

**MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 21, 2015**

The October 21, 2015 of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

Pat Shea, Esq., Chair
Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft
W. Fergus Porter

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 October 21, 2015 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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. - **NONE**

Work Session I: 7:00 p.m., Room 201/201A

1. Receipt of Applications

There were no applications to officially receive.

Ms. Mozian noted that Application #WPL-10104-15 for legalization of a dock at 36 Otter Trail was submitted. Also staff was bringing forth several map amendment applications.

2. Report by Colin Kelly, Conservation Compliance Officer on the status of existing enforcement activity.

Ms. Mozian gave an update of **32 Edgewater Hillside**. The owner and the State DEEP have a plan in place to remove the seawall and add plantings.

3. 22 Pumpkin Hill Rd. – Request by Patricia and Richard Rubenstein to allow issuance of an administrative approval for legalization of a swing set partially within the wetland and 20 ft. upland review area.

Ms. Mozian reviewed a request to allow the issuance of an administrative approval for the legalization of a swing set partially within the wetland and the 20-foot upland review area.

The Commission concluded there was no adverse impact to the wetland by this activity. The staff to include the legalization of the swing set in the Conservation Certificate of Compliance for recently approved house additions.

Motion: Shea Second: Bancroft
Ayes: Shea, Bancroft, Davis, Porter, Rycenga
Nayes: None Abstentions: None Vote: 5:0:0

4. Approval of September 16, 2015 meeting minutes.

The September 16, 2015 meeting minutes were approved as submitted.

Motion: Rycenga Second: Shea
Ayes: Rycenga, Shea, Bancroft, Davis, Porter
Nayes: None Abstentions: None Vote: 5:0:0

5. Field Trip Schedule

The Commission decided to maintain the Field Trip schedule as is.

6. Establishment of WPLO subcommittee to work on changes to the Ordinance

Ms. Mozian stated that in an effort to try and make the permitting process easier for staff and the public, the staff was reviewing the WPLO and coming up with edits. These changes are in the areas of administration but also in the definition of permitted uses so that staff can approve more smaller projects that do not adversely impact the floodplain and/or the watercourse. Staff is also looking to beef up the enforcement section of the ordinance. Much of what is being done would align the Ordinance with the Inland Wetland regulations. She indicated staff would like to establish a sub-committee to review staff's ideas and help facilitate the changes as the changes will have to go to the RTM.

Commissioners Shea, Rycenga and Porter agreed to be on the subcommittee to work on changes to the WPLO Ordinance.

7. Other Business

- a. **Contractor Compliance Agreement** – Staff reviewed the Contractor Compliance Agreement with the Commission. It was suggested that there be a line for the owner/contract purchaser to sign as well as the contractor.

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

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Davis, Porter		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

Public Hearing: 7:20 p.m., Room 201/201A.

1. **15 & 16 Fresenius Road:** Application IWW/M-10071-15 by Barr Associates on behalf of Patricia Davis to amend wetland boundary map F9. **(POSTPONED TO NOVEMBER 18, 2015)**

The hearing for 15 & 16 Fresenius Road was postponed to November 18, 2015.

2. **305 Saugatuck Avenue:** Application #WPL-10067-15 by Land-Tech Consultants on behalf of Yu Wang & Feng Qiang to construct building additions, decks, a detached garage, reconfigure the driveway and related utilities. Work is within the WPLO area of the Saugatuck River.

Chris Allen of Land-Tech Consultants presented the application on behalf of the property owners. He oriented the Commission to the project, which includes additions, a detached garage and driveway expansion. There are plantings proposed along the pond, proposed streambank stabilization, removal of invasive knotweed and replant with native plantings. They are also changing the roof to a pitched roof but that will have no new drainage. This will discharge to gravel. The detached garage and driveway will go to a new drainage gallery.

Ms. Krynicki recommended only bonding the plantings on the house-side of the stream. The stabilization of the other side of the stream, the knotweed removal, and the pond-side plantings are not necessarily mitigation for the garage and house additions. However, if they are not installed before the owners request a Conservation Certificate of Compliance, a separate permit for that work will be required.

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

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Davis, Porter		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

FINDINGS

Application #WPL-10067-15
305 Saugatuck Avenue

1. **Project Description:** This application proposes to construct an addition, decks, patios, and a detached garage to an existing house and alter the pitch of the existing roof. Work is within the WPLO and the 25 year floodplain of the Saugatuck River.
2. **Permits/Applications filed:** No previous applications have been filed for this property.
3. **Plans and Supplemental Material Reviewed:**
 - a. "Existing Conditions Plot Plan Prepared for Sherry Wang, 305 Saugatuck Avenue, Westport, Connecticut" Scale: 1"= 30', dated May 7, 2015 and last revised to June 29, 2015, prepared by Leonard Surveyors, LLC

- b. "Site Improvements for a Proposed Addition and Detached Garage, Layout/Utility Plan prepared for Yu Wang and Feng Qiang, 305 Saugatuck Avenue, Westport, Connecticut", Scale: 1"= 20', dated July 30, 2015, prepared by Land Tech
- c. "Site Improvements for a Proposed Addition and Detached Garage, Grading and Erosion & Sediment Control Plan, prepared for Yu Wang and Feng Qiang, 305 Saugatuck Avenue, Westport, Connecticut", Scale: 1"= 20', dated July 30, 2015, and last revised to October 7, 2015, prepared by Land Tech
- d. Architectural Plans (5 sheets), Proposed Elevations, Floor Plans and Foundation Wall, received by the Conservation Department on August 13, 2015

4. **WPLO**

The Waterway Protection Line is located 15' from the 10' contour in this area. Tidal wetlands do occur on this property and have been flagged by Chris Allan of Land Tech.

A wetland delineation report dated August 5, 2015 was submitted as a supporting document.

5. **Property Description**

- a. FEMA Designated Floodplain-The 100 year floodplain occurs on the property as indicated by FEMA. The property occurs within an AE (El. 13) zone.
- b. The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal hazard area".

6. **Coastal Management Zone**

Coastal Hazard Area

These areas can serve as flood storage areas and provide numerous open space and recreational opportunities. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

7. **Consistency with Waterway Protection Line Ordinance & Staff Recommendations**

Section 30-93 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 Flood & Erosion Control Board (F&ECB) reviewed and approved this application on September 2, 2015 with conditions.

The Commission finds the construction of the addition to the residence will include a subsurface stormwater drainage system collecting runoff from the impervious area of the garage roof and driveway. The Flood Board found that the proposed drainage was substantially in compliance with the Town of Westport requirements.

Per a Condition of Approval, the proposed detached garage is not to be connected to the main dwelling or deck and that the front entrance is not livable space to conform to FEMA standards.

On- site investigations to identify and delineate Connecticut jurisdictional wetlands were conducted by Chris Allan of Land Tech on May 6th, May 15th and August 4, 2015.

The residential property abuts the northern shoreline of a man-made tidal pond. A watercourse, subject to tidal influence, is located along the western side of the house site.

No inland wetland soil types were observed on the property as they were identified as well drained Agawam fine sandy loam and altered soils classified as Udorthents.

Only a narrow band of tidal wetland vegetation was located along a portion of the bank of the tidal watercourse south of the existing pool. No other tidal wetlands were found on the property.

The entire watercourse on the property lies below the CJL elevation of 5.3' and is therefore under the jurisdiction of the CT DEEP.

As the proposed development is located in close proximity to an unvegetated top of bank of the tidal watercourse and within 25' of the Coastal Jurisdiction Line, staff recommends that a vegetated buffer be established with a minimum 10' width from the northerly most property line to the southern edge of the proposed house addition. This is approximately a 150' length of vegetation required.

Grading and sheet flow of surface water from the site also is directed in this area and therefore the vegetated buffer will serve as a biofiltration strip for nutrient removal prior to discharge to the tidal watercourse and will provide erosion control for the watercourse bank. Some areas on the site are showing evidence of bank erosion. The Commission finds this application proposed to add erosion control measures and plantings to mitigate this. The first floor elevation of this residence does not meet the current 100 year flood elevation of 13' as determined by FEMA. As this project does not exceed 50% of the replacement value of the residence, the living area at elevation 8.4' and which is below the 100 year flood elevation will be allowed to remain.

The Commission finds all additions (new construction) will need to comply with FEMA standards including flood openings for the proposed garage.

As the pitch of the existing roof is to be changed and the roof runoff will be accelerated, the Commission finds that a drainage provision shall be provided for the additional stormwater runoff.

The driveway is proposed to be enlarged and to be paved. As the site is level and the soils are well drained and permeable, the Commission finds the stormwater runoff from the smaller more frequent events will infiltrate the permeable soil as it crosses the yard and also be directed to travel through the vegetated buffer prior to discharge to the tidal watercourse.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10067-15
Street Address: 305 Saugatuck Avenue
Assessor's: Map A03 Lot 014
Date of Resolution: October 21, 2015

Project Description: To construct a building addition, decks, a detached garage, reconfigure the driveway and related utilities and to include landscaping activity.

Work is within the 25 year floodplain of the Saugatuck River.

Owner of Record: Yu Wang and Feng Qiang

Applicant: LandTech Consultants

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 10067-15** 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 Flood and Erosion Control Board Conditions of Approval of September 2, 2015.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Existing Conditions Plot Plan Prepared for Sherry Wang, 305 Saugatuck Avenue, Westport, Connecticut" Scale: 1"= 30', dated May 7, 2015 and last revised to June 29, 2015, prepared by Leonard Surveyors, LLC
 - b. "Site Improvements for a Proposed Addition and Detached Garage, Layout/Utility Plan prepared for Yu Wang and Feng Qiang, 305 Saugatuck Avenue, Westport, Connecticut", Scale: 1"= 20', dated July 30, 2015, prepared by Land Tech
 - c. "Site Improvements for a Proposed Addition and Detached Garage, Grading and Erosion & Sediment Control Plan, prepared for Yu Wang and Feng Qiang, 305 Saugatuck Avenue, Westport, Connecticut", Scale: 1"= 20', dated July 30, 2015, and last revised to October 7, 2015, prepared by Land Tech
 - d. Architectural Plans (5 sheets), entitled: Sherry Wang-Garage, 305 Saugatuck Avenue, Westport, CT", prepared by John Jones Architect LLC, dated March 11, 2015
16. Stormwater appurtenances and drainage provisions shall accommodate the roof runoff of the main residence in addition to the detached garage. Said drainage proposal shall be submitted for review and approval by the Engineering and Conservation Department prior to the issuance of a Zoning permit.
17. A bond shall be secured for the Juniperus Horizontalis plantings on the easterly tidal watercourse slope prior to the issuance of a Zoning permit. These plantings will be required for this project to be deemed complete and in compliance. The bond shall be held for one growing season following installation and an inspection conducted to assure plants remain viable prior to bond release.
18. If remaining plantings as proposed on the site plan are not installed prior to the completion of the project and the issuance of a Conservation Certificate of Completion, then a new administrative permit will be required to be submitted and reviewed by the Conservation Department to complete those plantings.

19. This permit allows the applicant/homeowner to subsequently remove by hand any further emerging invasive Knot Weed plants on the southwesterly side of the tidal watercourse as a maintenance activity within the new planted bed.
20. A Contractor Compliance agreement shall be executed by the chosen site contractor and homeowner/contract purchaser prior to the issuance of a Zoning permit and a site meeting with the Conservation Department shall be held prior to the initiation of any construction activity.

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: Porter

Ayes: Shea, Porter, Davis, Bancroft, Rycenga

Nayes: 0

Abstentions: 0

Votes: 5:0:0

3. **26 Highland Road:** Application #IWW,WPL-10086-15 by Land-Tech Consultants on behalf of Mark Burton for the demolition of an existing house, the construction of a new single family residence, new driveway, new septic system, rain garden, and native plantings. Work is within the upland review area and the WPLO area of Sasco Brook.

Chris Allen of Land-Tech Consultants presented the application on behalf of the property owner. The proposal is to demolish the existing house, build a new house in the 50 foot upland review area and partially in the WPLO area. One wing will be on a crawlspace, the main house will have a basement and the garage will be on slab. The septic will be moved from the rear to the front yard and further away from the wetland. There is a deck and patio also proposed. They are proposing a raingarden. The septic system was approved by the Health Department. The Flood and Erosion Control Board approved the proposal. The raingarden location on the submitted plan was perpendicular to the slopes. Mr. Allen said they shifted it so that it is more parallel to the contours and it will require less filling. The footing drain will go to a cul-tec and then discharge to the wetland. This needs to be revisited because of the depth of the unit due to the groundwater elevation. He noted that using the existing driveway for construction access is not advisable since a portion of the new septic system will be in that location and should not be driven over and compacted.

Ms. Mozian noted the Health Department required the septic area be roped off during construction to avoid compaction. She added that the improved septic location to the front of the house result in the house not being able to meet the 50 foot upland review area.

Mr. Allen noted the new house is no further than the existing house. So there are alternatives but they are not prudent.

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

Motion: Shea

Second:

Porter

Ayes: Shea, Porter, Bancroft, Davis, Rycenga

Nayes: None

Abstentions: None

Vote: 5:0:0

FINDINGS

**26 Highland Road
#IWW, WPL-10086-15**

1. **Application Request:** Applicant is requesting to demolish the existing residence and to construct a new two story four bedroom home with a new driveway, new septic system, a rain garden for

stormwater management and proposed native plantings to restore degraded wetlands. Work is within the wetlands, the IWW 50' upland review area setback, the 20' non-disturbance setback and the WPLO area of Sasco Creek.

2. Plans Reviewed:

1. "Zoning Map of Property Prepared for Mark C. Burton, 26 Highland Road, Westport, Connecticut", Scale: 1"= 20', dated May 13, 2014 and last revised to October 13, 2014, prepared by Dennis A. Deilus- Land Surveyors
2. "Site Plan, Site Improvements for a Single Family Dwelling Prepared for Mark C. Burton, 26 Highland Road, Westport, Connecticut", Sheet C-1, Scale: 1"= 20', dated May 27, 2015 and last revised to October 20, 2015, prepared by LandTech
3. "Notes and Details, Site Improvements for a Single Family Dwelling Prepared for Mark C. Burton, 26 Highland Road, Westport, Connecticut", Sheet C-2, Scale: 1"= 20', dated May 27, 2015 and last revised to September 5, 2015, prepared by LandTech
4. Architectural Plans entitled: "New Residence at 26 Highland Road, Westport, CT, Prepared for Mark Burton by PBS- Architects", (2 sheets), dated March 14, 2015 and last revised to March 19, 2015

3. Background Information:

1. Health Department approval for the current four bedroom proposal has been issued.
2. Flood & Erosion Control Board approved application on October 7, 2015.
3. AA 4085-90 was approved by the Conservation Department for the installation of a swale and filling for lawn maintenance.

4. Facts Relative to this application:

1. A portion of the proposed residence is located within the 50' IWW upland review area setback.
2. A portion of the grading and the drainage appurtenances are within the WPLO area and within the 20' IWW upland review area setback.
3. Town wetland boundaries are shown on the plan.
4. The property is not located within the Aquifer/wellfield Protection Overlay zone or groundwater recharge area.
5. The property is not located within a Coastal Area Management Zone.
6. The wetland is described by the Westport Wetland Inventory prepared by Flaherty Giavara in 1983.
7. The proposed total coverage is 19.1%
8. Tax Assessors card indicates the original residence was constructed in 1958, prior to Inland Wetland Regulations and Waterway Protection Line Ordinance.
9. The Health Department has approved the septic system application for a four bedroom residence.
10. Christopher Allan, Professional Registered Soil Scientist of LandTech conducted an on-site investigation of the property on August 26, 2014 and flagged the wetland boundary.

The wetland soils were delineated along the east side of the property and within a slight depression south of the driveway. The subject property is on the western fringe of a larger off-site wetland.

The site's wetland soils are identified as Ridgebury, Leicester and Whitman fine sandy loams. This soil series consists of very deep, poorly drained and very poorly drained loamy soils formed in till.

Upland soils on the site are identified as Paxton and Montauk fine sandy loams. The soils are very deep to bedrock and moderately deep to a densic contact.

5. Consistency with Regulations:

General Standards

Pursuant to Section 6.1 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

The existing septic system installed immediately adjacent to the wetlands is to be removed and relocated greater than 65' from the flagged wetland boundary. A new code compliant system is to be installed.

The footprint of the proposed residence will encroach no closer than that of the existing residence.

Thirty five feet of the existing wetland vegetation behind the residence had been previously removed and is currently being maintained as lawn. This proposal proposes that this area will be revegetated with native plant species suitable for a wetland environment. A small wetland pocket on the southern property boundary is also proposed to be revegetated.

Water Quality

Pursuant to Section 6.2 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

Typical development near wetlands and watercourses can lead to degraded water quality in wetlands and watercourses from point and non-point sources. Roads and driveways can be point sources and runoff from lawn and roof areas can be non-point sources. This is based on knowledge of typical uses for roof, driveway or road, and lawn and landscape runoff containing typical fertilizers, and pesticides, as well as sediments, hydrocarbons, and heavy metals.

Land use changes associated with urban and suburban development often increase the amount of impervious or compacted areas. Rain water cannot infiltrate the ground through these impervious surfaces and becomes runoff; consequently, more water reaches surface water resources faster than as infiltration would occur under natural conditions.

The proposed landscaping removes manicured lawn within the wetland boundary and proposes to be revegetated with native wetland species to help restore and protect water quality.

A permit issued in 1990 allowed the property owner to fill and reseed a portion of the backyard due to repaving of Highland Road and erosion activity that was occurring as a result. From review of the attached sketch plan, the fill activity was to take place to approximately 37' from the rear of the residence. The distance from the rear of the residence to the existing tree line is now currently approximately 50'. Due to this previous over clearing, the Commission finds that a revegetation proposal be submitted with this application for plantings to be installed to the flagged wetland line. This removes approximately 25 feet of lawn which is in the biological wetlands.

Erosion control fencing is proposed to be installed on and immediately adjacent to the flagged wetland line to prevent the introduction of migrating sediment due to the construction activity into the wetlands. Due to the fact there will be only minimal grade change, the silt fence as proposed should be adequate.

In addition, an ornamental garden/plantings are to be installed in the wetland located in the south central portion of the property.

Furthermore, as a result of the increase in impervious surfaces proposed with this development, and the high groundwater table, the applicant is proposing a surface rain garden as the stormwater retention system. This has been sized to handle the first inch of runoff for water quality. The rain garden is to be revised so as to be oriented to be parallel to the contours.

A new code compliant septic system is to be installed on the western property line further from the wetlands as an existing system immediately adjacent to the wetlands is being removed.

Erosion and Sediment

Pursuant to Section 6.3 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

The proposed activities will not cause erosion and sedimentation to the wetlands provided the silt fence is installed appropriately and maintained throughout the construction process.

Natural Habitats

Pursuant to Section 6.4 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

The existing conditions on the parcel limit decreased the habitat potential within the wetland immediately adjacent to the residence due to the presence of a manicured lawn. Plantings within the wetlands will help to reestablish a portion of the wetland boundary and offer an opportunity to increase biodiversity. The proposed site development proposal will result in supplementing vegetation within the biological wetland.

Additional plantings and removal of manicured lawn in an effort to supplement the vegetation in the wetlands is proposed and supported by the Commission as a means to improve habitat potential. Native plant installation will also improve natural habitat in this area by providing more plant diversity and native habitat within wetland limits and adjacent to Dead Man's Brook.

Discharge and Runoff

Pursuant to Section 6.5 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the proposed activities will not *significantly* impact discharge and runoff into the watercourse.

A surface rain garden retention system is proposed to handle the increased impervious surfaces including the collection of roof runoff and driveway runoff. The cultic units for the footing drain subsurface retention galleries is proposed within the 20' non-disturbance area. As it is proposed as a subsurface discharge of groundwater in an area that is currently maintained as lawn, the Commission finds there is no objection to the discharge location provided there is scour protection for any erosion that might occur and also due to the fact that there will be a replanting effort for approximately 25' beyond this discharge.

There is no grading proposed in proximity to neighboring properties and therefore it is not anticipated to have the potential for additional runoff to be directed to the adjacent or adjoining properties. The FECB approved the application at its October 7, 2015 meeting. It was determined that the proposal met the Town of Westport drainage requirements.

Recreational and Public Uses:

Pursuant to Section 6.6, *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

The proposed activities will not significantly impact 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 15' from the wetland line. The Flood & Erosion Control Board has approved this application on October 7, 2015 with conditions.

The Commission finds the implementation of additional native plantings within the wetlands associated with Sasco Creek so that these areas can be reduced in the amount of manicured landscaping and utilized to maximize biofiltration to minimize the impacts from the increase in runoff.

Habitat diversity will be improved with the additional wetland plantings. The natural rates and processes of erosion and sedimentation will be improved with the additional plantings.

Provided erosion controls are properly placed and installed, excavated materials are hauled off the site, tree protection fencing is installed and planting is implemented as proposed, the proposed activity will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL 10086-15
Street Address: 26 Highland Road
Assessor's: Map G15 Lot 23
Date of Resolution: October 21, 2015

Project Description: For the demolition of an existing house, the construction of a new single family residence, new driveway, new septic system, rain garden and native plantings. Work is within the upland review area and the WPLO area of Sasco Brook.

Owner of Record: Mark Burton
Applicant: LandTech Consultants

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 10086-15** 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 Conditions of Approval of September 2, 2015.
7. 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.
8. 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.
9. 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.
10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
11. All plants proposed in regulated areas must be non-invasive and native to North America.
12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.

13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
14. 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.
15. 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.
16. A final inspection is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. "Zoning Map of Property Prepared for Mark C. Burton, 26 Highland Road, Westport, Connecticut", Scale: 1"= 20', dated May 13, 2014 and last revised to October 13, 2014, prepared by Dennis A. Deilus- Land Surveyors
 - b. "Site Plan, Site Improvements for a Single Family Dwelling Prepared for Mark C. Burton, 26 Highland Road, Westport, Connecticut", Sheet C-1, Scale: 1"= 20', dated May 27, 2015 and last revised to October 20, 2015, prepared by LandTech
 - c. "Notes and Details, Site Improvements for a Single Family Dwelling Prepared for Mark C. Burton, 26 Highland Road, Westport, Connecticut", Sheet C-2, Scale: 1"= 20', dated May 27, 2015 and last revised to October 20, 2015, prepared by LandTech
 - d. Architectural Plans entitled: "New Residence at 26 Highland Road, Westport, CT, Prepared for Mark Burton by PBS- Architects", (2 sheets), dated March 14, 2015 and last revised to March 19, 2015
18. The proposed patio shall remain permeable with said restriction placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
19. A Contractor Compliance agreement shall be executed by the chosen contractor, the homeowner and/or the contract purchaser prior to the issuance of a Zoning permit and a site meeting with the Conservation Department shall be held prior to the initiation of any construction activity.
20. All planting within the wetland area is to be done with hand tools. Mulching material within this area shall consist of organic leaf mulch.
21. A bond to cover the cost of the plantings and the erosion and sediment controls shall be submitted prior to the issuance of a Zoning permit and shall be held for one full year following installation to assure the viability of the plants.

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, Davis, Porter, Bancroft
Nayes: 0 **Abstentions:** 0 **Votes:** 5:0:0

Work Session II:

1. Other business.
 - a. Ms. Rycenga suggested the Sediment & Erosion Control Inspector's position be increased to full-time because of the amount of construction activity going on in town. It was decided that the Commission should write a letter to the First Selectman.
 - b. Up-coming Commission re-appointments: The terms of five members are to expire in November. Ms. Mozian will contact each member to determine their willingness to continue serving.

