



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 February 1, 2017

Present for the Board: Thomas B. Hood, Jr. (Chair)
William S. Mazo
Arthur A. Greenberg

Present for Department of Public Works: Peter A. Ratkiewich, PE
Keith S. Wilberg, PE, LS
Amrik S. Matharu, EIT

Thomas B. Hood, Jr., Chair, opened the meeting at 7:40 pm.

1. **1141 Post Road East / Application WPL #10342-16; Application of Redniss & Mead, Inc., on behalf of the owners, 1141 Post Rd E LLC, for the partial demolition and addition to an existing commercial building, and the construction of nine (9) multi-family residential buildings, totaling 42 residential units, pool house, pool, associated parking, drives, landscaping, storm water drainage, and utilities and walking trail. A portion of the proposed activity is within the WPL area of Muddy Brook.**

The project was presented by Richard W. Redniss, AICP, from Redniss & Mead, Inc., on behalf of the owner, 1141 Post Rd E, LLC. He stated that this application had been presented at the 12/07/2016 meeting, under a different application number and ultimately withdrawn, and had been re-submitted and presented at the 01/04/2017 meeting, and continued to this night's meeting.

Mr. Redniss briefly summarized the proposed development, including issues from the previous presentations from the 12/07/2016 and 01/04/2017 meetings, and including the status of any updates to the design, plans, and reports. The changes to the design were predominantly due to more recent groundwater level data for the site, and to the Storm Water Quality issues raised by the Westport Conservation Commission reviews.

There were questions from the Board regarding the nature and amount of material to be removed from the site, i.e. the large gravel piles; where the groundwater levels will be once this material is removed; will there be a difference to either the surface runoff or the groundwater levels due to this; will the runoff be piped off-site or drain by some other means; will there be soil erosion during the removal of the gravel piles; in what direction does the site currently slope; does the Town supervise and/or inspect the operation of the

Kowalsky yard; will the design contain the development proposed; will the existing culvert be replaced; the nature and extent of the sedimentation and erosion controls; the degree to which the culvert handles flooding conditions flow under the Post Road; are there future plans to enact stream improvement projects on Muddy Brook in the area of this site; has appropriate soil testing been performed, including deep tests and percolation tests; how can you determine the condition of the site when so much material will be removed, changing the nature of the soils on the site; will the groundwater levels be monitored and for how long; will the removal of the gravel piles lower the groundwater levels; do the LOMR and CLOMR need to be approved prior to the commencement of construction activities; are the LOMR and CLOMR the scientific documents which stipulate to adjoining property owners that there will be no increase in flooding due to the proposed development; given the scope of the complexity of this project, who has the responsibility of monitoring all the activity on the site; will there be third party monitoring for this project; will the applicant receive all Town of Westport permits prior to FEMA approval; what is the chance that FEMA will require significant and major changes to the flood height model; will the applicant need to wait for FEMA approval to begin work; the major issue is the removal of all the stockpiled material and how that will ultimately affect the site; will the porous asphalt help with the storm water runoff from the site and how; will the porous asphalt wear more quickly than normal asphalt; and should a maintenance plan for the storm water system be part of the approval of the project.

Per the Chair's request, Peter Ratkiewich, PE, summarized the Engineering Department's review of the FEMA issues for this project, including the status of the Engineering Department's Peer Review Consultant's review, and including the history of the Town's stream improvement projects for Muddy Brook. He stated that based on all the materials reviewed, the Town's recommendation is to approve the project as proposed to date subject to some minor special conditions and ultimately subject to FEMA's final approval.

Per the Chair's request, Keith Wilberg summarized the Engineering Department's review of the site grading, S&E control, and the storm water drainage issues for this project. He stated that the project engineer has essentially revised the design of the site as needed per the constraints of the site, including the recent groundwater data and water quality issues. He further stated that the Town's recommendation is to approve the project as proposed to date subject to some minor special conditions.

The Chair asked if there were any comments or questions from the Public. The following person spoke regarding the application.

Paul Wohlforth of 7 Keller Lane spoke. He stated that he has spoken at previous meetings, and reiterates his previous comments. He wanted to clarify that when Mr. Ratkiewich recounted the history of the stream improvement projects for Muddy Brook, he was referring to Hillandale Road, and not to Hillspoint Road. He stated that based on the presentation, the proposed design represents an improvement to the current flooding condition of the site.

When comment from the public was completed, the hearing was closed, and the Board went into Work Session. It was agreed that the following four (4) Special Conditions of Approval were deemed necessary:

1. The project site design shall be subject to any final adjustments to the hydraulic model based on the input from the Peer Reviewer's recommendations and the reviews and final approvals by FEMA.
2. Groundwater monitoring of the installed monitoring wells shall continue as long as is feasible to collect groundwater data for the site.

3. The applicant shall designate a specific Sedimentation & Erosion Control monitor for the site who will report in a consistent and timely manner to the Town of Westport Engineering Department and the Conservation Department. Should the Conservation Commission require a similar Site Monitor, then a single monitor shall be appropriate.
4. An Operation & Maintenance Plan & Agreement for the storm water management system, including the maintenance plan and schedule for the porous asphalt, shall be submitted and approved by the Town Engineer, and maintained on file in the Planning & Zoning office.

It was agreed that the following Standard Conditions of Approval were deemed necessary: 2, 3, 8, 9, 10, and 11. (Refer to the appended sheet).

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

2. **13 Wheeler Gate / Application WPL #10355-17**; *Application of R. I. Pools, Inc., on behalf of the owners, James & Sharon Yuan, for the construction of an in-ground swimming pool with spa, pool patio, pool fence, retaining wall, associated grading, and stormwater drainage system. A portion of the parcel is within the WPL area of the Saugatuck River, and a portion of the proposed activity is within the WPL area.*

The project was presented by Franco Iannone of R. I. Pools, Inc., on behalf of the owners, James & Sharon Yuan.

There were questions from the Board regarding the construction entrance; is there an anti-tracking pad construction entrance; will the excavated material be removed from the site; will the grade of the site be changed; is there grading at the property line; is there new impervious surface surrounding the pool; will the storm water system be sufficient for the site; was a drainage report submitted with the application; how close to Imperial Avenue is the proposed pool; how much excavated material will be kept on site for proposed grading; is there rock on the site; and what are the soils like.

Per the Chair's request, Keith Wilberg summarized the Engineering Department's review of the project, stating that the proposed activity substantially complies with Town of Westport requirements. He would recommend approval.

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

The hearing was closed, and the Board went into Work Session. It was agreed that the following Standard Conditions of Approval were deemed necessary: 8 and 9. (Refer to the appended sheet).

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

Once the Agenda items were completed, there was one item to be discussed in Work Session.

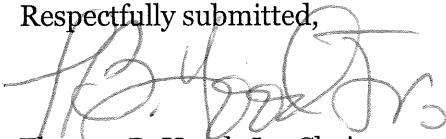
3. **2 Manitou Court / Application WPL #10343-16;** *Application of Barr Associates, LLC, on behalf of the owners, Thomas and Paula McInerney, to reconstruct in place and kind approximately 290 linear feet of existing seawall; to maintain approximately 82 linear feet of deteriorated stone slope; to re-grade and stabilize upland slopes; to temporarily remove and replant 400 square feet of wetland vegetation; and to restore existing walkways and terraces. A portion of the parcel is within the WPL area of a wetland and unnamed tributary of the Saugatuck River. Most of the proposed activity is within the WPL area.*

This project has been presented and approved at the previous month's F&ECB meeting (01/04/2017). The Conservation Department learned subsequently that the applicant had received CT DEEP approval in 2012 for an existing dock on the site, but had not received Town of Westport approval. Since the dock has no F&ECB issues to speak of, but requires approval from the F&ECB Board, it was decided that an approval in Work Session by the F&ECB would allow the approval of the dock to be included within the scope of this currently approved application.

DECISION: Incorporated Approval of Existing Dock into WPL #10343-16 Approval, 3(Y)-0(N).

The meeting was adjourned at 9:20 pm.

Respectfully submitted,



Thomas B. Hood, Jr., Chair
Flood & Erosion Control Board

TBH/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, minutes@westportct.gov

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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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LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on February 1, 2017, the Westport Flood & Erosion Control Board took the following actions:

1. **1141 Post Road East / Application WPL #10342-16; APPROVED WITH CONDITIONS.** Application of Redniss & Mead, Inc., on behalf of the owners, 1141 Post Rd E LLC, for the partial demolition and addition to an existing commercial building, and the construction of nine (9) multi-family residential buildings, totaling 42 residential units, pool house, pool, associated parking, drives, landscaping, storm water drainage, and utilities and walking trail. A portion of the proposed activity is within the WPL area of Muddy Brook.
2. **13 Wheeler Gate / Application WPL #10355-17; APPROVED WITH CONDITIONS.** Application of R. I. Pools, Inc., on behalf of the owners, James & Sharon Yuan, for the construction of an in-ground swimming pool with spa, pool patio, pool fence, retaining wall, associated grading, and stormwater drainage system. A portion of the parcel is within the WPL area of the Saugatuck River, and a portion of the proposed activity is within the WPL area.

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.

Thomas B. Hood, Jr., Chair
Flood & Erosion Control Board

RECEIVED FOR RECORD
WESTPORT LAND RECORDS
2017 FEB - 3 A 9:45
PAID
TOWN CLERK

[NOT TO PUBLISH BELOW HERE]

TO BE PUBLISHED IN THE FEBRUARY 10, 2017, EDITION OF THE WESTPORT NEWS



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FLOOD & EROSION CONTROL BOARD

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February 3, 2017

1141 Post Rd E, LLC
1771 Post Road East, Suite 205
Westport, CT 06880

1141 Post Road East / Application WPL #10342-16; Application of Redniss & Mead, Inc., on behalf of the owners, 1141 Post Rd E LLC, for the partial demolition and addition to an existing commercial building, and the construction of nine (9) multi-family residential buildings, totaling 42 residential units, pool house, pool, associated parking, drives, landscaping, storm water drainage, and utilities. A portion of the proposed activity is within the WPL area of Muddy Brook.

Please be advised that at its February 1, 2017, 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,

Thomas B. Hood, Jr., Chair
Westport Flood & Erosion Control Board.

TBH/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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February 3, 2017

David R. Ginter, PE
Redniss & Mead, Inc.
21 First Street
Stamford, CT 06905

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February 3, 2017

James & Sharon Yuan
13 Wheeler Gate
Westport, CT 06880

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February 3, 2017

Franco Iannone
R. I. Pools, Inc.
24 Merwin Street
Norwalk, CT 06850

13 Wheeler Gate / Application WPL #10355-17; Application of R. I. Pools, Inc., on behalf of the owners, James & Sharon Yuan, for the construction of an in-ground swimming pool with spa, pool patio, pool fence, retaining wall, associated grading, and stormwater drainage system. A portion of the parcel is within the WPL area of the Saugatuck River, and a portion of the proposed activity is within the WPL area.

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