

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
JULY 29, 2015**

The July 29, 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, Alternate  
Kathy Belzer  
Robert Corroon  
Ralph Field, Alternate  
W. Fergus Porter

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Lynne Krynicki, Conservation Analyst  
Ira Bloom, Town Attorney  
Michael Klemens, consultant to the Commission  
Eric Davison, consultant to the Commission

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the July 29, 2015 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director

**Public Hearing: 7:00 pm, Auditorium**

- 1. 1 Glendinning Place and 25 Ford Road: *Continued Application*** - Application #IWW,WPL-10034-15 by Eric Bernheim & Larry Weisman on behalf of 1 Glendinning Place, LLC & 25 Ford Road, LLC for:

**A. 1 Glendinning Place:** the removal of some surface parking, relocation of some surface parking, an underground parking garage with an attached building (building D) at one end and a new entry building (building C) which connects to existing Building A. Building A proposes the removal of a portion and construction of a two story addition, Building B will be renovated and floodproofed, outdoor terraces, patios, amphitheater, a pedestrian sky bridge with associated pilings, new alternative wastewater disposal system, widening of Route 57 entrance, regrading and stream embankment work, remediation of soil contamination, an addition to the cooling tower structure and associated site improvements.

**B. 25 Ford Rd:** Partial removal and rebuilding of retaining wall, relocation of parking lot and associated regrading and rip-rap, construction of masonry seating area, new parking deck and entrance drive and connection to pedestrian sky bridge over Aspetuck River to connect with 1 Glendinning Place.

Work is within the wetland, upland review area and WPLO area of the Saugatuck River, West Branch of the Saugatuck River and the Aspetuck River.

Mr. Bancroft, alternate, was sitting but did not participate in the vote.

Ms. Shea noted that all members sitting visited the site.

Mr. Corroon arrived at 7:10 p.m.

Eric Bernheim, Atty. representing the applicant, presented the application. The application has received approval from the Flood and Erosion Control Board. They have approval from the Architectural Review Board. There is a favorable staff report. They have responded to Michael Klemen's, the outside consultant retained by the Department, first report and received his second report today, which had either housekeeping issues or issues that would be addressed tonight.

Wesley Stout, Wesley Stout Associates, landscape architects, certified planner, stated this is a renovation based project, not an expansion. He noted ARB's overwhelming support for the project. He reviewed a PowerPoint presentation of existing conditions versus proposed conditions.

1 Glendinning Place – The 167 space parking lot is being replaced with a 2 story underground garage with a partial green roof (80% green and 20% parking for visitors). The great lawn, area known as the former parking lot, will be used for play. Fescue blend will be used. They will be compliant with Northeast Organic Farmers Association standards, though they may need to use crabgrass control.

25 Ford Road – They are removing a portion of the vertical retaining wall and sloping it back for a 2-tier parking lot. The overflow lot is tied by Planning & Zoning to that building. It is served by a pedestrian bridge.

1 Glendinning Place – Area behind Building A – the great lawn will have pervious pavers for the Fire Department.

Mr. Stout noted the 37 parking spots for Ford Road on the Glendinning Road property. He indicated the existing Ford Road bridge will be retained for a fire and maintenance bridge.

Remediation – there is on a 15 inch soil cap now. They will remove to mean low water. 3 to 4 feet depth and no plastic cap. It will now have a 100 foot setback from the West Branch of the Saugatuck

River. It will all be pervious and surrounded by trees. The road will be excavated from the bridge in order to completely remove the contamination.

Mr. Stout submitted examples of two of several concept plans that had been alternatives considered in the past but had been rejected for various reasons.

Mr. Field asked if the groundwater will be intercepted during excavation.

Mr. Stout stated there is a potential to hit groundwater. There will be a 30% site coverage reduction with this project. The septic is now to the east of the parking lot. They are moving it to the north of the pine grove. The High Line bridge connects 25 Ford Road to 1 Glendinning Place with an 8 to 10 foot elevated pedestrian walkway. No trees will be taken down and no pilings will be located in the river bed.

Mr. Corroon asked about the green roof.

Mr. Stout stated there will be 18 inches to 3 to 4 feet of topsoil. Runoff collects and pitches into a system. There is an oil/water separator inside the garage.

Mr. Corroon asked about the remediation. What would happen with the excavated material stockpiling?

Ms. Rycenga asked if there is any on-site fueling.

Mr. Stout stated that will be addressed by another speaker.

Ms. Shea asked about the High Line bridge.

Mr. Stout stated the pilings for the High Line bridge will be driven by a crane.

Bruce Anderson stated the crane will drive the piles by air.

Mr. Stout stated the area behind Building B is direct drainage goes through treatment.

Plans G1-103 Plans show all regulated areas  
G1-105 Plan show regulated area

Ms. Krynicki asked how the great lawn will be maintained after flood events.

Mr. Stout acknowledged that it will be impacted during flood conditions.

Josh Wilson, soil scientist, wetland scientist with Fuss & O'Neill, indicated he prepared the Ecological Assessment. The wetland line was staked by Land-Tech Consultants and verified by him.

Ms. Mozian stated the line was also verified by Tom Pietras of Soil Science and Environmental Services via an official wetland boundary map amendment application several years ago.

Ms. Rycenga stated there are no wetland flags present.

Mr. Wilson described the Ecological Areas of the site. Lizards Tail is on the State listed endangered plant species found in two areas in the north east of the site but it will not be disturbed. Invasive plant control proposed in overflow parking area. It will not be disturbed. There is a fly-fishing area. There are 200 species of plants, fish, birds, or animals that have or do use the site. He feels the activity will not impact the wetlands.

Tom Galeota, PE, Site Designer with Fuss & O'Neill, also construction inspector for larger projects, gave the stormwater presentation. He stated the goal is to reduce the quantity and improve the quality of the stormwater. Under the proposed plan, there will be no direct discharge of runoff to the rivers as there is now. There will be new utilities including electric, communications, water and gas. The septic system was described. No trees will be cut down with the proposed Drip Line system. Hose will be trenched in by hand. He estimates it will take 6 months to secure DEEP approval. He spoke of the sediment and erosion control plans, which includes silt fence and haybales, coir logs along the streambanks, coffer dams, "outside-in" construction, owner representatives will be on-site but will not be him, DEEP will require weekly inspections, Plan CE-100 shows a detailed construction sequencing. The culvert by the Glendinning entrance will entail the entrance drive being widened with a retaining wall. This encroaches into the wetlands. The retaining wall along the West Branch of the Saugatuck and the entrance drive to the river. The driveway to the garage has to come in the way it does to meet geometric standards. The wall is 5 to 7 feet in height and is a segmental block wall.

Mr. Galeota noted that about 1 to 2 feet of the garage floor will be in ground water and it will need to be dewatered during construction. When built, there will be floor drains that will drain to a holding tank. A maintenance plan will be required for it to be regularly emptied. There will be removal of concrete along the streambank. It will be done during period of low stream flow (July/August) or a forecasted low flow, i.e. no rain event. The machine is between water and land. Material will be pulled/dragged from the area closest to the water inland so as to avoid spillage into the river. Work will be done in increments to minimize soil exposure and get areas stabilized before moving to the next area.

Streambank work between Buildings A & B – High Line piles – there will be 5 piles that are 12 inches in diameter. They are steel filled with concrete tube. The only disturbance is the 12 inch diameter within the island. The hazard class of the dam is a low hazard dam, class A.

Mr. Field asked if the dam is in good condition.

Mr. Galeota stated he did not know but would find out. In the remediation area, the cap that exists now cannot allow penetration or planting. They have decided to completely remove the contaminated soil. The soil will be hauled away. The excavated material from the garage will be placed there. The retaining wall on the Ford Road parking has a 3:1 slope. He reviewed the construction phasing plan, which included Phase I: buildings, parking garage, reclamation, Ford Road parking, and septic. Phase II will include incidentals. The fire bridge has been inspected and will handle the load. The staging areas for the stockpile areas were reviewed. The great lawn parking lot will serve as a laydown area for equipment that will have to be moved in bad weather. The stockpile area will have a two day capacity only. It will be located by the visitor parking area. The holding tank below the garage has no overflow.

Mr. Anderson stated the maintenance garage will be located by the cooling tower. Most of the maintenance is provided by off-site providers. Small maintenance including trash removal and light landscape maintenance equipment is all that will be located on-site.

Ms. Shea asked if they were able to read Dr. Klemen's latest report submitted today.

Atty. Bernstein stated it was their goal to address Dr. Klemen's comments during their presentation. He noted that 25 Ford Road, LLC owns the dam. There were repairs made a few years ago with DEEP approval. There is a 10,000 gallon heating oil tank behind Building B that is no longer in use that was abandoned. That tank will be removed. Natural gas is used for the buildings. Diesel for the generator will be stored by the cooling tower addition.

Ms. Rycenga asked about snow stockpiling location.

Mr. Anderson stated snow will be stockpiled on the edges of the areas where it is being plowed away from the pine forest. There are rigorous standards given to the outside vendors.

Mr. Davis expressed concern with the roof drainage.

Mr. Galeota stated the green roof has a geo-composite cover. It will drain to the edge of the roof and then to the stormwater system. He was referring to Sheet CD-504.

Ms. Mozian gave the staff report. She noted letters from surrounding property owners received today:

- Jeanne Stewart, 7 Panhandle Lane
- Mark Norbon , 6 Panhandle Lane
- Craig Moss, 6 Rabbitt Hill Road
- Barbara LaJoie, 1 Sipperly's Hill Road
- Aspetuck Land Trust

Ms. Mozian noted letters/e-mails/documents from outside agencies and organizations:

- Army Corps of Engineers (ACOE)
- DEEP Fisheries
  - DEEP Publication – highlighting designated trout fly-fishing area
  - Trout Unlimited Mianus Chapter, not Nutmeg
  - Steve Gephard – DEEP Fisheries
- Septic
  - Drip Irrigation System – Fact Sheet as found on-line by staff
  - Amphidrome for Pretreatment – as described by manufacturer
  - She reviewed an e-mail from the Office of the CT Dept. of Economic & Community Development stating the Town's review needs to go before the State's review
  - Test Pit Results as summarized by the State DEEP Health Department
  - POWDS Ordinance
    - As a condition of approval, we would like to get copied on the State's permit and whatever performance reports the State asks for.
- Aquifer Protection
  - Property is partially in APOZ (Aquifer Protection Overlay Zone)
  - Spoke with Kim Czaplá – State DEEP Aquifer Program
  - This use is not regulated.
  - Recommended that any underground oil tank be removed.
  - One oil tank exists now by the loading dock and will be removed.
  - The rest of the site is served by natural gas.
  - Per the Aquarion letter, the removal of contamination is also good for the aquifer.
  - The backup generators are fueled by diesel and in an enclosed area.
  - There is an existing permit for partial removal. – Capping. Our permit approved in 2011. All the applicant has to do is send the State a Letter of Intent to perform a Total Remediation, which means removing it all to below low water.
- DEEP – if disturbance is greater than 5 acres, registration of the site with DEEP Stormwater Division is required. A sediment and erosion control plan and stormwater management plan is required to be filed with the Town if greater than 1 acre of disturbance, which it is.
- Southwest Conservation District – there were several suggested conditions of approval. The sediment and erosion controls are very important because of work in close proximity to the rivers. It is felt that a separate, stand-alone sediment and erosion control plan and operations and maintenance plan be prepared and submitted as a condition. They suggested alternative parking garage alternatives. LID components, which she referred the Commission to the Fuss & O'Neill report of July 22, 2015.
- Michael Klemens - she submitted CV and resume of Eric Davison. First report was dated July 14, 2015 and the second report was dated July 29, 2015.
- Flood and Erosion Control Board hired an outside consultant GM2 and support the amendment of the Floodway boundary and the pending FEMA application.
- The Conservation Department Staff Report

Ms. Mozian highlighted new information received today:

- Construction Management Plan
- Response to Staff Report – it looks like plans may have been revised to incorporate our comments/concerns.
- Klemens Report

Ms. Shea asked about what ACOE review requires.

Ms. Mozian reviewed the e-mail from ACOE with what it required for a category 1 permit.

Ms. Shea asked about the parking garage alternatives.

Mr. Anderson stated that the parking garage alternatives were explored. These included:

- Leaving the parking in place;
- A mechanized parking garage like in the city;
- There are no excessive spaces; just meets minimum Town requirements;
- Tiered above-ground garage – would reduce the excavation but they would need that soil for the remediation. Otherwise, would be trucking in soil for remediation.
- Shortening the garage – would not meet the parking standards. Would require above-ground parking elsewhere.

He added the Drip Irrigation System has been used successfully in Washington State. With regards to on-site fueling, there will be a containment area for 110% of the volume of the diesel tank.

Mr. Galeota stated the refueling will be built on-site out of the floodplain and in a contained area.

Ms. Rycenga noted John Ciao submitted photos he took during the site walk.

Dr. Michael Klemens, consultant to the Conservation Commission, stated there are a lot of loose ends and you cannot condition your way out of protecting the wetlands. Need time to address the suggestions/comments in the submitted documents. Need to continue the application hearing. The alternative plans submitted tonight need to show wetland lines. He spoke to feasible and prudent alternatives. Moving the parking garage more inland toward the pine grove would avoid impact to the wetland. The west overflow parking lot could be moved to avoid the floodplain. The removal of the existing main parking lot is a good thing but he does not feel it is a floodplain restoration but rather a floodplain improvement. 7,442 s.f. of wetland disturbance is being supported by the parking lot being removed. Need to balance the impact with the loss of wetlands. Feasible and prudent alternative for the west parking lot is to move it out of the floodplain. It is an easy remedy. The parking garage could move to the pine grove to avoid that impact to the wetland. Could it be moved partially into the pine grove? The entrance road along Glendinning Place and the encroachment is okay.

Atty. Bernheim believes they have testified to the alternatives. The pine grove encroachment is not an option. Consideration was given to the Zoning regulations and to the surrounding neighbors. The overflow west parking lot was moved 100 feet away from the neighbors to appease them and it removes contaminated soils and allows conformance to the Zoning regulations. He acknowledged there is a 7,000+ encroachment into the wetland but a lot of that is in order to restore it. He noted there is a social benefit section to the Regulations that should be considered. They are being a good neighbor with the soil reclamation. The State Statutes require a minimization of disturbance not total avoidance.

Mr. Corroon asked for a description of the wetland impact.

Mr. Wilson described the floodplain impact. The site is 958,000 s.f. in total. 7,000 s.f. is not much impact in comparison. The number of parking spaces remains the same. There will be 37 spaces in the overflow lot. They will be a permeable parking lot and making it permeable and removing

contaminants. It will look like a park. The floodplain will continue to function as a floodplain after as it functions today.

Ms. Shea asked that they speak to feasible and prudent alternatives.

Mr. Stout stated that dozens of alternatives were explored.

Ms. Rycenga noted that the Zoning regulations require a 50 foot setback for a parking lot and a 100 foot setback for the neighbors. She asked if they move the parking lot to the 50 foot Zoning setback, would it avoid the wetlands.

Mr. Wilson stated it would have some impact to the wetlands if it were shifted.

Ms. Shea asked if it is an impact to the wetlands or is it a loss of the wetland.

Mr. Wilson asked what is the quality and function of that wetland. He believes the areas being impacted will not affect the overall function of the wetlands and will be a net benefit to the wetlands. He reviewed his report addressing Section 6 of the Regulations.

Mr. Bernheim stated the Commission's charge is not to avoid the wetlands but to minimize the impact.

Barbara LaJolie, 1 Sipperly's Hill Road, clarified that her letter is not in support of the project but is just comments. She does however want to know if they will be back to expand on the property. Will the wall on her side of the property used to build the garage impact her views.

Mr. Anderson stated a new wall will be engineered on the Ford Road side. The second level would be at the same elevation as Ford Road. The new parking deck on Ford Road would be screened with a trellis.

Ira Bloom, Town Atty., stated the applicants have the burden to prove this is the only alternative that is feasible and prudent. Dr. Klemens said there is more information needed. The applicant says no more discussion is necessary. He read the definition of feasible and prudent as defined in the Regulations, which includes "Social" benefit. He asked if the applicant has met their burden. He stated that if the hearing is continued, the Commission needs to give the applicant direction.

Mr. Corroon expressed overall support for the project and indicated it is a net benefit.

Ms. Shea indicated she would want ACOE decision of Cat 1.

Mr. Field indicated the proposal is very impressive but noted the Commission should consider the consultant's comments.

Ms. Rycenga indicated that she was in favor of continuing the hearing.

Atty. Bernheim noted that staff can still communicate with the consultant if the hearing is closed.

Mr. Davis noted he has read everything and is very familiar with the site. He has seen it deteriorate over the past 30 years. The basic project is good. He would like to see the curve into the garage be moved. The retaining wall on Ford Road is a concern. He still has questions.

Mr. Bancroft indicated this is a marvelous and bold project. The disturbances are unfortunate but minor. The benefits outweigh the negative impacts. He added that he wished the driveway entrance into the garage could be moved.

Mr. Porter indicated that he has not been able to digest it all. He would like to continue the hearing.

Ms. Belzer indicated that she has enough information to render a decision.

Mr. Bernheim noted that portions of the wall on Ford Road will be removed to water level. The remainder of the wall is stable enough.

Tom Wormser of 5 Rabbit Hill Road has lived across the street from the property for 23 years. The overall plan is a significant improvement.

Mr. Anderson stated the septic system for the Ford Road building is on Sipperly's Hill Road but no activity is happening that will trigger septic work. Only renovation is a glass enclosure stair tower. He believes the septic is less than 5,000 gallon.

Ms. Mozian advised them to review the design with the Westport/Weston Health District to determine what if any permits are needed for work on this building.

Mr. Wormser questioned whether connecting to sewer had been looked into.

Mr. Anderson stated the area is outside the "Blue Line" and would require routing under the Saugatuck River. It turned out that it would be a regulatory complexity and fiscally too much.

Mr. Wormser indicated he believes it is an environmentally feasible solution to connect to a sewer system. He asked about the public access to the Aspetuck Land Trust land.

Mr. Stout stated a pedestrian easement exists along the western edge of the property line. Also, part of the overflow parking lot will be quasi-public for fly fishermen only. The Aspetuck Land Trust trails exist north of the pine grove. He noted that so far the plan does not connect the pedestrian easement to the trails. They will need to get cooperation with the Aspetuck Land Trust but still no way to cross the River.

Mr. Wormser believes there was an agreement with the Schine's to allow public access. He would like to see this is maintained. Will the spaces along Glendinning Road continue? He is wondering how the 25 Ford Road parking structure will be disguised. He noted that traffic on Ford should be reduced since a lot will be rerouted to Weston Road. Building B addition is in a significantly, environmentally sensitive area.

Mr. Anderson stated they are trying to make it symmetrical. It will have a shed roof addition. Moving it to the other side of the building will not work.

Motion to continue to August 19, 2015.

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|----------------|---|---------------------|---------------|--------------|--------------|
| <b>Motion:</b> | <b>Shea</b>   | <b>Second:</b>      | <b>Porter</b> |              |              |
| <b>Ayes:</b>   | <b>Shea, Porter, Belzer, Corroon, Davis, Field, Rycenga</b> |                     |               |              |              |
| <b>Nays:</b>   | <b>None</b>   | <b>Abstentions:</b> | <b>None</b>   | <b>Vote:</b> | <b>7:0:0</b> |

The July 29, 2015 Public Hearing of the Westport Conservation Commission adjourned at 11:39 p.m.

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|----------------|---|---------------------|-------------|--------------|--------------|
| <b>Motion:</b> | <b>Rycenga</b>  | <b>Second:</b>      | <b>Shea</b> |              |              |
| <b>Ayes:</b>   | <b>Rycenga, Shea, Belzer, Corroon, Davis, Field, Porter</b> |                     |             |              |              |
| <b>Nays:</b>   | <b>None</b>   | <b>Abstentions:</b> | <b>None</b> | <b>Vote:</b> | <b>7:0:0</b> |