MINUTES
WESTPORT CONSERVATION COMMISSION
JANUARY 24, 2017

The January 24, 2017 Special Meeting of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Acting Chair
Paul Davis, Secretary
Robert Corroon
W. Fergus Porter
Ralph Field, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst

Guest:
Mark Perlman

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 business days of the January 24, 2017 Special Meeting 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

Special Meeting: **7:00 p.m., Room 201/201A**

1. **1141 Post Road East:** Continuation of Application #IWW-10299-16 by Redniss & Mead, Inc. on behalf of 1141 Post Rd. E. LLC for the partial demolition and addition to an existing commercial building, the construction of nine (9) multi-family residential buildings, totaling 42 residential units, pool house, pool, associated parking, drives, landscaping, walking trail, storm water drainage, and utilities. Portions of the work are within the upland review area setback.
2. **1141 Post Road East:** Application #WPL-10342-16 by Redniss & Mead, Inc. on behalf of 1141 Post Rd. E. LLC for the partial demolition and addition to an existing commercial building, the construction of nine (9) multi-family residential buildings, totaling 42 residential units, pool house, pool, associated parking, drives, landscaping, storm water drainage, walking trail and utilities. Portions of the work are within the WPLO area of Muddy Brook.

Dave Ginter presented the application on behalf of the property owners. He noted Dan White from Mountain Laurel Environmental & Bill Kenny were also present.

Dan White, LEP with Mountain Laurel Environmental, stated they did a Phase I and partial Phase II study. The Phase I identified 8 areas of concern including:

- Area inside garage where fluids are stored including waste oil
- Mechanic's pit
- Parts washer, self-contained: fluids are taken off site for disposal
- Trench drain- formerly had an outlet but that was closed 20/30 yrs ago, now it just evaporates

Mr. White stated there was a limited Phase II study done in the mechanic's pit. The mechanic's pit has been there since 1973/1974. It was tested for VOC & semi-VOCs and there was little to no detections. They found methylene chloride and acetone. They also found only trace amounts of degreasers. On Friday, January 20, 2017, more Phase II work was done. Three soil borings were done; one was located by the parts washer and three were by trench drain. The depth was to top soil layer just beneath concrete slab. They are awaiting test results, but saw no sheen, color, or odor. Also, they are going to install 3 monitoring wells: one down-gradient of the oil tank, one down-gradient of gas tanks, and one to the north to determine groundwater flow that will also determine if anything is coming in from up-gradient. The gas and diesel tanks were removed December 8, 2016. He submitted an analytical report. The tanks were installed in 1997.

Mr. Corroon asked how deep they went down to test.

Mr. White stated core sampling was not done in the area of the old septic system. The septic was there about 3 years and abandoned in 1977 when the sewer was installed. The tank was crushed. He stated that groundwater monitoring better detects evidence of contaminants. If the first round of testing shows nothing, there is no need for more testing.

Ms. Mozian read Nick Tsacoyannis', Sediment and Erosion Control Inspector and LEP, emails into the record from January 20, 2017 and January 24, 2017. She also clarified the importance of the Phase II testing to ensure contaminants will not flow to Muddy Brook since that empties into the Sherwood Mill Pond where there is an active commercial shellfishing operation.

Ed Pawlack, soil scientist and consultant working on behalf of the Commission, stated this issue also relates to storm water design. We do not want to use infiltration for treatment of stormwater if there is contamination on the site. He asked where the closest infiltration gallery is in relation to the groundwater monitoring well.

Mr. Ginter noted there is porous asphalt to the north of the gas tanks. If contamination is found, they will switch to a closed system.

Mr. Ginter recapped what has happed since the December 14, 2016 meeting including:

- The upstream flooding issues were created in the late 70's/early 80's when Kowalsky put in stockpiles and built the berm. FEMA still actively reviewing CLOMR & LOMR. They have since received comments back from FEMA. The flood elevations have changed but not significantly.
- He referenced the two maps highlighting the floodplain, floodway and WPLO boundaries:
  - The orange line is current flood line.
  - What is now proposed in floodway today: Buildings 7 and 9, the pool, the pool house, parking, and drives.
  - What is now proposed in floodplain today: All the above plus Buildings 8 and 1 and the commercial building.
  - What is now in WPLO: All of the above
  - What is not in the floodway, the floodplain or the WPLO: Buildings 2,3,4,5, and 6

Mr. Ginter stated FEMA's review should be completed within a month or two, if all goes well. FEMA does not have to sign off on location of buildings under LOMR, but they do have to under the CLOMR because the development will affect the boundary.

Ms. Rycenga asked what happened if FEMA does not agree with Mr. Ginter's line.

Mr. Ginter responded that he realizes he will have to come back to the various boards and commissions if FEMA does not accept his line and calculations. He reviewed what will be in the review under the CLOMR including:

- Floodway- there are no structures. There will be parking just under the commercial building, the drive and utilities only.
- 100 Floodplain – the pool house touches it but is not in it.
- WPLO – the patios behind Building 7, the pool, the pool house and the commercial building.
- Floodplain elevations in general decrease by up to 1.4 feet.

Mr. Ginter stated the work involving the berm has to be coordinated with 1177 Post Road East as it takes place on their property. It involves removing some curbing around parking islands at 1141 Post Road East. The berm behind 1177 Post Road East really belongs to 1141 Post Road East and will be lowered by a few feet. Most work is done within the open space area, which will allow water to flow unobstructed.

With regard to stormwater and water quality, Mr. Ginter noted the meetings he has had with the town's consultants since December 14, 2016. Based on submissions from Brian Curtis and Ed Pawlak, it seems to indicate that all are on the same page. He reviewed the original plans and highlighted the revised plans. They have added porous asphalt to residential parking stalls totaling 8,530 s.f. 79% of the parking & drives are treated through porous asphalt; the layering of porous material provides treatment & infiltration. All nine areas will store enough stormwater to handle the volume of a 5yr storm event or 4.3 inches.

Mr. Field questioned why the commercial portion of the property was not also going to be porous pavement.

Mr. Ginter said the traffic volume is higher and they are worried about maintenance. He added that if the porous pavement becomes clogged, it would not absorb what they need in a large storm event. There are five catchbasins in the commercial zone. Most roof runoff is also being tied to porous asphalt except in the southeast corner of the development; that runoff is going to an oil and grit separator. The infiltrators will be wrapped with filter fabric. They have changed concrete galleries to plastic so they can be cleaned easier. He stated that nothing has changed in commercial zone. A maintenance document was submitted; Mr. Ginter noted the DOT also requires it. He added the CT DOT is also commenting as they are proposing work in DOT right-of-way in reconfiguring the curb cuts, the utilities and the discharge to downstream. He stated they are not diverting any flow as the headwall will stay the same.

Ms. Rycenga asked if inspection reports are required by DOT.

Mr. Ginter indicated that he would check. He discussed the storage capacity and water quality. There is 17,320 c.f. of storage provided within porous asphalt. The roof area is not included. This is 3.5 times the required storage minus the 2,054 c.f. groundwater recharge volume.

Mr. Davis asked for current figure.

Mr. Ginter stated there is no water quality provided now.

Mr. Davis asked about the removal of fill adjacent to wetlands. He questioned whether they can take credit insofar as water quality is concerned.

Mr. Ginter indicated the fill removal is helping with storage. It is equivalent to an acre of impervious cover. He believes there is a quantifiable benefit to the soil removed.

Ms. Mozian reviewed the parking requirements and the total coverage including:

- There are 108 proposed parking spaces and 101 are required
- There is 70% allowable coverage in this zoning district and 40% is proposed but Michelle Perillie of Planning & Zoning disagrees with the proposed coverage calculations. Staff will verify.
- There are .37 acres of parking in commercial zones

Ms. Mozian also reviewed the groundwater elevation and how it affects where drainage structures are set. Test pits were done in June but water filled up the holes very quickly. The Engineering Department felt the groundwater was affected by weight of stockpiles. In April 2016, groundwater wells were also installed when a pond was contemplated. The results of these wells were never submitted.

Mr. Ginter explained he is only used to doing test pits for septic, not drainage design. Regarding these numbers, there was a conference call about them and it was decided that 28.7 could be used to design. However, monitoring wells were installed anyway (MW 4,5,6,7). 1,2 were already there. As of today, the holes fluctuated between yesterday and today after about 1 inch of rainfall. The Commission could approve with a condition to continue groundwater monitoring to determine depth using the same treatment. The groundwater levels are higher in upper part of the site, but lower in the southern end. There is a possibility of putting in a pond lining with a perforated pipe with overflow to system. Additionally, the gallery depth could be changed to 48 inches in the southern portion of the site.

Brian Curtis, PE with Nathan Jacobson and Associates and consultant to the Commission, asked if he and Mr. Pawlak could review this data for comments before the February 1, 2017 Flood and Erosion Control Board meeting.

Mr. Corroon asked which option Mr. Ginter would prefer.

Mr. Ginter suggested they continue with the groundwater monitoring.

Ms. Rycenga asked Mr. Ginter to address the changes to the sediment and erosion control plan. She noted a wash station was added as she had suggested.

Mr. Ginter noted the use of temporary sediment traps. All pipes leavings the catchbasins will be capped until the end of the job. Porous asphalt will need to be installed prior to curbing installation. Filter fabric will be installed as temporary protection. Landscape areas will be hydro-seeded if plantings cannot be installed right away due to weather. He reviewed the benefits of the project:

- There will be a reduction of flooding in neighborhood;
- There will be a restoration of wetland;
- It provides water quality where now none exists;
- It provides a conservation easement area; and
- They have provided a maintenance document.

Mr. Field asked if commercial parking lot will be in the floodway.

Mr. Ginter stated that the commercial parking lot would be in the floodway.

Mr. Field asked if the commercial parking lot will be elevated.

Mr. Ginter stated that the commercial parking lot would not be elevated.

Mr. Field asked if the commercial parking lot would be subject to pollutants.

Mr. Ginter stated that the commercial parking lot is in its own containment area. The runoff will go to catch basins to hooded traps and sumps, and then to an oil and grit separator before discharge to the brook. The catch basins will be cleaned periodically.

Steve Lawrence, Manager and Principal of 1177 Post Road East, confirmed they have been working with Dave Ginter through Milone & MacBroom and are supportive of the plan.

Mr. Curtis believes that all of the changes are for the better. With the addition of the pervious asphalt, the bulk of the suspended solids are treated in the upper soil horizon. He continued that he is very pleased that groundwater test pits were installed; indicating it is better to know now. The water table was actually deeper in the southern end. He stated that groundwater should continue to be monitored and tweaks to the design should be made. The final design can be based on test results. The monitoring should continue from the end of January to mid-March. Stormwater maintenance is a key component. He concluded that the plan is an improvement to original plan insofar as water quality treatment of solids.

Mr. Pawlak stated he looked at wetland aspects of the project. He complimented the design team and recognized that it is a small but complicated property. He observed that there has been give and take between the parties involved, and the design team has been very responsive. He questioned the necessity of additional groundwater monitoring. He believes seasonal high groundwater was not seen because of the nature of the soils. He was not happy with 28.7 assumed groundwater elevation, but was pleased that groundwater monitoring wells were added. These substantiated that the groundwater elevations fluctuated throughout the site. He stated that it is crucial that best management practices do not sit in groundwater so that they function properly and as intended.

Ms. Rycenga asked if the plan was an improvement.

Mr. Pawlak stated that is was an improvement and the benefits are summarized in his letter.

Mr. Davis noted the 5-foot variation in groundwater levels.

Mr. Pawlak noted that monitoring well 7 shows the lowest groundwater level, and provides confidence that the infiltrators will work. However, groundwater levels in the northern edge of the property are crucial to best management practices working. Seasonal high groundwater elevations are crucial to design.

Paul Wohlforth, 7 Keller Lane, stated his property abuts 1141 and 1177 Post Road East. From what he has heard there will be minimal adverse impacts to Muddy Brook. He has spent about $100,000 to protect himself from flooding. As long as there are best management practices installed, his property

should be ok. He stated he has lived there since 1959 and the small stream has turned into a floodplain.

Ms. Mozian stated this project should be an improvement. She clarified that the FECB's decision is required before the Conservation Commission can make a decision. Also, the Commission needs the test results from the Phase II monitoring well sampling and additional groundwater data to determine if the stormwater design should be adjusted.

With no further comment from the public, the hearing was continued to February 15, 2017.

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

The January 24, 2017 Public Hearing of the Westport Conservation Commission adjourned at 9:36 p.m.

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