

**MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 8, 2017**

The May 8, 2017 Special Meeting 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
Donald Bancroft
Robert Corroon
Ralph Field, Alternate
Mark Perlman, Alternate
W. Fergus Porter

Staff Members:

Alicia Mozian, Conservation Department Director

Consultants:

Brian Curtis, PE, Nathan Jacobson & Associates
Edward Pawlak, Soil Scientist & Certified Wetland Scientist, CT Ecosystems

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 8, 2017 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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

1. **107 Old Rd.:** Application #IWW, WPL-10397-17 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. Mozian integrated materials from the previous applications IWW,WPL-10322-16 for a 3-lot subdivision and IWW,WPL-10362-16 for a 4-lot subdivision into the record. She also introduced several new pieces of information into the record including:

- May 8, 2017 Letter to the Conservation Commission from LandTech responding to the Nathan L Jacobson & Associates letter of May 2, 2017.
- May 8, 2017 letter to the Conservation Commission from LandTech responding to the Connecticut Ecosystems letter of April 28, 2017.
- Environmental Impact Analyses of the Proposed Four-Lot Subdivision Located at 107 Old Road in Westport, CT, prepared by: Aleksandra Moch, soil & wetland scientist, geologist/hydrogeologist, landscape designer, CPESC, dated April 30, 2017.
- Resume – Aleksandra Moch
- Intervention Pleading filed on behalf of John and Susan Tschirhart of 113 Old Road.
- E-mail from Keith Wilberg, Deputy Town Engineer, re: Possible intermittent watercourse.
- E-mail containing point of clarification from Ed Pawlak that was forwarded to Gail Kelly, Asst. Town Attorney and Darcy Winther, CT DEEP
- Letter from Tim Lester of 8 Forest Drive

Ms. Mozian also showed a map representing the wetland and watercourse and its path to Sasco Brook.

Anna Rycenga stated that the following members walked the site:

Anna Rycenga
Paul Davis
Donald Bancroft
Ralph Field
Mark Perlman
W. Fergus Porter

Anna Rycenga stated that she took 23 pictures of the site during the site walk visit at 10 am and submitted those pictures via email to staff for the record. She also stated that she went back to the site at 2 pm and took 13 pictures of the site after an 1.5" of rainfall. Those pictures were also submitted via email to staff for the record.

Alicia Mozian noted that Colin Kelly took 8 pictures dated April 2017 of the Stormwater Conveyance Swale on the site and presented those to the Commission for review.

Michael Bologna, attorney for the Intervenors, John and Sue Tschirhart, noted that a lot of new information has been submitted into the record and request that the Commission continue the hearing in order to have an opportunity to review it.

Ms. Rycenga stated it was the Commission's intention to continue the hearing.

Rob Pryor, PE of LandTech presented the application on behalf of the applicant. In the 1960's, the house was constructed and the wetland was crossed to access the house.

Approximately 4900 s.f. of wetland was filled. The wetlands is now bifurcated with a 12-inch metal corrugated pipe that conveys water unless there is a bad storm and then the water over-tops the driveway. The plan is to subdivide the lot into four lots into an open space subdivision. This allows them to reduce the area of the lot to the next less restrictive zoning district. In this case, from Res AA, one-acre lots, to Res. A standards of ½ acre lots. Therefore, they are proposing four, ½ acre lots with open space. There will be a private road with municipal sewer and water. The existing septic systems will be removed and a connection to the town sewer line on Old Road will be established. The 2-acres of open space will be preserved in a conservation easement. 10 feet on either side of the road will be planted for screening. In the wetland crossing, they will be raising the roadway to accommodate a 12-foot box culvert to replace the 12-inch pipe that now connects the flow between the wetland on either side of the driveway. It will have a natural bottom, which will allow for wildlife passage. In order to construct the roadway, they will need to fill 603 s.f. of wetland. To minimize this, they are proposing retaining walls on either side of the roadway. There is 777 s.f. of wetland fill proposed and 174 s.f. of wetland fill removal proposed. Mr. Pryor stated the Engineering Department had approved the design. The Flood and Erosion Control Board approved it in January when it was a 3-lot subdivision.

Mr. Pryor noted the plans show 25% coverage, which is a complete build-out of the lots and the drainage is designed for this. The houses were designed to meet the 50-foot setback from the wetland. This, however, is a conceptual plan and each house could come back to the Commission individually. The lots range in size from ½ acre to 1.3-acres. Lot 2 is bigger because of the wetland pocket. All houses are roughly 3,000 to 4,000-s.f. floor area.

Mr. Pryor stated most of the footing drains will have to be pumped on these lots due to the flatness of the property. The roadway drainage goes to a proposed stormwater wetbasin. Currently the runoff sheetflows off the driveway. The stormwater wetbasin will treat the runoff, about 13,000 c.f. of stormwater volume will be treated, which exceeds the CT DEEP's Stormwater Quality manual. Runoff rates will be reduced compared to existing conditions. It currently take 18 hours for a 25-year storm event to drain. Under proposed conditions, it will take 2 to 3 hours for a 25-year storm event to drain. Runoff volume and rates will be decreased so they see no negative impact to the neighbors. Insofar as the 50-year and 100-year storm events are concerned, the 50-year storm will increase by ¾ inch and the 100-year storm will increase by ½ inch.

Mr. Pryor stated concerning the wetlands impacts, they are first trying to avoid it with their design and then secondly, minimize it. They tried to avoid it but crossing the wetland is unavoidable. They have to cross it to get to the buildable land. They are minimizing the impact by keeping the crossing to a minimum with the use of retaining walls. They are connecting the wetlands that have been separated and are now proposed to be joined by a box culvert. The utilities will be underground. The utility pole lines will be removed. He noted that in order to get the sewer into the property from Old Road, there is a deep trench needed.

Ms. Rycenga asked for clarification of the roadway width.

Mr. Pryor reviewed the roadway details including:

- 20 feet for pavement
- 2 feet for the retaining wall on either side
- 18 feet for plantings, where able

Equals: 40 feet of right-of-way

The area of the roadway will be raised only near the wetland crossing. The roadway has to be raised above the 25-year flood event, which is about 2 to 2 ½ feet.

Anna Rycenga asked Mr. Pryor if it is in his professional opinion based on the drainage pre and post calculations, there will be no negative impacts to up or downstream properties.

Mr. Pryor stated yes.

Mr. Bancroft asked where the dewatering for the trenching would go.

Mr. Pryor stated that has to be figured out.

Ms. Mozian asked about the conservation easement proposed along either side of the roadway.

Mr. Pryor explained this is because the new road results in the neighbors having two front lot lines according to the Zoning Regulations, thereby changing their setback. Therefore, they have created the conservation easement so it does not count as a front setback.

Chris Allan, soil scientist and wetland scientist with LandTech, stated there are three different wetlands present on the property including:

- Area adjacent to the driveway, which is saturated;
- Area on the eastern side, which is seasonally saturated and a stonewall divides the two; and
- A wetland pocket to the rear of the property in the northeast corner.

The property is a park-like setting with not a lot of understory. There is lawn, pachysandra and invasives. The deer are plentiful. He believes a wildlife corridor is not present because there is no ground cover or mid-story for them to utilize.

Mr. Allan discussed the roadway crossing. The box culvert is much better than a pipe. The box culvert restores the hydrologic connection. A federal wetland permit no longer allows piped crossings.

Mr. Allan discussed the stormwater wetbasin, which is designed as a wet bottom basin. This method of pollutant removal is well documented as an excellent method for pollutant removal. It will be planted with wetland plants. There is tree clearing needed to create it. They will be planting shrubs and trees to enhance the wetland edge. This will add to the habitat diversity. The trees that will be impacted on the western side have emerged and grown after the initial wetland crossing in the 1960's. All trees that are not removed will provide shade to the wetland.

Mr. Allan stated that in order to compensate for the area of wetland to be filled, a new wetland was proposed. He no longer believes this is a good idea. Instead, they will remove the pachysandra bed and replant it with native plantings. Also, the Japanese barberry will be removed and replaced with native plantings.

Mr. Corroon asked if there were a wildlife corridor, what species would be present.

Mr. Allan stated he has seen deer, coyote and other suburban wildlife species.

Ms. Rycenga confirmed with Mr. Allen that it is his opinion that there would be no impact to the wetland.

Mr. Allan agreed.

Mr. Davis asked for a discussion about the stormwater swale in the northern section.

Mr. Allan stated four soil scientists have determined this swale is not a wetland. The conservation easement is proposed to protect the relocated stormwater swale from being filled in by future homeowners.

Ms. Mozian asked how the relocated swale was designed and if it would handle the amount of water that passes through it.

Mr. Pryor stated they used the Town topo to determine the ponded area and took the elevation at the base of the stonewall. They modeled a broad crested weir. They are 40% effective in open area. Groundwater was not considered.

Ms. Rycenga asked about the large stockpiles of brush.

Mr. Pryor stated the stockpiles were there last January and are not new.

Ms. Rycenga requested the trees to be removed in the wetbasin and for the road construction to be marked. She also asked that each tree be marked with a flag that is to be removed.

Mr. Pryor submitted a memo prepared by realtor, Pat Abagnale of Halstead Realtors whom the owner has been working with, estimating the value of the lots ranging from one to four concluding that it may be feasible to build less lots but it would not be fiscally prudent. He presented 3 feasible and prudent alternatives (Sheets FP-3 & FP-2) including:

- A 3-lot subdivision – no reduction to impact because the road width would remain the same. The basin would be smaller and less trees would be cut down in the upland review area. The box culvert remains.
- A 2-lot subdivision – the road width decreases from 20 feet to 18 feet. There is a 329 s.f. reduction in filling, which is about ½ the size of the meeting Room 201/201A. The basin still is built but is smaller. The box culvert remains. The houses get larger with pools and tennis courts allowed because of allowable zoning coverage.

Mr. Field asked about a PUD (Planned Unit Development.)

Mr. Pryor stated even under a PUD, the driveway width would remain the same.

Mr. Field noted they are putting in a lot of infrastructure that will be the responsibility of the Homeowner's Association to maintain since it is a private road.

Mr. Perlman asked if the stonewalls that cut across the property will remain.

Mr. Pryor stated the majority of both of the stonewalls will remain except near the stormwater basin. The conservation easement will be delineated with markers.

- No subdivision, 1-lot option – they still need to bring in utilities, therefore, the roadway would still need to be improved.

Ed Pawlak, soil scientist and certified wetland scientist with CT Ecosystems and consultant to the Commission, stated he attended the site walk with the applicant and staff. He conducted a second inspection with Mr. Allan. He has reviewed the reports submitted. He reviewed his April 28, 2017 report. He raised many questions. He did get Mr. Allan's report of May 8, 2017 but did not have time to thoroughly review it and respond. He noted the wetlands flags were replaced and that was helpful. He asked for the trees in the wetbasin and the roadway to be flagged. He indicated that there is no depth to mottling noted in the test pit results. This is necessary to know in order to determine drainage gallery design. He noted that in some cases groundwater was observed not by mottling. He recommended stand pipes be installed to measure seasonal high groundwater. He indicated there should be at least one in the center of the stormwater basin. He believes there should be a standpipe for each of the house lots, but since the house designs are not before the Commission, LandTech thinks this can wait.

Brian Curtis, PE with Nathan Jacobson & Associates and consultant to the Commission, indicated he was hired to look at stormwater and groundwater management. He agrees that standpipes should be placed in the location of the galleries for each house site. It appears the soils may be okay but this is easy to do and will then result in no surprises in the future when houses are designed. He noted that the fact that the driveway is going to be raised means it will serve as a weir. They want to make sure it does not create more water on the properties along the west side of the road. The footing drains will be higher than the basement, so the basements will have a sump pump. Sand and gravel soils do not fluctuate as much as glacial till.

Aleksandra Moch, soil scientist and certified wetland scientist for the Intervener, stated she would provide her comments in response to LandTech's response. The stormwater wetbasin will act as a mosquito basin. If it is chemically treated, it defeats the purpose of the basin which is to provide water quality treatment for road runoff. The applicant should consider relocating the basin further from the wetland to save more of the wetland buffer.

John Tschirhart of 113 Old Road asked when at the January meeting with a 3-lot subdivision proposed, the Commission found there was a significant impact, and a feasible and prudent alternative was required, why a 4-lot subdivision is now proposed.

Ms. Rycenga stated the application has a right to propose anything they wish however, must demonstrate compliance with all applicable land use regulations.

Hillary Tanner of 10 Forest Drive, property directly adjacent to the west, stated she has seen fox, deer and hawk in the area. She stated the wetland in the rear of her property has gotten wetter in the last 5 years. The groundwater fills up quickly and flows through the wall. She questioned whether the groundwater levels had been tested near the wall. She asked where the sump pumps would discharge.

Jerry Wilke of 15 Mallard Lane asked how long it would take before construction starts if this project were given a green light with approvals.

Ms. Mozian estimated it would be the end of the year to get through the subdivision process. She noted the owner would then have to put in the road and sell the lots.

Chris Fitch of 9 Mallard Lane questioned whether there would be more water going into the east side of the wetland or less.

