

**MINUTES
WESTPORT CONSERVATION COMMISSION
JUNE 17, 2015**

The June 17, 2015 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Pat Shea, Esq., Chair
Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft, Alternate
Kathy Belzer
W. Fergus Porter
John Washburn

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the June 17, 2015 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

All Commissioners except Ms. Belzer acknowledged they visited the sites.

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.

Ms. Mozian stated there were two items to add to the agenda:

1. **115 Harbor Road:** Request by Land-Tech Consultants for a modification of Permit #WPL-9952-15 to increase the size of the patio.
2. **19 Roosevelt Road:** Request to authorize staff to legalize patio and knee wall in order to issue a Conservation Certificate of Compliance.

Motion to amend agenda to add 115 Harbor Road and 19 Roosevelt Road.

Motion:	Rycenga	Second:	Porter
Ayes:	Rycenga, Porter, Bancroft, Belzer, Davis, Shea, Washburn		
Nays:	None	Abstentions: None	Vote: 7:0:0

Work Session I: 7:00 pm, Room 201/201A

1. Receipt of Applications

Ms. Mozian stated there were three applications to receive:

1. **0 Quarter Mile Road (Assessor's Map C14, Lot 005):** Application #IWW,WPL-10023-15 by Jobermar Properties LLC for a one lot subdivision. Portions of the lot are within the upland review area setback and the WPLO area of the Saugatuck River.
2. **18 Newtown Turnpike:** Application #IWW,WPL-10033-15 by Land-Tech Consultants on behalf of Grassy Plains LLC for modifications of Permits #IWW-6678-01 and IWW,WPL-8147-07 and legalizing regrading, filling and wall construction.
3. **1 Glendinning Road and 25 Ford Road:** Application #IWW,WPL-10034-15 by Eric Bernheim & Larry Weisman on behalf of 1 Glendinning Place, LLC & 25 Ford Road, LLC for the removal of some surface parking, relocation of some surface parking, an underground parking garage,, a new building, the construction of additional stories on an existing structure, a new entry building, pedestrian sky bridge, new septic, widening of Route 57 entrance and associated site improvements. Work is within the WPLO area of the Saugatuck River, West Branch of the Saugatuck River and the Aspetuck River.

Ms. Mozian noted 1 Glendinning Road & 25 Ford Road will be opening on July 15, 2015. She had recommended the applicant provide the Commission with a time extension in order to sufficiently develop the record with enough information to make a decision but that request was denied. Therefore, the hearing will be opened on July 15, 2015. Because it is a such a big project, she reported that Special Meetings will be needed. She has polled members for their availability for the rest of the summer and it looks like the week of July 27, 2015 is the best bet for holding a Special Meeting. After that, the Commission will have to see if more are needed. In the meantime, Ms. Mozian stated she is in the process of retaining an outside consultant to aide in the Commission's review of the project. She is also soliciting help from the Southwest Conservation District to review the sediment and erosion control plan and the stormwater quality components. She indicated the property is partially underlain by an aquifer and is partially falls within the Aquifer Protection Overlay Zone of which this Commission is in charge of administering those regulations. Though there are no Hazardous Uses as defined in the Aquifer Regulations, she will be soliciting comments from Aquarion Water Company. They will be looking at the proposed septic system, the fuel source, and the soil remediation work.

Ms. Mozian stated they will be scheduling a field trip to the site. It will most likely be on July 13, 2015. She has asked the applicant to stake the corners of the buildings and building additions and the general location of the other proposed improvements in preparation for our field trip.

- b. 19 Roosevelt Road:** Request to authorize staff to legalize patio and knee wall in order to issue a Conservation Certificate of Compliance.

Ms. Krynicki noted the house was elevated. During the inspection for the Conservation Certificate of Compliance, it was discovered that an extra patio with a knee wall was built that was not originally approved. The property is wholly within the WPLO. The patio has no impact. It is on-grade and permeable. The knee wall does not interfere with the free flow of flood water. There is no change in grade. The yard is beautifully and extensively landscaped. She indicated that staff supports this request.

Motion to grant staff permission to issue permit to legalize patio and knee wall in order to issue a Conservation Certificate of Compliance.

Motion: **Shea** **Second:** **Rycenga**
Ayes: **Shea, Rycenga, Bancroft, Belzer, Davis, Porter, Washburn**
Nayes: **None** **Abstentions: None** **Vote: 7:0:0**

Motion to close Work Session I and open the Public Hearing.

Motion: **Shea** **Second:** **Porter**
Ayes: **Shea, Porter, Bancroft, Belzer, Davis, Rycenga, Washburn**
Nayes: **None** **Abstentions: None** **Vote: 7:0:0**

Public Hearing: 7:15 pm, Room 201/201A

1. **44 Woodside Avenue:** Application #IWW/M-9991-15 by Elizabeth Eakins Wigglesworth Trust to amend wetland boundary map #B9.

Elizabeth Eakins Wigglesworth presented the application for a wetland boundary map amendment. She hired Otto Theall to delineate the wetlands on her property.

Ms. Krynicki stated Bill Kenny was the soil scientist hired to verify the wetland boundary on behalf of the Town. Both soil scientists were in agreement.

With no comment from the public, the hearing was closed.

Motion: **Belzer** **Second:** **Rycenga**
Ayes: **Belzer, Rycenga, Bancroft, Davis, Porter, Shea, Washburn**
Nayes: **None** **Abstentions: None** **Vote: 7:0:0**

Findings
Application #IWW/M 9991-15
44 Woodside Avenue

1. **Application Request:** The applicant is requesting to amend wetland maps #B9.
2. **Soil Scientist for Applicant:** Otto Theall, Soil & Wetland Science LLC
3. **Soil Scientist for Town of Westport:** William Kenny of William Kenny Associates, LLC
4. **Plan reviewed:**
 - a. "Existing Conditions Plot Plan prepared for Elizabeth Eakins Wigglesworth Trust, 44 Woodside Avenue, Westport, Connecticut, Scale 1"=20'-0", date March 23, 2015, prepared by Leonard Surveyors, LLC.
5. **Wetlands Description**

Soil Report Summary- prepared by Otto Theall of Soil & Wetland Science, LLC dated March 17, 2015 describes the following wetland soil occurring on the property.

Timakwa and Natchaug (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.

Mr. Theall describes non-wetland soils as Sutton fine sandy loam (50): This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. Many areas of this soil type are used for community development, with limitations caused by the high water table. Included with this soil in mapping are small areas of well drained Charlton and Paxton soils, moderately well drained Woodbridge soils and poorly drained Leicester and Ridgebury soils. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction. The seasonal high water table limits community development and makes special design and installation of onsite septic systems necessary.

6. Wetland Description

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as “streamside, floodplain, permanent, wooded swamp.” This wetland discharges into Stony Brook.
 - b. The 100 year floodplain as designated by FEMA as Flood Zone AE occurs on the property. Elevation of 60.5’ is the base flood elevation as shown on F.I.R.M Panel 09001C0394F, effective date June 18, 2010.
 - c. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
 - d. Property does not exist within the Coastal Areas Management Zone.
7. The Town of Westport retained the services of William Kenny of William Kenny Associates LLC to review the proposed wetland boundaries determined by Soil & Wetland Science. A letter dated May 8, 2015 was submitted by William Kenny indicating his agreement with wetland boundaries proposed by soil scientist Otto Theall.

RESOLUTION APPLICATION #IWW/M 9991-15 44 Woodside Avenue

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M 9991-15 by Elizabeth Eakins Wigglesworth Trust to amend wetland boundary map #B 9 on the property located at 44 Woodside Avenue with the following conditions:

1. Conformance to the plan entitled: “Existing Conditions Plot Plan prepared for Elizabeth Eakins Wigglesworth Trust, 44 Woodside Avenue, Westport, Connecticut, Scale 1”=20’-0”, date March 23, 2015, prepared by Leonard Surveyors, LLC.
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. 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 void or of no legal

Agawam Fine Sandy Loam: This soil unit consists of well drained soils that form on stream terraces and outwash plains in outwash materials. Slopes range from 0 to 8%.

Agawam soils possess a dark brown fine sandy loam surface layer about 9 inches thick over a dark yellowish brown fine sandy loam subsoil that is about 15 inches thick. The substratum is a light olive brown sand and gravelly coarse sand that extends to a depth of 60 inches or more. Permeability is moderately rapid in the surface layer and subsoil layers and rapid in the substratum. Available water capacity is moderate and runoff is slow. These soils are strongly to medium acid. These soils warm up and dry out rapidly in the spring.

Hinckley Gravelly Sandy Loams: The Hinckley series consists of excessively drained soils that form in glacial outwash materials. Hinckley soils are found on outwash plains, stream terraces, eskers and kames. Slopes range from 0 to 35%.

Hinckley soils possess a dark brown gravelly loam surface layer about 7 inches thick over yellowish brown gravelly loamy sand that is about 15 inches thick. The substratum is brownish yellow gravelly sand that extends to a depth of 60 inches or more.

Permeability is rapid in the surface layer and subsoil and very rapid in the substratum. Available water capacity is low and runoff is slow. These soils are strongly to medium acid. These soils warm up and dry rapidly in the spring.

6. Wetland Description

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as “an isolated floodplain with wooded swamp, intermittent watercourse and open water.
 - b. Property is located within a 100 year Flood Boundary Line identified as Flood Zone “X”.
 - c. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
 - d. Property does not exist within the Coastal Areas Management Zone.
7. Town of Westport retained the services of Tom Pietras of Pietras Environmental Group to review the proposed wetland boundaries determined by ESM Associates. A letter dated

June 10, 2015 was submitted by Tom Pietras indicating his agreement with the wetland boundaries proposed by soil scientist Dr. Gene McNamara.

RESOLUTION APPLICATION #IWW/M 10001-15 16 Quarter Mile Road

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M 10001-15 by Westport

Realties Inc. to amend wetland boundary map #C 14 on the property located at 16 Quarter Mile Road with the following conditions:

1. Conformance to the plan entitled: "Zoning/Location Survey Map of Property Prepared for Jobermar Properties LLC, Quarter Mile Road, Westport, Connecticut", Scale: 1"= 30', dated April 16, 2015 prepared by Walter H. Skidd- Land Surveyor LLC.
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. 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 void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

Motion: Bancroft

Second: Rycenga

Ayes: Belzer, Bancroft, Washburn, Shea, Porter, Davis, Rycenga

Nays: 0

Abstentions: 0

Votes: 7:0:0

3. **3 Grouse Path:** Application #IWW/M-10005-15 by Sheryl & Robert Gale to amend wetland boundary map #A16.

Sheryl Gale, property owner, presented the application for a wetland boundary map amendment. She hired soil scientist, Steve Danzer to delineate the wetland boundary.

Ms. Krynicki stated Jim McManus verified the wetland boundary line on behalf of the Town. Both soil scientists were in agreement.

With no comment from the public, the hearing was closed.

Motion: Shea

Second: Belzer

Ayes: Shea, Belzer, Bancroft, Davis, Porter, Rycenga, Washburn

Nays: None

Abstentions: None

Vote: 7:0:0

Findings

Application #IWW/M 10005-15

3 Grouse Path

1. **Application Request:** The applicant is requesting to amend wetland maps #A 16.
2. **Soil Scientist for Applicant:** Steve Danzer, PhD & Associates, LLC
3. **Soil Scientist for Town of Westport:** James McManus of JMM Wetland Consulting Group
4. **Plan reviewed:**
 - a. "Zoning Location Survey Prepared for Sheryl Y. & Robert F. Gale, 3 Grouse Path, Westport, Connecticut", Scale: 1"= 30', dated April 28, 2015 prepared by Advanced Surveying
5. **Wetlands Description**

Soil Report Summary- prepared by Dr. Danzer dated April 9, 2015 describes the following wetland soil occurring on the property.

Aquents (Aq): This soil is found on slopes of 0 to 3 percent in disturbed areas that generally have less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.

Mr. Danzer states also that the watercourses were formed as a result of manipulation of the upland to accommodate site drainage after the area was developed for the neighboring residences, and the

watercourses became entrenched over time as the flow quantity increased from the developments higher in the watershed. As such, there was no wetland vegetation observed in the wetland areas and local flora was representative of forested upland.

Dr. Danzer describes non-wetland soils as:

Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky:

The *Charlton series* consists of very deep, well drained soils formed in till derived from parent materials that are very low in iron sulfides. They are nearly level to very steep soils on till plains and hills, Slopes ranges from 0 to 50 percent. Saturated hydraulic conductivity is moderately high or high.

The *Chatfield series* consists of well drained and somewhat excessively drained soils formed in till derived from parent materials that are very low in iron sulfides. They are moderately deep to bedrock. Saturated hydraulic conductivity is moderately high or high in the mineral soil.

6. Wetland Description

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as “a streamside floodplain with a permanent wooded swamp.
- b. Property is not located within a 100 year Flood Boundary Line.
- c. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
- d. Property does not exist within the Coastal Areas Management Zone.
- e. Town of Westport retained the services of James McManus of JMM Wetland Consulting Group to review the proposed wetland boundaries determined by Steven Danzer. A report was received by staff dated June 10, 2015 from Mr. McManus indicating his agreement with the wetland boundaries proposed by soil scientist Dr. Steve Danzer.

RESOLUTION
Application #IWW/M-10005-15
3 Grouse Path

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-10005-15 to amend the wetland boundary on Map #A 16 on the property located at 3 Grouse Path with the following conditions:

1. Conformance to the plan entitled: “Zoning Location Survey Prepared for Sheryl Y. & Robert F. Gale, 3 Grouse Path, Westport, Connecticut”, Scale: 1”= 30’, dated April 28, 2015 prepared by Advanced Surveying
2. An electronic file of the above referenced plan in a format acceptable to The Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. 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.

Motion: Washburn

Second: Porter

Ayes: Washburn, Porter, Belzer, Bancroft, Shea, Davis, Rycenga

Nayes: 0

Abstentions: 0

Vote: 7:0:0

4. **4 Quarter Mile Road:** Application #AA,WPL/E-10011-15 by Westport Realities Inc. for a one-lot subdivision.

Eric Bernheim, Atty. with Halloran & Sage, presented the application on behalf of the property owner. He stated the site plan shows that the all wetland setbacks can be achieved for future development of the site as a 6 bedroom single family residence. The one lot subdivision has received Health Department approval. Flood Board approved the plan at its June 3, 2015 meeting.

Wetlands Description

Soil Report Summary- prepared by Dr. McNamara dated April 14, 2015 describes the following wetland soil occurring on the property.

Rippowam Fine Sandy Loam: The Rippowam series consists of poorly drained soils on the flood plains of major streams and rivers.

Rippowam soils possess a surface layer of black fine sandy loam about 8 inches thick over a subsoil that is a dark grayish brown, and dark gray, mottles fine sandy loam about 27 inches thick. The substratum is a dark grayish brown mottles gravelly sand that extends to a depth of 60 inches or more. The Rippowam series experiences a seasonally high water table within 6 inches of the surface and is prone to flooding. Permeability is moderate to moderately rapid in the surface layer and subsoil and rapid to very rapid in the substratum. Available water capacity is moderate and runoff is slow. These soils are strongly to medium acid.

Dr. McNamara describes non-wetland soils as:

Agawam Fine Sandy Loam: This soil unit consists of well drained soils that form on stream terraces and outwash plains in outwash materials. Slopes range from 0 to 8%.

Agawam soils possess a dark brown fine sandy loam surface layer about 9 inches thick over a dark yellowish brown fine sandy loam subsoil that is about 15 inches thick. The substratum is a light olive brown sand and gravelly coarse sand that extends to a depth of 60 inches or more. Permeability is moderately rapid in the surface layer and subsoil layers and rapid in the substratum. Available water capacity is moderate and runoff is slow. These soils are strongly to medium acid. These soils warm up and dry out rapidly in the spring.

9. Property Description and Relative Facts:

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "a wooded swamp which is located in an isolated upland area.
- b. Property is not located within a 100 year Flood Boundary Line.
- c. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
- d. Property does not exist within the Coastal Areas Management Zone.

10. 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

Proposed site improvements are shown on the submitted site plan to depict viable areas of future development on these parcels.

All upland review areas are being met with the proposed site development.

No disturbance is proposed within the 50' upland review area. All existing trees and topography within the 50' upland review area will remain as existing.

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

The Westport Weston Health District issued a recommendation for approval in correspondence dated May 29, 2015.

No activity is proposed within the 50' upland review area. All stormwater is being directed to Cultec subsurface rechargers located in the northeast corner of the parcel and has been reviewed and approved as meeting the Town of Westport drainage policy.

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.

The applicant has provided silt fence around the construction envelope on the lot which should prove an effective protection measure.

Proposed grading is located outside regulated areas. As the silt fence is shown around the entire proposed activity area no physical impact due to erosion and sediment is anticipated within IWW setbacks.

An anti-tracking pad is proposed for the construction activity.

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.

No removal of vegetation is proposed within the 50' upland review area setback. The Commission finds there will be no impact to habitats or biological productivity of the wetlands area with the proposed site layout.

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

The Flood and Erosion Control Board reviewed and approved the grading and drainage provisions for this project on June 3, 2015 to assure compliance with the Town of Westport Drainage policy.

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.

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

Waterway Protection Line Ordinance

Section 148-9 of the WPLO ordinance states the following: 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 waters, 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 Waterway Protection Line boundary exists in combination of 15' from the wetland limit. The Flood & Erosion Control Board has approved this application on July 6, 2005.

All construction activities are proposed outside the WPLO boundary and therefore this project is eligible for an exemption.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # AA,WPL/E 10011-15
Street Address: 4 Quarter Mile Road
Assessor's: Map B14 Lot 086
Date of Resolution: June 17, 2015

Project Description: For a proposed one lot subdivision
Owner of Record: Westport Realities Inc.
Applicant: Westport Realities Inc

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 #**AA, WPL/E 10011-15** with the following conditions:

1. 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.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. 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.
4. 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.
5. 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.
6. Conformance to the Flood and Erosion Control Board approval of June 3, 2015.

SPECIAL CONDITIONS OF APPROVAL

7. Conformance to the plans entitled:
 - a. "Existing Conditions, One Lot Subdivision Survey, Map of Property Prepared for Westport Realities Inc. ,4 Quarter Mile Road, Westport, Connecticut, Scale: 1"= 30', dated April 13, 2015, prepared by Walter H. Skidd-, Land Surveyor LLC.
 - b. "One Lot Subdivision Survey, Map of Property Prepared for Westport Realities Inc. ,4 Quarter Mile Road, Westport, Connecticut, Scale: 1"= 30', dated April 13, 2015, prepared by Walter H. Skidd-, Land Surveyor LLC.
 - c. "Westport Realities Inc., 4 Quarter Mile Road, Westport, Connecticut, Conceptual Lot Development Plan For a Proposed 1- Lot Subdivision, Site Plan Details & Notes, Sheet 1 of 1, dated May 6, 2015, prepared by Richard Bennett & Associates, LLC.

8. Tree protection fencing of those trees to be protected shall be indicated for the future development on the parcel at the time of the individual lot submission.
9. Application submission and review of the site proposal will be required for the development of the parcel.

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: Porter

Second: Belzer

Ayes: Porter, Rycenga, Davis, Washburn, Shea, Bancroft, Belzer

Nays: 0

Abstentions: 0

Vote: 7:0:0

5. **12 Marsh Court:** Application #WPL-10014-15 by Land-Tech Consultants on behalf of Jeffrey D Warshaw to remove a 675 s.f. patio and to construct a 370 s.f. two-story addition with a first floor deck and a second floor balcony both totaling 255 s.f. The addition and deck will be supported by piles. The area under the addition will be regraded and the tidal marsh will be restored. Work is within the WPLO area of the Saugatuck River.

Chris Allen of Land-Tech Consultants presented the application on behalf of the property owner. The proposal is to remove a 675 s.f. patio and replace it with a 370 s.f. two story addition with decks. The total 675 s.f. of the patio area would be restored to tidal marsh. The site is under the jurisdiction of the DEEP/OLISP.

Ms. Krynicky stated the patio was not permitted by DEEP. The applicant and the DEEP are meeting on site on June 18, 2015. The project limits may be revised to encompass what DEEP wants to resolve its violation.

Ms. Mozian referenced a June 2, 2015 e-mail from the DEEP that asked the Commission to hold off on making any decisions. The DEEP is issuing a Notice of Violation. The Flood and Erosion Control Board continued its review to their July 1, 2015 meeting in order to allow time for DEEP issues to be resolved. Also, there was an error on the survey that needs to be corrected with regards to the elevation data. She stated that staff recommends continuing the hearing to the July 15, 2015 Public Hearing.

Motion to continue the hearing the July 15, 2015 in order to receive CT DEEP/OLISP comments and a Flood Board decision.

Motion: Shea

Second: Rycenga

Ayes: Shea, Rycenga, Bancroft, Belzer, Davis, Porter, Washburn

Nays: None

Abstentions: None

Vote: 7:0:0

6. **263 Compo Road South (aka 1 Yankee Hill Road):** Application #WPL-10015-15 by Barr Associates LLC on behalf of Fiona Garland for a new house, pool, patios, driveway and tennis court with associated site improvements. Work is within the WPLO area of Gray's Creek.

Mel Barr presented the application on behalf of the property owner. This is a vacant lot with a tennis court on it. It is on a corner lot with Yankee Hill. The new driveway will be coming off Yankee Hill Road. He asked that future reference to the property include both 263 Compo Road South and 1 Yankee Hill. There are no wetlands on the site. The Flood Board approved the application on June 3,

2015. The house is in the floodplain. There will be perimeter planting and a raingarden for the tennis court. The bioswale is connected to the house. The patio, driveway and walkways will be permeable.

Ms. Krynicki stated the plan was revised based on staff comments.

Mr. Barr said the tennis court and pool may or may not be built but would like the Commission's approval in case they are pursued.

Ms. Krynicki stated the proposed perimeter plantings for privacy and aesthetics should not be bonded but the stormwater plantings should be bonded as they will serve a particular stormwater treatment function.

Ms. Mozian stated a detail for the proposed wall construction should be submitted showing the flood openings. Calculations for the number and size of the openings should mimic what is required for a house but after further discussion, it was agreed that only the new fencing should allow for the free flow of water.

With no comment from the public, the hearing was closed.

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Belzer, Davis, Porter, Washburn		
Nayes:	None	Abstentions:	None
			Vote: 7:0:0

Findings

263 Compo Road South #WPL 10015-15

1. Application Request:

The Applicant is requesting construction of a new single family residence with an in-ground swimming pool and patio, a relocated driveway, tennis court and new site amenities. Drainage for the first inch of stormwater runoff from a twenty five year storm event is being provided.

The majority of the site improvements are within the WPLO.

The applicant proposes to remove the existing tennis court. The proposed dwelling will conform to FEMA standards. The first floor of the proposed dwelling will be at least 1 foot above the 100 year flood elevation.

The site lies within the 100 year floodplain of Zone AE Elevation 11.0'. The property is to be served by municipal water and sewer.

Based on the submitted calculations, the proposed site improvements will create an onsite impervious area of approximately 17,451 s.f.

Total lot area is 55,283 s.f. or 1.26 acres.

2. Plans reviewed:

1. *"Zoning/ Location Survey, Map of Property Prepared for Bluewater Home Builders, LLC, 263 Compo Road South, Westport, Connecticut"*, Scale: 1" = 30', dated February 23, 2015, prepared by Walter H. Skidd- Land Surveyor LLC
2. *Site Plan Details & Notes; Fiona Garland, Westport, CT"*, 263 Compo Road South, Westport, Connecticut, Scale: 1"=20'-0", dated May 12, 2015 and last revised to May 29, 2015, prepared by Chappa and Paolini Engineers, LLC
3. Architectural Plans entitled: "Bluewater 1 Yankee Hill, LLC, 263 Compo Road South, Westport, CT", (7 sheets), dated March 12, 2015, prepared by Robert Storm Architects

3. Facts Relative to this application:

- a. **WPLO:** The northerly 2/3 section of this parcel is below elevation 9.0' and within the WPLO jurisdiction.
- b. **Inland Wetlands and Watercourses:** No inland wetlands or watercourses are located at the site.
- c. **Physical and Chemical Properties of the Soil:** The USDA NRCS identifies the on-site soils as Ninigret-Urban land complex. The Ninigret-Urban land complex is a coarse-loamy eolian deposits over sandy and gravelly glaciofluvial deposits derived from granite and or/schist and/or gneiss. These soils do not meet hydric criteria. These soil types are suitable for building construction.
- d. **100-Year Floodplain:** The property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The AE 100-year base flood elevation is 11 feet above mean sea level.
- e. **Aquifer Protection Zone:** The property is not located within the Aquifer Protection Zone, but is located within the aquifer recharge area defined as fine-grained stratified drift.
- f. **Coastal Area Management Zone:** The project is located within the Coastal Area Management Zone. The coastal resources is identified as "Shorelands". Shorelands function as immediate sources of upland runoff contributing to coastal drainage, serve as immediate sources of upland sediments, provide scenic vistas, and have high development and redevelopment potential.
- g. **Zoning District:** The property is located within zoning district "A A "
- h. **Sewage Disposal:** The property is serviced by a public sanitary sewer.
- i. **Landscape Position:** Backslope with linear/linear land surface shape.

4. Waterway Protection Line Ordinance:

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 Commission finds that the potential for the proposed site development within the WPLO to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways primarily is limited to nutrient loading, storm water quality impacts and potential flooding impacts.

Water quality is the end result of the individual actions of all the "neighbors" in a watershed.

The subject property is located on the easterly side of Compo Road South and the northerly side of Yankee Hill Road.

All activity with the exception of a small portion of the driveway and roof runoff storm infiltration units will be located within the WPLO.

Keith Wilberg, PE, of the Engineering Department has stated he approves the stormwater retention and runoff calculations for the development and the drainage appurtenances have the proper capacity. The Flood and Erosion Control Board approved this application on June 3, 2015.

The low impact development concept of a rain garden “first” for the tennis court is to capture runoff as close to the source and the overflow then be directed to subsurface infiltration. The Commission finds this method of stormwater runoff control is acceptable as a water quality treatment as the tennis court represents a large impervious area.

A pool fence will be installed on top of the perimeter stonewall on the westerly and northerly property lines of the property. The portions of the fence connecting the wall to the residence will be designed to allow free flowing water as the installation will occur within the 100 year flood plain boundary.

All patios and driveways will be pervious. The Commission finds the design engineer shall be responsible for witnessing and certifying the installation prior to the issuance of a Department Certificate of Compliance.

Staff has met with the design team and the applicant to review the proposed design plan. The Commission finds the suggestions and plan changes as requested at the meeting have been made to the satisfaction of the Conservation Department and are reflected on the site plan.

All drainage provisions have been reviewed and approved by the Engineering Department. Subsurface infiltration structures are proposed to mitigate potential stormwater quality impacts. According to the submitted runoff computations, these structures have been sized to capture and infiltrate one inch of runoff. The one-inch sizing criteria is appropriate and in accordance with the Connecticut Stormwater Quality Manual (2004).

The Commission finds a perimeter silt fence is proposed for use during construction and will provide adequate protection if it is properly maintained. Existing vegetation at the perimeter of the parcel is proposed to remain.

The structure will be built to FEMA standards and the proposed provisions parking, driveway and patios will be pervious to maximize infiltration within a flood zone.

The heating fuel source for this property is to be propane.

Perimeter screening plantings are proposed. The Commission finds added benefit of numerous woody plant root structure within a flood zone helps provide additional pore space in the soil. It helps develop better flood storage so that when high flows inundate the land, the waters are held longer and more infiltration can occur.

For all of the reasons enumerated above, the Commission finds that the project will not adversely impact 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 as protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10015-15

Street Address: 263 Compo Road South aka 1 Yankee Hill Road
Assessor's: Map D 04 Lot 004
Date of Resolution: June 17, 2015

Project Description: For the construction of a new residence, pool, patio and tennis court with associated site improvements.. Portions of the work are within the Waterway Protection Line Ordinance and the 25 year floodplain of Gray's Creek.

Owner of Record: Fiona Garland
Applicant: Barr Associates 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 10015-15** with the following conditions:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. 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.
12. 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.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the conditions of the Flood and Erosion Control Board of June 3, 2015.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Zoning/ Location Survey, Map of Property Prepared for Bluewater Home Builders, LLC, 263 Compo Road South, Westport, Connecticut", Scale: 1" = 30', dated February 23, 2015 , prepared by Walter H. Skidd- Land Surveyor LLC

- b. *Site Plan Details & Notes; Fiona Garland, Westport, CT*, 263 Compo Road South, Westport, Connecticut, Scale: 1"=20'-0", dated May 12, 2015 and last revised to June 8, 2015, prepared by Chappa and Paolini Engineers, LLC
 - c. Architectural Plans entitled: "Bluewater 1 Yankee Hill, LLC, 263 Compo Road South, Westport, CT", (7 sheets), dated March 12, 2015 and last revised to May 11, 2015, prepared by Robert Storm Architects
16. The design engineer shall witness the construction of the rain garden and all permeable surfaces and shall provide Certification of completeness and correctness of design installation prior to the issuance of a Conservation Certificate of Compliance.
 17. All excess construction fill is to be removed from site.
 18. A performance bond for the bioswale plantings and the erosion and sediment controls for the project shall be submitted to the Conservation Department prior to the issuance of a zoning permit. A separate bond for the rain garden plantings for the tennis court will need to be posted at the time of the tennis court construction.
 19. Walkways and patios shall remain permeable in perpetuity with a restriction placed on the land records prior to the issuance of a Conservation certificate of Compliance.
 20. All proposed fencing shall allow the free flow of flood and storm water.

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: Shea

Second: Rycenga

Ayes: Shea, Rycenga, Belzer, Bancroft, Washburn, Davis, Porter

Nays: 0

Abstentions: 0

Vote: 7:0:0

7. **79 Newtown Turnpike:** Continuation of Application #IWW, WPL/E-9964-15 by Barr Associates on behalf of Chabad Lubavitch of Westport for the proposed expansion and additions of the existing place of worship for a larger sanctuary, more classrooms and a residence with improved parking, septic, drainage and site amenities. The existing detached residence is to be removed. Portions of the work are within the 75 ft. upland review area.

Ms. Belzer recused herself from this application.

Mel Barr presented the application on behalf of the property owner. He submitted language of a newly proposed Planning & Zoning Commission text amendment to be heard next month that, if approved, would increase the number of parking spaces for this use. If the P&Z adopts the text amendment, an additional 32 spaces would be required for this project. He stated it was his hope to have the project approved before the text change but they have a pending application before the Zoning Board of Appeals and will have one before the P&Z before the end of the month. Their variance request is for coverage. Therefore, under the existing regulations, they have enough parking. He listed the three reasons the Commission continued the hearing from May 20, 2015. He noted the letter received from the Westport/Weston Health District Director dated June 17, 2015, which notes that there were some technical standards not yet worked out but for all intents and purposes they would be issuing a permit.

Ms. Mozian asked for what storm event was the wet swale volume calculated.

Manny Silva, PE, explained how the volume was calculated. It will hold 105 cubic feet of water. It is 5 feet wide.

Mr. Bancroft asked what the retention time is for the wet swale.

Mr. Silva stated the majority of the runoff would be in the galleries. The wet swale is for the overflow.

Mr. Davis asked how the wet swale gets maintained.

Mr. Silva stated check dams are meant to collect silt and sediment and can be easily cleaned. A maintenance schedule is on the plans. The catchbasins should be vacuumed. The swirl separator has to be checked every 6 months.

In the wall scenario, Mr. Barr noted the Commission asked for an explanation of how the area will be dewatered during installation.

Mr. Silva described how the area in the vicinity of the wall will be dewatered. He reviewed plans for a dirt bag at the Newtown Turnpike boundary underlain by woodchips. The water will go into the stormwater system. A Vortech unit is a minimal type of Downstream Defender that would be installed.

Peter Greenberg, Able Construction, stated he prefers the wet swales alternative. They will be able to see the silt building up. He will be the construction manager during construction and afterward.

Bill Kenny, wetland scientist and landscape architect, stated the he found the wall had the least impact to the wetland. The wet swale will be going at least 25 feet into the wooded wetland. The wet swale will be inundated with phragmites as it is in the area. It will get salt from parking lot runoff. With the wall, it will be easier to keep phragmites out of the area.

Mr. Davis asked where more parking would go if P&Z wanted it.

Mr. Barr stated that no more spaces can fit on the lot.

Ms. Mozian asked about seeking a variance for parking based on a hardship due to presence the wetlands.

Mr. Barr stated it would be difficult the legal notice for the ZBA hearing was already noticed. He offered to use grass pavers on the first row of parking next to the guardrail.

Ms. Rycenga noted the Commission is obligated to look at feasible and prudent alternatives.

With no comments from the public, the hearing was closed.

Motion: Shea Second: Davis
Ayes: Shea, Davis, Bancroft, Porter, Rycenga, Washburn
Nayes: None Abstentions: None Vote: 6:0:0

In the Work Session discussion, the Commission agreed the letter from the Health Department would suffice though they were reluctant that this be used as a precedent. However, since only a technical specification in the plan detail had to be changed, the letter was acceptable. They agreed that a row of grass pavers next to the wall is not necessary. They do not feel the wet swale will be maintained over the long haul. It was noted that if P&Z adopted the text amendment, the only alternative would be off-site overflow parking or to make the proposed addition smaller which would reduce the number of parking spaces needed. Still, this would not address the problem of untreated runoff which currently exists. The decision will be made at the July 15, 2015 Work Session.

Work Session II:

1. Approval of May 20, 2015 meeting minutes.

