

**MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 11, 2017**

The October 11, 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, Acting Chair
Donald Bancroft
Robert Corroon
Ralph Field, Alternate
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 October 11, 2017 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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

1. Approval of September 13, 2017 meeting minutes.

The September 13, 2017 meeting minutes were approved with corrections.

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

2. **107 Old Road:** Begin deliberation of Application #IWW-10450-17 and #WPL-10488-17 by LANDTECH on behalf of the Estate of Catherine D. Fleming for a proposed 4-lot open space residential subdivision served by a private road, public sewer and public water. The site contains an unnamed tributary to Sasco Brook and associated wetlands.

Ms. Rycenga noted staff distributed draft Findings and Resolution for both an approval and a denial.

All members confirmed that they had received the documents and had read them.

Mr. Perlman indicated that he believes rehabbing the existing house is not a feasible option especially on a 6-acre lot though it would have the least impact.

Mr. Bancroft agreed.

Mr. Lobdell felt that the rehab or a new house or possibly two homes was feasible. He is concerned with the development of 4 houses and what the long-term effect is. He is concerned with the impact of widening the road at least double its size. He feels that the amount of tree clearing will adversely impact the wetland due to its increased sun exposure. He indicated that one or two homes might be okay. He is also concerned with relocating the stormwater conveyance swale.

Mr. Porter indicated it depends on the perspective. If it is financial, that is one way to think. The other way is if the rehab would be less impact to the wetland.

Mr. Field agreed with Mr. Lobdell's perspective.

Mr. Corroon felt that the rehabilitation option was negative in that the house would remain on septic and there would be no effort to replace the invasive species with native plantings. The owner could remove any trees that were not within the wetlands.

Ms. Rycenga agreed.

Mr. Porter indicated he was supportive of rehabbing the existing house and possibly another lot. He suggested that more than that would destroy the ambience.

Mr. Corroon stated the Commission cannot consider ambience.

Ms. Rycenga stated she was torn. This application has been the most difficult she has been involved with.

Mr. Bancroft stated the rehab with some improvements would need some road improvements for it or for a new house construction.

Ms. Krynicki clarified that no road improvements were required for the rehab or one house but the Engineering Department would most likely support road improvements.

The Commission considered 2-lots.

Mr. Corroon noted 2-lots would still require widening the road to 20 feet. A narrower width results in less salt in the wetland.

Ms. Rycenga read the testimony between Chris Allan and Rob Pryor.

Mr. Corroon noted with 2-lots, you would get 2, 6,000 s.f. houses versus the proposed 4 lots with 3,000 s.f. houses. He questioned whether we would get the same mitigation measures as are being proposed now.

Ms. Krynicki stated the applicant would need to return to the Commission and the Commission would have to analyze the impacts.

Mr. Perlman stated with 2-lots, theoretically, there could be more appurtenances added to the site, such as tennis courts and swimming pools. It could exacerbate the wetlands as much as the 4-lot subdivision.

Mr. Bancroft agreed.

Mr. Field noted the applicant said the 4-lot option is based on cost of development. It does not make financial sense to use the paver system, if the 4 lots were not approved.

Mr. Corroon noted the applicant's proposition is to give more in order to get more. The more houses they build, the more mitigation they will provide.

Mr. Perlman stated that the roadway relies on 5/8 of an acre of Pave Drain system for maintenance and drainage and reliability.

Mr. Lobdell noted he does not have a problem with septic tanks. He questioned where the water from the road goes now.

Ms. Rycenga stated it goes to the wetland without treatment.

Mr. Bancroft mentioned the Fire Marshal's response that a 16-foot wide access is a possibility that would lessen the impact to the wetland. He feels there is a benefit for the applicant to pursue a waiver of the 20-foot driveway restriction. There would be less cost to the applicant, less clearing.

The Commission reviewed the possibility of the applicant asking the Planning & Zoning Commission for a waiver of the Subdivision Regulations to lessen the width of the roadway.

Mr. Field expressed concern that the application went from the wet basin to the Pave Drain system without exploring any other drainage alternatives. Staff expressed that no other alternatives were considered.

Ms. Mozian read a portion of Amrik Matharu's September 25, 2017 e-mail, which supported that there may be other drainage options.

Mr. Field suggested the applicant is designing to substantiate four houses rather than the other way around. There is an engineering design use that is making it economically feasible for 4-lots.

Mr. Perlman indicated he did not buy the argument that the applicant would make less profit from three houses or less and still use the Pave Drain system.

The Commission had a discussion about whether profit could be considered.

Ms. Mozian read testimony from LandTech's June 21, 2017 letter.

Mr. Lobdell stated he looked at the impact from the wet basin alternative, which was significantly larger. It is not the only design to handle road runoff.

Mr. Porter stated he does not like the 4-lots. He does like the Pave Drain.

Mr. Corroon stated he feels the net benefit is more with the 4-lots. In favor of going to the Fire Marshal benefits them and the wetland.

Mr. Field is in favor of a denial. If this kind of thinking were applied throughout Town, there would be much more density. In that, design is determining land use. He feels demolition or a 2-lot subdivision is appropriate and design a drainage solution for that.

Mr. Lobdell has read both the Draft Approval and Denial and sees the merits of both. However, when visiting the site, his concerns are raised. He feels there are alternatives. There is too much stress on the wetlands and on the rest of the property under the proposal. One or two lots makes more sense. He feels the roadway width from 9 to 10 feet to 24 feet is excessive in long term impacts by taking down trees and drying out the land. He is moving towards a denial.

Mr. Perlman feels there is an open issue for a dispensation for a 16-foot wide driveway rather than a 20-foot driveway and that is prudent. He would support a 3-lot with a 16-foot roadway. However, to vote as present, he would have to vote to deny.

Mr. Bancroft stated he questioned whether Mr. Perlman would agree to the smaller roadway with or without the Pave Drain system. He agreed with Mr. Perlman that feasible and prudent alternatives have not been settled on with the waiver by the Fire Marshal and Planning & Zoning. If this is 2 or 3 lots, he would like to see the Pave Drain system. He is leaning toward a denial as it pertains to the wetland crossing with a Pave Drain system because there is not enough time to determine whether a 16-foot wide driveway would be acceptable by the State Fire Marshal.

Ms. Rycenga indicated she was inclined to approve based on expert testimony with the recommendation that they apply for a waiver from the State Fire Marshal and Planning & Zoning. The applicants can reduce the impact by reducing the roadway width.

Ms. Rycenga asked if the Commission is inclined to vote tonight.

The Commission reviewed the Draft Approval.

Ms. Krynicki noted the maintenance of the Pave Drain system in perpetuity is a concern because of the burden it places on staff and the lack of expertise in the department to know if it has been properly maintained.

Ms. Mozian distributed comments from the Commission's consultant, Brian Curtis, who gave suggested changes to the proposed conditions.

Mr. Field noted that in reviewing the Draft Approval, the conditions related to the paver system speak to the overall concerns of the long-term viability and maintenance of the Pave Drain system.

Motion to approve.

Motion: Corroon Second: Rycenga

Mr. Corroon withdrew his motion to approve.

Motion to deny.

Motion: Perlman

Ms. Rycenga began reading from the Draft and the Commission discussed the Feasible and Prudent alternatives.

Mr. Perlman withdrew his motion to deny.

The Commission voted to continue the deliberation to October 18, 2017 in order to allow for further edits to the draft denial.

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

The October 11, 2017 Special Work Session of the Westport Conservation Commission adjourned at 9:30 p.m.

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