



# 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 March 1, 2017

Present for the Board: Thomas B. Hood, Jr. (Chair)  
Preston H. Koster  
Arthur A. Greenberg

Present for Department of Public Works: Amrik S. Matharu, Engineer II

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Thomas B. Hood, Jr., Chair, opened the meeting at 7:32 pm.

1. **4 Elaine Road & 595 Riverside Avenue / Application WPL #10358-17;** *Application of Stephen J. Edwards, Director of Public Works, on behalf of the Town of Westport, for the replacement of approximately 1,300 linear feet of an existing sanitary sewer force main with a new HDPE force main. The proposed activity is predominantly below the bed of the Saugatuck River, and the construction method proposed is the use of horizontal directional drilling (HDD). Both the entry and exit access points for the HDD are outside of the WPL area of the Saugatuck River.*

The project was presented by Bryan H. Thompson, Town of Westport WPCA Coordinator, on behalf of the owner, the Town of Westport.

Mr. Thompson summarized the logistics and history of the existing sewer line crossing the Saugatuck River that is to be replaced. He described the need for the construction as preventive due to the age of the existing pipe, and discussed the process of construction as well as the materials and techniques involved.

There were questions from the Board regarding HDPE (*high density polyethylene*) pipe; the size of the new pipe relative to the existing pipe; whether the new pipe fits over the existing pipe; the elevation of the river bed; whether the new pipe will be a sewage line; the elevation of solid rock; risk of fracking and disturbance of the river bed; whether an outer casing will be involved for the drilling and installation of the pipe; whether the pipe is flexible; the disconnect and reconnect process for the new pipe; whether the old pipe will be removed; the start date of construction; whether it is a federal waterway; the areas of soil disturbance and erosion control measures; who will maintain erosion control measures; the daily hours of erosion control maintenance; the removal of excavated material; the position of Flood & Erosion Control Board relative to the application; additional provisions accounting for inclement weather; whether FEMA regulations apply to the project; funding for the project; useful life of pipe; insurance for the project; clarification of a catastrophic event; location of

the new pipe relative to the old pipe; whether the sewer pumps function underwater; and the Town of Westport's backup power supply.

Per the Chair's request, Amrik S. Matharu 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: 1 and 9. (Refer to the appended sheet).

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

2. **127 Beachside Avenue / Application WPL #10361-17;** *Application of LANDTECH, Inc., on behalf of the owners, Michael & Elizabeth Janis, for the construction of a new pervious patio area for an existing in-ground swimming pool, a driveway addition, and minor re-grading and buffer planting along the rear property boundary. A portion of the proposed activity is within the WPL area of an un-named tributary of Sasco Brook.*

The project was presented by Robert Pryor, PE, LS, of LANDTECH, Inc., on behalf of the owners, Michael and Elizabeth Janis.

Mr. Pryor introduced the owner, Michael Janis of 127 Beachside Avenue, and proceeded to describe the size, location, recent history, and current conditions of the lot. Mr. Pryor further described the types of wetlands and tributary water bodies on the subject parcel. He continued to discuss the function of the subsurface retention beneath the pervious areas, sequence of construction and purpose of the proposed vegetation.

Michael Janis then commented on the condition of the lot during Hurricane Sandy. He described the location of ponding, and the extent of damage during the storm.

There were questions from the Board regarding the determination of tidal and inland wetlands; whether a soil scientist was involved in the demarcation of wetlands; the current and proposed flow of rainwater over the property; whether the stormwater system will work in cold weather conditions; whether the house is constructed with a basement; the coir log erosion control measures; whether the plantings were required by the Conservation and Engineering Departments; the sequence of construction, the condition of the property during Hurricane Sandy; the damage sustained during Hurricane Sandy; FEMA requirements for pool equipment; the construction of the original pool; whether the project will go to Conservation; whether the plantings will be reviewed by Conservation; and whether there are raised structures as part of the application.

Per the Chair's request, Amrik S. Matharu 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: 1, 2, 6, and 9. (Refer to the appended sheet). Also, the following (1) Special Condition was deemed necessary:

1. The areas of proposed pervious paving and driveway shall remain so in perpetuity.

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

3. **107 Old Road / Application IWW, WPL #10362-17; Application of LANDTECH, on behalf of the owners, Estate of Catherine D. Fleming, to subdivide an existing 6.12 acre lot into 4 residential lots, each to support a single family dwelling. The site contains an unnamed tributary of Sasco Brook. A portion of the proposed activity is within the WPL area.**

The project was presented by Robert Pryor, PE, LS, of LANDTECH, Inc., on behalf of the owners, the Estate of Catherine D. Fleming.

Mr. Pryor began by summarizing the recent history of the project. He stated that the lot was previously submitted as a 3-lot subdivision and approved by the Flood & Erosion Control Board during the December 7<sup>th</sup>, 2016 meeting. Following the approval, the application was withdrawn due to timing issues. Mr. Pryor mentioned that the timeline outlined by the WPLO ordinance was very specific. He continued that it did not allow enough time for a peer review by conservation and a public Intervener. As such the proposal was withdrawn, and resubmitted as a 4-lot open space subdivision.

Mr. Pryor briefly described the use of open space subdivision regulations, ownership of the open space, and overall work for the project. Mr. Pryor then stated that due to the intervening party, and peer review comments from conservation, the application will be continued. As such he reserved his presentation until the second meeting.

There were questions from the Board regarding ownership and maintenance of the open space; whether the intervener is a neighbor; whether other neighbors are party to the intervener; the location of the Tschirharts' lot; flooding at 8 Forest Drive; and whether flood water reaches the house at 8 Forest Drive.

Per the Chair's request, Amrik S. Matharu summarized the Engineering Department's review of the project, stating that the proposed activity substantially complies with Town of Westport requirements. He would normally recommend approval, however, more review will be required as a result of the intervening part. He recommends the continuation of the application.

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

Susan Tschirhart of 113 Old Road spoke. She stated that she and her husband have filed as interveners and located their lot displayed on the plan relative to the subject parcel.

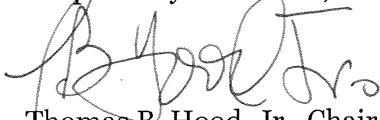
Anne Lester of 8 Forest Drive spoke. She expressed concerned regarding the removal of trees along the property line for the construction of the roadway; erosion due to the tree removal; the effect of tree removal with respect to the wetlands; whether there will be more water after the tree removal; and whether the plans were public record.

When comment from the public was completed, the Board went into Work Session. It was agreed that based on the incomplete nature of the application, the application and public hearing should be left open and continued to the next regular meeting.

DECISION: Proposed Project Continued, 3(Y)-0(N).

The meeting was adjourned at 8:39 pm.

Respectfully submitted,



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

TBH/asm

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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