entirely in the floodway; as there is nowhere on the property to relocate the residence, the solution was to reduce the projected area of the existing house by elevating it above the floodplain. He stated that from a regulatory perspective; because the footprint will remain the same, there will be no new discharge, the elevation of the house will increase conveyance, flood heights will not be affected, there will be no adverse impacts on flood carrying capacity of the waterway, no adverse impact on hydrologic energy flow, no site grading, S&E mitigation factors are adequate as shown on the plan, they do not expect a lot of disturbance, there are no new impervious areas. He found the plans to be adequate for the proposed activity.

The Chair asked if there were any comments or questions from the Public. There were none.

It was agreed that the following Standard Conditions of Approval were deemed necessary; 1 and 6.

DECISION: Proposed Project Approved, 3(Y)-0(N), with the above referenced Standard Conditions of Approval.

4. **1177 Post Road East/Application WPL#10218-16;** Application of Christopher J. Smith, Esq., from Shipman & Goodwin LLP, on behalf of the owners, 1177 PRE Associates, Inc., for the renovation of an existing commercial office building, and the construction of a new addition to the building, to be converted and expanded to a multi-family residential community structure. A portion of the activity is within the WPLO area of Muddy Brook.

The project was presented by Christopher Smith, Esq., Land Use Attorney from Shipman & Goodwin LLP, and Theodore Hart, PE, Milone & MacBroom for the owner, 1177 PRE Associates, Inc.

There were questions from the Board regarding where will the excavated materials be taken; will there be a green roof on the existing building, is there more sediment run-off with a green roof; are they extending the existing building over the existing parking lot; is the existing building being extended; has it gone to Planning & Zoning yet; will the activity on this property adversely affect the neighboring property?

Peter Ratkiewich requested additional data from Theodore Hart, PE, of Milone & MacBroom to show more evidence that the plans as presented will not increase flood heights in a 25 year storm, or in any storm. He stated that due to the excavation of soils on the property that stormwater storage would increase, irrespective of flood heights.

Mr. Ratkiewich again spoke by addressing many of the regulatory issues behind the Waterway Protection Line Ordinance in his analysis; he stated that flood heights would not increase, that there would not be any adverse impact on the flood carrying capacity, that there would be no adverse impact on the downstream property owners and that in his opinion the floodplain will not change nor have a significant impact on existing hydrological flow patterns. Additionally, the drainage calculations from an engineering standpoint are a very thorough, reviewed extensively and when you consider the addition of the green roof and replacement of impermeable pavement with permeable pavement a great deal of water will be absorbed as well.

Mr. Ratkiewich continued to state that the activity on this property will not have an adverse effect on the adjacent property.

The Chair asked if there were any comments or questions from the Public. There were none.

It was agreed that the following Standard Conditions of Approval were deemed necessary; 1 and 6.

DECISION: Proposed Project Approved, 3(Y)-0(N), with the above referenced Standard Conditions of Approval.

5. **62-64 Old Road/Application IWW,WPL #10225-16;** Application of Steve Orban, Architect, on behalf of the owner, Michael Ruppert, for the demolition of an existing single family dwelling, and the construction of a new single family dwelling with associated site improvements. A portion of the activity is within WPLO area of an unnamed tributary to New Creek.

The project was presented by Steve Orban, Architect for the owner, Michael Ruppert.

There were questions from the Board regarding is the existing house going to be totally taken out; when was the original house built; from the Town's point of view, is this application being treated as a new facility - new structure and therefore are there different rules that pertain to the waterway that are different from when it was built; it has to conform to new standards; is there a stream that runs through this property; how many acres is it; is there a current shallow cinderblock basement; will there be taller concrete walls; are you going any deeper; is the basement wet now; will there be a sump pump installed; will it drain to daylight; what is the total square footage of the structure; what is adjacent to this property; did you purchase both properties and were they separate financial transactions?

The Engineering Department stated that there are no adverse impacts based on flooding, no increase in runoff due to stormwater, the site plan and drainage report comply with respect to grading and drainage, soil & erosion control measures are adequate, there is a silt fence around the entire site. It was suggested by the Town that an anti-tracking pad construction entrance be added. The drainage report has accommodated the water quality volume. Keith Wilberg noted that the drainage galleries under the driveway are mislabeled. Presently they read, 1.5', 18" galleries and should read 2', 24" galleries. Otherwise the report is adequate and the Town is in favor of the project.

The Chair asked if there were any comments or questions from the Public. There were none.

It was agreed that the following Standard Conditions of Approval were deemed necessary; 19 and 11.

DECISION: Proposed Project Approved, 3(Y)-0(N), with the above referenced Standard Conditions of Approval.

The meeting was adjourned at 8:55 pm.

Respectfully submitted,



William S. Mazo (Acting Chair)  
Flood & Erosion Control Board

WSM/ksw

Cc: First Selectman, Town Attorney, Public Works Director, Planning & Zoning Director, Conservation Director, Chair of RTM Environmental Committee, Chair of RTM Public Works Committee, Applicants

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**STANDARD CONDITIONS OF APPROVAL:**

1. Applicant shall provide adequate sedimentation and erosion control devices on all filled embankments and along all exposed slopes, from the time that construction begins until such time that established ground cover has grown in. More specifically, the toe of filled slopes shall be protected by silt fencing and hay bales or other approved measures, and the face of all exposed slopes shall be protected with hay matting or other approved measures until such time that the slopes have stabilized.
2. Proposed site grading, as well as development in general, shall not alter drainage patterns to the detriment of adjoining or downstream properties.
3. All drainage facilities shall be designed to comply with the Town of Westport Engineering Department Storm Water Drainage Design Standards as amended to date (current revision date, 10/01/2014).
4. Applicants shall excavate test pits and conduct percolation tests at the proposed location of any storm water leaching facilities such as drywells, galleries, and stone pits. The test pits shall be witnessed and approved by the Engineering Department prior to installation of the proposed detention system.
5. The area under the proposed deck shall be excavated to a minimum depth of 6" and filled with ¾" crushed stone, or use an alternative drainage methodology as approved by the Town Engineer.
6. All construction shall conform to the requirements of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), as outlined in publication ASCE/SEI 24-14, "Flood Resistant Design and Construction," as amended to date.
7. All enclosed spaces below the Base Flood Elevation shall be constructed in conformance with FEMA Technical Bulletin 1-08, "Openings in Foundation Walls and Walls of Enclosures."
8. All final plans, details, and calculations shall be reviewed and approved by the Town Engineer.
9. All proposed work within the regulated area shall be subject to final approval by both the Town Engineer and the Conservation Director.
10. All plantings within the regulated area shall be as approved by the Westport Conservation Commission. No significant fill shall be placed within the WPLO setback other than that incidental to the plantings.
11. If the scope of this project increases or changes in any significant way, all additional or modified proposed work shall be approved by the Flood & Erosion Control Board and the Conservation Commission **prior to its commencement**, not after its completion.
12. Prior to any site disturbance, the Applicant shall prepare a comprehensive Storm Water Pollution Control Plan (SWPCP) in accordance with Connecticut Department of Energy and Environmental Protection (CT DEEP) requirements under DEEP-WPED-GP-015, General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, effective 10/01/2013. For areas of disturbance between 1 and 5 acres, this plan shall be placed on file with the Planning & Zoning (P&Z) Department as part of the P&Z Permit. For areas of disturbance greater than 5 acres, the Applicant is required to register with CT DEEP.
13. All culverts passing under Town owned or private roads shall be designed to accommodate the 100-year storm at a minimum.
14. The proposed sleeve for the force sewer line shall be placed at least 3 feet below the existing bottom of the stream bed, and shall extend at least 5 feet beyond the stream bank on either side of the stream. The sleeve shall be bedded in compacted processed aggregate.



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RECEIVED FOR RECORD  
WESTPORT LAND RECORDS  
2016 JUN -7 11 A 9:41  
VOL. \_\_\_\_\_ PAGE \_\_\_\_\_  
*Christina P. Williams*  
TOWN CLERK

### LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on June 1, 2016, the Westport Flood & Erosion Control Board took the following actions:

1. **2 Conte Place/Application WPL#10199-16; APPROVED WITH CONDITIONS.** Application of Hasim and Opala Avdiu for the raising of the existing dwelling per FEMA requirements to above the base flood elevation and the incidental renovations, and the construction of additional deck area. The site is within the 25-year flood line of the Saugatuck River.
2. **22 Owenoke Park/Application WPL#10222-16; APPROVED WITH NO CONDITIONS.** Application of Barr Associates, LLC, on behalf of the owners, 22 Owenoke Park, LLC, for the installation of a new boat dock with piers, ramp, float, and stone steps. The activity is within the WPLO area of Gray's Creek.
3. **3 Blind Brook Road South/Application IWW,WPL #10221-16; APPROVED WITH CONDITIONS.** Application of Nadine Melniker for the renovation of an existing single family residence, and the upgrading of the residence to current FEMA standards for structures within a floodway. The entire site is within the WPLO area of Nash's Pond and Stony Brook.
4. **1177 Post Road East/Application WPL#10218-16; APPROVED WITH CONDITIONS.** Application of Christopher J. Smith, Esq., from Shipman & Goodwin LLP, on behalf of the owners, 1177 PRE Associates, Inc., for the renovation of an existing commercial office building, and the construction of a new addition to the building, to be converted and expanded to a multi-family residential community structure. A portion of the activity is within the WPLO area of Muddy Brook.
5. **62-64 Old Road/Application IWW,WPL #10225-16; APPROVED WITH CONDITIONS.** Application of Steve Orban, Architect, on behalf of the owner, Michael Ruppert, for the demolition of an existing single family dwelling, and the construction of a new single family dwelling with associated site improvements. A portion of the activity is within WPLO area of an unnamed tributary to New Creek.

Applications, plans, and decisions may be examined in the Public Works Office, Room 210, Town Hall, 110 Myrtle Avenue, Monday through Friday, 8:30 am to 4:30 pm.

Flood & Erosion Control Board

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June 3, 2016

Mr. & Mrs. Hasim & Opala Avdiu  
2 Conte Place  
Westport, CT 06880

**2 Conte Place/Application WPL #10199-16;** Application of Hasim and Opala Avdiu for the raising of the existing dwelling per FEMA requirements to above the base flood elevation and the incidental renovations, and the construction of additional deck area. The site is within the 25-year flood line of the Saugatuck River.

Please be advised that at its June 1, 2016, meeting, the Westport Flood & Erosion Control Board resolved to APPROVE WITH CONDITIONS the above referenced application. Details of the meeting are recorded in the attached meeting minutes.

Please contact the Engineering Department should you have any questions regarding this matter.

Respectfully,

William S. Mazo, Acting Chairman  
Westport Flood & Erosion Control Board.

TBH/dlb

Cc: First Selectman, Town Attorney, Public Works Director, Planning & Zoning Director, Conservation Director, Chair of RTM Environmental Committee, Chair of RTM Public Works Committee, Applicants



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June 3, 2016

BARR ASSOCIATES LLC  
25 SYLVAN ROAD SOUTH  
WESTPORT CT 06880

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Respectfully,

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Westport Flood & Erosion Control Board.

TBH/dlb

Cc: First Selectman, Town Attorney, Public Works Director, Planning & Zoning Director, Conservation Director, Chair of RTM Environmental Committee, Chair of RTM Public Works Committee, Applicants





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June 3, 2016

22 OWENOKE PARK LLC  
22 OWENOKE PARK  
WESTPORT CT 06880

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June 3, 2016

NADINE MELNIKER  
3 BLIND BROOK ROAD SOUTH  
WESTPORT, CT 06880

**3 Blind Brook Road South/Application IWW, WPL #10221-16;** Application of Nadine Melniker for the renovation of an existing single family residence, and the upgrading of the residence to current FEMA standards for structures within a floodway. The entire site is within the WPLO area of Nash's Pond and Stony Brook.

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June 3, 2016

1177 PRE ASSOCIATES INC  
c/o INVESTMENT CAPITAL PROPERTIES LTD  
PO BOX 1307  
GREENS FARMS CT 06838

**1177 Post Road East/Application WPL #10218-16;** Application of Christopher J. Smith, Esq., from Shipman & Goodwin LLP, on behalf of the owners, 1177 PRE Associates, Inc., for the renovation of an existing commercial office building, and the construction of a new addition to the building, to be converted and expanded to a multi-family residential community structure. A portion of the activity is within the WPLO area of Muddy Brook.

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June 3, 2016

CHRISTOPHER J SMITH ESQ  
SHIPMAN & GOODWIN LLP  
ONE CONSTITUTION PLAZA  
HARTFORD CT 06103

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June 3, 2016

MICHAEL RUPPERT  
62-64 OLD ROAD  
WESTPORT CT 06880

**62-64 Old Road/Application IWW, WPL #10225-16;** Application of Steve Orban, Architect, on behalf of the owner, Michael Ruppert, for the demolition of an existing single family dwelling, and the construction of a new single family dwelling with associated site improvements. A portion of the activity is within WPLO area of an unnamed tributary to New Creek.

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June 3, 2016

STEVE ORBAN ARCHITECT  
5 CALF PASTURE BEACH RD  
NORWALK CT 06855

**62-64 Old Road/Application IWW, WPL #10225-16;** Application of Steve Orban, Architect, on behalf of the owner, Michael Ruppert, for the demolition of an existing single family dwelling, and the construction of a new single family dwelling with associated site improvements. A portion of the activity is within WPLO area of an unnamed tributary to New Creek.

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