MINUTES
WESTPORT CONSERVATION COMMISSION
MARCH 15, 2017

The March 15, 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
Mark Perlman, Alternate
W. Fergus Porter

Staff Members:

Alicia Mozian, Conservation Department Director

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the March 15, 2017 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda.

Ms. Mozian stated there were two items to add to the agenda:

1. **28 Stony Brook Road:** Request to allow staff to issue an administrative approval for a deck expansion.
2. **15/16 Fresenius Road:** Request for guidance regarding groundwater investigation and support for deviation from slope requirements of Planning & Zoning regulations.

Motion to add the above mentioned items to the Work Sessions.

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

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

1. **Receipt of Applications**

   Ms. Mozian stated there was one application to officially receive:

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

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

   Ms. Mozian reported that Mr. Kelly issued a WPL/E permit for Longshore Golf Course, **260 Compo Road South**, for bunker repairs. It was considered maintenance.

   Ms. Mozian noted a Notice of Violation was issued to **535 Riverside Avenue** for a dock at the Parker House. They received DEEP approvals but did not receive local approvals. The owners were given until the April deadline to submit paperwork for legalization.

3. Approval of February 15, 2017 meeting minutes.

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

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

4. **Other Business**
   a. **28 Stony Brook Road:** Request to allow staff to issue an administrative approval for a deck expansion.

      Ms. Mozian stated the request for deck expansion is within the 30 foot upland review area. The property contains an unnamed tributary to Stony Brook. A small corner of the proposed deck would be within the WPLO area. The Town Engineer has agreed to issue a WPL/E permit. The owner has flagged the wetlands. A site inspection was done on the property and staff sees the proposal would have no adverse impact to the wetlands. The physical encroachment into the upland review area would only be 2 to 3 sonotubes. Ms. Mozian stated the rear yard is very rocky and hard to use. The deck would allow the owners to enjoy their yard more. She noted the wetland map will be amended by the staff the next time they come forward with a batch of map amendments but the cost of the amendment should be added to the permit fee for the deck.

Motion to allow issuance of a staff level permit for deck expansion.

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

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

1. **595 Riverside Avenue & 4 Elaine Road:** Application WPL #10358-17; Application of Stephen J. Edwards, Director of Public Works, on behalf of the Town of Westport, for the replacement of approximately 1,300 linear feet of an existing sanitary sewer force main with a new HDPE force main. The proposed activity is predominantly below the bed of the Saugatuck River, and the construction method proposed is the use of horizontal directional drilling (HDD). Both the entry and exit access points for the HDD are outside of the WPL area of the Saugatuck River.

   Bryan Thompson, WPCA Coordinator with the Town of Westport Engineering Department, presented the application. He explained they are replacing the sewer line that was laid in 1960. It is difficult to find that line due to the presence of heavy metals and will remain in place as back-up. The new line will be installed using directional drilling. The length of the drilling will be 1400 feet and located at elevation -78 msl. This will be 60 feet below the river bed within dense rock. This will reduce/eliminate frack-out of bentonite during the drilling process. They will proceed from east to west. The areas will be staged outside the WPLO boundary. The force main will be put in a sleeve. In 1990-1991, there was a break in the sewer line, which was fixed quickly, but to minimize that from happening again, they will be putting it in a sleeve. They will be shutting down the commuter parking lot next to the Black Duck in July and August and this will serve as a staging area for the west side of the river. The DEEP wanted to not start until August 1 due to Peregrine Falcon presence but they will be asking to see if they can start earlier. They will be hiring an expert in birding to monitor their presence.

   Mr. Perlman asked what is the longest distance between boring holes.

   Mr. Thompson stated the distance between boring holes is 400 feet.

   Mr. Perlman asked what is the life duration of the pipe.

   Mr. Thompson stated they are not sure. They are hoping the pipe does not fail at this point but this is why it is encased in a sleeve. The pump station will be shut down for 4 hours when then convert to the new pipe.

   Ms. Shea asked if the Black Duck lot floods.

   Ms. Rycenga asked Mr. Thompson to elaborate on the staging process in each location.

   Mr. Thompson stated that is why they will be asking to work in July and August. This is the dry season and is not yet the height of hurricane season. There is a large machine capable of installing the 30 inch sleeve. The sleeve will be installed in segments. A 5 foot by 5 foot pit will be dug to start the sleeve. There will be 2 frack tanks present to settle out the bentonite. The old line will remain in place but will have a shut-off valve and still have fluid. It will not be active.

   Ms. Mozian noted Army Corps of Engineers comments. CT DEEP issued a Draft Notice of Determination to approve the application. It included the posting of a $682,000 bond. Work cannot take place between March 1 and July 31. A haybale and trap rock berm shall be installed waterward of the exit pit on the work area located on the west side of the Saugatuck River as shown on the plans. There must be adherence to the Maintenance and Operations Plan, which establishes actions to be taken in case of a break-out of bentonite during the drilling with follow-up monitoring of dissolved oxygen levels 50 feet up and downstream of the release point. The sewer line has to be installed at least 14 feet below the Saugatuck River substrate. The Flood and Erosion Control Board approved the application on March 1, 2017.

   Mr. Thompson stated the work should take 7 weeks to complete.

   Mr. Porter asked for a status update on the June agenda.

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

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

Findings
Application # WPL 10358-17
4 Elaine Road and 595 Riverside Drive

1. **Application Request:** For the replacement of approximately 1, 300 linear feet of an existing sanitary sewer force main with a new HDPE force main. The proposed activity is predominately below the bed of the Saugatuck River, and the construction method proposed is the use of horizontal directional drilling (HDD). Both the entry and exit access points for the HDD are outside of the WPL area of the Saugatuck River. If the existing pipe can be located, it will remain in place and will serve as a backup.

2. **Plans reviewed:**
   - **a.** "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-100, HDD Plan and Profile, Sheet 1 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **b.** "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-101, HDD Exit and Geotechnical Instrumentation Plan, Sheet 2 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **c.** "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-101A, Plan View East Side of Saugatuck River, Sheet 3 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **d.** "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-102, HDD Entry and Geotechnical Instrumental Plan, Sheet 4 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **e.** "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-103, Pump Station Details, Sheet 5 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **f.** "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-104, Details, Sheet 6 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **g.** "PS 2 Force Main Replacement, Westport, Connecticut, Proposed Piping Interconnection: East Side", Scale: 1"= 40', dated August 25, 2016, prepared by Tighe & Bond
   - **h.** "Pump Station No.2 Force Main Replacement 30% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-100, HDD Plan Profile (Riverside Avenue Closed), Sheet 1 of 3, dated May 24, 2016 and last revised to August 24, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **i.** "Pump Station No.2 Force Main Replacement 30% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-101, HDD Pipe Pullback Area, Sheet 2 of 3, dated May 24, 2016 and last revised to August 24, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
   - **j.** "Pump Station No.2 Force Main Replacement 30% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-102, HDD Exit Location Plan, Sheet 3 of 3, dated May 24, 2016 and last revised to August 24, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
3. Permits issued/pending for this property:

a. Army Corps of Engineers; #NAE-2016-29=044 comments and recommendations dated November 28, 2016.
b. Draft Notice of Tentative Determination from CT DEEP Application # SDFTWQ-201615230 received March 13, 2017.

4. Property Description:

a. Location of 25 year flood boundary: 9 ft. contour interval.
b. Location of WPLO boundary: is 15ft from the 9ft contour
c. Flood boundary zone is identified as Zone AE elevation 13.0'.
d. Aquifer: The property is within the groundwater recharge area identified as coarse grained stratified drift.
e. Coastal/ Aquatic Resources:

a. Intertidal Flats: based on the approximate 6-foot tidal range in the Saugatuck River at the project area, some areas of intertidal flat are present within the project area. River bathymetry shows a more steeply sloping bank and deeper water depths on the western side of the River relative to the eastern side. The project avoids impacts to intertidal flats by working well below the intertidal flats and using a sleeve on the western portion of the project area to confine the work from all wetland resource areas.
b. Tidal wetlands: areas of tidal wetlands are present as a fringe along the edge of the Saugatuck. The extent of tidal wetland is limited in the project area based on the tidal range and presence of the developed shorefront features. Tidal wetlands at the site were delineated by Matthew Davison, PWS. Tidal wetlands include a relatively narrow fringe at the western part of the project area with Spartina alterniflora, Solidago sempervirens and Iva frutescens present. On the eastern shore a broader marsh area is present south of the boat ramp which also includes an area of Spartina patens in addition to the three dominants from the western side of the river.
c. Estuarine Embayment: the Saugatuck River is an estuary at the project location. This is the primary resource in the project area.
d. Coastal Hazard Areas: Flood Insurance Rate Map (FIRM) Panel Number 09001C0551G, dated July 8, 2013, indicates the project area is located within AE (El. 13).
e. Developed Shorefront: The Saugatuck River and adjacent areas within the project area include development including piers, restaurants, I-95 bridge including piers in the River, a boat ramp and multiple stormwater discharge outlets.
f. Wildlife Resources and Habitat, Benthic Habitat, Shellfish & Finfish: the cover and structure provided by piers in the River or the I-95 bridge creates habitat within the project area for tolerant species. The project will include pre-construction observation and a Time of Year restriction if Pelegrine Falcon are found to be nesting in the project area.

5. The Flood and Erosion Control Board approved the application with conditions on March 1, 2017.

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 Westport Department of Public Works seeks to replace the daily operation capacity of their existing force main under the Saugatuck River based on their experience with force main breaks in their existing system. Breaks typically occur from exterior corrosion on the outside of the sewer main as a result of exposure to groundwater or tidal waters, or internal corrosion from hydrogen sulfide. Construction of the existing force main was completed in 1961, and the pipe has reached the end of its 50-year design life. The Town wishes to move forward with the installation of a new main before failure of the existing main occurs.

The replacement force main will increase capacity of wastewater to the Town of Westport wastewater treatment plant. The crossing will be accomplished by means of the Horizontal Directional Drill (HDD) method. This Commission finds this method is a means of creating a crossing path beneath surface features without intruding directly on a resource, compared to conventional open-cut trenching methods where the surface feature would otherwise sustain direct disturbance.

The need for the installation of a new sewer force main at this location is to provide for a new force main between Pump Station #2 at Riverside Avenue and the wastewater treatment plant. This will replace the existing pipe for primary use. The existing pipe will be retained for backup and emergency capacity as removal will be very disruptive to the river bottom and will cause turbidity and sediment disruption.

During preparation for the project, the Commission finds special measures will need to be employed as part of this contingency plan which includes site inspections, proper training of the contractor and construction personnel, development of response procedures, deployment of containment materials ahead of drilling and at locations to allow timely and minimum impact use of the materials and implementation of appropriate clean up procedures.

Despite specific engineering design of an HDD crossing, it is possible to unexpectedly lose circulation of the drill mud. Lost circulation may be signified by unexpected drop of the desired pressure of the drill mud, failure of it to return to the borehole entry point, or change in other monitored conditions during HDD drilling. An “inadvertent return” is the condition where drilling mud is inadvertently released through the soil stratigraphy or fractured bedrock and travels to the surface. Other features, such as unexpected geologic fractures in bedrock or material may also provide pathways for loss of pressure and circulation that could lead to inadvertent returns at other points along an HDD drill path. Drilling muds consist largely of a bentonite clay-water mixture, sometimes with non-toxic polymer additives to maintain specific viscosity, density or other properties; they are not classified as toxic or hazardous substances. However, they may become a potential concern when an HDD is used to cross beneath sensitive habitats or waterways. Bentonite is a naturally occurring type of clay, is non-toxic and commonly used in farming practices. Release of drilling mud into a stream or similar habitat, may subject benthic invertebrates, aquatic plants and/or fish and their eggs to sedimentation or suspended solids that can be detrimental to their well-being.

The Commission finds that Containment response and clean-up equipment will be in sufficient quantities proximate to the HDD site on each side of the river during all drilling operations.

Specific instructions are given for when an inadvertent return is suspected and when an inadvertent return is identified.

The contingency plan includes an immediate shut down should a leak occur in the line. A problem is detected immediately by constant pressure testing.

The Commission finds this is the most important component of the implementation of this plan and project for protection of the resource.

The project plans do include E&S and turbidity control measures to be used when trench excavation and dewatering is required. The project will utilize erosion control barriers and catch basin inserts adjacent to work areas. The project requirements will include measures for the appropriate handling of drilling fluid. These fluids will be contained and treated within the work area as specified in the Monitoring and Operations Plan.

The anticipated construction period is approximately 2 months. The Commission finds that based on the NDDB response and pre-application meetings, there is a time of year restriction that will be placed on the project if Peregrine Falcons are nesting in the project area. Pre-coordination observations will be made to determine if a restriction is required in coordination with DEEP wildlife.

Staging for the project will take place at the commuter lot under I-95 off Riverside Avenue.

The proposed work will take approximately one month to complete and will be done in the month of August so as to least disrupt the commuters.

The Westport Shellfish Commission reviewed this project on November 10, 2016 and found there would be no adverse impact to the natural shellfish beds.

The Commission finds the activities required for construction of the sewer line and the associated activities most likely to impact the coastal waters have been planned for as to minimize impact.

Provided construction methods as described above are used during construction activity, it is the finding of the Commission, that this application does not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10358-17
Street Address: 4 Elaine Road, Assessor's Map C06, Lot 4 and
595 Riverside Avenue, Map C6, Lot 1
Date of Resolution: March 15, 2017

Project Description: For the replacement of approximately 1, 300 linear feet of an existing sanitary sewer force main with a new HDPE force main. The proposed activity is predominately below the bed of the Saugatuck River, and the construction method proposed is the use of horizontal directional drilling (HDD). Both the entry and exit access points for the HDD are outside of the WPL area of the Saugatuck.

Owner of Record: Town of Westport
Applicant: Stephen J. Edwards, Director of Public Works

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 10358-17** 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. 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.
8. 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.
9. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
10. Conformance to the conditions of the Flood and Erosion Control Board of March 1. 2017.

SPECIAL CONDITIONS OF APPROVAL

11. Conformance to the plans entitled:
    a. "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-100, HDD Plan and Profile, Sheet 1 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
    b. "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-101, HDD Exit and Geotechnical Instrumentation Plan, Sheet 2 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
    c. "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-101A, Plan View East Side of Saugatuck River, Sheet 3 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
    d. "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-102, HDD Entry and Geotechnical Instrumental Plan, Sheet 4 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
    e. "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-103, Pump Station Details, Sheet 5 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
    f. "Pump Station No.2 Force Main Replacement 100% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-104, Details, Sheet 6 of 6, dated September 23, 2016 and last revised to November 28, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
    g. "PS 2 Force Main Replacement, Westport, Connecticut, Proposed Piping Interconnection: East Side", Scale: 1"= 40', dated August 25, 2016, prepared by Tighe & Bond
    h. "Pump Station No.2 Force Main Replacement 30% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-100, HDD Plan Profile (Riverside Avenue Closed), Sheet 1 of 3, dated May 24, 2016 and last revised to August 24, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
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    j. "Pump Station No.2 Force Main Replacement 30% Design, 595 Riverside Avenue, Westport, Connecticut, prepared for the Town of Westport, 110 Myrtle Avenue, Westport, CT", Sheet C-102, HDD Exit Location Plan, Sheet 3 of 3, dated May 24, 2016 and last revised to August 24, 2016, prepared by Haley & Aldrich, Inc. and Tighe & Bond
12. Conformance to all final conditions of the State of Connecticut DEEP pending Approval #SDFTWQ-201615230 and the Army Corps of Engineer (NAE-2016-2044) comments and recommendations of November 28, 2016.

13. Conformance to the HDD Force Main Installation Attachments A and M and the Monitoring and Operations Plan as included in the application and prepared by Tighe & Bond.
14. Construction activity to commence during the month of August unless otherwise authorized to commence earlier by the CT DEEP.
15. Should the Contractor need to implement a response to an observed "inadvertent return" in accordance with procedures identified in the contingency plan, the Contractor will submit a copy of the "incident report" and the evaluation and/or changes in drilling protocol to the Conservation Department prior to the restart of work.

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: Rycenga, Shea, Davis, Porter, Perlman
Nayes: 0 **Abstentions:** 0 **Vote:** 5:0:0

2. **3 North Ridge:** Application #IWW/M-10363-17 by Kousidis Engineering LLC on behalf of Sherri Raifaisen to amend wetland boundary map #E15.

   Jim Kousidis, PE, presented the application on behalf of the property owner. The property owner investigated the soils in preparation of a future pool application. They retained soil scientist, Gene McNamara to flag the wetland line. The Town retained soil scientist, Otto Theall to verify the wetland flagging. North of the property is owned by the Aspetuck Land Trust.

   Ms. Mozian confirmed that there was consensus with the two soil scientists on the line. She noted that the Town map currently shows no wetlands but staff suspected there were and thus compelled the investigation.

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

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

Findings
Application #IWW/M 10363-17
3 North Ridge Road

1. **Application Request:** The request is to amend wetland map #E 15
2. **Soil Scientist for Applicant:** Gene McNamara of ESM Associates
3. **Soil Scientist for the Town of Westport:** Otto Theall of Soil & Wetland Science
4. **Plan reviewed:** "Proposed Plot Plan Prepared for Barry & Sherri B. Raifaisen, 3 North Ridge Road, Westport, Connecticut", Scale: 1"= 30', dated June 29, 2016, prepared by Leonard Surveyors, LLC
5. **Soils Description:**
   Soil Report Summary- prepared by Mr. McNamara dated May 2, 2016 describes the following wetland soils occurring on the property:

   Ridgebury, Leicester and Whitman soils, extremely stony: These nearly level, poorly drained to very poorly drained soils are found in drainage ways and depressions on glacial till uplands, ridges, plains and drumloidal landforms. Slopes range from 0% to 3% and stones and boulders cover significant amounts of the land surfaces.
   Aquents: These poorly drained wetland soils have been altered by filling and grading activities. The fill is generally shallow in depth and these soils retain many features associated with their original pedogenic development, including shallow mottling, a low chroma matrix and gleying.

   Mr. McNamara describes the following upland soils occurring on site

   Charlton fine sandy loam: These soils consist of deep, well drained nearly level or undulating to hilly soils that developed in friable to firm glacial till. The soils are well distributed on uplands throughout the country. They are stony on this site. Permeability is moderate to moderately rapid in the surface layer and subsoil.

   Udorthents: Theses soils have been modified by prior cut and/or fill activity and as a result no longer exhibit soil pedogenic features. On-site, these consist of graded soils mixed with fill.
6. **Property Description and Facts Relative to the Map Amendment Application:**
   - The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "hydraulic location of a streamside floodplain with an intermittent stream. Vegetative class is a wooded swamp". The perimeter of this wetland is 75% forested and 25% residential.
   - Landscape position of the wetland is a backslope with a linear /linear land surface shape
   - The FEMA maps indicate that the property is not located within the 100 year floodplain.
   - The Waterway Protection Line occurs 15' from the 25year floodplain boundary.

- Property does exist partially within the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.
- The property is developed with a 5 bedroom residence built in 1969.

7. Otto Theall of Soil and Wetland Science was retained by the Town of Westport to verify the line as flagged by Gene McNamara of ESM Associates. In a letter dated March 6, 2017, Mr. Theall states that he agrees with the flagging in the field at 3 North Ridge Road. The Commission finds it accepts the flagged line as delineated on the map as referenced above and amends the town wetland map.

RESOLUTION
Application # IWW/M 10363-17
3 North Ridge Road

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 evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M 10363-17** by Kousidis Engineering, LLC on behalf of Sherri Raifaisen to amend wetland boundary maps #E 15 on the property located at 3 North Ridge Road with the following conditions:

1. Conformance to the plan entitled: "Proposed Plot Plan Prepared for Barry & Sherri B. Raifaisen, 3 North Ridge Road, Westport, Connecticut", Scale: 1"= 30', dated June 29, 2016, prepared by Leonard Surveyors, LLC", which reflects the wetland boundary delineation location agreed upon by the two soil scientists.
2. An electronic file 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. The applicant may refile another application for review.

Motion: Porter **Second:** Shea
Ayes: Porter, Rycenga, Shea, Davis, Perlman
Nayes: 0 **Abstentions:** 0 **Votes:** 5:0:0

3. **127 Beachside Avenue:** Application #IWW,WPL-10361-17 by LANDTECH on behalf of Liz & Michael Janis to construct a new pervious patio area, driveway, minor regrading, buffer planting and generator. Portions of the work are within the upland review area and the WPLO area of an unnamed tributary to Sasco Brook.

   Rob Pryor, PE with LandTech, presented the application on behalf of the owners and gave an overview of the existing conditions. The wetlands are technically inland but on the fringe of being tidal. The owners want to expand the driveway, the patio around the pool and fill a small area directly behind the west side of the house. They will relocate the pool equipment to the east side of the house and install the generator on the southwest corner of the house. There is minor regrading/fill proposed but it would be less than 50 cubic feet.

   Ms. Mozian noted Ms. Krynicki's staff report that the privet hedge should be the limit of disturbance. The phragmites is extensive but they are mostly not on the owners' property. Staff recommends eliminating the regrading and buffer plantings except in the vicinity of the northwest corner of the house starting from approximately the bilco door to the area where the existing pool equipment is located. Ground cover could be placed between the edge of patio and the privet hedge. With that buffer, plus the fact that they are proposing a permeable patio, mitigation will be sufficient. She added that staff can work with the applicant to approve the final plans.

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

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

Findings
127 Beachside Avenue
IWW,WPL 10361-17

1. **Application Request:** Applicant is requesting the construction of a new pervious patio area for an existing in-ground swimming pool, a driveway addition, minor re-grading and buffer plantings along the rear property boundary. A portion of the proposed activity is within the WPL area of an un-named tributary of Sasco Brook. IWW regulated soils are also present on this parcel.
2. **Permits/Applications filed:**
   IWW/M 9826-14 for an amendment of wetland map #I 6
   AA, WPL/E 9504-13 construction of an attached garage, house addition and interior renovations
3. **Plans reviewed:**
   a. "Zoning Map of Property Prepared for Elizabeth & Michael Janis, 127 Beachside Avenue, Westport, CT", Scale: 1" =20', dated November 21, 2016, prepared by Dennis A. Deilus- Land Surveyors
   b. "Site Plan Prepared for Elizabeth & Michael Janis, 127 Beachside Avenue, Westport, Connecticut", Scale: 1" = 20', dated November 21, 2016 and last revised to February 27, 2017, prepared by LandTech
4. **WPLO** – Waterway Protection Line is located 15' from the twenty five year floodplain of an unnamed tributary of Sasco Brook.
5. **IWW Defined Resource (wetland or watercourse)**
   Wetlands and Watercourses occur on the subject property. A soil investigation was conducted by Otto Theall of Soil & Wetland Science, LLC on January 24, 2013. The wetland line was marked in the field with flags numbered 1 through 11.
6. **Wetland Soils**
   Westbrook mucky peat, low salt (99): This very poorly drained soil is in tidal marshes and estuaries. Though the areas have been diked from tidal flooding, most are subject to inundation by storm tides. The permeability of this Westbrook soil is moderate to rapid in the surface and subsurface layers and moderate in the substratum. Available water capacity is high. Runoff is slow,

and water is ponded on the surface of some areas. Tidal Flooding, the high water table, and the instability of the surface and subsurface layers make the soil unsuitable for most uses.

The non-wetlands soils have been identified as:
Agawam-Urban land complex (229): This nearly level, well drained soil is found on plains and terraces in stream valleys. Included with this unit in mapping are small areas of excessively drained Hinckley soils, somewhat excessively drained Merrimac soils, well drained Haven soils, and moderately well drained Ninigret soils. The permeability of this Agawam soil is moderately rapid in the surface layer and subsoil and rapid in the substratum. Runoff is slow, and available water capacity is moderate. The soil dries out and warms up early in the spring. Most area of this soil are used for community and industrial development. Some areas are used for corn, vegetable, and nursery crops, and a few are wooded. **The rapid permeability of this soil causes a hazard groundwater pollution in areas used for on-site septic systems**. The soil is unstable and thus is limited for excavations. Quickly establishing plan cover, mulching, and using siltation basins help to reduce erosion and sedimentation during construction.

7. Property Description and Facts Relative to the Application
The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as a "permanent streamside, floodplain, with open water, a wooded swamp and marsh." The outlet of this wetland system is Sasco Creek.

a. The 100 year floodplain as designated by FEMA does occur on this parcel. The 100 year flood zone has been determined as AE (El. 10).
b. IWW defined resources occurring on this property are wetlands and watercourses. Inland wetland and tidal wetland designations are appropriate for this site.
c. Property is not located within the Aquifer Protection Area.
d. Property does exist within the Coastal Areas Management Zone area identified as " Coastal Flood Hazard".

8. Vegetation Description
The property supports a mature and maintained privet hedge at the edge of a manicured lawn area north of the existing residence and is also present in the area of the proposed activity. Phragmites is the second most prominent vegetation interspersed within the privet hedge and continues down a moderate slope to the edge of the open water.

9. 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 100 year flood elevation as determined by FEMA is elevation 10.0'. Although the patio is above the 25 year as well as the 100 year floodplain elevation, a portions of the proposed patio lies within the boundary of the Waterway Protection Line which is measured fifteen feet from the 9' contour.

The proposed patio will be located outside the 20 foot non-disturbance IWW upland review area, however grading is proposed at 5' from the flagged wetland line in an area of a 33% slope gradient. The Commission finds the grading shall be eliminated and the patio shall be the limit of grading and disturbance.

The Commission finds the proposed patio extension is within the 30' upland review area. The edge of the manicured lawn is demarcated with a mature privet hedge fence. This privet hedge is located

approximately 15' from the northerly edge of the proposed patio. The Commission finds that no further grading occur and that the proposed site conditions include retention of the privet hedge and all existing vegetation forward to the edge of the open water. The 15' or so of manicured lawn in the area of the patio will be replaced with a dense groundcover vegetation that requires no fertilization to improve water quality.

The proposed planting plan is in an area of very steep slopes and is thick with phragmites. In order for the proposed planting scheme to be successful, phragmites removal would be required which is a minimum of a three year program and diligent hand removal and monitoring following the initial effort for eradication and containment. The Commission finds the current proposal of the pervious patio addition does not warrant the extensive phragmite removal and disturbance necessary to achieve the replanting scheme and for it to be successful. Water quality is being provided through the stone reservoir provided under the pavers of the patio and the groundcover immediately adjacent will serve as final polishing of the stormwater.

Removal of the manicured lawn will be a benefit for water quality and for reduction in stormwater runoff volume and velocity. This slope gradient is more moderate south of the privet hedge and the groundcover plantings will not be as disruptive and a cause for concern with sediment and erosion control issues on the steep gradient north of the privet hedge.

Disturbance of a steep slope area would require a major effort for soil retention and to prevent sediment and erosion issues to the pond below. The Commission does not find the need for removal of the vegetation below the privet hedge. The effort to contain or remove the phragmites will prove to be too difficult for the benefit the applicant seeks to achieve.

The proposed patio is to be pervious with an 18' reservoir of stone for stormwater retention. The Commission finds this is an acceptable best management practice for a patio and represents optimum water retention and treatment.

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 permeability of the patio surface is important as porous surfaces detain stormwater and allow it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. The Commission finds this 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 aquatic environment and natural resources.

Plantings adjacent to the patio would serve a dual purpose for both an area for stormwater infiltration as well as nutrient removal.

Vegetative buffers restore the following natural functions adjacent to a watercourse or waterbody and will help to safeguard natural resources as they are protected by the Waterway Protection Line Ordinance: 1) provides additional stormwater runoff filtration area that will improve water quality prior to discharge into a waterbody 2) reduces construction impacts on water bodies by reducing erosion

and sedimentation impacts in waterbodies 3) protects the existing vegetation in close proximity to watercourses 4)reduces water velocities from stormwater runoff prior to discharge into waterbodies which allows vegetation to absorb some non-point pollutants such as fertilizers or herbicides that may otherwise discharge into wetlands/waterbodies 5) provides slower water velocities which allow more water to infiltrate into the soil, improving groundwater recharge functions and water quality improvement functions 6)provides and improves upland habitat needed for wildlife dependent on wetlands/watercourses.

The Connecticut Association of Wetland Scientists "White Paper on Vegetative Buffers" states phosphorus is the pollutant of concern due to its' tendency to accelerate enrichment of fresh waters bodies. Sediment is the principal mechanism for the deposition of phosphorus delivered to surface water bodies. A vegetated buffer of the proper width can effectively intercept sediments and remove nutrients and other non-point source pollutants from surface runoff. Dense grassy or herbaceous buffers on gradual slopes, intercept overland runoff, trap sediments, remove pollutants and promote groundwater recharge.

The Commission finds the use of pesticides, herbicides and fertilizers is to be discouraged as it will have a negative impact. Organic landscaping practices are recommended.

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.

Due to the steep slopes immediately north of the privet hedge, the Commission finds that as little disturbance as is necessary take place in this region. Erosion and sediment issues within a flood zone will prove extremely problematic until such time as the site is fully stabilized. The site is its existing condition is stable with no erosion issues visible.

The applicant is proposing silt fence at the limit of the disturbance which shall be designated as the southerly side of the privet fence.

6.4 NATURAL HABITAT STANDARDS

a) critical habitats areas,
b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
d) movements and lifestyles of fish and wildlife (plant and aquatic life)will not be significantly affected;
e) periods of seasonal fish runs and bird migrations shall not be impeded;
f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats

The outlet of this wetland system is Sasco Creek. The Flaherty Giavara Associates, P.C. study of 1983, commented during their wetland inspection that there is a high niche diversity. Existing conditions pond side and to the west supply an environment for wildlife habitat and diversity. Existing vegetation along edge of the watercourse help maintain a riparian zone and to attempt to increase biodiversity along this section of the pond.

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 Flood and Erosion Control Board approved this project on March 1, 2017. The proposed patio will be permeable. The Engineering Department finds that the patio installed above the existing drainage system will be fine as there should be plenty of clearance above the system. The soils in that area are good for drainage. The existing drainage system was installed recently due to the garage addition/expansion. The Engineering Department witnessed soil testing for the installation of that subsurface infiltration system. Installing an overflow grate just off the patio should be effective and the stormwater runoff will then be sufficiently located off the top of the slope which is subject to erosion.

The Commission finds the proposed driveway and the proposed walkway will also be permeable. This allows infiltration of stormwater to occur in close proximity to the source and is in keeping with the best management practice of Low Impact Development concepts.

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 have no significant impact on recreational and public uses.

10. Waterway Protection Line Ordinance

Section 30-93 of the WPLO ordinance states the following: 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 waters, 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 Waterway Protection Line boundary exists 15’ from the 25 year floodplain. The Flood & Erosion Control Board approved this application on March 1, 2017.

The Commission finds the extent of disturbance for the patio, driveway and walkway is to be limited to the existing lawn and landscaped areas. Additional plantings along the immediate northerly side of the proposed patio and organic landscaping measures are recommended to treat the storm water runoff from the patio and to improve water quality. Provided erosion controls are used as planned, the proposed ground cover plantings are limited to the south side of the and patio, driveway and walkway remain permeable, the proposed activity will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval

Application # IWW,WPL 10361-17
Street Address: 127 Beachside Avenue
Assessor's: Map I 06 Lot 004
Date of Resolution: March 15, 2017

Project Description: To construct a new pervious patio area, walkway, driveway, minor regrading and buffer planting and generator. Portions of the work are within the upland review area and the WPLO area of an unnamed tributary to Sasco Brook.

Owner of Record: Liz and Michael Janis
Applicant: LandTech

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 WITH CONDITIONS** Application **#IWW,WPL 10361-17** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The 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 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.
11. 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.
12. Conformance to the Flood and Erosion Control Board Conditions of Approval of March 1, 2017.

SPECIAL CONDITIONS OF APPROVAL

13. Conformance to the plans entitled:
    a. "Zoning Map of Property Prepared for Elizabeth & Michael Janis, 127 Beachside Avenue, Westport, CT", Scale: 1" =20', dated November 21, 2016, prepared by Dennis A. Deilus- Land Surveyors
    b. "Site Plan Prepared for Elizabeth & Michael Janis, 127 Beachside Avenue, Westport, Connecticut", Scale : 1" = 20', dated November 21, 2016 and last revised to February 27, 2017, prepared by LandTech
14. Revision to the site plan to show the existing privet hedge as the northerly most limit of disturbance. Grading shall not extend beyond the northerly edge of the existing privet hedge except in vicinity of

northwest corner of house stemming approximately from the bilco door to the area where the existing pool equipment is located. All proposed plantings and erosion and sediment controls north of the privet hedge are to be eliminated. Said plan shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.

15. Revision to the site plan to show native groundcover planted from the edge of the patio northerly to the edge of the existing privet hedge. Silt fence shall be relocated to the southerly most edge of the privet hedge. Said plan shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.

16. Revision to the site plan to show the accurate location of the Waterway Protection Line Ordinance boundary to be 15 ft. landward from the 25 year floodplain boundary. Said plan shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.

17. Patio, driveway and walkway shall remain permeable in perpetuity with a deed restriction placed on the land records 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: Shea **Second:** Porter
Ayes: Shea, Porter, Davis, Rycenga, Perlman
Nayes: 0 **Abstentions:** 0 **Vote:** 5:0:0

4. **107 Old Road:** Application #IWW,WPL-10362-17 by LANDTECH on behalf of the Estate of Catherine D Fleming to subdivide an existing 6.11 acre lot into 4 residential lots, each to support a single family dwelling. A portion of the proposed activity is within the wetland, the upland review area and the WPL area of an unnamed tributary to Sasco Brook.

   Rob Pryor, PE of LandTech, presented on behalf of the property owners. He gave an update on what has transpired since the last time he was before the Commission in January when the 3-lot application was withdrawn. This is a new application for a 4-lot open space subdivision.

   Ms. Mozian stated she has retained the services of an outside consultant, Nathan Jacobson Associates, who will partner with CT Ecosystems.

   Sue Tschirhart, 113 Old Road and intervener in this application, asked about the timing of the application.

   Ms. Mozian stated the application was submitted on February 8, 2017. It went to the Flood and Erosion Control Board on March 1, 2017 and to us tonight. That is the first round of meetings. April is the second. It may become necessary to withdraw and resubmit the application in order to get all the information. She has signed the contract with the consultant today. They have asked that staff notify them when the snow is substantially gone so they can inspect the site.

   John Tschirhart, 113 Old Road and intervener in this application, asked for clarification.

   The hearing was continued to the April 19, 2017 Public Hearing.

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

Motion to close the Public Hearing and move into Work Session II.

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

Ms. Shea left the meeting at 8:30 p.m.

Work Session II:

1. Other business.

a. **15/16 Fresenius Road:** Request for guidance regarding groundwater investigation and support for deviation from slope requirements of Planning & Zoning regulations.

Ms. Mozian presented a concept plan for a 2-lot subdivision and noted the differences between that and the previous 3-lot submission. The applicant is seeking guidance regarding the groundwater investigation that had been required by the Commission and asking for support for deviation from the slope requirement of the Planning and Zoning regulations.

Ms. Rycenga expressed support for relaxing the slope requirements to a 2:1 slope because of the sensitive nature of the site due to the grades and the wetlands. She indicated that the groundwater depth investigation should continue but presumably, the number of well locations may be reduced.

The rest of the Commission concurred with Ms. Rycenga's comments.

b. Ms. Rycenga asked if the owners of **27 Darbrook Road** were contemplating a vernal pool study this spring in response to the tennis court application that had been previously denied due to lack of information.

Ms. Mozian stated the applicant had contacted her about it and that they were.

The March 15, 2017 Public Hearing of the Westport Conservation Commission adjourned at 8:53 p.m.

Motion:	**Rycenga**			**Second:**	**Porter**
Ayes:	**Rycenga, Porter, Davis, Perlman**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**4:0:0**