

**MINUTES
WESTPORT CONSERVATION COMMISSION
DECEMBER 13, 2017**

The December 13, 2017 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:

Anna Rycenga, Vice-Chair, Acting Chair
Paul Davis, Secretary
Donald Bancroft
Robert Corroon
Paul Lobdell, Alternate
Mark Perlman
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 December 13, 2017 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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

Ms. Rycenga noted Item #4 of the Public Hearing, 3 Pebble Beach Lane was tabled to the next Public Hearing on January 17, 2017.

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

1. Receipt of Applications

Ms. Mozian noted there was one item to officially receive:

- a. **9 Baldwin Place, 21 Center Street, 50 Cranbury Road, 300 Saugatuck Avenue, 12 Woodcock Lane, 28 Stonybrook Road, 52 Hillspoint Road, 28 Cranbury Road, 91 Long Lots Road and 15 Valley Road:** Application #IWW/M-10529-17 by the Town of Westport on behalf of the property owners to amend the town wetland map.

There are 10 properties that staff will be presenting for the January 17, 2018 Public Hearing.

Motion to receive the application.

Motion: Rycenga Second: Porter
Ayes: Rycenga, Porter, Bancroft, Corroon, Davis, Lobdell, Perlman
Nayes: None Abstentions: None Vote: 7:0:0

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

Ms. Mozian noted the HarborWatch 2017 report.

Ms. Mozian reported there is no tracking pad at **1141 Post Road East**. That needs to be installed. Also, the silt fence at **1177 Post Road East** is down.

3. Approval of November 15, 2017 meeting minutes.

The November 15, 2017 meeting minutes were approved with corrections.

Motion: Davis Second: Perlman
Ayes: Davis, Perlman, Bancroft, Corroon, Lobdell, Porter, Rycenga
Nayes: None Abstentions: None Vote: 7:0:0

4. 284 Compo Rd South: Request by Barr Associates on behalf of Vanessa Wilson to authorize issuance of a staff-level WPLO permit to legalize construction of three entry stoops and relocation of a smaller patio with surrounding low wall and the proposed conversion of an existing one-story bedroom to a screened porch. All work is within the WPLO area of Grey's Creek.

Ms. Krynicki reviewed a request for permission to issue a staff level permit for legalization of 3 stoops and a patio and the conversion of a portion of a house to a screened porch. There are no impacts to the WPLO area from the work. The patio is flagstone with small open joints to provide permeability. Any stormwater not infiltrated will flow to a large level lawn area. The screened porch will be elevated and the foundation already has flood vents.

Motion to authorize the staff to issue a staff level permit.

Motion: Perlman Second: Bancroft
Ayes: Perlman, Bancroft, Corroon, Davis, Lobdell, Porter, Rycenga

Nayes: None Abstentions: None Vote: 7:0:0

5. Other Business - None

Public Hearing: Room 201/201A. 7:15 p.m.

Ms. Rycenga, Mr. Bancroft, Mr. Davis, Mr. Lobdell, & Mr. Perlman visited all the sites. Mr. Porter visited 149 Riverside Avenue.

- 1. 149 Riverside Avenue:** Application #WPL-10504-17 by Janet Sparre for a two story addition, remove all finished spaces and mechanical equipment from below BFE, reconfigure driveway and install drainage improvements. Portions of the work are within the WPLO area of the Saugatuck River.

Dan Conlon, AIA, presented the application on behalf of the property owners. The proposal is to bring the non-conforming house into FEMA compliance, build a FEMA compliant addition and relocate the parking area. The lot slopes toward the river from elevation 11 to elevation 5. They will be eliminating an area of pavement next to the river and relocating closer to Riverside Avenue. They will also be removing the shed. All uses and mechanicals in the lower level will be relocated to the new addition. Some of that lower level will be converted to a small garage. The oil tank is being abandoned and new propane tank will be installed. The coverage will increase by 260 s.f. but they did already get a variance. All stormwater will be captured in a catchbasin that will be directed into underground storage then piped into a raingarden. The catchbasin will have a 24 inch sump. The drainage for the addition will sheetflow over land. ELS submitted a planting plan for the raingarden. Flood & Erosion Control Board asked to expand the silt fencing. Mr. Conlon submitted a revised site plan dated December 8, 2017 showing the change. There will be no changes to grade. The stockpile area will be by the street.

Mr. Bancroft asked if the new driveway could be pervious.

Mr. Conlon stated they thought it would be more effective to have impervious with the discharge to the catchbasin.

Ms. Krynicki asked if the site engineer would develop a stormwater management plan so the home homeowners will know how and when to maintain the proposed stormwater drainage appurtenances. This is another reason why a permeable driveway would be effective.

Mr. Conlon noted no work on the seawall is necessary. He explained the Non-Conversion Agreement of the current basement area that will need to be filed on the land records. It precludes future conversion to living space. The new plan revised to December 8, 2017 shows additional silt fencing as required by the Flood Board.

Mr. Corroon indicated agreement with the plan as it include an oil/grease separator in the catchbasin.

Ms. Krynicki noted the planting plan for the raingarden is satisfactory. Switch grass is effective in removing nitrogen.

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

Motion: Rycenga Second: Porter
Ayes: Rycenga, Porter, Bancroft, Corroon, Davis, Lobdell, Perlman
Nayes: None Abstentions: None Vote: 7:0:0

Findings
149 Riverside Avenue
#WPL 10504-17

1. **Application Request:** The applicant is requesting to add a two story addition, remove all finished spaces and mechanical equipment from below the Base Flood Elevation, reconfigure the driveway and install drainage improvements. Portions of the work are within the 25 year floodplain of the Saugatuck River and the 100 year flood plain boundary as determined by FEMA.
2. **Plans reviewed:**
 1. *"Existing Conditions Plot Plan Prepared for Walter Rescorla, 149 Riverside Avenue, Westport, Connecticut", Scale: 1" = 10', dated August 11, 2016, prepared by Leonard Surveyors, LLC*
 2. *"Proposed Building Addition, Erosion Control Plan and Drainage Improvement Plan Prepared for Rescorla, 149 Riverside Avenue, Westport, CT", Sheet D-1/1, Scale: 1' = 10', dated October 12, 2017 and last revised to October 23, 2017, prepared by Peak Engineers, LLC*
 3. *"Planting Plan for Rescorla, 149 Riverside Avenue, Westport, Connecticut", Sheet PP.1, Scale: 1' = 10', dated October 16, 2017 and last revised to October 25, 2017, prepared by Environmental Land Solutions, LLC*
 4. Architectural plans entitled: "Alterations and Additions to Rescorla-Sparre Residence, 149 Riverside Avenue, Westport, CT" (7 sheets), dated April 6, 2017, prepared by Daniel Conlon Architects
3. **Facts Relative to this application:**
 1. Permits and Applications: WPL/E 5642-97- to replace a timber bulkhead with a stone masonry wall in the same location
 2. WPLO: Approximately 75% of the property is within the boundary of the WPLO.
 3. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
 4. Tidal Wetlands: Tidal wetlands include areas that border on or lie beneath tidal waters, whose surface is at or below an elevation of one foot above extreme local high tide, and upon which grow, or are capable of growing, a variety of defined wetland plant species associated with coastal tidal areas.
 5. A report dated August 10, 2016 by Dr. Gene McNamara of ESM Associates states: There is no herbaceous flora occupying the regularly flooded tidal zone. The tide rises approximately three feet up the sea wall. The tidal wetland area on the site does not include any vegetated areas. The area below the abrupt drop-off contains filled stony soils with evidence of crabs and clam shells.

The wetland soil is identified as Westbrook Mucky Peat. These are very poorly drained soils found in tidal marshes and estuaries. These soils have a surface layer of dark reddish brown mucky peat eight inches thick over a dark grayish brown and black mucky peat subsoil. The substratum is a dark gray silt loam that extends to a depth of sixty inches or more. Some of the soils on-site have been modified by the placement of shallow amounts of fill (12 – 18 inches of gravelly sand and sand). These disturbed areas were included within the delineated tidal wetlands since they still remain poorly drained.
 6. The on-site upland soils were identified by Dr. McNamara as Udorthent/Urban Land Complex which consist of excessively drained to moderately well-drained soils that have been cut or filled. The upland soils on-site have developed in coarse glacial outwash material. These soils are sandy, with some modifications that resulted from site development activities.
 7. 100-Year Floodplain: A portion of the property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The 100-year base flood elevation is designated as AE, (elevation 10).
 8. Aquifer and Primary Recharge Area: The property is located within the Aquifer recharge area identified as coarse-grained stratified drift.
 9. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Hazard Area". These areas can serve as flood storage areas and provide numerous open space and recreational opportunities. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
 10. Sewage Disposal: The property is serviced by a public sanitary sewer.

4. 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.

The subject property is located east of Riverside Avenue adjacent to the Saugatuck River. The local area is residential in character, with single family dwellings of small and medium sized lots.

The site is residentially developed with a two level wood frame home and a shed with asphalt parking area located in the far south east corner of the property. The eastern area of the site consists of a lawn ending at the stone sea wall. The area behind the sea wall drops abruptly to the tidal area, approximately seven feet below.

Vegetative cover at the property is primarily lawn with a few ornamental shrubs.

The soils report indicates the upland soils are classified as Udorthents, an area that has been altered by cutting or filling.

Under existing conditions, stormwater runoff from the site drains as sheet flow overland directly to the Saugatuck River without treatment.

The site measures 7322 square feet. The existing lot coverage is 33.42%. 396 s.f. of asphalt is to be removed and restored back to lawn.

479 s.f. of asphalt parking area is being created in the south western portion of the parcel adjacent to Riverside Avenue for two parking spaces. The proposed addition for this project will add an additional 242 s.f. from the roof area.

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 Saugatuck River primarily can be attributed to the increase in impervious area and the resulting stormwater quality impacts. The residence will be connected to the town sewer.

Test hole depth was limited to only 22" due to the encountering of portions of the seawall and tree branches indicative of some type of bury hole. The percolation test showed an extremely permeable soil horizon at 22" below grade.

The drainage design will consist of a deep sump trap style catch basin to collect the surface water from the proposed driveway area and to pipe this water to a riprap stilling bowl. The Commission finds a maintenance schedule will be prepared for the homeowner to allow continued optimum performance of the catch basins and a proposed stilling basin. This bowl will be constructed with gravel gradations over a masonry sand bed to allow water to be filtered and infiltrate the underlying soils. The southeast corner of the building roof area will be collected and conveyed to the riprap stilling basin. Once the bowl has filled, stormwater will overflow a stone and earthen weir and enter a lineal rain garden.

The Commission finds that the use of biofiltration with a rain garden as mitigation is beneficial for the proposed increase in impervious area as the plants in the rain garden will process nutrients including nitrogen through their root system.

Calculations were performed to size the rain garden to provide the necessary water quality volume per the 2004 Connecticut Stormwater Quality Manual.

The Commission finds Environmental Land Solutions has prepared a suitable planting plan utilizing native plants for the rain garden.

This proposal also removes 723 s.f. of living area and the mechanicals for the residence that are below the Base Flood Elevation. A portion of the basement area becomes garage space. Smart vents for FEMA compliance are proposed to be installed. The new addition is to be built on a crawl space. The proposed addition includes space for the mechanicals to be installed.

The stockpile area includes a perimeter silt fence. Silt fencing is also proposed downgradient of the addition and rain garden area. As the sea wall extends above grade at the rear of the property. This should prevent sediment from migrating to the river.

The Commission finds the asphalt to be removed will be taken immediately off-site and not stockpiled.

The Commission finds the design engineer will certify the construction of the stilling basin and the rain garden.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10504-17
Street Address: 149 Riverside Avenue
Assessor's: Map C08 Lot 046
Date of Resolution: December 13, 2017

Project Description: Construction of a new two story addition, remove all finished spaces and mechanicals from below the base flood elevation, reconfigure driveway and install drainage improvements. Portions of the work are within the WPLO area of the Saugatuck River.

Owner of Record: Janet Sparre

Applicant: Janet Sparre

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 10504-17** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the Flood and Erosion Control Board Conditions of Approval of the meeting of December 6, 2017.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. *"Existing Conditions Plot Plan Prepared for Walter Rescorla, 149 Riverside Avenue, Westport, Connecticut", Scale: 1" = 10', dated August 11, 2016, prepared by Leonard Surveyors, LLC*
 - b. *"Proposed Building Addition, Erosion Control Plan and Drainage Improvement Plan Prepared for Rescorla, 149 Riverside Avenue, Westport, CT", Sheet D-1/1, Scale: 1' = 10', dated October 12, 2017 and last revised to October 23, 2017, prepared by Peak Engineers, LLC*
 - c. *"Planting Plan for Rescorla, 149 Riverside Avenue, Westport, Connecticut", Sheet PP.1, Scale: 1' = 10', dated October 16, 2017 and last revised to October 25, 2017, prepared by Environmental Land Solutions, LLC*
 - d. Architectural plans entitled: *"Alterations and Additions to Rescorla-Sparre Residence, 149 Riverside Avenue, Westport, CT" (7 sheets), dated April 6, 2017, prepared by Daniel Conlon Architects*
16. Any excess fill from the construction activity to be removed from site.
17. The design engineer shall certify to the proper installation of the proposed drainage system including the rain garden. Said certification shall be submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
18. The design engineer shall prepare a maintenance schedule document for the catch basins, stilling basin and rain garden to be followed by the homeowner. Said document shall be acknowledged as received by the homeowner, recorded on the land records and a copy submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
19. A bond estimate form and bond amount to cover the cost of plantings for the rain garden and erosion and sediment controls shall be submitted and approved by the Conservation Department prior to the issuance of a zoning permit. Bonds to cover the cost of plantings will be held for one full growing season from time of planting.

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: Perlman

Second: Corroon

Ayes: Lobdell, Davis, Bancroft, Rycenga, Perlman, Porter, Corroon

Nays: 0

Abstentions: 0

Vote: 7:0:0

- 2. 3 Charmer's Landing:** Application #WPL-10507-17 by John Hilts on behalf of Jason Carter to retain an 8 ft. by 20 ft. timber floating dock. Work is within the WPLO area of the Saugatuck River.

John Hilts presented the application on behalf of the property owner. He acknowledged the former owner installed a larger float than what was approved. ACOE and DEEP legalized the larger float but the owner failed to secure local approvals. The Bureau of Aquaculture requested the pilings not interfere with the substrate. The Flood & Erosion Control Board approved the application on December 6, 2017. The tidal wetlands were flagged and a conservation easement was established as part of the house construction.

Ms. Mozian asked whether the ramp and float should be removed during the winter or if it is not necessary because the area does not freeze.

Mr. Hilts stated the river bottom is cobble and does not really freeze. A maintenance dredging was done in that cove several years ago.

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

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Corroon, Davis, Lobdell, Perlman, Porter		
Nayes:	None	Abstentions:	None
		Vote:	7:0:0

Findings
Application # WPL 10507-17
3 Charmers Landing

- 1. Application Request:** Applicant is requesting to retain an existing 8' by 20' timber floating dock as approved and constructed under Connecticut DEEP Certificate of Permission #201402883-KB. Work is within the WPLO area of the Saugatuck River. Tidal wetlands were previously flagged by Matthew J. Popp of Soil Scientist of Environmental Land Solutions, LLC. for the 2008 CT DEEP application and the 2009 Town of Westport WPLO application.
- 2. Plans reviewed:**
 - a. "Existing Conditions Plot Plan Prepared for Jason Carter and Luguang Yang, #3 Charmer's Landing, Westport, Connecticut", Scale: 1" = 20', dated May 2, 2014 and last revised to March 3, 2015, prepared by Leonard Surveyors, LLC
 - b. "Vicinity Map, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 1 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - c. "Assessors Map, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 2 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - d. "Previously Authorized Plan View and Elevation, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 3 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - e. "Proposed Modified Plan View and Elevation, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 4 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - f. "Proposed General Plan, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 5 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
- 3. Background Information:**

- a. Initially the State of Connecticut DEP approved an application on September 30, 2008, #200800822-KF. The work included: (a.) to move an existing derelict floating dock and approximately 50 cubic yards of 2' -4' boulders from the tidal wetlands and (b.) to construct a 4' x 24' timber pier, a 30' x 30' ramp and an 8' x 12.5' timber floating dock anchored by struts and cables from two timber pilings. This proposal was reviewed and approved by the Conservation Commission at a public hearing as Application #WPL 8466-09 on May 20, 2009. A subsequent application was submitted for a modification to the timber float to increase the size to 8' by 20' to be able to berth a 30' boat. This modification was approved by CT DEEP in May of 2014. It was then constructed without receiving the appropriate review from the Flood and Erosion Control Board and the Conservation Commission as a modification to the previously issued WPLO permit.

The Commission finds this application is being considered to legalize an existing dock structure with an 8' by 20' timber floating dock.

4. Property Description:

- a. Property is outside Aquifer Protection Overlay Zone.
- b. Property is not located within primary groundwater recharge designated areas. Property is within the Coastal Area Management zones. Specifically, the resources are identified as a coastal hazard area, estuarine embayments and near shore waters.
- c. The Waterway Protection Line is located 15' from the 10' contour.
- d. The area where proposed improvements are proposed is primarily lawn.
- e. The 100 year flood plain as designated by the Federal Emergency Management Agency (FEMA) occurs on this property. The 100 year base flood elevation is 11 ft. msl.
- f. Soils on property are identified as **Agawam-Urban complex, 0 to 8 percent slopes (Map Unit 229B)** This component is on outwash plains on valleys and terraces on valleys. The parent material consists of coarse-loamy eolian deposits over sandy and gravelly glaciofluvial deposits derived from granite and/or schist/or gneiss. The natural drainage class is well drained. Water movement in the most restrictive layer is high. The soil is not flooded. It is not ponded. There is no zone of saturation within a depth of 72 inches. This soil does not meet hydric criteria.
- g. Tidal wetlands occur on the property on the northeast quadrant of the property. A 35' Conservation Easement encompasses the tidal wetland area along the Saugatuck Harbor and embayment has been established and recorded on the land records.

5. **Coastal Area Management:** Property located within CAM zone. The coastal resources are identified as: Coastal Hazard Area, Shellfish Concentration Area and Estuarine Embayment.

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

- a. **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**".
- b. **Estuarine Embayments** are a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves.
- c. **Shellfish Concentration Area** areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry.

6. The Flood and Erosion Control Board approved the application with conditions on December 6, 2017.

Biofiltration utilizing vegetation for water quality improvements associated with storm water runoff was required under a previous permit approved by the Conservation Commission for new house construction. The plantings were completed and the bond monies held for the work have been released.

A 35' wide Conservation easement along the easterly property line adjacent to the Saugatuck Harbor was a Condition of Approval of Application #WPL 8226-07 of the residence. A 10' wide boat access is located within that easement area. A 4' wide pedestrian access is located approximately 80' south of the northerly property line. The remaining area of the Conservation easement contains a 15' wide vegetated buffer.

The Commission finds the existing dock facility is located approximately 100' south of the northerly property line and within the 10' boat access.

The Condition of Approval of Application #WPL 8226-07 stated: no clearing, filling, stockpiling, building or alteration of any kind, except as otherwise stipulated by the Conservation Commission was to occur within the easement. The Conservation Easement plan was recorded prior to the issuance of a zoning permit.

Provided construction methods as described above are used during construction activity, it is the Commission finds that the modified timber float 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 10507-17
Street Address: 3 Charmers Landing
Assessor's: Map B04 Lot 29
Date of Resolution: December 13, 2017

Project Description: To retain an 8' by 20' timber floating dock. Work is within the 100 year floodplain and WPLO of the Saugatuck River.

Owner of Record: Jason Carter
Applicant: John Hilts

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 10507-17** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm

water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the Flood and Erosion Control Board Conditions of Approval of December 6, 2017.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Existing Conditions Plot Plan Prepared for Jason Carter and Luguang Yang, #3 Charmer's Landing, Westport, Connecticut", Scale: 1" = 20', dated May 2, 2014 and last revised to March 3, 2015, prepared by Leonard Surveyors, LLC
 - b. "Vicinity Map, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 1 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - c. "Assessors Map, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 2 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - d. "Previously Authorized Plan View and Elevation, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 3 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - e. "Proposed Modified Plan View and Elevation, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 4 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
 - f. "Proposed General Plan, Proposed Dock Replacement and Additional Piling in the Saugatuck River at 3 Charmers Landing, Westport, Fairfield County, Connecticut", Application by: Mr. Jason Carter, Date: March 11, 2014, Sheet 5 of 5, Revision Number : 1, Date: 5/13/14, prepared by John Hilts
16. Conformance to the Terms and Conditions of the State of Connecticut DEEP Certificate of Permission #201402883-KB issued on May 15, 2014.

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.

3. Background Information:

- a. State of Connecticut DEEP approved an application on October 13, 2017 #LISGP-201703499 and Permit No. DEEP-OLISP-GP-2015-01. The Army Corps of Engineers approved this project on May 3, 2017. File Number: NAE-2017-00963.

The work authorized included the construction of 3' by 5' timber steps, 1.5' by 4' pile supported timber ramp landing, 32" by 30' aluminum ramp, 5' by 6' timber ramp float, 8' by 12.5' timber floating dock and two float skids to be stabilized with pilings.

4. Property Description:

1. Property is outside Aquifer Protection Overlay Zone.
 2. Property is not located within primary groundwater recharge designated areas. Property is within the Coastal Area Management zones. Specifically, the resource is identified as a coastal hazard area.
 3. The Waterway Protection Line is located 15' from the 9' contour.
 4. The proposed activity has been sited so as to prevent erosion to intertidal areas which might degrade water quality.
 5. The 100 year flood plain as designated by the Federal Emergency Management Agency (FEMA) occurs on this property. The 100 year base flood elevation is AE El. 10'.
 6. Special Condition #3 of the Army Corps of Engineer approval dated May 3, 2017 states that if a survey for submerged aquatic vegetation (SAV) at the project site has not been conducted within the past three years, one should be performed prior to the start of work to identify any tidal SAV present at the site. Equipment should not anchor or impact tidal SAV. Docks, piers, ramps or floats must not be constructed within 25 feet of any tidal SAV. Photos as supplied by the applicant confirm that there is no submerged aquatic vegetation at this site.
5. **Coastal Area Management:** Property located within CAM zone. The coastal resources are identified as: Coastal Hazard Area, Shellfish Concentration Area and Estuarine Embayment.

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**".

6. 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.

The Flood and Erosion Control Board approved the application with conditions on December 6, 2017.

Of special interest are the following Special Conditions of the Approval of Registration from the DEEP:

1. Work will be performed between July 1st and November 1st.

2. Barge shall not rest on substrate at any time.
3. A visual inspection will be conducted once silt fencing is in place and prior to start of any work activity to locate any potential turtles. Daily inspections shall be conducted during the construction period to monitor for diamondback terrapin. Construction workers will be advised and educated about these turtles and protection measures. No vehicles or machinery shall be parked in any identified turtle habitat.

Of special interest of the following Special Conditions of the Army Corps permit:

1. The lowermost part of the floating dock must be at least 18" above the substrate during all tidal cycles.
2. Structures must have a minimum 1:1 height/width ratio over any salt marsh
3. If a survey for submerged aquatic vegetation at the project site has not been conducted within the past three years, one should be performed prior to the start of work to identify any tidal SAV present at the site.

The proposed activity is a structurally-minimized private recreational boating facility. The proposed floating docks will be anchored by two timber pilings driven to sufficient embedment to preclude pullout in the event of flooding or high-velocity water flows. The floating docks will be supported by piling-mounted float stops to provide a minimum of 18" clearance above the substrate at low tide. The floating dock will not impede water flow.

The proposed activity has been sited so as to prevent erosion to intertidal areas which might degrade water quality. The use of I-bar decking on the ramp will avoid shading impacts on underlying tidal wetland vegetation. The minimization of structural components and overall encroachment into the waterway will prevent adverse impacts to the waterway, its resources and ecosystems.

As with previous applications, the Commission finds the ramp and floating dock will be removed and stored at an upland location away from tidal wetlands during the winter months. This condition of approval shall be recorded by the current owner on the Land Records.

Provided construction methods as described above are used during construction activity and special conditions of the DEEP permit and the Army Corps of Engineer permit are adhered to, the Commission finds that the proposed ramps and float do 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 10508-17
Street Address: 119 Riverside Avenue
Assessor's Map: C 08 Lot: 042
Date of Resolution: December 13, 2017**

Project Description: Construction of 3' by 5' timber stairs, 1.5' by 4' piling-supported timber ramp landing, 32" by 30' aluminum ramp, 5' by 6' timber ramp float and 8' by 12.5' piling- anchored timber floating dock. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Chiara Rudzin

Applicant: John Hilts

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 10508-17** with the following conditions:

STANDARD 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. 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.
12. Conformance to the Flood and Erosion Control Board Conditions of Approval of December 6, 2017.

SPECIAL CONDITIONS OF APPROVAL

13. Conformance to plans entitled:
 - a. "Zoning/Location Survey, Map of Property Prepared for Ronald E. Rudzin & Chiara Rudzin, 119 Riverside Avenue, Westport, Connecticut", Scale: 1" = 20', dated October 25, 2014 and last revised to March 26, 2015, prepared by Walter H. Skidd- Land Surveyor LLC
 - b. "Vicinity Map, Proposed Landing, Ramp and Floating Dock in the Saugatuck River at 119 Riverside Avenue, Westport, Fairfield County, Connecticut", Registrant: Ms. Chiara Rudzin, Date: March 27, 2017, Sheet 1 of 4, prepared by John Hilts
 - c. "Assessors Map, Proposed Landing, Ramp and Floating Dock in the Saugatuck River at 119 Riverside Avenue, Westport, Fairfield County, Connecticut", Registrant: Ms. Chiara Rudzin, Date: March 27, 2014, Sheet 2 of 4, prepared by John Hilts
 - d. "Existing General Plan View, Proposed Landing, Ramp and Floating Dock in the Saugatuck River at 119 Riverside Avenue, Westport, Fairfield County, Connecticut", Registrant: Ms. Chiara Rudzin, Date: March 27, 2014, Sheet 3 of 4, prepared by John Hilts
 - e. "Proposed General Plan View, Proposed Landing, Ramp and Floating Dock in the Saugatuck River at 119 Riverside Avenue, Westport, Fairfield County, Connecticut", Registrant: Ms. Chiara Rudzin, Date: August 14, 2016 and last revised to March 6, 2017, Sheet X of X, prepared by John Hilts
14. Conformance to the Connecticut DEEP approval of Registration # LISP-201703499 dated October 13, 2017 and its stated conditions.

15. Conformance to the Army Corps of Engineers General Permit conditions and special conditions of May 3, 2017.
16. An "as built" plan shall be submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
17. The ramp and float shall be seasonally removed no later than November 15th of any calendar year and not be reinstalled before April 15th of any calendar year.
18. This resolution shall be recorded on the land records by the current owner prior to a Conservation Certificate of Compliance.

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:** Bancroft
Ayes: Lobdell, Davis, Bancroft, Rycenga, Perlman, Porter, Corroon
Nayes: 0 **Abstentions:** 0 **Vote:** 7:0:0

4. **3 Pebble Beach Lane:** Application #WPL-10510-17 by Vincent Monti on behalf of Michael Ritzzo to construct a new inground swimming pool and patio. Work is within the WPLO area of the Saugatuck River.

This application was tabled to the January 17, 2017 Public Hearing.

5. **300 Post Road West:** Application #IWW,WPL/E-10509-17 by Barr Associates, LLC on behalf of 300 Post Rd W LLC for the proposed expansion of the existing parking lot with new drainage facilities. Portions of the work are within the upland review area setbacks.

Mel Barr presented the application on behalf of the property owners. The building is being converted from general office space to health care/medical offices. There are 20 additional new parking spaces required for the new use for a total of 100. This application focuses on parking increase and associated drainage. There will be 4 trees removed. 3 will hopefully be transplanted and there will be 3 new ones installed. A proposed wetland buffer will be installed next to a portion of the parking spaces where the curb will be removed.

Harry Rocheville, PE with Atlantic Consulting & Engineering, presented the details of the drainage plans and the direction of the stormwater patterns. They took a portion of the new stormwater flow and directed to a cul-tec system via a strategically placed catchbasin. Another catchbasin will be placed to do the same. The perc tests had good results; the soil perced very well. There is no increase in peak flow. There is no curb proposed along the parking spaces on the south side so a vegetative buffer is proposed down gradient of that area. The new catchbasins will have 2-foot sumps. He reviewed the sediment and erosion control plan. A site contractor will monitor and sweep to make sure sediment does not get onto the road. Maintenance of the cul-tec will be minimal because the soils are so good. The staff report recommends a stormwater management plan be submitted.

Mr. Barr reviewed the staff report and questioned the recommendation of no curbing and additional plantings on the south side of the 5 new parking spaces. He believes the grade at 10 to 15% may cause sheet flow to get to the Post Road causing a safety issue due to icing. It is better to keep it as designed.

Ms. Krynicki gave a history of the site starting in 1986. After several applications and a court stipulated settlement, the building exists as it does now, which is primarily over a filled wetland. The

soil tests bears that out. Her recommendations for buffers is an attempt to introduce some water quality. If a depressed curb and vegetation is a safety issue in the north end of the parking lot, she asked what other water quality measures would be acceptable. Permeable pavers in those 5 spaces are an alternative.

Mr. Barr disagreed with pervious surfaces. He stated pervious surfaces are not compatible with a medical use with a high turnover.

Ms. Rycenga suggested a polymer insert for the catchbasins that would capture hydrocarbons.

Mr. Barr agreed to use them in the 2 new catchbasins.

Ms. Mozian stated these will need to be monitored and cleaned out or replaced on a regular basis.

Steve Crowley, working with the owner of the building and the property manager, agreed to accept responsibility for maintenance.

Ms. Mozian noted the staff recommended a reflagging of the wetland boundary due to the inaccuracy of the Town map and the many iterations of the line.

Mr. Barr agreed. Aleksandra Moch has already flagged the line. They are currently awaiting the surveyor. Once they have that information, they will submit a map amendment application.

Ms. Mozian stated the work is outside the WPLO area and eligible for a WPL/E. The Town Engineer reviewed the drainage plan and found it acceptable.

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

Motion:	Rycenga	Second:	Corroon
Ayes:	Rycenga, Corroon, Bancroft, Davis, Lobdell, Perlman, Porter		
Nays:	None	Abstentions:	None
			Vote: 7:0:0

Findings
Application # IWW, WPL 10509-17
300 Post Road West

1. **Receipt Date:** December 13, 2017
2. **Application Classification:** Summary
3. **Application Request:** For the proposed expansion of the existing parking lot with new drainage facilities. Portions of the work are within the upland review area setbacks.
4. **Plans Reviewed:**
 - a) "Existing Conditions, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-1, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
 - b) "Proposed Conditions, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-2, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
 - c) "Site details and Notes, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-3, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
 - d) "Erosion and Sedimentation Control Notes and Details, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-4, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
5. **Reports Reviewed:**

- a) Stormwater Management Report Documentation, Proposed Parking Addition, 300 PRW LLC, dated November 6, 2017, prepared by Atlantic Consulting & Engineering, LLC

6. Property History and Previous Applications:

Below are some of the highlights of the reviews and activities on this parcel that helped form an assessment and recommendations for the proposal before us. Numerous revisions, litigation, continuations and design changes occurred during an approximate 10 year period. The history is extensive and extremely convoluted. As a summary, the site is currently developed with an office building and parking with the existing conditions plan showing a wetland line that does not reflect current conditions nor was it ever verified and accepted by the Conservation Commission.

- a) A wetland boundary map amendment Application, **IWW/M 1814-86**, was reviewed and approved by the Conservation Commission on November 4, 1986. The flagging was based on pre-development site conditions.
- b) As part of an application resubmission following a multitude of Conservation and Planning and Zoning approval and denial applications, the Commission requested the opinion of a third soil scientist due to disturbance and wetland filling that had occurred on the property. As a result, a letter dated August 29, 1997 from Soil Scientist, Kenneth Stevens was submitted to the Conservation Commission. The results of all soil scientists involved in the site investigation process were compared. There was found to be a substantial difference between the 1986 and the 1997 flagged wetland lines.

Kenneth Stevens noted that following the original mapping of the wetlands, the property had been re-graded. At that time, fill was cut from a bank approximately 130 feet to the northwest of the present stream channel and was used to fill the majority of the wetland area. He concluded with the statement: "the functional quality of the filled and cut wetland areas is very low and its loss because of development should not be considered a significant environmental impact.

- c) The Conservation Commission eventually approved a site development proposal in conjunction and agreement with the Planning and Zoning Commission for an office building and associated site improvements for the property.
- d) The Town Wetland map does not reflect the current existing wetland line for this parcel.
- e) Several application reviews have been conducted by staff following the approval for the site development associated with the commercial building. Those include a culvert extension in 2001 as Application #AA,WPL/E 6522-10 and a stair enclosure for garage access in 2016 as Application #AA,WPL/E 10176-16.

7. Soils Description:

One of the latest Soil Reports Summary following the wetland filling that took place on the parcel-prepared by Dr. Gene McNamara of CEI of ESM Associates, Inc. and confirmed by Kenneth Stevens of Soil Science and Environmental Services, Inc. dated August 29, 1997 describes the following wetland and non-wetland soils occurring on the property:

Aquents: This soil is found on slopes of 0 to 3 percent in disturbed areas that generally have less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation

Mr .McNamara and Mr. Stevens described the non-wetland soils as described by the National Resources Conservation Service by the following:

Udorthents-Urban land complex (308), Charlton and Canton soils (60), and Udorthents, smoothed This unit consists of primarily of man-made soils named Udorthents, wet substratum. These areas have been altered for cutting and/or filling, and have a seasonal high water table within one and half (1.5) to three (3) feet of the soil surface. Slopes range from 0 to 5 percent. Typically these soils are in places that have two (2) feet or more of fill placed over poorly or very poorly drained soils; or are in areas that have been cut to within one and half (1.5) to three (3) feet of the water table,

or the original soil materials have been mixed to the extent that the natural soil horizons are no longer identifiable. The fill consists primarily of mineral soil materials with minor amounts of man-made artifacts such as pieces of concrete, brick, wood, metal and glass.

There have been additional soil scientists on the parcel in 1998 (Otto Theall) and Henry Moeller. These investigations were done prior to the site construction activity for which a building permit was issued in 1999. A portion of those wetlands now lie beneath a portion of the existing parking lot.

- The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes the wetland as “streamside floodplain, with an intermittent watercourse and a wooded swamp present.”
- Landscape position of this parcel is a toe-slope 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.
- Property is serviced by municipal water and sewer.

8. 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

There is a small amount of activity associated with parking island reduction for the travel way expansion within the 30’ upland review area of the wetland line depicted on the site plan. The Commission finds the wetlands on the parcel has been highly disturbed.

All other proposed parking space and travel way modifications activities are located outside the IWW upland review area setbacks and the WPLO.

All work proposed is within areas of existing site improvements.

Four trees are being removed. New trees are being planted and/or transplanted as mitigation.

The additional parking as proposed is required to meet the Planning and Zoning requirements.

The proposed development on the property will increase the impervious area by 2,867 sq. ft.

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

The very limited functions provided by the remaining wetlands include some groundwater discharge, sediment retention, nutrient removal/retention and transformation and storm water runoff. The Commission finds the proposed drainage mitigation as proposed on 300 Post Road West attempts to provide additional biofiltration through depressing the curbing to the west of four proposed parking spaces to promote sheet flow across the middle grass area to a vegetated buffer. This 10' wide buffer will be installed along a section of the eastern edge of the drainage channel to slow stormwater runoff from upland areas and reduce sediment transportation. The remaining stormwater being generated by the additional impervious area is being handled through the capture of runoff in catch basins and then being directed to subsurface infiltrators.

Test holes dug in the area of the subsurface infiltration units presents a soil horizon description indicating a homogeneous silty sand horizon at least 6' thick. This is indicative of the cut and fill occurrence described previously by Mr. Stevens. Nutrient removal from the stormwater runoff in a silty sand will be minimal at best. The Commission finds the biofiltration as proposed for the sheet flow of stormwater runoff is the optimum method to remove the pollutants from the storm water.

The Commission finds additional opportunities for biofiltration exist with the installation of a polymer insert in the two new proposed catch basins. These inserts promote the removal of hydrocarbons and other pollutants from the stormwater runoff from the parking lot.

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.

Adequate erosion and sediment controls are proposed around the perimeter of the wetlands and drainage channel and the downgradient side of the proposed parking expansion.

The Commission finds that a permanent maintenance schedule for all proposed and existing on site proposed drainage structures should be included and enforced as a permit condition.

The Commission finds the plan as submitted and designed will be adequate if controls are maintained.

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 the habitat value of this wetland is limited to those species you would find in a typical urban setting.

The drainage channel does contain vegetation which may support insects and some bird species.

The Commission finds the proposed activities will not degrade the existing conditions.

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

Amrik Matharu of the Engineering Department, has reviewed the drainage design submitted for this application and has determined that the drainage proposed on the parcel meets town standards.

6.6 RECREATIONAL AND PUBLIC USES

The Commission finds there should be no adverse impact to recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL/E 10509-17
Street Address: 300 Post Road West
Assessor's: Map B 08 Lot 040
Date of Resolution: December 13, 2017

Project Description: For the proposed expansion of the existing parking lot with new drainage facilities. Portions of the work are within the upland review area setbacks.

Owner of Record: 300 Post Rd W LLC

Applicant: Barr Associates LLC

In accordance with *Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW,WPL/E 10509-17** 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 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.

7. 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.
8. 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.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. 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.
14. 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.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the following plans:
 - a. "Existing Conditions, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-1, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
 - b. "Proposed Conditions, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-2, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
 - c. "Site details and Notes, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-3, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
 - d. "Erosion and Sedimentation Control Notes and Details, Proposed Site Plan Prepared For: 300 PRW LLC, 300 Post Road West, Westport, CT 06880", Sheet C-4, Scale: 1" = 20', dated October 12, 2017 and last revised to November 6, 2017, prepared by Atlantic Consulting & Engineering LLC
17. A permanent maintenance schedule for all drainage structures shall be prepared by the site engineer and submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. Said plan to be recorded on the Westport Land Records. A log book recording compliance with the maintenance schedule shall be held on site and made available for reviewing by Town Officials.
18. All catch basins existing and proposed shall be provided with 2 ft minimum sediment sumps and traps. The two new catch basins shall be fitted with a polymer insert to trap hydrocarbons and other contaminants. Certification by site engineer for these installations shall be provided to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
19. The wetlands on site shall be mapped to reflect current conditions and a map amendment application shall be filed with the Commission prior to the issuance of a Conservation Certificate of Compliance.

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.

