



## WESTPORT, CONNECTICUT FLOOD & EROSION CONTROL BOARD

TOWN HALL, 110 MYRTLE AVENUE  
WESTPORT, CONNECTICUT 06880  
(203) 341-1120

### LEGAL NOTICE OF DECISION

Notice is hereby given that at a meeting held on May 3, 2017, the Westport Flood & Erosion Control Board took the following actions:

1. **793 Post Road East / Application IWW, WPL #10379-17 (Continued); WITHDRAWN – NO DECISION.** Application of Barr Associates, LLC, on behalf of the owners, DMC Westport, LLC, to construct a development consisting of 4 multi-family buildings totaling 14 townhouses, and 2 mixed-use buildings with both commercial and residential units. The application also includes parking areas, stormwater drainage, and related site improvements. A portion of the proposed activity is within the WPL area of an unnamed stream that drains into the West Parish Branch of Muddy Brook.
2. **61 Kings Highway South / Application IWW, WPL #10389-17; APPROVED WITH CONDITIONS.** Application of Richard Bennett & Associates, LLC, on behalf of the owners, Joseph Mark Valeski, for the construction of a new single family dwelling with driveway, pool, patio, retaining wall, storm water drainage system, and associated site improvements. A portion of the proposed activity is within the WPL area of an unnamed tributary of the Saugatuck River.
3. **303 Bayberry Lane / Application IWW, WPL #10390-17; APPROVED WITH CONDITIONS.** Application of McChord Engineering Associates, Inc., on behalf of the owners, Jacob & Marjorie Salik for the construction of a new pool spa, pizza oven, outdoor bar, patio, and associated site improvements. A portion of the proposed activity is within the WPL area of the Aspetuck River.
4. **320 Bayberry Lane / Application IWW, WPL #10391-17; APPROVED WITH CONDITIONS.** Application of LANDTECH, on behalf of the owners, Frederica S. Brenneman, to subdivide an existing 4.86-acre lot into two lots, one of which will be developed and consist of a single-family dwelling, driveway, pool and associated site improvements. A portion of the proposed activity is within the WPL area of the Aspetuck River.

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

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## FLOOD AND EROSION CONTROL BOARD

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### MINUTES

Flood & Erosion Control Board Meeting of May 3, 2017

Present for the Board:

Thomas B. Hood Jr. (Chair)  
Preston H. Koster  
Arthur A. Greenberg  
John M. Toi

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

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Thomas B. Hood Jr., opened the meeting at 7:31 pm.

1. **793 Post Road East / Application IWW, WPL #10379-17 (Continued);** *Application of Barr Associates, LLC, on behalf of the owners, DMC Westport, LLC, to construct a development consisting of 4 multi-family buildings totaling 14 townhouses, and 2 mixed-use buildings with both commercial and residential units. The application also includes parking areas, stormwater drainage, and related site improvements. A portion of the proposed activity is within the WPL area of an unnamed stream that drains into the West Parish Branch of Muddy Brook.*

This project was withdrawn prior to the meeting, and thus was not presented or voted upon.

2. **61 Kings Highway South / Application IWW, WPL #10389-17;** *Application of Richard Bennett & Associates, LLC, on behalf of the owner, Joseph Mark Valeski, for the construction of a new single family dwelling with driveway, pool, patio, retaining wall, storm water drainage system, and associated site improvements. A portion of the proposed activity is within the WPL area of an unnamed tributary of the Saugatuck River.*

The project was presented by Richard Bennet of Bennet & Associates, LLC, on behalf of the owners, Joseph Mark Valeski. Megan Robertson, of MLR Properties, was introduced and available to answer questions regarding construction of the home.

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.

There were questions from the Board regarding why the property line was adjusted; whether the size of the development increased; the square-foot increase in building size; the necessity of a crawlspace; the designer of the dwelling; whether an engineer has been retained to evaluate the effect of foundation construction on the site; whether sump pumps will be required; depth of the stormwater system relative to groundwater elevations; whether the pool is vinyl or fiberglass; were documents received from an engineer verifying minimal or no impact to stormwater runoff and groundwater flows; if previous special conditions were available from the last hearing; what will be located in the crawlspace; whether raised decking not constructed of masonry is proposed; what happens if the water table rises; whether this is a new house; and whether the neighbors are aware of the changes.

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 that were specified in a previous hearing date of November 2, 2016 were deemed necessary: 2, 9, 10, and 11. (Refer to the appended sheet).

It was agreed that the following Special Conditions of Approval that were specified in the previous hearing date of November 2, 2016, were carried over as part of this approval:

- A. *The Proposed Retaining Wall.* The wall to the rear of the dwelling shall be installed prior to the development of the remainder of the site so as to act as a sedimentation and erosion control structure for the construction phase of development. This wall is to remain on site as part of the site, and be maintained in perpetuity.
- B. *Dwelling Construction: Crawlspace Only, No Basement.* Due to the nature of the underlying soils and the existing groundwater table on the site, the proposed dwelling shall not be designed with a basement. It shall be constructed with a crawlspace.
- C. *Drainage Pipe Coming Off the Site.* Should any existing drainage structures or piping be discovered on the site that are not currently depicted on the submitted plans, it shall be the responsibility of the contractor to investigate the nature and extent of such entities, and if required, modify the proposed design so as to create no adverse drainage impacts to the site or the surrounding properties. Any such modifications shall be reviewed by the Town Engineering Department to verify compliance with all Town requirements.

DECISION: Proposed Project Approved, 3(Y)-1(N), with the above referenced Standard and Special Conditions of Approval.

3. **303 Bayberry Lane / Application IWW, WPL #10390-17;** Application of McChord Engineering Associates, Inc., on behalf of the owners, Jacob & Marjorie Salik for the construction of a new pool spa, pizza oven, outdoor bar, patio, and associated site improvements. A portion of the proposed activity is within the WPL area of the Aspetuck River.

The project was presented by Steven McAllister, PE, LS, of McChord Engineering Associates, Inc., on behalf of the owners, Jacob & Marjorie Salik.

There were questions from the Board regarding the scope of work as part of the application; whether the owners are new; whether there is evidence of flooding effects; whether the drainage system is designed for the scope of work included in the application; whether the drainage system was revised for the additional work; whether rain gardens are proposed; whether the plans and size of the patio areas are finalized; what material the pavers will be; and whether the solid yellow line was a boundary line.

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: 4, 9, and 11. (Refer to the appended sheet).

It was agreed that the following Special Conditions of Approval was deemed necessary:

- A. *Pervious Materials.* The hardscaped areas as depicted on the plan shall be constructed as pervious patio and pavers; these shall remain pervious, and shall be maintained in perpetuity.

DECISION: Proposed Project Approved, 4(Y)-0(N), with the above referenced Standard and Special Conditions of Approval.

4. **320 Bayberry Lane / Application IWW, WPL #10391-17; Application of LANDTECH, on behalf of the owners, Frederica S. Brenneman, to subdivide an existing 4.86-acre lot into two lots, one of which will be developed and consist of a single-family dwelling, driveway, pool and associated site improvements. A portion of the proposed activity is within the WPL area of the Aspetuck River.**

The project was presented by Robert Pryor PE, LS, of LANDTECH, on behalf of the owner Frederica S. Brenneman.

There were questions from the Board regarding whether all of the test pits were done; what the groundwater elevation is with respect to the elevation of the stormwater system; does the test pit data vary across the site; whether a basement is proposed; the elevation of the slab relative to the water table; the items detained by the stormwater system; whether the impervious coverage would still be below the allowable coverage with a pool patio constructed; whether any drainage will be outflowing to daylight; whether the drainage system will be relocated outside of the 25-year flood line.

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 Condition of Approval were deemed necessary: 1, 9, and 11. (Refer to the appended sheet).

DECISION: Proposed Project Continued, 4(Y)-0(N).

The meeting was adjourned at 8:43 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](mailto: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.