

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
MAY 20, 2015**

The May 20, 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:**

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

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Lynne Krynicky, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 20, 2015 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director





**Ninigret and Tisbury soils (21):** 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.

**Agawam fine sandy loam (29):** About 15 percent of this map unit includes small areas of excessively drained Hinckley soils, somewhat excessively drained Merrimac soils, well drained Haven soils, and moderately well drained Ninigret soils. The permeability of this Agawam soil is moderate rapid in the surface layer and subsoil and rapid in the substratum. Runoff is medium, and available water capacity is moderate. The soil dries out and warms up early in spring. Most areas of these soils are used for community and industrial development, and a few are used for corn, vegetable, and nursery crops. Some small scattered areas are wooded. **The rapid permeability of the soil causes a hazard of ground-water pollution in areas used for on-site septic systems.** The soil is unstable and thus is limited for excavations. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction. The soil is well suited to cultivated crops and trees. The hazard of erosion is moderate. The seasonal high water table limits community development and makes special design and installation of onsite septic systems necessary.

**Udorthents-Urban Land Complex (306):** This unit consists of areas that have been altered by cutting or filling. The areas are commonly rectangular and mostly range from 5 to 100 acres. Slopes are mainly 0 to 25 percent. The materials in these areas are mostly loamy, and in the filled areas it is more than 20 inches thick. Some of the filled areas are on floodplains, in tidal marshes, and on areas of poorly drained and very poorly drained soils. Included in this unit in mapping are small areas of soils that have not been cut or filled. Also included are a few larger urbanized areas and a few small areas containing material such as logs, tree stumps, concrete, and industrial waste. A few areas have exposed bedrock. Included areas make up about 30 percent of this map unit. The properties and characteristic of this unit are variable, and the unit requires on-site soil investigation and evaluation for most uses.

## 6. Wetland Description

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "a permanent streamside, floodplain, with a wooded swamp." This wetland discharges into Silver Brook.
  - 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.
7. The Town of Westport retained the services of James McManus of JMM Wetland Consulting Services to review the proposed wetland boundaries determined by Soil & Wetland Science. A site meeting between the two soil scientists occurred on Tuesday, May 19, 2015. The two soil scientists reexamined a portion of the delineated boundary line. A concurrence of the boundary line by the two soil scientists was reached in the field. Reports have been received from both soil scientists confirming the decision to slightly amend the wetland line from Flag #4 to Flag #7 and eliminating Flag #6.

### RESOLUTION APPLICATION #IWW/M 9982-15 10 Punch Bowl Drive

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 9982-15 by Barr Associates LLC on behalf of Adrienne and



## 5. 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.

## 6. 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.

## 7. Wetland Description

- 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.
- e. 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 April 25, 2015 was submitted by Tom Pietras indicating his agreement with the wetland boundaries proposed by soil scientist Dr. Gene McNamara.

### RESOLUTION APPLICATION #IWW/M 9994-15 4 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 9994-15 by Westport Realities Inc. to amend wetland boundary map #B 14 on the property located at 4 Quarter Mile Road with the following conditions:

1. Conformance to the plan entitled: "Zoning/Location 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
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:** Shea

**Ayes:** Bancroft, Washburn, Shea, Harris, Porter, Rycenga, Belzer

**Nays:** 0

**Abstentions:** 0

**Votes:** 7:0:0

4. **42 Whitney Street:** Application #IWW,WPL/E-9993-15 by Stephanie Nickse & Adam Swanson for a proposed garage and second floor addition over garage, new square footage and family room would allow for all bedrooms on second floor and storage/garage where none exists now. Stump grinding in backyard. Portions of the work are within the upland review area setback.

Mr. Bancroft, Mr. Davis and Mr. Washburn visited the site.

Mark Ochman, P.E., presented the application and described the site. The wetlands were flagged by JM McManus Soil Scientists. The rear half of the site is wetland and is maintained as lawn. The site also contains a sewer easement. This is a two part application with a building addition and a driveway expansion. The addition at its closest point is 25 feet from the wetland. The stockpile area is located on the south side of the addition. The addition will be on slab but excavation will still be required for footings. The drainage gallery is in the front yard. The roof leaders will outlet into an energy dissipater 20 feet from the wetland. The stump removal will be done by grinding and the roots will remain. The trees were removed via authorization of the Conservation staff approval because they were dead or dying and in danger of falling on the house. As a condition of, 10 replacement trees were required. The property is .44 acres in size. The proposed coverage is at 38% because of the large amount of wetlands on the site. Test pits showed no ledge in the area of drainage.

Ms. Krynicki stated the house was built in 1945 prior to the IWW regulations. It is obvious that fill was brought in to build the house. There is a ditch on the southwest side of the property to help drain the wetland. The property has been mowed and filled since 1945. She showed a picture taken in April in which the lot was saturated with standing water. She noted this application presented an opportunity to recapture some wetland function like habitat and flood storage. Woody plantings will help with that by opening soil pores. Ms. Krynicki reviewed the planting plan submitted by the applicant. She stated the planting plan is not sufficient to restore wetland functions. Staff prepared and submitted a suggested alternative plan showing more area to be restored. They also felt the addition planting species proposed by the owner were not conducive to wet conditions and should be substituted.

The Commission agreed.

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

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

**Findings**  
**Application # IWW, WPL/E 9993-15**  
**42 Whitney Street**

1. **Receipt Date:** **May 20, 2015**
2. **Application Classification:** **Summary**
3. **Application Request:** Applicant is requesting to construct a garage with a second floor addition over the garage, new drainage appurtenances are proposed for the increase in impervious area and site grading where applicable and removal of tree stumps in the backyard. Portions of the proposed site improvements are within the IWW upland review areas. Proposed site development is outside the Waterway Protection Line Ordinance boundary.
4. **Plans Reviewed:**
  - a. "Site Plan Showing Proposed Addition Prepared for Adam Swanson & Stephanie Nickse, #42 Whitney Street, Westport, Connecticut", Scale 1"= 20', dated March 18, 2015 and last revised to April 11, 2015, prepared by Ochman Associates, Inc.
  - b. Architectural Plan, "Nickse Residence, 42 Whitney Street, Westport, Connecticut, Proposed Design Scheme "C", dated April 8, 2015, prepared by Cartell Designs LLC

- c. Landscape Plan entitled: "Environmental Planting Plan, 42 Whitney Street, Westport, CT", Scale: 1"= 20', dated May 5, 2015 and revised by the Conservation Department staff on May 20, 2015, originally prepared by Environmental Land Solutions, LLC

5. **Permits/Applications filed:** No permits are on file for this activity

6. **WPLO** – Waterway Protection Line is located 15' from the wetland boundary.

7. **IWW Defined Resource (wetland or watercourse)**

Wetlands and Watercourses occur on the subject property.

8. **Wetland and Property Description**

**Wetland soil**

The soil report of JMM Wetland Consulting Services, LLC dated January 27, 2015 identifies the wetland soils occurring on the property as:

**Ridgebury fine sandy loams (2):** This soil series consists of deep, poorly and somewhat poorly drained soils formed in a coarse-loamy mantle underlain by firm, compact glacial till on uplands. They are nearly level to moderately steep soils on till plains, low ridges and drumloidal landforms. The soils formed in acid glacial till derived mainly from schist, gneiss or granite. Typically these soils have a black sandy loam surface layer 6 inches thick. The mottled subsoil from 6 to 16 inches is olive gray sandy loam. The mottled substratum from 16 to 60 inches is a light brown and olive, very firm and brittle gravelly sandy loam.

**Leicester fine sandy loam (14):** This series, which is some Connecticut counties is found only in complex with the Ridgebury and Whitman series, consists of deep, poorly drained loamy soils formed in friable glacial till on uplands. They are nearly level to gently sloping soils in drainage ways and low-lying positions on till covered uplands. The soils formed in acid glacial till derived mainly from schist, gneiss or granite. Typically these soils have a black fine sandy loam surface layer 8 inches thick. The mottled subsoil from 8 to 15 inches is a gray sandy loam. The mottled substratum from 15 to 60 inches is firm, olive gray to gray dense glacial till.

**Aquents (308):** This soil map unit consists of poorly drained and very poorly drained disturbed land areas. They are most often found on landscapes, which have been subject to prior filling and/or excavation activities. In general, this soil map unit occurs where two or more feet of the original soil surface has been filled over, graded or excavated. The Aquents are characterized by a seasonal to prolonged high ground water table and either support or are capable of supporting wetland vegetation. Aquents are recently formed soils, which have an aquic moisture regime. The key feature is the presence of a ground water table at or very near to the soil surface for a period of fourteen days or longer during the growing season.

The upland soils are described as: **Charlton very stony fine sandy loam (73)**, **Sutton stony fine sandy loam (50)**, and **Udorthents (308)**.

9. **Property Description**

- a. FEMA designated Floodplain- The 100 year floodplain as determined by FEMA does occur on this property.
- b. Wetlands Inventory Study Description prepared by Flaherty Giavara Associates, P.C. June 1983, indicate the wetland occurring on this property as a wooded swamp and is a "streamside," "floodplain," with open water and a "wooded swamp." This wetland is considered part of the floodplain of Pussy Willow Brook.
- c. Property is not located within the Coastal Area Management zones.
- d. The property is not located with an Aquifer Protection Overlay Zone or over an aquifer.
- e. A 20' wide sewer easement exists on the parcel.
- f. The existing 4 bedroom residence constructed on a slab was originally built in 1945.

10. **Vegetation Description**

The majority of the wetlands on the property south of the residence has been cleared and filled. It is now maintained lawn. Recently five large deciduous trees were recently removed due to disease and decline with a requirement that 2 trees be replanted for each one removed for a total of 10 new trees required. A large and very healthy wooded swamp exists to the immediate west.

11. **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

The site currently contains an existing house, asphalt driveway and a screened porch. The residence is served by town sewer and public water. There is a 20' sewer easement on the property that runs along the west side of the existing house and towards the rear of the property.

The property slopes from northeast to southwest with slopes varying in range from 1% to 15%.

The applicant is proposing an addition to the existing home, constructed in 1945, in an area that was previously filled during the construction of the original residence. The addition will add 500 sf onto the southwest side of the existing house along with a set of stairs off the rear of the addition. There is also an additional 80 sf of impervious area to be added onto the existing driveway. The proposed site improvements will remain within the boundaries of the filled area which is now lawn and will be built in close proximity to the flagged wetland (25' to 40' ±). No grading is required.

The existing residence and the proposed addition will be slab construction and therefore can be expected not to intercept the groundwater table. No vegetation is proposed to be removed for the addition.

The addition will be two story so as to minimize the building footprint.

## **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

This property is served by municipal sewer.

The applicant has provided a mitigation/restoration plan for the grassed area south of the residence including replacement trees for the tree removal previously authorized. The manicured lawn that is flooded during the spring and after periods of significant rain will be replanted with appropriate native species including shrubs and trees.

The Commission finds the previous filled extension of the wooded swamp to the west will be partially restored and will help provide infiltration and treatment of the stormwater runoff.

The property is not underlain by an aquifer.

## **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.

Slab construction will reduce the amount and depth of the excavation required as the groundwater table on this property will be shallow. The proposed site plan shows silt fence surrounding the area of the addition and the proposed soil stockpile. The Commission finds this should be sufficient protection.

Since the vegetation is primarily lawn in this area, the Commission finds the plantings and revegetation adjacent to the wetlands will help also contribute to final site stabilization.

#### **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.
- g) *Planting plan included with application as mitigation for the proposed activities*

The area where proposed activity is to take place is manicured lawn. Temporary disturbance is anticipated during construction. The applicant has submitted a planting plan for revegetation within the flagged wetlands boundary. The Commission finds an amended planting plan with additional plantings is required within the wetlands area as mitigation for constructing the addition within the 50' IWW upland review area. Such mitigation planting will also improve the function of the wetlands with respect to the creation of additional habitat.

#### **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

There are currently no formal drainage provisions for this parcel.

The applicant is proposing subsurface infiltration for the increase in roof area in the front of the residence to maximize the distance from the watertable and increase the distance from the wetlands with respect to disturbance associated with excavation.

Deep test holes were performed on March 12, 2015 by Ochman Associates. Soil profile in the area of the drainage galleries indicate 20" of fill and 9" of original topsoil. Soil mottling was observed immediately below the topsoil horizon which places the drainage galleries will be placed in inert fill material albeit further from the wetlands.

The engineering design and calculations have been reviewed and approved by the Engineering department and thus are in compliance with the drainage policy for the Town of Westport.

Some of the roof runoff is directed off the rear of the residence and will be dissipated with the use of a rip rap pad. The surrounding vegetation is important to help intercept, infiltrate and treat the stormwater runoff.

#### **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.

**Conservation Commission**  
**TOWN OF WESTPORT**  
**Conditions of Approval**  
**Application # IWW,WPL/E 9993-15**  
**Street Address: 42 Whitney Street**  
**Assessor's: Map E 10 Lot 120**  
**Date of Resolution: May 20, 2015**

**Project Description:** For the construction of a proposed garage and second floor addition over garage. Stump removal of five tree stumps in the rear yard. Portions of the work are within the IWW upland review area setbacks.

**Owner of Record:** Stephanie Nickse and Adam Swanson  
**Applicant:** Stephanie Nickse

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 #**IWW,WPL/E 9993-15** 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. 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.
7. 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.
8. 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.
  9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
  10. All plants proposed in regulated areas must be non-invasive and native to North America.
  11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
  12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
  13. 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.
  14. 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.
  15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

#### **SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:
  - a. "Site Plan Showing Proposed Addition Prepared for Adam Swanson & Stephanie Nickse, #42 Whitney Street, Westport, Connecticut", Scale 1"= 20', dated March 18, 2015 and last revised to April 11, 2015, prepared by Ochman Associates, Inc.
  - b. Architectural Plan, "Nickse Residence, 42 Whitney Street, Westport, Connecticut, Proposed Design Scheme "C", dated April 8, 2015, prepared by Cartell Designs LLC
  - c. Landscape Plan entitled: "Environmental Planting Plan, 42 Whitney Street, Westport, CT", Scale: 1"= 20', dated May 5, 2015, prepared by Environmental Land Solutions, LLC (excluding Notes 3 and 6)
17. The landscape plan of Environmental Land Solutions, LLC dated May 5, 2015 and as revised by the Conservation Department staff on May 20, 2015 to include expanded planting areas on the southeast and southwest sides of the parcel outside of the existing sewer easement and outside the existing drainage ditch along the western property line. These approximate proposed planting areas have been added by hand to the landscape plan by the Conservation Department staff. Final approval of the specific plant species will be done by the Conservation Department staff prior to the issuance of a Zoning permit.
18. The existing stone rubble wall south of the existing screen porch shall be relocated to the wetland line to serve as a permanent demarcation and the limit of any future fill and grading activity prior to the issuance of a Conservation Certificate of Compliance.
19. Submission of a performance bond to cover the cost of plants and erosion control materials shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.
20. The proposed silt fence as shown on the site plan is to demarcate the limit of disturbance. Additional silt fencing shall be installed around the entire perimeter of the soil stock pile area and shall be maintained throughout the construction process.

**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:** Belzer                      **Second:** Shea  
**Ayes:** Washburn, Shea, Harris, Porter, Belzer, Bancroft, Rycenga  
**Nays:** 0                      **Abstentions:** 0                      **Vote:** 7:0:0

- 5. 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.

Mr. Bancroft, Mr. Davis and Mr. Washburn visited the site.

Ms. Belzer recused herself from this application.

Mel Barr presented the application on behalf of the property owner. The application was continued from the April 15, 2015 Public Hearing for the submission of eight additional pieces of information. He detailed each of the reasons for the continuance.

Manny Silva, P.E., presented the engineering aspects of the three alternatives for improving the parking lot. The grass pavers the Town Engineer did not like because no infiltration would occur because of the historic asphalt layering that has occurred. A retaining wall with fill would pull parking away from the wetland edge in the north and prevent further disturbance in the south. They will be addressing the parking spaces in the water by excavating a trench, dewatering the area via a dirt bag, fill trench with 6 inch gravel bed and then build wall using 4ft. wide block sections. There will be no footing but a buried block (1 section will most likely be buried). They would build wall first, back fill/raise grade approximately 5 feet and then add drainage and downstream defender to treat oil and other pollutants.

Ms. Krynicki asked if soil borings have been done.

Mr. Bancroft asked how thick the asphalt layer is.

Mr. Silva stated the asphalt layer is about 18 inches. The wall will be set on one of the asphalt layers. The blocks are inter-locking and pinned with rebar. He does not anticipate settling. The blocks support themselves. The wall will stay in the water.

Mr. Davis noted that the parking lot itself has been settling.

Mr. Silva stated 5 feet of fill will be added. Grade will pitch toward a 600 l.f. 2 ft. X 4 ft. gallery system. Fill will insulate the water below and heaving will be prevented.

Mr. Washburn asked if the High Holy Days are driving the parking design.

Mr. Barr stated the Zoning regulations are driving the number of parking spaces based on the size of proposed the sanctuary.

Mr. Washburn asked if Zoning looked at alternatives for parking including valet parking or off-site parking during times of High Holy Days or during other high-attendance events.

Mr. Barr stated the number of parking spaces meet the Zoning regulations now. The additional parking spaces are driven by the proposed addition. 102 parking spaces are required under the proposed plan. There are 64 approved parking spaces now.

Mr. Silva stated this is a long-term solution. They are introducing water quality components and storage. 4,000 c.f. of storage is required for the proposal but they are proposing 6,000 c.f. of storage.

Ms. Krynicki stated they are asking to intensify the use on a very environmentally sensitive site, which is the driving factor.

Mr. Barr stated they are making an existing condition of a parking lot in a wetland better.

Ms. Shea noted that 3 different alternatives were reviewed; the permeable pavers, the wet swale, and the retaining wall. She asked which is better.

Mr. Silva stated with the wall proposal they are pulling some of the parking lot out of the wetland. The wall avoids direct encroachment into the wetland as compared to the wet swale.

Ms. Rycenga noted this property is located in the Aquifer Protection Overlay Zone and asked about the fuel source.

Mr. Barr stated he was not sure if oil or propane but the tanks are located in the basement.

Mr. Davis noted the Conservative Synagogue uses Ed Mitchell's for overflow parking during times of great demand. He asked about digging up or removing the asphalt in the wetland.

Mr. Silva stated they would need to excavate up to 30 inches below the parking lot and that would create a muddy mess. It would not be conducive to dig up the asphalt to restore that area. In the 20 ft. buffer, they will use New England seed mix only.

Ms. Rycenga stated she feels that this application is a prime candidate for a ZBA variance request for the number of parking spaces.

Bill Kenny, wetland scientist and landscape architect, was brought in to evaluate alternatives. The wet swale design is okay and would provide treatment but would directly disturb the wetland. The wall design pitches the runoff back into the oil separator, then the drainage gallery then slowly releases back into the wetland. Also some of the parking lot is being pulled out of the wetland, which has enabled a larger buffer area in one particular area.

Mr. Porter asked if there were concerns about the weight of the wall and fill on top of an unstable base.

Mr. Kenny stated his experience is that this type of design distributes the weight. Geo-grid fabric ties the fill together as well. The Geo-grid is tied into the wall and will prevent the fill material and the wall from sinking.

Mr. Bancroft asked if a layer of asphalt should be removed in the increased buffer area to get the necessary depth to grow herbaceous plants.

Mr. Kenny indicated it could.

Mr. Barr referred to the Engineering Department memo from Keith Wilberg that supports the wall. He would like a dewatering detail added to the plans. Mr. Wilberg also noted that staked haybales **is are** damming the water. This is a temporary condition. He indicated that this is a better solution for this proposal.

Mr. Barr submitted a letter from Mr. Silva that the septic is oversized. He noted that the Health Department is asking for more details before they can issue their permit. The kitchen will only be used by the synagogue. They do not plan on renting the space to outside groups for functions. Though there is no written approval from the Health Department yet, it appears that there is sufficient capacity. He asked the Commission to condition its approval on the Health Department approval.

Ms. Mozian read the 2012 comments from the Health Department about the upstairs bedrooms and that the number should not be increased. The addition proposed now includes a 4-bedroom apartment and it was unclear to her whether this was an increase in the bedroom count or not. She reminded the Commission that the septic for this property is across the street on the nursery school







