

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

The April 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:

Pat Shea, Esq., Chair
Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft
Mark Perlman, Alternate
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 April 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

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. Mozian reported there were four changes to the agenda including:

1. Eliminate **61 Kings Highway South** from Work Session II.
The Flood and Erosion Control Board reviewed the request and determined that they wanted a full application review. This made the request to the Conservation Commission moot. The applicant has submitted an application and is scheduled for the May 17, 2017 agenda.
2. **793 Post Road East:** Application #IWW/M-10365-17 has been postponed to May 17, 2017. This allows for additional time for the two soil scientists to meet on-site as there is a discrepancy in a few areas.
3. **50 Cranbury Road:** add to Work Session I – request by Stephanie Szostak to legalize a shed partially within the wetland area.
4. **1 Quentin Road:** Work Session I – postpone this request until a plan is received.

Motion to amend the agenda as proposed.

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Davis, Perlman, Porter		
Nays:	None	Abstentions:	None
			Vote: 6:0:0

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

1. **Receipt of Applications**
 - a. **320 Bayberry Lane:** Application #IWW,WPL-10391-17 by Rob Pryor of LandTech on behalf of Frederica S Brenneman to subdivide the existing property into two lots, preserving the existing structure and barn structure. One lot will be developed and consist of a single-family dwelling, driveway, pool and associated site improvements. A portion of the proposed activity is within the upland review area and the WPL area of the Aspetuck River.
 - b. **303 Bayberry Lane:** Application #IWW,WPL-10390-17 by McChord Engineering Associates, Inc. on behalf of Jacob & Marjorie Salik for the construction of a new pool spa, pizza oven, outdoor bar, patio, and associated site improvements. A portion of the proposed activity is within the upland review area and the WPL area of the Aspetuck River.
 - c. **12 Rustic Lane:** Application #IWW/M-10392-17 by Carol Kaplan to amend wetland boundary map #H7.
 - d. **61 Kings Highway South:** Application #IWW,WPL-10389-17 by Richard A Bennett, PE on behalf of Joseph Valeski for the construction of a new single family dwelling with driveway, pool, patio, retaining wall, storm water drainage system, and associated site improvements. A portion of the proposed activity is within the upland review area and the WPL area of an unnamed tributary of the Saugatuck River.
 - e. **793 Post Road East:** Application #IWW,WPL-10379-17 by Barr Associates LLC on behalf of DMC Westport LLC to construct a development consisting of 4 multi-family buildings totaling 14 townhouses, and 2 mixed-use buildings with both commercial and residential units. The application also includes parking areas, stormwater drainage, and related site improvements. A portion of the proposed activity is within the WPL area of an unnamed stream that drains into the West Parish Branch of Muddy Brook.

- 4. 1 Quentin Rd.:** Request for issuance of a staff-level permit to construct a 2 ft. high stone landscape wall along the southern property boundary extending between Compo Beach Rd and the existing driveway. The proposed work is located within the WPLO area of Grey's Creek.

This request was postponed pending receipt of a plan.

- 5. 1 Bluff Point:** Request for issuance of a staff-level permit for alterations and renovations to raise the two existing electrical services above the FEMA base flood elevation to make the buildings that house the electrical services FEMA compliant. Also, a request to modify Permit #WPL-9942-14 and eliminate Condition 13 requiring that all walkways be constructed and maintained as permeable. All work is within the WPLO area of the Saugatuck River.

Ms. Mozian reviewed a request for alterations and renovations to raise the two existing electrical services above the FEMA base flood elevation to make the buildings that house the electrical services FEMA compliant. Also, a request to modify Permit #WPL-9942-14 and eliminate Condition 13 requiring that all walkways be constructed and maintained as permeable. The request to eliminate Condition 13 would be substituted with a raingarden on the west side of the pavilion and they would also repair the area now subject to erosion and install a planting buffer on the east side. She recommended the condition for this is that the plantings be approved by the Conservation Department and a bond is posted. Once the bond is posted, the Conservation Certificate of Compliance for the pavilion can be issued.

Motion to allow staff to issue a staff-level permit for the two additions. A planting plan and bond is required for the elimination of Condition 13 of WPL-9942-14.

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Davis, Perlman, Porter		
Nayes:	None	Abstentions:	None
			Vote: 6:0:0

6. **8 Brookside Place:** Request for issuance of a staff- level permit to legalize the removal of a patio and replacing it with a deck; replacement of a bilco areaway in disrepair with a door and steps; and, reconfiguration of a front entry and walk/drive. Additionally, request to raise the a/c unit above the flood elevation and to properly anchor the oil tank.

Ms. Mozian reviewed the three requests for issuance of a staff level permit including requests to legalize the removal of a patio and replacing it with a deck; replacement of a bilco areaway in disrepair with a door and steps; and, reconfiguration of a front entry and walk/drive. Additionally, request to raise the a/c unit above the flood elevation and to properly anchor the oil tank. She stated the architect has verified that the owner will provide a proper containment area for the aboveground oil tank. The property in the Aquifer Protection Overlay Zone.

Motion to allow staff to issue a staff-level permit with conditions.

Motion: Shea	Second:	Porter
Ayes:	Shea, Porter, Bancroft, Davis, Perlman, Rycenga	
Nayes: None	Abstentions:	None Vote: 6:0:0

7. Other Business

- a. 50 Cranbury Road:** request by Stephanie Szostak to for issuing a staff level permit to legalize a shed partially within the wetland area.

Ms. Mozian reviewed a request for issuing a staff level permit to legalize a shed partially within the wetland area. The shed was installed more than five years ago prior to the present owner. The wetland flagging done for the pool revealed it is partially within the wetlands. It is built on gravel and rests on wood planks. There is no impact to the wetland.

Motion to allow staff to issue a staff level permit to legalize the shed.

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Davis, Perlman, Porter		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

Public Hearing: 7:30 p.m. Room 201/201A.

1. **793 Post Road East:** Application #IWW/M-10365-17 by Evans Associates on behalf of DMC Westport LLC to amend wetland boundary map #E9.

This application was postponed to May 17, 2017 to allow additional time for the two soil scientists to meet on-site as there was a discrepancy in a few areas.

brevipendunculata are found along the transition zone between tidal wetlands and uplands.

- h. The lap pool, terraces and pool equipment pad have an approximate area of 1,800 s.f.
- i. The Westport Weston Health Department approved this application on February 21, 2017.

5. **Coastal Area Management:** Property located within CAM zone. The coastal resources identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area 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”.**

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.

Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten meter contour.

6. The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

“ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface 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 at its April 5, 2017 hearing. All proposed construction activity is located 50' from the edge of the tidal wetlands.

The applicant proposes to install precast concrete galleries to collect the post development stormwater runoff. The drainage system has been sized to handle the first 1.0" of rainfall to remove stormwater pollutants and provide water quality treatment. The Commission finds the pervious surface as proposed by the applicant for the terraces and subsequent discharge to the soil below as a “Low Impact Development” practice that provides treatment of the stormwater through the soil below and is the preferred method for biological treatment. Because this application provides both methods the Commission finds the proposed stormwater renovation is satisfactory.

The pool equipment will be elevated to above the 100 year flood elevation of 13.0' NGVD. The pool will be located in an area of existing lawn and no tree or shrub removal is needed for this installation.

Temporary construction access will be off the existing drive.

The lap pool is proposed to be 3.5' to 4' deep. Ground elevation in the vicinity of the pool is approximately 8.0'. This indicates the bottom of the pool to be approximately elevation 4.0'. The Mean High Water elevation in this area is approximately 3.3' so therefore the pool bottom should be above the tidally influenced groundwater table. However, the Commission finds the contractor will have dewatering equipment on site should it prove necessary.

The Commission finds that all excavated material not utilized in the construction of this project will be removed from the site.

Silt fence is proposed to surround the construction and the temporary stockpile area. Due to the level site conditions and the limited proposed excavation, the Commission finds this should prove sufficient.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10364-17
Street Address: 19 Duck Pond Road
Assessor's: Map A 03 Lot 024
Date of Resolution: April 19, 2017

Project Description: For the construction of a proposed lap pool, terraces and associated site improvements. The work is within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Eric and Victoria Katz

Applicant: Barr Associates, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 10364-17** 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 conditions of the Flood and Erosion Control Board of April 4, 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. "As-Built Plot Plan Prepared for Eric J. and Victoria L. Katz, 19 Duck Pond Road, Westport, Connecticut", Scale: 1" = 10', dated July 15, 2015, prepared by Leonard Surveyors LLC
 - b. "Proposed Site Improvements Plan for a Pool and Terrace, Site Plan Details & Notes prepared for Eric Katz, 19 Duck Pond Road, Westport, CT", Sheet 1 of 1, dated: February 6, 2017, Scale: 1" = 20', prepared by Chappa Site Consulting, LLC
17. The site contractor shall have all necessary dewatering equipment on site prior to the initiation of any excavation activity.

18. All excavated material not utilized in construction of the pool and terraces shall be removed from the site with a construction inspection to verify by the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
19. An electronic file of the flagged tidal wetland line shall be submitted to the Conservation department 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.

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: Rycenga

Second: Shea

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

Nays: 0

Abstentions: 0

Vote: 6:0:0

- 3. 15 Spriteview Avenue:** Application #WPL-10378-17 by LANDTECH on behalf of Oliver Wilson to demolish the existing residence and construct a new single family residence, driveway, in-ground pool and associated site improvements. The proposed activity is within the WPLO area of the Saugatuck River.

Rob Pryor, PE of LandTech, presented the application on behalf of the property owners. The proposal calls for the demolition of the existing residence and the construction of a new single-family residence. The existing aboveground oil tank will be removed. The property is a non-conforming lot. The current coverage for the lot is 39% and the proposed coverage is 35%. They have secured a ZBA variance for coverage. The patio will be permeable for the pool. The drainage galleries will handle the roof runoff. The Flood and Erosion Control Board approved the proposal at its April 5, 2017 meeting. Mr. Pryor reviewed the construction sequencing. The existing driveway will be used for access. They will work from the rear forward. The pool will be built last. Stockpiling of material will be minimal.

Ms. Krynicky noted all the trees on the site were removed. In addition, there is running bamboo on the eastern property line. That needs a barrier installed. She asked for planting around the pool. Also, a one-tree replacement for every two trees removed.

Ms. Mozian noted the staff would determine the number of stumps cut. The heat will be serviced by an anchored, underground oil tank. The pool fence will be around the pool only. The property will be serviced by sewer. The pool filter and mechanicals will be under the first floor deck. The a/c units will be within the roofline so as not to increase coverage. Pool depth will be within groundwater so dewatering provisions will be necessary.

John Cashin of 11 Spriteview Avenue stated he is looking forward to a new home. The property at 15 Spriteview Avenue has been draining onto his property for 21 years.

Mr. Pryor stated the proposal would meet Town drainage standards. The roof leaders are going to galleries and the patio and driveway will be permeable. The trench drain was removed from the original plan.

Ms. Mozian suggested that at least one of the new deciduous trees could be placed in the northwest corner of the property for additional flood absorption.

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

Motion:	Shea	Second:	Porter
Ayes:	Shea, Porter, Bancroft, Davis, Perlman, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

Findings
Application #WPL 10378-17
15 Spriteview Avenue

- 1. Application Request:** Applicant is proposing to demolish the existing residence and remove the existing driveway. The new construction will elevate the single family residence to FEMA compliance. There is a proposed reduction of coverage in the area of the existing driveway. There are no inland or tidal wetlands on this parcel. The property lies wholly within the boundaries of the Waterway Protection Line Ordinance.
- 2. Plans reviewed:**

- a. "Zoning Map of Property Prepared for Oliver Wilson, 15 Spriteview Avenue, Westport, CT", Scale: 1"=10', dated November 15, 2016, prepared by Dennis A. Deilus- Land Surveyors
- b. "Site Improvements for a Proposed Tear Down Rebuild, Site Plan Prepared for Oliver Wilson, 15 Spriteview Avenue, Westport, CT" (Sheet C-1), Scale 1" = 10', dated February 7, 2016 and last revised to April 4, 2017, prepared by LandTech
- c. "Site Improvements for a Proposed Tear Down Rebuild, Notes and Details Prepared for Oliver Wilson, 15 Spriteview Avenue, Westport, CT" (Sheet C-2), Scale 1" = 10', dated February 7, 2016 and last revised to April 5, 2017, prepared by LandTech
- d. Architectural Plans entitled: "Wilson Residence, 15 Spriteview Avenue, Westport, Connecticut", (6 sheets), dated February 13, 2017, prepared by Edward Clemente

3. Property Description:

Location of 25 year flood boundary: 9 ft. contour interval. Currently, property is located entirely within the WPLO boundary.

100 year flood boundary is elevation 13 ft.

Proposed First Floor Elevation: 16.7 ft.

Existing Site Coverage: 39.1%

Proposed Site Coverage: 35%

Aquifer: Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within either of the Town's wellfield protection zones.

Coastal Area Management: Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

Proposed Stormwater treatment: Roof leaders will be directed to proposed drainage galleries to two locations in the rear of the proposed residence. A planted row of vegetation is proposed on the northeast side of the residence adjacent to Harbor Road. Areas for additional biofiltration appear limited.

Previous Permits issued: There are no previous permits on file.

The Flood and Erosion Control Board approved the application with conditions on April 3, 2013. The stormwater discharge from the site will comply with the applicable rules and regulations of the Town of Westport.

The Westport Weston Health District has issued a statement dated March 29, 2017 which states there should be no issues with our office approving the plans once an application is submitted with site plans and specs on the proposed filter. The Health Department subsequently approved the application on April 6, 2017.

4. The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

" An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface 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 application proposes to remove the existing structure and to reconstruct a new structure to be FEMA compliant. The existing driveway on Spriteview Avenue shall be removed and a new smaller driveway is proposed to be installed.

Due to a substantial decrease in proposed driveway coverage, the proposed total coverage is reduced from 39.1% to 35%.

Not included in the Zoning calculations for coverage is another 1575 s.f. being contributed by the proposed pool and patio. The applicant has proposed a pervious surface to help reduce stormwater runoff. A gravel driveway is also proposed.

The Commission finds the velocity of any sheet flow stormwater runoff from the property will be minimal as the property is nearly level and soil conditions show a groundwater table depth of approximately 4.5 feet. Topography on the site shows flow direction is from east to west. The NRCS soils map indicates the upland soils in the vicinity of this parcel to be Udorthents-Urban land complex which is well drained soil.

The permeable patio shows a small retaining wall surround with a note that it is designated to be a landscape area. No plantings are show however, it can act as biofiltration for any stormwater not infiltrated through the pervious patio surface and therefore, the Commission finds this area will be planted. A landscape schedule will be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning permit.

The Commission finds that all existing deciduous trees on the parcel have been removed. Replacement trees shall be planted at a rate of one tree for each two removed to help with soil stabilization and flood water infiltration.

The roof leaders on this residential dwelling are proposed to be discharged to subsurface drainage galleries at the rear of the residence. Given the size of the parcel combined with the soil and the topographical features, the Commission finds this measure appears to be the **best management practice** for stormwater treatment of the roof runoff for this property.

The drainage system has been sized based on the required water quality volume and runoff control for the 25-year storm event for the site. Four inches of storage volume for the proposed pool is assumed.

The 2004 Connecticut Stormwater Manuel provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. The Commission finds that as Saugatuck Shores is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The property will be connected to the municipal sewer service.

The permeability of the driveway surface on this intensely developed site is important as porous surfaces detain stormwater and allows it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. A construction detail for the driveway construction has been provided for this project. The design incorporates a sufficient base and storage capacity for the required rainfall capacity. Water that is slowly recharging groundwater sustains base flow for streams, wetlands and rivers. The constant flow of water they receive sustains water levels and contributes to the health of the groundwater.

Because the natural topography of the site drains from east to west, the applicant has proposed the driveway to be permeable. A construction detail has been submitted to the Conservation Department and approved by the Engineering Department. Inspections will occur during the construction to assure it is installed properly. The Commission finds this method of handling the stormwater runoff from the driveway assures sheet flow of stormwater runoff does not exit the parcel onto the adjacent street.

The entire property lies within the WPLO boundary. The house will be rebuilt to conform to FEMA standards with the first habitable floor constructed at 16.7' which is above the 100 year base flood elevation of 13'.

Sediment and erosion controls is proposed around the perimeter of the parcel which should provide adequate protection as this parcel is very level. An anti-tracking bed is shown in the location of the existing drive. The proposed soil stockpile is located in the north easterly corner of the property. The Commission finds this is acceptable due to the sequence of construction and/or a possible relocation can be entertained if necessary at the time of construction in the field with staff.

The heating fuel source was identified by the applicant at the public hearing. It is proposed to be an underground propane tank properly installed and anchored. All utilities will be elevated above the 100 year flood elevation within the proposed building footprint. The Commission finds that installing a bamboo barrier on the easterly property line will help retard the intrusion of bamboo onto the parcel.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10378-17
Street Address: 15 Spriteview Avenue
Assessor's: Map B 02 Lot 174
Date of Resolution: April 19, 2017

Project Description: For the construction of a new FEMA compliant single family dwelling, swimming pool, patio, driveway and associated site improvements. The work is within the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Oliver Wilson

Applicant: LandTech, Inc.

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 10378-17** 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 conditions of the Flood and Erosion Control Board of April 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. "Zoning Map of Property Prepared for Oliver Wilson, 15 Spriteview Avenue, Westport, CT", Scale: 1"=10', dated November 15, 2016, prepared by Dennis A. Deilus- Land Surveyors

- b. "Site Improvements for a Proposed Tear Down Rebuild, Site Plan Prepared for Oliver Wilson, 15 Spriteview Avenue, Westport, CT" (Sheet C-1), Scale 1" = 10', dated February 7, 2016 and last revised to April 4, 2017, prepared by LandTech
 - c. "Site Improvements for a Proposed Tear Down Rebuild, Notes and Details Prepared for Oliver Wilson, 15 Spriteview Avenue, Westport, CT" (Sheet C-2), Scale 1" = 10', dated February 7, 2016 and last revised to April 5, 2017, prepared by LandTech
 - d. Architectural Plans entitled: "Wilson Residence, 15 Spriteview Avenue, Westport, Connecticut", (6 sheets), dated February 13, 2017, prepared by Edward Clemente
17. Driveway and terraces shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
 18. Contractor shall have dewatering provisions on site for dewatering of the pool excavation activity. The equipment and location for the dewatering shall be witnessed and verified by the Conservation Department staff prior to the initiation of any excavation.
 19. A detailed landscape plan for the proposed plantings for the area surrounding the pool and replacement trees of one tree for each two previously removed shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
 20. A bond to cover the cost of the plantings and replacement trees shall be submitted to the Conservation Department prior to issuance of a zoning permit. Bond monies shall be held for one year following the date of planting.
 21. All proposed mechanical equipment shall be installed in conformance with all floodplain regulations and state building code requirements.
 22. Sediment and erosion control fencing must be placed around the perimeter of the property boundary prior to work commencement and must remain in place until site is fully stabilized.
 23. The property to the east contains a large area of Running Bamboo. The Commission recommends the property owner install a proper bamboo barrier along the eastern property line to retard the spread of the bamboo onto the subject property.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

Motion: Shea

Second: Rycenga

Ayes: Davis, Bancroft, Shea, Porter, Rycenga

Nays: 0

Abstentions: 1

Vote: 5:0:1

- 4. 3 North Ridge Road:** Application #IWW,WPL-10381-17 by Kousidis Engineering, LLC on behalf of Sherri Raifaisen to construct a new pool, patio, retaining walls, and associated site improvements. Portions of the work are within the wetland, the upland review area and the WPLO area of an unnamed tributary to Willow Brook.

William Kenny, LA, soil scientist and wetland scientist, presented the application on behalf of the property owner. The project has received approval from the Health Department for a new reserve septic system and from the Flood and Erosion Control Board. This is a 2-acre property with an asphalt drive, patio and decks. An Aspetuck Land Trust property borders the property to the north. The wetlands were flagged over a year ago. The property slopes south to north. The wetland functions as groundwater discharge. It is a lawn so it has no habitat value. The wetland meets the definition of a wetland but it is not high functioning. The proposed pool is 18' by 30' with a 5' wide patio closest to the wetland. They could not site the pool elsewhere due to the forest, the wetland and the existing septic system. There is a 1,500-s.f. increase in impervious cover, which will be directed to a drainage gallery. A trench drain will go around the patio that will drain to the gallery. The existing fence will be used as the pool fence. Access for construction does include a temporary disturbance. It will include stone wrapped in filter fabric. The sediment and erosion controls will be silt fence and haybales.

Jim Kousidis, PE, stated the Flood Board approved on April 5, 2017. They wanted extra silt fence fortification so they required haybales. Equipment and materials will be stockpiled on the driveway. The patio will be elevated. They are working with a structural engineer to design the engineered walls that are 8 feet high next to the house. He stated the pool will be built first, then the wall. The wetland crossing can be stone wrapped in filter fabric. The steel plates will not distribute the weight of the heavy machinery as well. The wetland restoration plantings are focused on the north side to serve as a buffer to the higher quality wetland. At the wetland crossing, a fine sandy loam would be used for restoration to replicate the Leicester soils and has to be at the elevations.

Ms. Mozian asked if the pool needs to be drained.

Mr. Kousidis stated it does. It has to be drained 6 inches in the winter. It will be done in conformance to DEEP guidelines. He added a track excavator would be used for the pool excavation and the wall. The drainage system will be installed first. The stockpile area will be used for excavated soils for the pool but then reused behind the pool. He indicated a site monitor is not necessary.

Carmine Callabrese of 190 North Avenue, an abutting property owner to the west, expressed concerns with his well, which is close to the adjoining property lines. He is concerned with pool water discharging into his yard annually near his well and the wetlands.

Mr. Kousidis and Mr. Kenny both explained the pool water discharge would most likely be in the northeast corner of the property, the opposite side of the property.

Ms. Rycenga read the Standard Conditions of Approval to Mr. Callabrese when discharging wastewater from swimming pools and noted that the property owners cannot discharge directly to a wetland and/or watercourse.

- b. FEMA Designated Floodplain- The 100 year floodplain as determined by FEMA does not occur on this property.
- c. Wetlands Inventory Study Description prepared by Flaherty Giavara Associates, P.C. June 1983, indicate the wetland occurring on this property is "streamside," "floodplain," "intermittent watercourse," and "wooded swamp." This wetland is considered part of the floodplain of Willow Brook.
- d. Property is not located within the Coastal Area Management zones.
- e. The property is not located with an Aquifer Protection Overlay Zone or over an aquifer.
- f. The Westport Weston Health District approved the in-ground pool application on February 22, 2017.

9. Vegetation Description

The subject property occupies approximately two acres of moderately sloping terrain. The site is residentially developed with a two story home. Turf and mature landscape plantings about the residence. Peripheral sections to the west, south and east are wooded with mature trees.

10. 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

The Commission finds the location of the pool was chosen to be in an area that is covered by fair-to-poor maintained lawn area after the applicant ruled out the north side of the house due to mature trees, location of septic system, the lack of sun and actually placing the pool further west within the wetland boundary.

The Commission finds the proposed pool is located within the 35' IWW upland review area and a portion of the WPLO. The patio and the western side of the retaining wall are also located within the 30' IWW upland review area setback and the WPLO.

The Commission finds the existing topography on the easterly side of these site improvements is steep and thus the need for the four foot high retaining wall which helps to avoid further grading and filling into the wetland area.

The Commission finds that due to the existing topography, site improvements and the septic system location, construction access is proposed to take place across the southern tip of the delineated wetland. An area approximately 15' wide by 30' at its longest point will receive a layer of filter fabric overlain with 6" of crushed stone. The Commission finds that this is the only realistic point of entry for the construction activity and that crossing this area should be done during the dry season. This will be essential to help protect from excessive rutting and sediment and erosion issues that may arise when the groundwater table is at its highest. Restoration of this area will be essential.

The existing site contains a perimeter deer fence and a wire fence along the southern edge of the wetland. The Commission finds that no further fencing will be required for this project.

The anti-tracking pad for the construction entrance will continue in a southerly direction and meet up with the existing asphalt drive.

A stockpile area surrounded by silt fence has been located adjacent to the construction access. The Commission finds that the fill will be utilized for the pool retaining wall and that no excess fill will be left.

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, will not result;
- d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- e) all applicable state and local health codes shall be met;
- f) 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
- g) prevents pollution of surface water

The applicant has received a Health Department approval on 2/22/17 for the construction of the swimming pool. A modular media cartridge filter with no backwash is proposed.. The applicant has agreed to use a modular media filter due to the fact that it is a closed system that does not require the discharge of pool waters but rather the change of filters. The property is not underlain by an aquifer.

A B100A septic system location has been identified and approved by the Westport Weston Health Department.

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.

Erosion and sediment controls are proposed approximately 8' downgradient of the pool area construction and the proposed construction entrance. The Commission finds that as determined by the Flood and Erosion Control Board, haybales will be staked in tandem with the silt fence.

The Commission finds that due to the relatively flat topography west of the pool construction area, the proposed erosion and sediment controls should prove effective and the project will not cause sedimentation and erosion problems provided the silt fence and haybale installation is maintained during construction.

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.
- g) *Planting plan included with application as mitigation for the proposed activities*

The area where proposed activity is to take place is dominated by lawn. Temporary disturbance is anticipated during the installation of the pool. The applicant has submitted a wetland restoration plan which shows the northerly side of the wetland to be planted with groundcover and shrubs. The main focus of the restoration effort is to protect the northern edge of the more important forested wetland.

In order to protect the wetlands from further intrusion, the Commission finds the wetland edge shall be re-flagged in the field prior to the initiation of any construction activity.

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

The Engineering Department has reviewed and approved the drainage design. The Flood and Erosion Control Board approved this application on April 5, 2017.

The upland soils in the area of the proposed infiltration system are classified by the NRCS as Charlton-Chatfield complex, very rocky and a well- drained soil.

The subsurface drainage system consists of 14 lineal feet of Cultec R-280 Rechargers surrounded by 1 foot of clean crushed stone. The drainage system is capable of holding the first flush (1" of rainfall) from all the new impervious surfaces.

A new pool with associated patio area and retaining walls is being proposed for a total new impervious area of 1500 s.f. A stormwater retention system will be installed to satisfy the Town of Westport's requirements of zero increase in runoff for a 25 year storm event. The new patio area and the pool overflow pipe will be directed to the proposed retention system.

The Commission finds this is an acceptable method of stormwater treatment.

6.6 RECREATIONAL AND PUBLIC USES

- a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
- b) navigable channels and or small craft navigation will not be obstructed;

- c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
- d) wetlands and watercourses held in public trust will not be adversely affected.

The Commission finds the current application will not have a significant impact on recreational and public uses.

Waterway Protection Line Ordinance

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

“ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface 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 this application on April 5, 2017.

A small portion on the westerly side of the pool and patio is located within the WPLO boundary.

The Commission finds the native plantings are proposed are mitigation to the proposed construction activity in an attempt to improve habitat value, water quality and as a natural pollution filtration.

As the wetland system is mainly a groundwater recharge system and no watercourse is located in the immediate vicinity of this project, with the mitigation as proposed and with the added restoration and mitigation efforts as proposed the Commission finds there will not be any adverse impacts with regard to the resource as it is protected under the WPLO.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL 10380-17
Street Address: 3 North Ridge Road
Assessor's: Map E 15 Lot 047
Date of Resolution: April 19, 2017

Project Description: For the construction of a new pool, patio area, retaining walls and associated site improvements. A western portion of the proposed pool and patio are within the IWW upland review areas and the WPL area of an unnamed tributary to Willow Brook. The temporary construction access is within the flagged wetland area.

Owner of Record: Sherri B. and Barry Raifaisen

Applicant: Kousidis Engineering, 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 10380-17** 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. Conformance to the Flood and Erosion Control Board Conditions of Approval of April 5, 2017.
7. 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.
8. 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.
9. 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.
10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
11. All plants proposed in regulated areas must be non-invasive and native to North America.
12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
14. 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.
15. 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.
16. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
17. **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

- 18. Conformance to the plans entitled:
 - a. "Site Development Plan, 3 North Ridge Road, Map: E15, Lot: 047, Westport, CT, Prepared for Barry & Sherri B. Raifaisen", Scale: 1"= 20', dated March 16, 2017, prepared by Kousidis Engineering, LLC
 - b. "Wetland & Buffer Habitat Enhancement Plan Prepared for Barry & Sherri B. Raifaisen, 3 North Ridge Road, Westport, Connecticut", dated March 15, 2017 and last revised to March 23, 2017, prepared by William Kenny Associates LLC
- 19. Construction activity to take place during the dry season months from May to October.
- 20. Prior to the start of construction the wetland boundary shall be reestablished in the field by survey to allow the proper location, installation and for inspection by the Conservation Department staff of the proposed erosion and sediment controls.
- 21. A bond to cover the sediment and erosion controls, the plantings for the wetland restoration efforts and buffer plantings shall be submitted to the Conservation Department. The bond for the plantings shall be held for one full growing season following completion of the planting plan.
- 22. If a future B100A septic system needs to be installed, the owner will be required to secure a permit from the Conservation Department,

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

Motion: Shea

Second: Bancroft

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

Nays: 0

Abstentions: 0

Votes: 6:0:0

Work Session II:

- 1. Kings Highway South (Assessor's Map B7, Lot 46):** Determination of level of review for proposed installation of an in-ground pool with a maximum depth of 5'-10" and request for modification of site plan reviewed and approved pursuant to Application #IWW, WPL-10293-16 for new house construction.

This request was withdrawn. The Flood and Erosion Control Board reviewed the request and required a full application making this request moot. The applicant has submitted a full application for review at the May 17, 2017 Public Hearing.

2. Other business. - NONE

The April 19, 2017 Public Hearing of the Westport Conservation Commission adjourned at 9:25 p.m.

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Perlman, Porter, Rycenga		
Nayes:	None	Abstentions:	None
		Vote:	6:0:0