

**MINUTES
WESTPORT CONSERVATION COMMISSION
JANUARY 20, 2016**

The January 20, 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
Robert Corroon
W. Fergus Porter

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicky, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the January 20, 2016 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Mr. Kenny stated the proposed grasses will provide habitat but the water fowl may be discouraged from actual nesting because of human activity.

Ms. Mozian asked how the lot is legal.

Mr. Barr stated the lot predates the Zoning regulations of 1930 and stated the Town Attorney has confirmed this.

Ms. Shea asked how much this project is over coverage.

Mr. Barr stated 25%.

Mr. Davis asked for a description of the driveway surface.

Manny Silva, PE, stated it is a plastic, open-cell that is underlain by filter fabric. Gravel fits within the open cells. This is what locks the gravel in place. This system is typically used in high traffic areas or sensitive areas.

Ms. Rycenga asked about maintenance. She asked if the driveway should be raked and if it can be plowed.

Mr. Silva indicated that snow blowers should not have cleats.

Mr. Silva stated this system has been tested in Fairfield. He has used it for fire access. It is also able to be used with wheelchairs.

Ms. Krynicki asked how the retaining wall will be built.

Mr. Silva stated it will be a 3-foot high engineered concrete wall with a 42 inch footing. The machinery can be placed on the west side of the wall construction. He showed elevation drawings of the house. It will be on pilings with the parking beneath. The catchbasin in the driveway will discharge to a gallery in the front.

Mr. Corroon asked about tree protection.

Mr. Kenny noted tree protection measures are shown on the planting plan.

Ms. Mozian explained her opinion as to the importance of the conservation easement, which is to provide water quality of the river which is the charge of the WPLO. The easement language can also be written so as not to prevent access to seawall repair or a future dock.

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
79 Riverside Avenue
#WPL 10133-15

- 1. Receipt Date:** N/A
- 2. Application Classification:** N/A
- 3. Application Request:** Applicant is proposing a new house and driveway with site grading, drainage and plantings on a vacant parcel of approximately 3900± square feet. The entire parcel is below elevation 9.0' and within the WPLO. Proposed lot coverage is 51.1%.

4. Plans Reviewed:

- a) "Site Plan, Proposed Single Family Dwelling, 79 Riverside Avenue, Westport, CT. prepared for Peter Kinseley", Scale: 1"= 10', dated October 30, 2015 and last revised to January 4, 2016, prepared by Rose Tiso & Co. LLC
 - b) "Grading and Utility Plan Plan, Proposed Single Family Dwelling, 79 Riverside Avenue, Westport, CT. prepared for Peter Kinseley", Scale: 1"= 10', dated October 30, 2015 and last revised to January 4, 2016, prepared by Rose Tiso & Co. LLC
 - c) "Zoning Plot Plan, Map of Property Located at 79 Riverside Avenue Prepared for Peter B. Kinseley, Westport, CT", Scale : 1"= 10', dated March 31, 2015 and last revised to April 6, 2015
 - d) Architectural Plans entitled: "Kinseley-Roy Residence, 79 Riverside Avenue, Westport, CT", dated November 9, 2015, prepared by Stein/Troost Architecture
- 5. WPLO** Waterway Protection Line is 15' from 9' contour on this property. The entire parcel is within the WPLO jurisdiction.
- 6. Permits/Applications filed:** No permits for this parcel as the lot is vacant. A tidal wetland boundary has been identified and flagged on the easterly property boundary. Otto Theall flagged this boundary on March 30, 2015.

FEMA Designated Floodplain-The 100 year floodplain occurs on the property as indicated by FEMA.

The property occurs within an AE and Zone 'X' with a base flood elevation of 10.0'.

The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal hazard area". A CAM Site Plan approval from the Planning and Zoning Commission is required.

Property occurs within the groundwater recharge area and is underlain by an aquifer. Said aquifer is characterized as a coarse grain stratified drift. The property however, is not located within the Aquifer Protection Overlay Zone.

According to the DEP CAM Manual dated 2000 these resources are described as follows:

Coastal flood hazard area is defined by the DEP as "those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act and all erosion hazards as determined by the Commissioner [Connecticut General Statutes (CGS) section 22a-93-(7) (H)]. In general, coastal flood hazard areas include all areas designated as within A-zone and V-zones by the Federal Emergency Management Agency (FEMA). A zones are subject to still-water flooding during so called "100 year" flood events. During 100 year flood events, V zones are subject to direct action by waves three feet or more in height. **Coastal flood hazard areas encompass most other important coastal resources, can serve as flood storage areas,** and provide numerous open space and recreational opportunities. **They are, by their nature, hazardous areas for structural development, especially residential-type uses".**

Tidal wetlands are "those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marshes, swamps, meadows, flats, or other low lands subject to tidal action, including those areas as now or formerly connected to tidal water, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of [a list of plant species see Connecticut Statutes] In general, tidal wetlands form in "low energy" environments protected from direct wave action. They are flooded by tidal waters twice a day and support a diverse ecosystem of vegetation and wildlife.

Tidal wetlands are areas of high nutrient and biological productivity that provide detrital products forming the base of the food web in Long Island Sound. Tidal wetlands provide habitat, nesting, feeding and refuge areas for shorebirds; serve as a nursery ground for larval and juvenile forms of many of the organisms of Long Island Sound and of many estuarine-dependent oceanic species; and

provide significant habitat for shellfish. Tidal wetlands also improve water quality by trapping sediments, reducing turbidity, restricting the passage of toxics and heavy metals, decreasing biological oxygen demand (BOD), trapping nutrients, and buffering storm and wave energy. Tidal wetland vegetation stabilizes shorelines and buffers erosion.

7. 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 Flood & Erosion Control Board (F&ECB) reviewed and approved this application on January 6, 2016 with conditions.

The proposed footprint for the residence is 18' by 34.5' (621 s.f.) and will be located 25' from the flagged tidal wetlands.

Section 31-7 of the Planning & Zoning regulations for the Town require a 25-foot setback from tidal wetlands or mean high water, whichever is greater. The 25 ft. buffer also meets the intent of WPLO regulations in improving water quality, enhancing habitat, decreasing water velocities, and contributing to additional floodspace through water absorption. A legal opinion from the Town Attorney, Ira Bloom, dated July 31, 2002 advised that the Conservation Commission can impose reasonable conditions including a buffer width.

A small 10' area encroaching on this 25' tidal wetland setback will be retained and utilized as a drive turn-a-round, however, the remaining area on the west side of the residence will be fully planted with native species. A stepping stone path will lead from the house to the tidal wetland boundary. There are no patios, decks or other impervious surfaces proposed westerly of the residence. No grading is proposed outside the retained driveway and/or house footprint. Parking will be accomplished in the front and under the proposed residence. Mechanicals will be housed on the second story of the residence.

The property is serviced by public water and public sewer.

A 1.2 ± acre town park property lies immediately to the south which will remain as open space.

All stormwater runoff generated from the impervious area of the roof and the driveway runoff is directed to subsurface infiltration units on the easterly side of the residence adjacent to Riverside Avenue. There is no proposed stormwater runoff directed to the tidal wetlands and the Saugatuck River.

The proposed residence will be FEMA compliant.

All driveway surfaces are proposed to be gravel so as to remain pervious. Sediment and erosion controls are proposed to be a row of silt fence at the perimeter of the property. The Commission finds the line of silt fence continue across the toe of slope of the property on the westerly side and that it be supplemented with a line of haybales. Also due to the small size, the Commission finds that the retaining wall should be built first, backfilled and stabilized. This would allow the area to be used for construction material storage and parking should that prove necessary. No material should be stored behind the wall or proposed house foundation and no further disturbance should take place within the proposed planting area.

The Commission finds the planted area east of the residence shall be placed in a Conservation Easement to ensure the planted area remains in perpetuity. The parcel is extremely small and in

close proximity to tidal wetlands and the Saugatuck River. The proposed coverage of this parcel exceeds 50%. The easement would assure biofiltration of any and all surface stormwater runoff remains intact.

All permeable driveway and walkway surfaces should follow suit and be placed on the land records through the use of a deed restriction. There are water quality and environmental concerns when 25 % coverage occurs on a parcel or in the watershed in its entirety.

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.” *The majority of properties along Westport’s coastline are developed over 25%.*

The DEP Coastal Area Management manual, dated 2000, states the following relative to impervious areas and stormwater runoff impacts:

“Impervious surfaces, such as pavement and buildings, reduce the area of soil into which rainfall can infiltrate, thus increasing the volume of runoff that flows over the land. As this runoff flows over impervious and pervious surfaces, it can pick up and transport floating, suspended, and dissolved constituents such as pathogens, toxic materials (heavy metals, oils, antifreeze, pesticides, etc.) high levels of nutrients (fertilizers and organic matter) eroded sediments(topsoil and road sand) and trash. This runoff flows down gradient over the land to the nearest water body or depression where it not only deposits the contaminants it carries, but it alters the temperature, pH, and/or salinity of receiving waters. It should be noted that even clean, potable freshwater can be a pollutant when introduced to a brackish or saline environment in the coastal area. Freshwater dilutes the salt concentrations in the receiving area, adversely impacting the flora and fauna that are uniquely suited to such salty environs. Over the long-term, sediment settles out of the water column and can degrade habitat in stream bottoms, tidal wetlands and shellfish beds.”

This is a very small and environmentally sensitive parcel. The Commission finds all of the above recommendations are needed to help assure that the development of this parcel will not adversely impact the preservation of the natural resources and ecosystem of the waterway.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10133-15
Street Address: 79 Riverside Avenue
Assessor’s: Map C 09 Lot 123
Date of Resolution: January 20, 2016**

Project Description: To construct a new house and driveway with site grading and drainage. Work is within the 25- year floodplain and the WPLO area of the Saugatuck River.

Owner of Record: Peter B. Kinseley

Applicant: Barr Associates LLC

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 10133-15** 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 January 6, 2016.
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 the plans entitled:
 - a. "Site Plan, Proposed Single Family Dwelling, 79 Riverside Avenue, Westport, CT. prepared for Peter Kinseley", Scale: 1"= 10', dated October 30, 2015 and last revised to January 4, 2016, prepared by Rose Tiso & Co. LLC
 - b. "Grading and Utility Plan Plan, Proposed Single Family Dwelling, 79 Riverside Avenue, Westport, CT. prepared for Peter Kinseley", Scale: 1"= 10', dated October 30, 2015 and last revised to January 4, 2016, prepared by Rose Tiso & Co. LLC
 - c. "Zoning Plot Plan, Map of Property Located at 79 Riverside Avenue Prepared for Peter B. Kinseley, Westport, CT", Scale : 1"= 10', dated March 31, 2015 and last revised to April 6, 2015, prepared by B.G. Root Surveyor, LLC
 - d. Architectural Plans entitled: "Kinseley-Roy Residence, 79 Riverside Avenue, Westport, CT", dated November 9, 2015, prepared by Stein/Troost Architecture
 - e. Landscape Plan entitled: "Stream Buffer Planting Plan Prepared for Peter Kinseley, 79 Riverside Avenue, Westport, Connecticut", Dated December 15, 2015 and last revised to January 5, 2015, prepared by William Kenny Associates, LLC
14. A Conservation Easement area shall be identified on the parcel commencing at the proposed retaining wall and continuing easterly to the toe of slope adjacent to the Saugatuck River. Easement shall prohibit any structures, grading and/or clearing of vegetation without a full review of activities by the Conservation Commission. Said easement shall be depicted on a map and together with approved easement language shall be placed on the land records prior to the issuance of a Conservation Certificate of Compliance. Easement shall not prevent use of proposed stepping stone path, installation of a possible future dock or maintenance of adjacent seawalls..
15. The proposed stone wall traversing the lot in a northerly/southerly direction midway on the parcel shall serve as the demarcation of the future limit of site disturbance.

- a. Inland Wetlands and Watercourses do not occur on the subject property.
 - b. The Coastal Areas Management resources identified on this property are described as “coastal flood hazard area”
 - c. Property occurs within a groundwater recharge area identified as “coarse grained stratified drift”
 - d. Property is not located within the Aquifer Overlay Zone.
 - e. The six bedroom residence on site was built in 1960.
 - f. The 100 year flood plain as determined by FEMA occurs on this property. Base flood elevation is at 11' NGVD.
7. The applicant proposes to construct an in-ground pool within WPL limits. Trees are not anticipated to be removed as presented by this proposal. Erosion control methods of a silt fence are shown on the plan. The Commission finds as this site is extremely flat and grading is not proposed, this method of erosion control should prove adequate. Such measures will also limit disturbance on the site during construction and prevent sedimentation beyond the area enclosed. The Commission finds that as the driveway surface to the east is removed that silt fence be installed to the west of this drive and that stabilization with seeding or sod installation take place immediately following removal.

The Commission finds that the excavated materials are to be immediately removed as pool work is being done.

Walkways proposed are stones set in the grass so disturbance is minimal and erosion should not be a problem.

There is an existing drain pipe that traverses the property from north to south and is in close proximity to the excavation necessary for the proposed pool. The Commission finds that inspections are to be done by the Engineering Department during and following the pool excavation to assure existing pipe remains undisturbed as this pipe is part of a hydrological connection to tidal wetlands and Greys Creek. Any damage done will need to be repaired immediately.

All pool equipment will be elevated above the 100 year flood elevation. The Commission finds that pool supplies will be stored in the same manner.

The pool design will use a closed loop filter system and an auto cover for the pool.

A hydrostatic relief valve will be installed in the main drain line for the pool to provide an equilibrium in pressure to prevent damage to the pool during periods of high groundwater.

Consistency with the Waterway Protection Line Ordinance and Staff Recommendation

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 Commission finds there will be no adverse impacts to natural resources by the proposed activities as the Waterway Protection Line Ordinance regulates provided recommendations are implemented are recommended by staff.

Street Address: 3 Yankee Hill Road
Assessor's: Map D 04 Lot 005
Date of Resolution: January 20, 2016

Project Description: For the construction of an inground pool and spa with autocover, an underground propane tank, a patio to be constructed behind the house, a front walkway, the removal of the existing driveway and the construction of a new driveway. Work is within the Waterway Protection Line Ordinance and the 25 year floodplain of Gray's Creek.

Owner of Record: Chris Smith and Danille Dobin
Applicant: RI Pool Inc,

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 10155-15** 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 January 6, 2016.
15. **Standard Conditions of Approval for Swimming Pools** Proposed Near Wetlands and Watercourses are as follows:
 - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of recirculating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation.

- c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer is to be maintained between the pool and the waterway or wetland.
- d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
- e. Pools should be covered over the winter or when they will not be in use for extended periods of time (three (3) or more months).
- f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
- g. The pool water to be discharged shall have a pH between 6.5 and 8.5.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:

- a. "Existing Conditions Plot Plan prepared for Chris Smith and Danielle Dobin, 3 Yankee Hill Road, Westport, Connecticut", Scale: 1"= 30', dated November 16, 2015 and last revised to November 20, 2015, prepared by Leonard Surveyors, LLC
- b. "Proposed Additions Plot Plan prepared for Chris Smith and Danielle Dobin, 3 Yankee Hill Road, Westport, Connecticut", Scale: 1"= 30', dated November 16, 2015 and last revised to January 11, 2015, prepared by Leonard Surveyors, LLC
- c. Pool Design Plan prepared for Chris Smith and Danielle Dobin, 3 Yankee Hill Road, Westport, CT", dated July 8, 2013, prepared by A. DiRocco
- d. Landscape Plan entitled: "Dobin Residence, 3 Yankee Hill Road, Westport, CT", Scale: 1" = 10', dated October 2015, prepared by James Gerrity

17. The Town of Westport Engineering Department shall be notified prior to the commencement of the pool excavation activity. Conservation Department staff, the Engineering Department staff and the site contractor shall meet in the field for a construction conference prior to any excavation activity to assure protection of the drain line. The Engineering Department staff shall inspect the pool excavation and drain line during the construction activity and shall certify that the pool excavation did not damage the existing drainage pipe prior to the issuance of a Conservation Certificate of Compliance.

18. A Contractor Compliance Agreement shall be executed prior to the issuance of a Zoning Permit.

19. All excess construction fill is to be removed from site.

20. Erosion and sediment controls shall be in place prior to the removal of the easterly portion of the paved driveway surface.

21. Discharged pool water shall be dechlorinated using standard methods and dechlorination materials.

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: Bancroft

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

Nays: 0 **Abstentions:** 0 **Vote:** 6:0:0

- 3. 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.

This agenda item was postponed to the February 17, 2016 Public Hearing in order to allow receipt of the DEEP permit.

4. **15 & 16 Fresenius Road:** Continuance of Application #AA,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 as she has a personal business relationship with the owner and left the meeting.

Mr. Davis was not at the December meeting; however, he visited the site and acquainted himself with the record in order to participate in the hearing.

Mel Barr spoke on behalf of the owner. He stated that in response to staff's letter of December 21, 2015, he submitted a letter today. In response to the proposal from the hydrogeologist, he felt that HRP is an open-ended proposal not based on preliminary investigation. He added there is no time frame listed. There is no review of Tier I before authorized to go to Tier II. They are proposing 7 to 10 wells. 60 feet test wells appears too deep. His client's hydrogeologist, LBG, questioned the cost.

Richard Bennett, PE, stated the Commission got its expert. The applicant got its expert thinking they would evaluate the HRP proposal. LBG is a well-respected firm with 14 offices. LBG's review was \$2,900. LBG did not feel test wells were necessary by looking at the maps. There is nothing feeding the wetlands. LBG's feeling is if test wells are needed, they would dig them as deep as they are excavating. LBG is proposing 15 to 20 feet. If there is no water, then how will the water table be affected. LBG has its own machine. A well driller would cost \$3,100 to \$4,000 for 3 wells. Mr. Bennett suggested both experts meet in the field to agree on what is the best method for moving forward. Also, he is not sure why HRP is proposing test wells on top of the ridge if they are not disturbing the top of the ridge. As an alternative, LBG could do a report and have HRP review it. However, they would prefer the two hydrogeologists to meet on site and decide on the scope of services. The goal is:

- to determine the movement of groundwater; and
- how will ledge removal affect groundwater and in turn affect the wetland;

Mr. Bennett stated that 4,500 cubic yards of material is being removed; 3,000 cubic yards of which is ledge and the remainder being earth.

Mr. Barr submitted the LBG proposal.

Ms. Krynicki stated that HRP's initial review indicated that there could be a significant impact to the wetland.

Ms. Mozian explained why there was a need for the hydrogeologist in the first place. There is a relatively shallow depth to bedrock evident throughout the site.

Mr. Davis questioned what happens once the two hydrogeologist meet.

Mr. Barr stated they would probably have to withdraw and resubmit their application after the February Public Hearing since there is not enough time to gather the necessary information and meet the Statutory time limits.

The Commission agreed that going forward the following should occur:

- HRP to review the LBG report;
- Hydrogeologists to meet onsite with staff to come up with a revised mutually agreed upon scope of work with new estimate;
- LBG to review the new HRP scope of work; and
- Bring back to the Commission in February.

Ms. Mozian is to ask HRP why they want piezometers and why they are going so deep with the test wells.

