

**MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 16, 2015**

The September 16, 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
Robert Corroon
W. Fergus Porter

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst
Ira Bloom, Town Attorney

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 16, 2015 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

I. Changes or Additions to the Agenda, Room 201/201A The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian noted there was one item to add to the agenda.

24 Pequot Trail: Request for bond release for monies being held for plantings under Permit IWW,WPL-9716-14.

Motion to add 24 Pequot Trail to the agenda.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Corroon, Porter, Shea		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

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

1. Receipt of Applications

Ms. Mozian noted there the following applications were to ready to be received and will be opened on the October 21, 2015 Public Hearing agenda:

- a) **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 unnamed wetlands.
- b) **15 & 16 Fresenius Road:** Application IWW/M-10071-15 by Barr Associates on behalf of Patricia Davis to amend wetland boundary map F9.
- c) **15 & 16 Fresenius Road:** Application #AA,WPL/E-10073-15 by Barr Associates LLC on behalf of Patricia C Davis for a proposed 4-lot subdivision with two reconfigured existing lots and two new proposed lots with an open space parcel. – The Public Hearing will be opened on November 18, 2015.
- d) **19 Hitchcock Road:** Application #IWW,WPL/E-10081-15 by McChord Engineering on behalf of Brian & Kristin Whiting for a proposed building addition, culvert crossing, and drainage galleries. Work is within the upland review area of an unnamed watercourse and wetland.
- e) **305 Saugatuck Avenue:** Application #WPL-10067-15 by Land-Tech Consultants on behalf of Yu Wang & Feng Qiang to construct a building addition, decks, a detached garage, reconfigure the driveway, and related utilities. Work is within the WPLO area of the Saugatuck River. – This is a WPLO application and does not have to be officially received.

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

Ms. Mozian reviewed the status of existing enforcement activity.

- a) **11 Twin Bridge Acres:** the edge of the conservation easement has now been delineated to the staff's satisfaction. The accessory building will be removed because the owner cannot get Health approval and subsequently Planning & Zoning approval in a timely manner. They would like to sell the house in the fall.
- b) **18 Newtown Turnpike/Grassy Plains:** the application has been withdrawn. They are working on resolving issues with the Town Attorney, Planning & Zoning and the Engineering Department before resubmitting the application.
- c) **32 Edgewater Hillside:** the property is located on the Mill Pond. They were issued a Notice of Violation for seawall construction and clearing tidal wetlands within the conservation easement. This was sent to the State DEEP to take the lead on enforcement activity since the WPLO has an arduous enforcement provision.
- d) **63 Partrick Road:** a Citation Hearing was held for pond cleaning work conducted without a permit. A \$1,000 fine was collected.

- 3. 3 Great Marsh:** Request for bond release held for erosion and sediment controls and plantings as required under Permit #WPL-8616-10.

Ms. Mozian presented the request for bond release held for erosion and sediment controls and plantings. Staff recommends a partial release of the bond in the amount of \$2,468.00. The remainder of the bond is being held for replacement of plantings that did not survive.

Motion for a partial bond release in the amount of \$2,468.00 and will retain \$3,733.86.

Motion: Shea
Ayes: Shea, Rycenga, Bancroft, Corroon, Davis, Porter
Nays: None
Abstentions: None
Second: Rycenga
Vote: 6:0:0

- 4. 129 Harbor Road:** Request for bond release held for erosion and sediment controls and plantings as required under Permit #WPL-9684-13.

Ms. Mozian reviewed a request for bond release for erosion and sediment controls and plantings. Staff recommended release of \$5,512.32 as the inspection revealed healthy plantings.

Motion to release bond in the amount of \$5,512.32.

Motion: Shea
Ayes: Shea, Davis, Bancroft, Corroon, Porter, Rycenga
Nays: None
Abstentions: None
Second: Davis
Vote: 6:0:0

- 5. 7 Vineyard Lane:** Request for legalization of a shed and expansion of a deck that was issued by permit #AA-2014-87.

Ms. Mozian reviewed a request for legalization of a shed and expansion of a deck. She noted this came to the attention of the staff during the recent sale of the property. It was discovered there was an open permit from 1987 for deck work and a second floor sunroom. The inspection revealed a shed was also built at the edge of the driveway and the deck was built slightly larger and includes a stairway to grade. The staff is asking for the authority to issue an AA as the GIS show the wetland line is directly behind the shed and therefore is in the 30-foot upland review area. There is no impact to the wetland. Staff supports the request for legalization with the condition that any future footprint expansion will need to include a wetland boundary verification by a soil scientist as the Town map may be incorrect.

Motion to allow staff to issue an administrative approval to legalize shed and deck.

Motion: Shea
Ayes: Shea, Bancroft, Corroon, Davis, Porter, Rycenga
Nays: None
Abstentions: None
Second; Bancroft
Vote: 6:0:0

- 6. 24 Pequot Trail:** Request for bond release for monies being held for plantings under Permit IWW,WPL-9716-14.

Ms. Mozian reviewed a request for bond release held for plantings in the amount of \$5,472.83. Staff recommends the release of the bond as the inspection revealed healthy plantings.

Motion to release the bond in the amount of \$5,472.83.

Motion: Shea
Ayes: Shea, Bancroft, Corroon, Davis, Porter, Rycenga
Nays: None
Abstentions: None
Second: Bancroft
Vote: 6:0:0

7. Approval of July 15, 2015 meeting minutes.

The July 15, 2015 meeting minutes were approved with minor corrections.

**Motion: Davis Second: Shea
Ayes: Davis, Shea, Bancroft, Corroon, Porter, Rycenga
Nays: None Abstentions: None Vote: 6:0:0**

8. Approval of July 24, 2015 field trip minutes.

The July 24, 2015 field trip minutes were approved as submitted.

**Motion: Shea Second: Bancroft
Ayes: Shea, Bancroft, Corroon, Davis, Porter, Rycenga
Nays: None Abstentions: None Vote: 6:0:0**

9. Approval of July 29, 2015 Special Meeting minutes.

The July 29, 2015 Special Meeting minutes were approved with minor corrections.

**Motion: Shea Second: Davis
Ayes: Shea, Davis, Bancroft, Corroon, Porter, Rycenga
None: None Abstention: None Vote: 6:0:0**

10. Approval of August 19, 2015 Special Meeting minutes.

The August 19, 2015 Special Meeting minutes were approved as submitted.

**Motion: Shea Second: Davis
Ayes: Shea, Davis, Bancroft, Corroon, Porter, Rycenga
None: None Abstention: None Vote: 6:0:0**

11. Other Business

- a. Commission field trip schedule – This agenda item was tabled to another meeting.
- b. CACIWC meeting - Ms. Mozian noted this meeting is to be held on Saturday, November 14, 2015
- c. DEEP workshop on soils – Ms. Mozian noted this workshop is to be held on Tuesday, October 20, 2015 from 12 p.m. to 4:30 p.m. in Burlington CT
- d. Land Use Academy – Ms. Mozian noted this workshop is to be held on Saturday, October 24, 2015 in Haddam, CT

Motion to close Work Session and open the Public Hearing.

**Motion: Shea Second: Corroon
Ayes: Shea, Corroon, Bancroft, Davis, Porter, Rycenga
Nays: None Abstentions: None Vote: 6:0:0**

III. Public Hearing: 7:15, Room 201/201A

1. **6 Stone Dr.:** Application #IWW/M-10042-15 by Leo and Jane Cirino to amend wetland boundary map C13.

Leo Cirino presented the application. Chris Allen flagged the wetland. Otto Theall verified the wetland delineation but changed one flag. The purpose of this application is for him to move into the house but to expand it slightly.

RESOLUTION
Application #IWW/M-10042-15
6 Stone 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 the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-10042-15 by Leo Cirino to amend the wetland boundary on Map #C 13 on the property located at 6 Stone Drive with the following conditions:

1. Revision to the plan entitled: "Plot Plan Prepared for the Estate of Fannie Gilbertie, 6 Stone Drive, Westport, Connecticut", Scale: 1"= 20', dated March 23, 2009 prepared by Leonard Surveyors, LLC to reflect the adjusted location of Flag #9. Revised map shall be signed by both participating soil scientists.
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: Corroon **Second:** Shea
Ayes: Corroon, Shea, Rycenga, Davis, Bancroft, Porter,
Nays: 0 **Abstentions:** 0 **Vote:** 6:0:0

IV. Public Meeting: Discussion and Deliberation of Stipulation for Judgement in a pending legal action in Superior Court, Judicial District of Stamford-Norwalk at Stamford, Docket Number FST-CV-14-6021194, entitled, Van Riper et al v. Westport Conservation Commission, for property located at 41 Crescent Rd.

Ira Bloom presented the Stipulated Settlement Agreement and reviewed the highlights, which focused primarily on landscape screening. He, also, stated that all other conditions of the Commission's original approval remain in effect. He noted that if the Commission approves it, the Agreement goes back to court for their final blessing.

Mr. Davis asked if he could vote on the Agreement if he did not sit on the application.

Mr. Bloom indicated that it was okay.

A few minor typos were corrected.

Mike Bologna, attorney for the complainants, originally represented both the VanRiper's and the Lieba's. The VanRiper's have dropped out. The Lieba's remain as complainants.

Motion to approve the Stipulated Settlement Agreement as modified.

Motion: Shea **Second:** Rycenga
Ayes; Shea, Rycenga, Bancroft, Corroon, Davis, Porter
Nays: None **Abstentions:** None **Vote:** 6:0:0

Motion to close the Public Meeting and move back into the Public Hearing.

Motion: Shea **Second:** Rycenga
Ayes: Shea, Rycenga, Bancroft, Corroon, Davis, Porter
Nays: None **Abstentions:** None **Vote:** 6:0:0

2. **10 Woodside Lane:** Application #IWW,WPL-10049-15 by Becky Newman on behalf of Nature Center for Environmental Activities, Inc. to construct an educational platform on the north side of a

pond. Work is within the wetland, upland review area setback and the WPLO area of an unnamed pond.

John Fifield, architect and building chair of Earthplace, presented the application. He explained the need for the platform. The deck will have a gravel and geo-tech fiber beneath it. There is also a boardwalk that leads from the existing trail to the deck platform. The wood deck has planks that will be spaced to allow rain to drain through. They will be doing the work this fall during a period of low flow. Work will be done by hand; no heavy equipment will be used. They will come in from Cypress Pond Road. Stockpiling will be outside the upland review area. The Flood and Erosion Control Board approved the project at its September 2, 2015 meeting.

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

Motion: **Shea** **Second:** **Corroon**
Ayes: **Shea, Corroon, Bancroft, Davis, Porter, Rycenga**
Nays: **None** **Abstentions:** **None** **Vote:** **6:0:0**

Ms. Mozian noted Earthplace still needs to install the plantings that were on the approved plan for the pond dredging. Those will need to be installed prior to issuance of a Certificate of Compliance for both the dredging and the platform.

Findings
Application # IWW, WPL 10049-15
10 Woodside Lane

1. **Receipt Date:** September 16, 2015
2. **Application Classification:** Summary
3. **Application Request:** To build an educational platform on the westside of an existing recently dredged pond. Work is within the wetlands boundary, the IWW 20' non-disturbance area and the WPLO of an unnamed pond.
4. **Previous applications for this property:** # AA, WPL/E 9857-14 for pond dredging
5. **Plans Reviewed:**
 - a) Site Plan for New Observation Deck for Earthplace, 10 Woodside Drive, Westport, CT", Scale: 1"= 40', dated June 12, 2015, prepared by Fifield/Piaker/Elman, Architects, PC
6. **Property description and facts relative to this application:**
 1. A small man-made woodland pond is located on the property. This pond was created by building a concrete weir across an intermittent drainage flowing through a larger Palustrine Forested wetland system. This pond provides the largest semi-permanent open water habitat on the property.
 2. The pond was dredged last year under Application AA,WPL/E 9857-14. Prior to restoration the pond had been accumulating organic matter over the years and was beginning to succeed to emergent wetland. The restoration removed organic matter to restore open water area back to historic coverage. The open water area of the pond is an attribute that is otherwise limited in the greater surrounding palustrine system.
 3. Waterway Protection Line is located 15' from the wetland boundary.
 4. Wetlands and Watercourses occur on the subject property.
 5. Wetland soil
 - Raypol silt loam (Aeric Endoaquepts): This is a deep, poorly drained, friable, loamy textured soil that developed over sandy and gravelly, glacial outwash. Raypol soils occur in drainageways and depressions within valleys, outwash plains and terraces. A water table is typically present within a foot of the surface from late fall through mid-spring.
 - Scarboro muck (Histic Humaquepts): This is a deep, very poorly drained soil with a thin (less than 15 inches thick) mucky surface that is underlain by sandy and gravelly, glacial outwash. Scarboro soils occur in drainage ways and depressions within valleys, outwash plains and terraces. This soil is subject to shallow (0 to 6 inches) seasonal ponding. The seasonal water table typically remains within six inches of the surface.

6. Wetlands Inventory Study Description prepared by Flaherty Giavara Associates, P.C. June 1983, indicate the wetland occurring on this property is "intermittent streamside, floodplain, with open water and wooded swamp." This wetland is considered part of the floodplain of the Stony Brook.
 7. Property is outside Coastal Area Management zones.
 8. The property is not located with an Aquifer Protection Overlay Zone.
 9. Property and the viewing platform project are located within the 100 year flood zone identified as AE by the Federal Emergency Management Agency (FEMA).
7. 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

Hundreds of students and observers during the year explore the ecosystem from the edge of the pond utilizing the existing ground surface.

This method of investigation of the pond life at the bank causes disturbance and erosion of the wetland soil and encourages untreated stormwater runoff with erosive potential of the edges and young scientists to slip on the mud and fall into the pond ☺. The Commission finds the proposed platform will provide a sturdy structure to stand on and will deter destruction of the pond side vegetation and the disturbance to the wildlife and their habitat.

The Commission finds that the removal of invasive plant species is proposed on the sides of the platform and the replanting additional native plants around the entire edge. The Commission finds the proposed plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.

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, pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- d) all applicable state and local health codes shall be met;
- e) 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;
- f) prevents pollution of surface water

All activity is proposed outside the edge of the pond water level. The platform will curtail the current erosion taking place by the pond exploration activity at the pond edge.

The Commission finds that long term impacts to water quality due to the minor construction activity of installing the 4" x 4' posts are not anticipated. There will be only minor and temporary disturbance of wetland soil from installation of the platform supports using sonotubes filled with concrete.

Installation of the sonotubes will be done by hand.

The Commission finds that replanting the pond edge with natives will help filter stormwater runoff, provide shade for the pond water and provide additional upland habitat area for woodland and aquatic animals and insects.

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.

Discussion:

The Commission finds as there will be little soil disturbance and work is proposed outside the pond water boundary, erosion and sediment controls beyond the silt fence as proposed will be adequate for this activity. The Commission finds the work should take place during low water level in the pond. (September – November).

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

The Commission finds that the areas of revegetation will have a positive effect on the existing and potential natural habitat of the area immediately surrounding the pond.

Numerous birds use the small pond and wooded swamp as a foraging site. Amphibians use the pond for one or more phases of their life cycles. Mammals frequent the pond to feed and drink. All of these activities will not be impacted with the installation of the viewing platform.

Areas below the platform will provide a protected, shaded area that is cooler than the open pond and may provide a new unexplored 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

The proposed viewing platform will not impact discharge or runoff rates as currently exist on the property.

The platform will be located in an area subject to a 100 year storm and flooding event. To accommodate for this, the platform will be constructed with a slatted base which will allow the free passage of flood waters.

The Flood and Erosion Control Board reviewed and approved this project on September 2, 2015.

6.6 RECREATIONAL AND PUBLIC USES

The Commission finds the proposed structure is for the safety of all Earthplace visitors. It will be a safe platform for passive and active learning as well as recreation. The platform will be accessible to all persons.

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 edge of the flagged wetland boundary.

Provided the methods for hand installation of the viewing platform supports are followed and the platform is installed as designed, staff does not anticipate significant impacts to the resources as protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL 10049-15
Street Address: 10 Woodside Lane
Assessor's: Map A 11 Lot 022
Date of Resolution: September 16, 2015

Project Description: To construct an educational platform on the north side of a pond. Work is within the wetland, the upland review area setback and the WPLO area of an unnamed pond.

Owner of Record: Nature Center for Environmental Activities, Inc., aka Earthplace

Applicant: Becky Newman

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 WITH CONDITIONS** Application #IWW,WPL 10049-15 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 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 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.
11. 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.
12. Conformance to the Flood and Erosion Control Board Conditions of Approval of September 2, 2015.

SPECIAL CONDITIONS OF APPROVAL

13. Conformance to the plan entitled:
 - a. Site Plan for New Observation Deck for Earthplace, 10 Woodside Drive, Westport, CT", Scale: 1"= 40', dated June 12, 2015, prepared by Fifield/Piaker/Elman, Architects, PC
14. Revision to the plan to show construction staging and stockpiling area outside the delineated wetland boundary. Said plan revisions shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.
15. All construction activity shall take place during periods of low flow and all excavation shall be done with hand tools.
16. All plantings as proposed and approved for the pond dredging activity shall be installed prior to the issuance of a Conservation Certificate of Compliance. Plantings are depicted on site plan entitled: "Landscaping Plan of Pond Dredging, 10 Woodside Drive, Westport, CT", last revised to August 25, 2014, prepared by D'Amico Associates

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: Shea

Ayes: Porter, Shea, Davis, Corroon, Rycenga, Bancroft

Nays: 0

Abstentions: 0

Vote: 6:0:0

3. **16 Owenoke Park:** Application #WPL-10057-15 by Ian Warburg for the installation of a floating dock and ramp connected to a seawall. Work is within the WPLO area of Gray's Creek.

Ian Warburg, property owner, presented the application to install a floating dock and ramp connected to a seawall. The dock replaces that which was previously there but is slightly smaller. The Army Corps of Engineers and DEEP have approved the application as has the Flood and Erosion Control Board. The application and their approval includes the bulkhead repair.

Ms. Mozian noted that work will be done during low tide and a silt curtain is required. She recommended that the floating dock should be removed from the water during winter months as Gray's Creek ices up.

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

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

Findings
16 Owenoke Park
Application # WPL 10057-15

1. **Application Request:** Applicant is requesting to retain and maintain an existing 81 foot timber seawall; retain 71 linear feet of rip-rap revetment; retain a 2.5 foot by 15 foot timber ramp and replace an 8 foot by 16 foot floating timber dock with an 8 foot by 12.5 foot float skid with float stops. The proposed work is located in Gray's Creek.

The applicant proposes to use the facility as a private recreational small docking facility.

Work is within the WPLO boundary of the Saugatuck River.

2. Plans reviewed for this application:

1. "Vicinity Map, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 1 of 6), Scale" 1" = 1000', dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
2. "Tax Assessor's Map, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 2 of 6), Scale" 1" = 100', dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
3. "Existing Site Plan, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 3 of 6), Scale" 1" = 30', dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
4. "Proposed Site Plan, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 4 of 6), Scale" 1" = 30', dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
5. "Existing Section A-A, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 5 of 6), dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
6. "Proposed Bottom of Float Plan, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 6 of 6), dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE

3. Background Information:

1. State of Connecticut DEEP issued a Certificate of Permission for this activity on July 8, 2015, #201502487-KB
2. Department of the Army, Regulatory Division, New England District, Corps of Engineers issued a letter dated July 15, 2015 that the work will have only minimal individual or cumulative impacts on waters of the United States. The work is authorized under the Federal permit known as the Connecticut General Permit.
3. Water Classification for shellfishing purposes per the Bureau of Aquaculture is "Prohibited" in this area.

4. Facts Relative to this application:

1. Permits and Applications: a.) WPL 4505-92 for an inground pool.
2. WPLO: All proposed activity is located below elevation 9.0 NGVD and therefore is within the WPLO.
3. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
4. Tidal Wetlands: Property does contain tidal wetlands and was extrapolated from Town of Westport Map Sheet C 09.
5. 100-Year Floodplain: The entire property is located within Zone AE 13' NGVD
6. Aquifer and Primary Recharge Area: The property is located within the Aquifer recharge area identified as coarse-grained stratified drift.
7. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area", "Near Shore Waters" per the Coastal Resources Map of the Connecticut Department of Environmental Protection.
8. There is no spartina growth in the area of the proposed activity.
9. Mean low water elevation- 3.7'. Grays Creek is a mudflat at low tide.

5. 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 DEEP Certificate of Permission as granted allows:

- a. Retention of 71 lineal feet of rip-rap
- b. Retention of 81 lineal feet of an existing timber bulkhead
- c. Repair of the bulkhead with replacement of timber members in-kind and in-place
- d. Retention of an existing timber ramp and floating dock
- e. Removal of the existing floating dock and replacement with a smaller floating dock with skids.

In order to protect the substrate of Grays Creek, the Connecticut DEEP Certificate of Permission required that:

1. All work on the bulkhead be staged and conducted from the upland and
2. the 8' x 12.5' floating dock is to be equipped with float skids or stops.

The proposed activity has been sited so as to be away from growths of intertidal vegetation. The Flood and Erosion Control Board approved the application at its September 2, 2015 hearing. Provided the conditions as stated by the DEEP and the Flood and Erosion Control Board are employed, it is the finding of the Commission, that this application does not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10057-15
Street Address: 16 Owenoke Park
Assessor's: Map D 03 Lot 001
Date of Resolution: September 16, 2015

Project Description: Installation of a floating dock and ramp connected to an existing seawall. Work is within the WPLO area of Gray's Creek.

Owner of Record: Ian Warburg

Applicant: Ian Warburg

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 10057-15** 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. 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.
9. 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.
10. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
11. Conformance to the conditions of the Flood and Erosion Control Board of September 2, 2015.
12. When a Contractor Compliance Agreement is enclosed with a permit, the agreement must be appropriately executed and returned to the Conservation Department staff prior to the issuance of a zoning permit.

SPECIAL CONDITIONS OF APPROVAL

13. Conformance to plans entitled:
 - a. "Vicinity Map, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 1 of 6), Scale" 1" = 1000', dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
14. "Proposed Site Plan, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 4 of 6), Scale" 1" = 30', dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
15. "Existing Section A-A, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 5 of 6), dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE
16. "Proposed Bottom of Float Plan, Application by Ian Warburg, Proposed Retain and Maintain Timber Dock and Bulkhead, Long Island Sound/Grays Creek, Town of Westport, County of Fairfield, State of Connecticut", Sheet 6 of 6), dated March 4, 2015 and revised to June 12, 2015, prepared by Azure Dee Sleicher, PE

Findings
Application # WPL 10058-15
7 Compo Beach Road

1. **Application Request:** Applicant is requesting to raze the existing structures and to construct a new single family dwelling on a slab with associated site improvements. The proposed lot coverage is 24.5%.

The property lies within the boundaries of the Waterway Protection Line Ordinance.

2. **Plans reviewed:**

- a. "Zoning Location Survey of 7 Compo Beach Road, Westport, CT, scale 1"=20', dated December 5, 2015 and last revised to February 9, 2015, prepared by Accurate Land Surveying, LLC
- b. "Site Development Plan of 7 Compo Beach Road, Prepared for Leah Sherzer, Westport, CT, Scale 1"=20', dated July 9, 2015, prepared by B&B Engineering
- c. Architectural Plans: 7 Compo Beach Road, Westport, CT, (11 sheets), prepared by Vita Design Group

3. **Property Description:**

- **Location of 25 year flood boundary:** 9 ft. contour interval.
- **Property lies within Flood Zone AE (EI. 11)** as shown on FIRM Map #09001C0551G, map revised to July 8, 2013
- **Proposed First Floor Elevation:** 13.00' NGVD
- **Proposed garage floor elevation:** 11.50' NGVD
- **Inland Wetlands and Watercourses:** There are no inland wetlands or watercourses on this property.
- **Aquifer:** The property is not located within the Aquifer Protection Overlay Zone, but is located within an aquifer recharge area defined as fine-grained stratified drift.
- **Coastal Area Management:** Property located within the CAM zone. The coastal resource is "Shorelands". Shorelands are those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features. Shorelands function as immediate sources of upland runoff contributing to coastal drainage, serve as immediate sources of upland sediment, provide scenic vistas, and have high development and redevelopment potential.
- **Existing Vegetation:** Due to proposed grading, existing vegetation to the east and the south of the proposed residence will be removed.
- **Proposed Vegetation:** Although no trees are proposed to be removed, no additional landscaping is proposed.
- **Previous Permits issued:**
 - The property is connected to sanitary sewer and water.

4. The Flood and Erosion Control Board approved the application with conditions on September 2, 2015.

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

" 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 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 the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways primarily is limited to nutrient loading and storm water quality impacts and possible stormwater runoff issues related to the proposed regrading activity.

The ecosystems associated with the Gray's Creek estuaries have the potential to be sensitive to added nitrogen that is contained in the rainfall and stormwater runoff.

Low Impact Development (LID) concepts using retention and biofiltration areas on the parcel reduces a primary nutrient (nitrogen) and thus prevents excess algal growth in neighboring tidal surface waters. The two main mechanisms of nitrogen retention are vegetative uptake and bacterial denitrification.

Nitrogen is of most concern for this project as the downgradient receiving waters are a salt water environment which is sensitive to this nutrient.

The 2004 Connecticut Stormwater Quality Manual prepared by the DEP discusses impervious cover relating to the health of a watershed as follows:

"Impervious cover has emerged as a measurable, integrating concept used to describe the overall health of a watershed. Numerous studies have documented the cumulative effects of urbanization on stream and watershed ecology. Research has shown that when impervious cover in a watershed reaches between 10 and 25 percent, ecological stress becomes clearly apparent. Beyond 25 percent stream stability is reduced, habitat is lost, water quality becomes degraded, and biological diversity decreases (NRDC, May 1999)."

The percentages documented above (impervious cover in a watershed 10-25%) concerning ecological stress relate to imperviousness in a watershed overall. The report continues that "developed watersheds with significant residential, commercial and industrial development, overall watershed imperviousness often exceeds the ecological stress thresholds."

This site development plan proposes an impervious coverage percentage at 24.5% and falls within the range of potential watershed impairment. As the proposed driveway is impervious, the site development plan proposes the stormwater runoff be directed to a rain garden (biofiltration effort) with the overflow being directed to subsurface infiltration units. The 9" deep rain garden will detain, infiltrate or bypass the runoff up to a 25 year storm. During larger storm events, the rain garden overflow catch basin will pipe excess stormwater to an underground detention system.

The Commission finds for the biofiltration and increased infiltration, that if a Belgian block curb is proposed, there be consideration to open joints along the length of the driveway which will allow some of the stormwater runoff from the storm events to be directed to the lawn area which will provide multiple outlets for infiltration and not rely solely on the rain garden to capture all of the stormwater runoff in one collection area.. The Commission finds that converting the driveway to pavers or gravel would also increase permeability and decrease runoff.

The design engineer, in his Stormwater Management Analysis states: the homeowner will be responsible for the implementation of an annual maintenance program which should include driveway sweeping, gutter and catch basin cleaning and pipe maintenance. Proper fertilizer and pesticide management and household pet waste management should be observed. The Commission is supportive of this directive.

A moderate fill slope is proposed. The Commission finds a vegetative component is to be maintained and/or proposed at the proposed toe of the slopes specifically on the northerly and southerly property lines. All existing perimeter trees should remain. Six site trees are proposed to be removed. The Commission finds the same number of trees should be replaced.

It has been a concern by the Commission members that when a project proposes a substantial amount of fill, that the source of the clean and uncontaminated fill material is important.

Several large trees are being removed for this project. The Commission finds the applicant should consider replacing the trees as the roots of woody vegetation within floodplain areas helps keeps soil pores open for enhanced stormwater infiltration.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10058-15
Street Address: 7 Compo Beach Road
Assessor's: Map D 04 Lot 117
Date of Resolution: September 16, 2015

Project Description: Demolition of existing home and the construction of a new FEMA compliant home with associated site improvements. Work is within the 100 year floodplain and the WPLO area of Gray's Creek.

Owner of Record: Leah Scherzer

Applicant: Lucien Vita

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 10058-15** 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 Approval of September 2, 2015.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Zoning Location Survey of 7 Compo Beach Road, Westport, CT, scale 1"=20', dated December 5, 2014 and last revised to February 9, 2015, prepared by Accurate Land Surveying, LLC
 - b. "Site Development Plan of 7 Compo Beach Road, Prepared for Leah Sherzer, Westport, CT, Scale 1"=20', dated July 9, 2015, prepared by B&B Engineering
 - c. Architectural Plans: 7 Compo Beach Road, Westport, CT, (11 sheets), prepared by Vita Design Group
16. The Belgian block at the southern edge of the driveway shall be installed with no mortar and with a minimum 1" spacing to allow stormwater to dissipate into the lawn. The south side of the driveway shall be planted with native vegetation for biofiltration of driveway runoff.
17. Revision to the plan to include the species, size and location of six replacement native trees shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
18. The design engineer shall provide certification of proper installation of the rain garden prior to the issuance of a Conservation Certificate of Compliance.
19. All proposed catch basins shall have sumps. The depth of the sumps shall be specified by the design engineer and a detail of said basins shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.
20. Submission of a performance bond estimate in the amount of the cost of the replacement trees, rain garden, driveway plantings, erosion control materials and labor to be submitted to the Conservation Department prior to the issuance of a zoning permit.
21. Silt fence shall be installed around the entire perimeter of the stockpile area.

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, Corroon
Nays: 0 **Abstentions:** 0 **Votes:** 6:0:0

5. **19 Spriteview Avenue:** Application #WPL-10065-15 by Douglas Bassett on behalf of John Krim & Joyce Gemperlein to build up an area 15' by 16' for a planting bed and stairs. Work is within the WPLO area of the Saugatuck River.

Doug Bassett, property owner, presented the application. He noted that he has become the property owner since filing the application in August. The house is being raised to meet FEMA regulations. The wall is 24 to 36 inches in height so no weep holes are necessary. He indicated that he deliberately made it low so that it would not need to be engineered. The Flood and Erosion Control Board approved the application at its September 2, 2015 meeting.

Ms. Mozian clarified that the house elevation and the second floor addition was already issued as a staff level permit. However, the WPLO does not allow for the wall and in-fill activity at the staff level.

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

Motion: Shea **Second:** Rycenga
Ayes: Shea, Rycenga, Bancroft, Corroon, Davis, Porter
Nays: None **Abstentions:** None **Vote:** 6:0:0

Findings

Meeting Date 8/13/15 **LOCATION** - 19 Spriteview Avenue

APPLICANT - Douglas Bassett obo John Krim and Joyce Gemperlein

Appl. # WPL 10065-15 **Flood Zone** AE **100yr Flood Elev.** 13.0" **Floodway? (y/n)** no

Regulated Waterbody: Saugatuck River

Waterway Protection Line Ordinance

Section 30-93 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.

Proposal Description: To build a new front stair with a raised planting bed due to house being raised to comply with FEMA

Property Description: Developed as a single family residence with associated site improvements. House was originally constructed in 1963 and remodeled in 1980.

Regulated Activity: Construction and filling activity for the stairs addition and planting bed within the WPLO

Previous Applications/Permits Filed: No applications on file.

WPLO Regulatory issues:

The activity will not cause water pollution, erosion and/or environmentally related hazards to life and property	The applicant is bringing structure into FEMA compliance and this application is to address the proposed access stairs to the new residence. A shed and two patio removals are also proposed.
The activity will not activity have an adverse impact on the preservation of the natural resources and ecosystems of the waterway	Project is located greater than 160' to the tidal canal directly connected to the Saugatuck River. No direct surface runoff will occur. Level site is promoting infiltration of storm water from smaller storm events. No impact to or removal of any vegetation. Stairs include a panting bed.
Will the activity have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition?	Fill to be retained for the front entry planting bed will be green space and planted. Residence is now serviced by a municipal sewer line.
The activity will not have adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation	Property is level and no grading is proposed. Fill being retained for front entryway. No excavation is required. No impact on habitat diversity.

Issues applicable to all applications:

Stormwater management / Plans	N/A
Grading	N/A
Sedimentation and Erosion Controls	Perimeter silt fence recommended

FEMA Compliance	Flood Zone AE Elevation 13.0'
Water Quality Management	No additional requirements

GENERAL notes and Comments:

The Commission finds the project will bring residence into FEMA compliance. No adverse impacts anticipated from front entry as protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10065-15
Street Address: 19 Spriteview Avenue
Assessor's: Map B2 Lot 175
Date of Resolution: September 16, 2015

Project Description: To build up an area 15' by 16' for a planting bed and stairs. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Spriteview Partners, LLC

Applicant: Douglas Bassett

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 10065-15** 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 September 2, 2015.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Existing Conditions, Zoning Location Survey, Map of Property for Heritage Building Group, 19 Spriteview Avenue, Westport, Connecticut", Scale: 1"=10' dated April 24, 2015, prepared by Walter H. Skidd- Land Surveyor LLC
 - b. "Proposed Conditions, Zoning Location Survey, Map of Property for Heritage Building Group, 19 Spriteview Avenue, Westport, Connecticut", Scale: 1"=10' dated April 24, 2015, prepared by Walter H. Skidd- Land Surveyor LLC
 - c. Architectural Plans: "Heritage Building Group, 19 Spriteview Avenue (14 sheets), Scale: ¼" = 1', dated May 15, 2015 and last revised to August 1, 2015 approved by Douglas Bassett
16. All excavated material must be removed from site.

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:** Davis
Ayes: Shea, Davis, Rycenga, Corroon, Bancroft, Porter
Nays: 0 **Abstentions:** 0 **Vote:** 6:0:0

The September 16, 2013 Public Hearing of the Westport Conservation Commission adjourned at 9:00 p.m.

Motion: Shea **Second:** Corroon
Ayes: Shea, Corroon, Bancroft, Davis, Porter, Rycenga
Nays: None **Abstentions:** None **Vote:** 6:0:0