MINUTES
WESTPORT CONSERVATION COMMISSION
FEBRUARY 17, 2016

The February 17, 2016 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Pat Shea, Esq., Chair
Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft, Alternate
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 February17, 2016 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

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.

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

1. Receipt of Applications

Ms. Mozian noted there were two applications to be received:

- **a. 10 Berndale Drive:** Application #IWW,WPL/E-10173-16 by Doyle Coffin Architecture, LLC on behalf of John & Remedios Saez for renovation and addition to allow single-level living. 11' X 16' addition will expand the existing master bathroom. New floor space on the main level only. Foundation will be on piers. Addition is outside the WPLO but within the 50-foot upland review area.
- **b. 7 Brookside Park:** Application #IWW,WPL/E-10174-16 by Robert & Andrea Arnold for a first and second floor addition and a garage. Work is within the 50-foot upland review area.

Ms. Mozian stated these applications could be placed on the March 16, 2016 Public Hearing.

Motion to receive 10 Berndale Drive and 7 Brookside Park.

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

2. Approval of January 20, 2016 meeting minutes.

The January 20, 2016 meeting minutes were approved with corrections.

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

3. 126 Harbor Rd: Request for bond release held for plantings as a condition of Permit #WPL-9704-14

Ms. Mozian reviewed a request for bond release held for planting as a condition of Permit #WPL-9704-14. The plantings have been in for a full growing season and are thriving. She recommended release of the bond.

Motion to release the bond held for plantings.

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

4. Annual Department Report

Ms. Mozian reviewed the long version of her budget narrative which also serves as an annual report on the department's activity over the last year.

The Commission expressed interest in wanting to see the public outreach materials recently revised by the staff.

5. Other Business – None

Motion to close Work Session I and move into the Public Hearing.

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

There was no field trip held this month as the sites had already been visited.

Public Hearing: 7:25 p.m., Room 201/201A.

1. 90 Old Road: Application #IWW/M-10168-16 by Alicia Jones and Owen Cheevers to amend wetland boundary map #H9.

Owen Cheevers, property owner, presented the application. He noted that both soil scientists agreed on the wetland line. He stated he objected to the fee for amending the wetland line.

Alicia Jones, property owner, also spoke and gave reasons why someone might want to amend their wetland boundary other than their desire to sell their property.

Ms. Krynicki presented the map showing the existing and proposed wetland boundary. She confirmed that Tom Pietras, soil scientist retained by the Town, agreed with the property owner's soil scientist, Otto Theall's line.

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

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

Findings
Application #IWW/M 10168-16
90 Old Road

1. **Public Hearing Date: February 17, 2016**
2. **Application Request:** The applicant is requesting to amend wetland map #H 9.
3. **Soil Scientist for Applicant:** Otto Theall of Wetland & Soil Science, LLC
4. **Soil Scientist for the Town of Westport:** Tom Pietras of Pietras Environmental LLC
5. **Plan reviewed:** "Plot Plan Prepared for Owen J. and Alicia J. Cheevers, 90 Old Road, Westport, Connecticut", Scale 1"=30', dated May 21, 2003 and last revised to August 11, 2008, prepared by Leonard Surveyors, LLC
6. **Soils Description:**
   Soil Report Summary- prepared by Otto Theall on June 24, 2008 describes the following wetland soils occurring on the property:
   Ridgebury, Leicester and Whitman soils, extremely stony (3):
   This mapping unit consists of poorly drained soils. These soils are very stony to extremely stony on the surface and throughout the soils profile. The stones and boulders may cover from 3 to

15 percent or more of the soil surface. These soils have either a perched water table or a groundwater table at or near the surface from fall to spring and after heavy rains or long periods of rainfall in summer. The predominant soil in this mapping unit is the Ridgebury, which has a dark gray to black surface soil and a gray mottled subsoil. The topsoil ranges from silt loam to fine sandy loam and the subsoil texture is a fine sandy loam and is moderately permeable. The underlying substratum is a gray to grayish brown dense compact till consisting of fine sandy loam. It has a slow to very slow permeability. The dense compact substratum ranges from 20 to 30 inches below the surface. These soils normally occur in till deposits and drumlins. The Leicester soils are more common in areas of bedrock and near outwash deposits. The Leicester soils have a dark gray to black fine sandy loam surface soil and mottled gray fine sandy loam ranging to sandy loam and is also moderately permeable to depths of 40 inches and more. Any compact substratum is below 40 inches. This soils may also be underlain by sand and gravel deposits in places. All of these soils may have a coarse silt loam surface in places due to sedimentation.

Mr. Theall describes the non-wetland soils as described by the National Resources Conservation Service by the following:

Woodbridge fine sandy loam (Wx):
This is a gently sloping, moderately well drained soil on drumlins and hills. Included with this soil in mapping are small areas of well drained Paxton and Stockbridge soils and poorly drained Ridgebury soils. Included areas make up about 15 percent of this map unit. Woodbridge soil has a seasonal high water table at depth of about 20 inches from fall until late spring The permeability of this soil is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. Very slow permeability of the substratum is and the seasonal high water table limit this soil for community development, especially for onsite septic systems. Slopes of excavations in the soil are unstable when wet, and the lawns are often soggy from autumn to spring.

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

7. **Property Description and Facts Relative to the Map Amendment Application:**
   - Landscape position of this parcel is a backslope and land surface shape is linear/linear.
   - The FEMA maps indicate that the property is not located within the 100 year floodplain.
   - The Waterway Protection Line occurs 15' from the wetland boundary.
   - Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
   - Property does not exist within the Coastal Areas Management Zone.
   - Currently the property supports a two bedroom residence constructed in 1948.

8. The Town of Westport retained the services of Tom Pietras of Pietras Environmental Services, LLC to verify the wetland boundary as flagged by Otto Theall of Soil and Wetland Science LLC.

On February 9, 2016, the Conservation Department received confirmation from Mr. Pietras that he agreed with the flagged boundary of Mr. Theall. The Commission finds they accept the flagged line as delineated on the map as referenced to amend the town wetland map.

RESOLUTION
Application #IWW/M-10168-16
90 Old Road

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-10168-16** to amend the wetland boundary on Map #H 9 on the property located at 90 Old Road with the following conditions:

1. Conformance to the plan entitled: "Plot Plan Prepared for Owen J. and Alicia J. Cheevers, 90 Old Road, Westport, Connecticut", Scale 1"=30', dated May 21, 2003 and last revised to August 11, 2008, prepared by Leonard Surveyors, LLC
2. An electronic file of the above referenced plan in a format acceptable to The Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

Motion: Rycenga **Second:** Porter
Ayes: Rycenga, Porter, Shea, Davis, Bancroft
Nayes: 0 **Abstentions:** 0 **Vote:** 5:0:0

2. **12 Marsh Court:** Application #WPL-10159-15 by Land-Tech Consultants on behalf of Jeffrey D Warshaw to remove a 675 s.f. patio and construct a 370 s.f. two-story addition with two wooden decks totaling 255 s.f. The addition will be supported by piles. The area under the addition will be regraded and a tidal marsh will be restored. Work is within the WPLO area of the Saugatuck River.

   Tom Ryder of Land-Tech Consultants presented the application on behalf of the property owners. He submitted revised plans showing additional sediment and erosion controls. The DEEP issued a Certificate of Permission for the project in January. The house is surrounded by a tidal marsh. They would like to remove the existing concrete patio and construct a 2-story addition in its place supported on 16 piles. The tidal wetland will be restored. The timber retaining wall on the west side will be removed and rebuilt. A chainlink fence with silt fence will be installed next to the existing patio with wattles at the base. The concrete patio will be removed and will take place from the house-side of the patio. The outer perimeter of the wall will remain as long as possible. The remnants of the septic that is located within the patio will be removed. The tidal restoration will be composed of a special soil mix and planted with spartina and cord grass. On the west side, a standard silt fence will be installed, the timber wall will be removed and then rebuilt. The excavator will come in from the driveway and debris loaded into a dump truck.

   Ms. Krynicki asked what diameter of the pilings will be because that will occupy a large area of the tidal wetland that will have to be restored. She questioned how the shading impact from the decks would impact the success of the tidal wetland restoration.

Mr. Ryder said they will be monitoring restoration for two years. He admitted that some plantings may not grow because the shade will prevent full restoration. There is about a 50 to 70% success rate expected along with the hope that some shade tolerant plant will move in. The area is 675 s.f. in size and the pilings will occupy approximately 150 s.f. The soil mix will be mostly sand, some silt, some clay and some organic carbon.

Mr. Bancroft asked how the excavated material would be dewatered.

Mr. Ryder stated the dewatering of the excavated material would have to be monitored. The septic remnants would need to be tested before they can be deposited at an off-site location.

Ms. Mozian asked how they would plan for the Diamond-backed terrapins.

Mr. Ryder stated he would be the on-site monitor and has special knowledge of turtle and terrapins.

Mr. Porter asked when they would begin work.

Mr. Ryder stated they are required to go to ZBA for a variance and would start after that.

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
12 Marsh Court
#WPL 10159-15

1. **Application Request:** Applicant is proposing to remove an existing 675 s.f. patio and to construct a 370 s.f. 2 story addition on pilings including two wooden decks. The addition will be supported by piles. The area under the addition will be regraded and the tidal marsh will be restored. The entire parcel is below elevation 9.0' NGVD and therefore within the jurisdiction of the WPLO.
2. **Plans and supplemental materials reviewed:**
   - **a.** "*Zoning Map of Property Prepared for Jeff Warshaw,* 12 Marsh Court, Westport, Connecticut", Scale 1"=20'-0", dated August 26, 2005 and last revised to May 13, 2015, prepared by Dennis A. Deilus- Land Surveyors.
   - **b.** "*Site Plan, Site Improvements for a Proposed Addition Prepared for Jeffrey Warshaw, 12 Marsh Court, Westport*", Scale: 1" = 20', dated May 11, 2015 and last revised to January 14, 2016, prepared by Land-Tech Consultants, Inc.
   - **c.** *Architectural Plans "Warshaw Residence,* 12 Marsh Court, Westport, CT, (5 Sheets), dated April 29, 2015 and last revised to May 12, 2015, prepared by Michael Greenberg & Associates

3. **Facts Relative to this application:**
   - **a.** WPLO: The entire property is located below elevation 9.0 NGVD and therefore is entirely within the WPLO.
   - **b.** Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site. Tidal wetlands on site were flagged by Chris Allan of LandTech.

c. 100-Year Floodplain: The entire property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The 100-year base flood elevation is 13' NGVD.

d. Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone but is located within the Aquifer and Primary Recharge Area identified as coarse-grained stratified drift.

e. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resource is a "Coastal Hazard Area."

f. Sewage Disposal: The property is connected is to the municipal sewer.

g. Physical and Chemical Properties of the Soil: The NRCS Soil Survey of State of Connecticut identifies the upland on-site soils as Map Unit 306, Udorthents-Urban land complex. Udorthents are a well drained soil, however, shallow excavations in this soil are rated as "very limited" due to cutbanks that cave, slope and depth to the saturated zone.

h. The original three bedroom residence was built in 1988 and remodeled in 2007.

4. Waterway Protection Line Ordinance:

Section 148-9 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The site is developed within an area of tidal marsh and filled tidal marsh. An existing concrete patio containing an abandoned septic system is proposed to be removed and pilings installed on which an addition and decking will be constructed. It is also the proposal of the applicant to remove the fill from the patio area and to restore the tidal wetland area as much as possible.

At the time of the initial application submission in May of 2015, Staff was concerned that a CT DEEP permit would be required for this activity due to the elevation of the parcel and the location and sent an inquiry to Kristen Bellantuono, Environmental Analyst on June 2, 2015. It was determined that a DEEP permit was required for this activity and for the activities that had occurred on the parcel since approval for maintaining four piles in the tidal wetlands for the reconstruction of a single family dwelling in 1987. Kristen Bellantuono requested a decision on the current submitted activity not be issued until her office had thoroughly investigated and made decisions on all the previous activities.

The Flood and Erosion Control Board approved this application on January 6, 2015 prior to the official receipt of the official approval under the premise that the required plan changes as requested by DEEP would not impact the flooding and/or erosion criteria standards of which the Flood Board regulates.
The Conservation Commission received a notice for postponement of the hearing to February 17, 2016 from the applicant.

The Connecticut Department of Energy and Environmental Protection issued a Certificate of Permission #201508247-TS for 12 Marsh Court on January 21, 2016.

The Scope of Authorization included:

1. Install a temporary sediment barrier identified as "Sediment Barrier A" to consist of a chain link fence with an additional geotextile siltation fence and wattles placed along the bottom of the silt fence as shown on Sheet 8
2. Install a temporary sediment barrier identified as "Sediment Barrier B" to consist of a silt fence as shown on Sheet 8
3. Retain and modify an approximate 675 square foot concrete patio located along the eastern side of the residence by: excavating and removing the patio, stockpiling the sediment in the area identified as "Material Stock Pile" on plan sheet 5, installing an approximate 370 square foot elevated addition to the residence to be supported by 16 piles, conducting tidal restoration of the excavated area by backfilling the area with a suitable soil mixture, planting using 2" plugs of Salt meadow cord grass and salt grass
4. Retain and modify an existing 45' long by 1' wide concrete retaining wall located adjacent to the western side of the residence by: excavating, removing the existing concrete retaining wall approximately 1' landward and modifying the concrete retaining wall so that it is curved and measures approximately 52' long by 1' wide, conducting tidal wetland restoration over an approximately 100 s.f. area by backfilling the area with a suitable soil mixture, planting using Salt meadow cord grass and salt grass
5. Remove the temporary sediment barriers

Special Conditions of Approval include but are not limited to:

1. Staff of the Office of the Long Island Sound Program are to conduct an inspection of the Erosion and Sediment Control installation to assure compliance
2. Work is to be conducted between the months of November and March in order to avoid disturbing the northern diamondback terrapin. If work occurs outside this time frame:
    a. Workers should be apprised of the presence of turtles and be provided a description of the species
    b. After silt fence installation, a sweep of the work area should be conducted to look for turtles and any excavated sediment should be filtered or sifted to look for turtles
    c. Any turtles that are discovered should be moved, unharmed, to an area immediately outside the fenced area and positioned in the same direction it was walking
    d. Work conducted during early morning and evening hours should occur with special care not to harm basking or foraging individuals
3. Work is to be done during low water only
4. At no time shall heavy equipment be staged water ward of the coastal jurisdiction line or in the tidal wetlands
5. Any excavated sediment must be stored in the area identified as "Material Stock Pile"
6. Soil mixture shall be as designated by the COP. Tidal wetland plugs shall be supplied from a local nursery source and not taken from adjacent or nearby tidal wetlands.
7. Tidal wetland monitoring shall be conducted for 2 years, once per season. Photographs shall be taken during peak growing season and a written report on the success of the restoration efforts shall be submitted no later than December 15 of each year. If the Commissioner determines following the 2-year monitoring plan that the approved restoration plan has not been successful, the Certificate Holder shall submit for review and written approval of the Commissioner a revised plan to achieve restoration of the area.
8. The following tidal wetland restoration maintenance shall be conducted for two years:
    a. Remove any invasive plant species within the footprint or the perimeter of the restoration area
    b. Remove any debris or decayed material
    c. Replace dead or missing plants
    d. Repair any damaged or nonfunctional sedimentation and erosion control measures

9. No equipment or material, fill, construction materials, excavated material or debris shall be deposited placed or stored in any wetland or watercourse on or off-site.
10. All waste material shall be disposed of at an approved upland site.
11. "As-built" plans of the work area shall be submitted on or before 90 days after completion of the work.

The Commission finds the first critical component of this project lies with the initial installation of the sediment and erosion controls. Potential turtle habitat interruption is accelerated if the work occurs between April and October.

The Commission further finds that the applicant shall employ the services of a site monitor knowledgeable with diamondback turtles to supervise the installation of the erosion and sediment controls and a possible turtle encounter.

This site supervision is also recommended to continue during the remaining phases of this project to include the replanting of the tidal wetlands. The Commission finds the site has literally no room for error.

Proper abandonment of the system and disposal of the contaminated septic system soils is also an important consideration.

The Commission finds that a bond be secured for the erosion and sediment controls as well as the plantings and that the bond is held for two growing seasons as the DEEP OLIS is requiring for monitoring of the planting success and the ongoing maintenance.

In addition, the Commission finds the Conservation Department should receive copies of the DEEP reporting as required in the Certificate of Permission.

The Commission recognizes that the proposal and its previous violations and site history has been explored and reviewed by the State of Connecticut DEEP. They have found that the site restoration and mitigation is adequate for the project to go forward and has been issued a Certificate of Permission. The Commission finds that a high level of scrutiny by a qualified site monitor will occur during the entire project and all phases and will hold bond monies in place to assure the process is properly executed and the tidal wetland restoration is replanted if that becomes necessary.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10159-15
Street Address: 12 Marsh Court
Assessor's: Map B 01 **Lot** 034
Date of Resolution: February 17, 2016

Project Description: To remove a 675 s.f. patio and construct a 370 s.f. two story addition with wooden decks totaling 255 s.f. The addition will be supported by piles. The area under the addition will be regraded and a tidal marsh will be restored. Work is within the WPLO area of the Saugatuck River..

Owner of Record: Jeffrey D. Warshaw
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 10159-15** 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 and any ledge encountered.
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 January 6, 2016.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
    - **a.** "*Zoning Map of Property Prepared for Jeff Warshaw,* 12 Marsh Court, Westport, Connecticut", Scale 1"=20'-0", dated August 26, 2005 and last revised to May 13, 2015, prepared by Dennis A. Deilus- Land Surveyors.
    - **b.** "*Site Plan, Site Improvements for a Proposed Addition Prepared for Jeffrey Warshaw, 12 Marsh Court, Westport*", Scale: 1" = 20', dated May 11, 2015 and last revised to January 14, 2016, prepared by Land-Tech Consultants, Inc.
    - **c.** *Architectural Plans "Warshaw Residence,* 12 Marsh Court, Westport, CT, (5 Sheets), dated April 29, 2015 and last revised to May 12, 2015, prepared by Michael Greenberg & Associates

16. Conformance to the Standard Conditions and Special Conditions of Approval as set forth in the CT DEEP Certificate of Permission #201508247-TS.
17. A site monitor with expertise in sediment and erosion control best management practices and knowledgeable with habitat and behaviors of the diamondback turtle shall be employed by the applicant/owner and approved by the Conservation Department staff prior to the issuance of a Zoning permit. Said monitor shall be on site at the time of the sediment and erosion control installation, the patio removal, the pile installation, the modification and replacement of the existing concrete retaining wall and the tidal wetland planting.
    During these components of the project the site inspection reports shall be submitted to the Conservation Department on a weekly basis. The inspections and reports shall also include requirements for reporting after storm events of 1 1/2" or more of rainfall.
18. The Conservation Department staff shall receive copies of the CT DEEP required reports and photographs for the tidal wetland restoration prior to the release of final bond monies.
19. All excess fill and construction debris must be immediately removed off site.
20. Submission of a performance bond estimate in the amount of the cost of plants, erosion control materials labor and tidal wetland planting monitoring shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
21. A Contractor Compliance Agreement shall be executed by the chosen site contractor prior to the issuance of a Zoning permit.

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

3. **15 & 16 Fresenius Road:** Continuance of Application #IWW,WPL/E-10073-15 by Barr Associates 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.

   Ms. Shea recused herself and left the meeting.

   Mel Barr presented the application on behalf of the property owner. He said the two hydrogeologists have talked. There is a meeting on-site scheduled for Friday, February 19, 2016 to come up with the agreed upon methodology for determining depth to groundwater and flow direction. He stated he has run out of time and therefore, submitted a letter of withdrawal.

   Ms. Mozian pointed out that there is now an opportunity for a vernal pool study to be conducted as March is fast approaching.

   Ms. Rycenga added that she wants the items in the December 21, 2015 letter addressed as part of the resubmission.

   The application was withdrawn.

Work Session II:

1. Other business.
   a. Ms. Mozian noted the Saddle Ridge 8-30g decision in Easton. The court upheld the IWW Commission's decision to deny the application based on the likelihood that it could impact the public water supply.

The February 17, 2016 Public Hearing of the Westport Conservation Commission adjourned at 8:46 p.m.

Motion:	**Rycenga**			**Second:**	**Porter**
Ayes:	**Rycenga, Porter, Bancroft, Davis**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**