

**MINUTES
WESTPORT CONSERVATION COMMISSION
JULY 19, 2017**

The July 19, 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
Paul Davis, Secretary
Robert Corroon
Mark Perlman, Alternate
W. Fergus Porter

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the July 19, 2017 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

6. Other Business

- a. Ms. Mozian asked the Commissioners to e-mail her their vacation schedules for August and September as she may be looking to schedule a Special Meeting.
- b. Ms. Mozian noted the CACIWC Annual meeting is November 18, 2017.
- c. Ms. Mozian discussed the potential date of the field trip for the July 31, 2017 Special Meeting. It was agreed that the field trip would be held on July 28, 2017 at 9:30 a.m.

Public Hearing: 7:10 p.m., Room 201/201A.

Ms. Rycenga, Mr. Porter, Mr. Davis, and Mr. Perlman all visited the sites in preparation for the meeting.

- 1. **20 & 26 Morningside Drive South:** Application #IWW/M-10436-17 by Barr Associates on behalf of Leslie Chase & Hilary Newby, Trustees to amend wetland boundary maps #G8 and #G9.

Mel Barr presented the application on behalf of the property owners to amend wetland boundary maps #G8 and #G9. He noted Jay Fain was the soil scientist for the owners and Aleksandra Moch was the soil scientist for retained by the Town. Both agree on the delineated wetland boundary. Wetlands were gained in some areas and lost in others.

Ms. Krynicky reiterated the soil scientists are in agreement.

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

Motion:	Rycenga	Second:	Porter
Ayes:	Rycenga, Porter, Corroon, Davis, Perlman		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

**Findings
20 and 26 Morningside Drive South
#IWW/M 10436-17**

- 1. **Application Request:** Applicant is requesting an amendment for wetland boundary maps #G 08 and G 09.
- 2. **Soil Scientist for Applicant:** Jay Fain, Jay Fain & Associates, LLC
- 3. **Soil Scientist for the Town of Westport:** Aleksandra Moch
- 4. **Plan reviewed:** "Property & Topographic Survey Depicting Wetland Boundary Map Amendment, 20 & 26 Morningside Drive South, Westport, CT Prepared for Grand Development LLC", Scale: 1"= 20', dated June 12, 2017, prepared by DiMarzo & Bereczky
- 5. **Previous Permits Issued:** No previous permits on file
- 6. **Wetlands Description**

Soil report Summary- prepared by Jay Fain dated April 24, 2017 noted the wetlands on site consist of Muddy Brook and an emergent marsh system associated with the floodplain of the brook. The wetlands are found along the eastern portion of the property. The center line of Muddy Brook serves as the property line. The emergent marsh is found in the north western portion of the site.

Mr. Fain describes the following wetland soils occurring on the property:

The wetlands soils on the property consist of alluvial soils identified as **Saco Silt Loam (Sb)**.

Saco silt loam (Sb): This nearly level, very poorly drained soil is on low flood plains of major streams and their tributary. It is subject to frequent flooding. The water table is at or near the surface most of the year. The permeability of the soils is moderate in the surface layer and subsoil and rapid or very rapid in the substratum. Runoff is very slow and water is ponded on the surface of some areas. Available water capacity is high. The frequent flooding and high water table limit this soils for community development, especially for on-site septic systems, and make the soil generally unsuitable for cultivated crops or commercial tree production.

7. Mr. Fain describes the non-wetland soils as the following:

Hinckley gravelly sandy loam (HkB): This gently sloping, excessively drained soil is on terraces , kames, and eskers in stream valleys. The areas are irregular in shape and mostly range from 3-30 acres. Included with this soil in mapping are small areas of somewhat excessively drained Merrimac soils and well drained Aqawam and Haven soils. The permeability of this Hinckley soil is rapid in the surface layer and subsoil and very rapid in the substratum. **The main limitations of this soil for community development are the very rapid permeability in the substratum, droughtiness and slope.** The permeability causes a hazard of groundwater pollution in areas used for onsite septic systems. Droughtiness makes watering necessary for lawns, gardens, and shrubs on this soil. The available water capacity is moderate. The soil dries out and warms up slowly in spring. The main limitation of this soil for community development. The water table makes special design and installation of on-site septic systems necessary. Slopes of excavations are commonly unstable. Where outlets are available, footing drains help prevent wet basements. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction. This soil is well suited for cultivated crops and trees, but drainage is needed in some of the farmed areas. Minimum tillage and the use of cover crops help to control a moderate hazard of erosion in cultivated areas. Machine planting is practical in areas used for woodland. areas of this soil are used for hay, corn, vegetable and nursery crops. Some scattered areas are used for community development and a few small areas are wooded.

8. **Property Description and Facts Relative to the Map Amendment application:**

- a. The site is comprised of two parcels; the first larger parcel is approximately 2.68 acres in size and the second parcel is .50 acres. The 2.6 acre parcel is occupied by a single family residence, studio, shed and landscaped grounds. The 0.5 acre parcel is vacant and maintained as a meadow.
- b. An application is pending with the Water Pollution Control Authority on June 28, 2017 for the property to be serviced by sanitary sewer.
- c. Property is outside the aquifer protection zones and the aquifer recharge areas.
- d. Property is not within the Coastal Area Management zones.
- e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes wetland boundary map G8 as an isolated floodplain with 50% marsh and 50% wooded swamp. The marsh consists of phragmites surrounded by knotweed and various grasses. The wetland boundary map G9 is described as isolated upland with a wooded swamp. It is commented that this is valuable bird habitat.
- f. The WPLO boundary is 15' from the 25 year floodplain boundary as determined by the Leonard Jackson study.
- g. The wetland line is located at the toe of a gentle slope. Land surface shape is linear/linear.

9. The Town of Westport retained the services of Aleksandra Moch to review the proposed wetland boundary.

In a letter dated July 2, 2017 she states she agrees with the proposed wetland boundary as delineated by Jay Fain of Jay Fain & Associates, LLC

The Commission finds the wetland boundary line will be amended to reflect the line as flagged by Jay Fain of Jay Fain Associates, LLC and verified by Alexandra Moch.

Resolution
Application #IWW/M-10436-17
20 and 26 Morningside Drive South

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission

resolves to **APPROVE** Application #IWW/M-10436-17 by Barr Associates LLC. on behalf of Leslie Chase & Hilary Newby Trustees to amend the wetland boundary on Map #G-8 and G-9 on the properties located at 20 and 26 Morningside Drive South with the following conditions:

1. Conformance to the plan entitled: "Property & Topographic Survey Depicting Wetland Boundary Map Amendment, 20 & 26 Morningside Drive South, Westport, CT Prepared for Grand Development LLC", Scale: 1"= 20', dated June 12, 2017, prepared by DiMarzo & Bereczky
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

Motion: Porter

Second: Davis

Ayes: Davis, Perlman, Rycenga, Porter, Corroon

Nays: 0

Abstentions: 0

Vote: 5:0:0

2. **3 Quentin Road:** Application #WPL-10435-17 by Achilles Architects on behalf of Bruce R & Kraemer S Becker for the construction of an in-ground swimming pool and spa. The proposed activity is within the WPL area of Gray's Creek.

Bill Achilles, AIA, presented the application on behalf of the property owner for a 7' by 35' lap pool and a 7' by 7' spa. There is no patio proposed. The pool equipment and generator will be raised above the base flood elevation. They have provided for a tracking pad, silt fence and provisions for dewatering. Drainage will go into a gallery to the north of the pool. They do not anticipate stockpiling. The depth of the pool is estimated at 4.5 feet. The pool fencing will be FEMA compliant.

Bruce Becker, property owner, responded to a fencing question and stated he is looking into an automatic cover. He asked why the pool permit could not be issued administratively.

Ms. Mozian and Ms. Rycenga both tried to explain the property was located in the WPLO area and it required a higher level of review. Final approval requires both the Town Engineer's and The Conservation Commission's approval.

Mr. Achilles added the pool excavation is proposed to be conducted during low tide to avoid the need for dewatering. A ZBA variance was issued for coverage.

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

Motion: Rycenga

Second:

Davis

Ayes: Rycenga, Davis, Corroon, Perlman, Porter

Nays: None

Abstentions: None

Vote: 5:0:0

Findings
3 Quentin Road
#WPL 10435-17

1. **Application Request:** Applicant is proposing to construct an in-ground swimming pool and spa. The proposed activity is within the WPL area for Gray's Creek.
2. **Plans Reviewed:**
 - a) "Existing Conditions Plot Plan Prepared for Bruce R. Becker, 3 Quentin Road, Westport, Connecticut", Scale 1"=20', dated December 18, 2015 and last revised to June 14, 2016, prepared by Leonard Surveyors, LLC
 - b) "Proposed Plot Plan" prepared for Bruce R. Becker, 3 Quentin Road, Westport, Connecticut, Scale 1" = 20', dated June 14, 2017, prepared by Leonard Surveyors, LLC.

- c) "Pool Site Plan prepared for Bruce R. Becker, 3 Quentin Road, Westport, Connecticut", Scale: 1" = 20', dated June 11, 2017, prepared by Ochman Associates, Inc.
3. **WPLO** Waterway Protection Line is located 15 feet from the 9' contour on this property. Portions of this parcel are within the WPLO jurisdiction.
4. **Permits/Applications filed:**
No previous permits have been issued for this parcel

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

FEMA Designated Floodplain-The 100 year floodplain occurs on the property as indicated by FEMA. The property occurs within an Ae zone with a base flood elevation of approximately 11' NGVD. The property lies within the Limit of Moderate Wave Action Line (LiMWA)

The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal flood hazard area" and "tidal wetlands".

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

Coastal flood hazard area is defined by the DEEP 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".**

5. **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 & Erosion Control Board (F&ECB) reviewed and approved this application on July 5, 2017 with conditions.

The Westport Weston Health District has reviewed and approved this application on June 7, 2017.

Section 30-87 (C) of the Waterway Protection Line Ordinance states that the position of the lines may vary from the twenty-five-year storm elevation so as to minimize the area of land to be regulated when a portion of the inundated area below said elevation does not contribute to the flood-carrying capacity of the waterway. Staff reported this opportunity should be possibly considered with future projects within the above referenced parameters.

The project sight is over 275' from Gray's Creek. The Commission finds this property has very level topography and is in an area that is heavily developed residentially. The surrounding properties have also experienced filling and regrading as part of recent existing and proposed redevelopment.

This proposed pool is approximately 7' wide and 45' long will be installed in a level area of grass with no proposed patio.

The Commission finds that an existing wood fence exists around the perimeter of the property and therefore only three small short sections of new FEMA compliant fencing will be installed between the house and the garage and the garage and the westerly property line and the house and the easterly property line.

The property is fully landscaped. The existing plantings in the pool area have already been removed and transplanted. The applicant expressed the desire to plant perimeter screening trees such as a hornbeam in the area of the pool along the western property line.

The pool equipment will be installed above the 100 year flood elevation of 11.0' and existing HVAC units and a proposed generator will be elevated to be FEMA compliant as well.

Access to the pool construction site will be via south of the garage. A proposed stabilized construction access is shown on the site plan and a detailed construction detail has been provided.

A stockpile area has been identified just north of the pool area and a silt fence is shown surrounding this area.

A culvert unit is proposed just north of the proposed pool to comply with the Town of Westport drainage policy. Test hole results show the soils to be sand and gravel with no evidence groundwater or mottling. The Engineering Department has reviewed and approved this drainage design.

Provisions are in place for possible dewatering during the excavation portion of this project.

The applicant will attempt to do excavation activity during periods of low tide to minimize dewatering possibilities.

A silt fence is proposed around the entire project area.

There will be no proposed grading associated with this construction project.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10435-17
Street Address: 3 Quentin Road
Assessor's: Map D 04 Lot 120
Date of Resolution: July 19, 2017

Project Description: For the construction of an in-ground swimming pool, spa pool fencing and a generator. The proposed activity is within the WPL area of Gray's Creek.

Owner of Record: Bruce and Kraemer Becker

Applicant: William Achilles AIA

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 10435-17** 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 July 5, 2017.
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 re-circulating, 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. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "Existing Conditions Plot Plan Prepared for Bruce R. Becker, 3 Quentin Road, Westport, Connecticut", Scale 1"=20', dated December 18, 2015 and last revised to June 14, 2016, prepared by Leonard Surveyors, LLC
 - b. "Proposed Plot Plan" prepared for Bruce R. Becker, 3 Quentin Road, Westport, Connecticut, Scale 1" = 20', dated June 14, 2017, prepared by Leonard Surveyors, LLC.

- c. "Pool Site Plan prepared for Bruce R. Becker, 3 Quentin Road, Westport, Connecticut", Scale: 1" = 20', dated June 11, 2017, prepared by Ochman Associates, Inc.

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: Corroon

Ayes: Porter, Corroon, Davis, Perlman, Rycenga

Nays: 0

Abstentions: 0

Votes: 5:0:0

3. **793 Post Road East:** Application #IWW,WPL-10379-17 by Barr Associates on behalf of DMC Westport LLC for 14 townhouses plus 2 mixed use building for commercial and multi-family units with parking, drainage, landscaping and related site improvements. Portions of the work are within the WPLO area and the upland review area of an unnamed watercourse.

The hearing was not opened due to insufficient notification by the applicant. It was postponed to the September 13, 2017 Public Hearing.

4. **27 Darbrook Road:** Application #IWW,WPL-10421-17 by LandTech Consultants on behalf of Robert & Jennifer Bowman for the construction of a 43' X 61' sports court with associated stormwater drainage system. Portions of the work are within the upland review area and the WPLO area of a tributary to Deadman's Brook.

Eric Bernheim, attorney representing the property owner, stated CGS 7-147, the enabling statute of the WPLO, talks about permanent obstruction in the waterway. He feels the WPLO is not pertinent here since the crossing is temporary. He feels there is no feasible and prudent alternative because there is no alternative to the size of the basketball court. In addition, he feels there is no significant impact; therefore, no feasible and prudent alternative is required. He believes that there are no other feasible alternatives needed. There is no alternative. It is not prudent. The Commission has to consider the property rights of the owner. They need to weigh the fact that the owner is giving a 1.79-acre conservation easement and that the owner and two of his neighbors saved the area from being a house lot.

Tom Ryder, senior biologist with LandTech, described the wetlands on the site including the wetlands. The court will be sealed with latex to prevent migration of contaminants that are in the court's surface. The court was moved by 2 feet since the original application to attain the 100-foot distance from the vernal pool. There will be 180 s.f. of temporary encroachment for the accessway over a portion of the wetland and within the WPLO. There are four drains in the courts corners, which will drain to the stone and then back into the ground. The disturbed area of the accessway will be reseeded and planted. There will be a 3-foot wide mulch footpath leading to the court. It will take about a month to construct the court.

Mr. Perlman asked about the density of the replacement of the restoration plantings.

Mr. Ryder stated the vernal pool study was done in April 2017. They looked for evidence of amphibian life; egg masses, larvae and specific animals. However, they could not access totally access the total depth of the pond because it was too mucky. The man-made pond did have larvae in it but they feel the seasonally flooded woodland in the rear is more valuable. However, there are green frogs in the man-made pond, which are predatory to salamanders. He stated the remaining tree canopy will still provide shade. He noted that only 1.4% of the upland will be disturbed wooded wetland.

Mr. Perlman asked for confirmation that the owner does not anticipate future requests for additional work on the site.

Mr. Bernheim confirmed this. He stated the remaining area of that portion of the lot would be placed in a conservation easement.

Ed Pawlak, professional soil scientist and wetland scientist and consultant to the Commission for this application, stated he is here neither to support nor object to the application but to lend his expertise. He reviewed his letter of July 11, 2017. He inspected the property on June 21, 2017. He performed his analysis in much the same way that LandTech did. The "Former Pond" is still a pond. It is a misnomer in that it just means it was a man-made pond. The pond is full of duckweed indicating eutrophication. He did not observe any erosion. The pond will not fill in with sediment over a lifetime. He found grey tree frogs. There were no spotted salamander larvae in June but he did find them last year and LandTech found them too. Therefore, both ponds serve as vernal pools. He looked at the upland habitat. There are piles of stacked logs along with numerous fallen logs that provide cover habitat for numerous amphibians. He did find the spotted salamander and the red-backed salamander. Spotted salamanders breed in vernal pools. They require upland and forest habitat to live. They are known to migrate 100's of feet between the vernal pool and non-breeding habitat. LandTech estimated the area to be 7.8 acres with 3.4 acres of forested wetland and 4.4 acres of forested upland. Mr. Pawlak recognized this is a small breeding population but noted finding them along a forest edge is uncommon, especially a southern edge. He disagreed with Mr. Ryder in that there will be a negative effect from the tree removal for the court on the breeding habitat. He believes there will be an effect on the small breeding population. However, he does not feel the population will be eliminated. He recognized that he was talking about the impact to wildlife and would leave it up to the Town Attorney to determine if these issues could be considered under the WPLO. He does believe there will be an impact to the physical characteristics of the wetland from the crossing even though it will be temporary and is on the edge of the wetland. There will be temporary compaction of the soil from equipment. Vegetation will be cleared but it will be replanted. An old stonewall will be removed.

Mr. Pawlak noted his suggestions for improvements. This included relocating the dead fall and logs and the removal of invasives. He also would like to add that a cover search be done before construction begins. If salamanders are found, they should be relocated. He concluded that the salamanders will be impacted though they will not be eliminated.

Ms. Rycenga asked about Chris Allan's notation that he could not fully evaluate the pond.

Ms. Mozian asked if there would ever be a good time to fully evaluate the pond.

Mr. Pawlak stated no.

Mr. Corroon questioned whether the Commission would be evaluating this application under the WPLO, if it were not encroaching in the regulated areas of the Inland Wetlands regulations

Mr. Davis asked if the conservation easement is permanent.

Mr. Bernheim stated it is permanent. The conservation easement will be recorded on the land records and will stay will remain unless there is approval from both sides.

Ms. Mozian incorporated the contents of the previous applications, IWW,WPL-10240-16 and IWW,WPL-10271-16 into the record. She noted changes to the staff report. She stated the Commission would need to make a determination of a significant impact in order for alternatives to be discussed. She showed photos of 129 Sturges Highway and 15 Green Acre Lane as examples of tennis courts in Town that are serving double-duty as either basketball and/or volleyball courts and discussed the dimensions of a basketball court versus a tennis court.

	Basketball court	Tennis court
Full court	94' X 50'	60' X 120'
Half court	47' X 50'	60' X 60'
Proposed	44' X 62'	

Ms. Mozian noted the proposed sports court would fit on the existing tennis court. She referenced the vernal pool article in the Spring 2017 issue of The Habitat by Ed Pawlak. She asked why the tennis court could not be used as a feasible and prudent alternative.

Mr. Bernheim stated the tennis court is not what they are asking for.

Rob Bowman, property owner, stated they cannot use the existing tennis court because of the net and moving it sideways does not make it wide enough.

Ms. Rycenga asked if any lighting is proposed.

Mr. Bowman stated no.

Ms. Rycenga noted the Commission has two competing expert reports. One expert says there is a significant impact and the other indicates there is not.

Ms. Rycenga requested where Commissioners stand on the issue by a non-binding straw poll regarding the significant impact. She noted that she felt there is a significant impact based on the expert testimony submitted and staff's report. She noted that she would like the applicant to present feasible and prudent alternatives for review and consideration. The remaining members did not feel it was a significant impact, so no feasible and prudent alternatives are necessary.

Mr. Corroon asked what would the alternate wetland crossing be in all likelihood.

Mr. Bernheim indicated that this access is the best approach and least intrusive. Either, they would need permission from other neighbors to cross their property and/or intrude over other wetland areas.

There was no members of the public present to speak.

The Commissioners in a sense of the meeting decision decided that the activity is not a significant impact, so no feasible and prudent alternative is necessary.

Mr. Pawlak reiterated there is the temporary crossing impact. There will be a temporary impact to the physical characteristic of the wetland. He referenced his November 2016 letter, which noted there would not be an impact to the wetland. He restated there would be an impact to the small breeding amphibian population but they will not be eliminated.

Motion to continue to July 31, 2017 Special Meeting and secure a legal opinion from the Town Attorney as to whether impact to wildlife can be considered for activity outside the WPLO.

Motion: Rycenga Second: Corroon
Ayes: Rycenga, Corroon, Davis, Perlman, Porter
Nayes: None Abstentions: None Vote: 5:0:0

Work Session II:

1. Other business. - **NONE**

The July 19, 2017 Public Hearing of the Westport Conservation Commission adjourned at 9:39 p.m.

Motion:	Rycenga	Second:	Perlman
Ayes:	Rycenga, Perlman, Corroon, Davis, Porter		
Nays:	None	Abstentions:	None
		Vote:	5:0:0