

**MINUTES
WESTPORT CONSERVATION COMMISSION
JANUARY 18, 2017**

The January 18, 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
W. Fergus Porter

Staff Members:

Alicia Mozia, Conservation Department Director
Lynne Krynicki, Conservation Analyst
Susan Voris, Recording Secretary

Guest:

Mark Perlman

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the January 18, 2017 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozia
Conservation Department Director

5. **24 Owenoke Park:** Request by J.P. Franzen Associates Architects, P.C. on behalf of Mary Katherine Melnick to amend condition #28 of Permit #WPL-9859-14 by eliminating the requirement for the wood patio around the pool from being permeable as it was built on a concrete slab instead.

Ms. Mozian reviewed a request to amend condition #28 of Permit #WPL-9859-14 by eliminating the requirement for the wood patio around the pool from being permeable as it was built on a concrete slab instead. She reviewed landscape plans that did show the concrete slab but indicated that she and Ms. Krynicky did not concentrate on this as their plan review was focused on the trees being removed and replaced along the eastern property line. The approved site plan however showed the decking around the pool to be wood.

Mike Burtula, PE with the Huntington Co. stated the plan approved by the Commission was revision #5. Revision #15 was what was built. It provided for what was required for by Planning & Zoning and Engineering. There is a floor drain in the patio and a curtain drain around the patio, which leads to a cul-tec infiltrator. He states he believes that it is permeable as it is designed as it gets stormwater back into the groundwater. The patio was calculated as coverage for drainage as it was greater than 3 feet above grade.

Mr. Porter asked about it being comparable to permeable concrete.

Ms. Krynicky stated that as designed it is comparable with low impact drainage concept that promotes infiltration closest to the source.

Mr. Burtula stated it is designed to retain a 25-year storm.

Ms. Krynicky spoke of stormwater renovation in fill material and that soluble nutrients are not removed without organic matter being present in the soil.

Ms. Rycenga noted concern with setting precedent.

Motion to deny request to amend condition #28.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Porter, Shea		
Nayes:	Bancroft	Abstentions:	None
		Vote:	4:1:0

6. Other Business

- a. 14 Sunny Lane:** Request for bond release being held for plantings for Permit #IWW,WPL-7726-05.

Ms. Mozian noted that the Commission had held open a bond release request for Permit #IWW,WPL-7726-05 to allow the YMCA more time to install signs on the bridge over Poplar Plains Brook that were required as part of the permit. She stated she received photos of those signs installed today proving they had been and is now recommending release of the bond.

Motion to release bond.

Motion:	Shea	Second:	Porter
Ayes:	Shea, Porter, Bancroft, Davis, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

- b.** Ms. Mozian noted the CT Bar Association meeting is scheduled for March 25, 2017. It is a land-use oriented meeting. Ms. Shea, Ms. Rycenga, Mr. Bancroft, Mr. Davis, and Mr. Perlman expressed interest in attending.
- c.** Ms. Rycenga noted that the Commission's identification badges issued by the Town do have an expiration date. If members would send her a photo, she would work with Fire Chief Andrew Kingsbury to get them updated and bring them to the next meeting.
- d.** Ms. Mozian confirmed with the Commissioners that Fridays were the best day for field trips.

Public Hearing: 7:15 p.m., Room 201/201A

1. **4 Whitehead Terrace, 333 Greens Farms Road, 335 Greens Farms Road, and 337 Greens Farms Road:** Application #IWW/M-10325-16 by Alan Schur & Karen Schur; David Rubin, MD; Joan Bigham; and Gerald Shea, respectively, to amend wetland boundary map #H07.

Pat Shea recused herself as she is related to one of the parties involved in this application.

Alan Schur was present on behalf of the application.

Ms. Mozian stated Tom Pietras was the soil scientist for the applicant and Aleksandra Moch was the soil scientist for the Town. She noted that it was discovered that 337 Greens Farms Road has had a map amendment done previously that amended the southern wetland boundary. The properties at 333 and 335 Greens Farms Road will have to have the southern boundary amended in the future.

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

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

FINDINGS

4 Whitehead Terrace, 333 Greens Farms Road, 335 Greens Farms Road, 337 Greens Farms Road #IWW/M 10325-16

1. **Application Request:** Applicant is requesting an amendment for wetland boundary map #H-07.
2. **Soil Scientist for Applicant:** Tom Pietras, Pietras Environmental Group, LLC
3. **Soil Scientist for the Town of Westport:** Aleksandra Moch
4. **Plan reviewed:** "Zoning/Location Survey, Map of Property", Prepared for Karen Schur, 4 Whitehead Terrace, Westport, Connecticut, Prepared by Walter Skidd, Land Surveyor, LLC, Scale: 1" = 30', dated May 4, 2016.
5. **Previous Permits Issued:**
333 Greens Farms Road:
 - **AA,WPL/E-7825-06** 2 story addition with interior renovations
 - **AA.WPL/E-6271-00** 1 story rear addition
 - **AA-4177-91** Garage addition
 - **AA-2732-88** Carport
 - **AA-2181-87** 12' X 15' deck
 - **AA-1797-86** Addition

337 Greens Farms Road:

- **IWW/M-1827-86** Map amendment

6. **Wetlands Description**

Soil report Summary- prepared by Tom Pietras dated April 4, 2016 noted there are no wetland soils on 4 Whitehead Terrace. The wetland boundary for properties 333 Greens Farms Road, 335 Green Farms Road and 337 Greens Farms Road have been adjusted slightly to the south. Mr. Pietras describes the following wetland soil occurring on the abutting properties:

The wetlands soils on the 333 Greens Farms Road, 335 Greens Farms Road and 337 Greens Farms Road properties consist of those in the **Raypol series** which consist of very deep, poorly drained soils formed in loamy over sandy and gravelly outwash. stony fine sandy loams (Rn).

Raypol silt loam (Rb): This soil type is nearly level, poorly drained soil found in depressions, on plains and terraces. Included in this unit are small areas of moderately well drained Ninigret soils, poorly drained Walpole soils, and very poorly drained Saco and Scarborough soils. The Raypol soil has a seasonal high water table at a depth of 6 inches from fall until late spring. The permeability of the

soil is moderate in the surface layer and subsoil, and rapid or very rapid in the substratum. Runoff is slow, and available water capacity is moderate. The soil dries and warms up slowly in spring. Most areas of this soil type are wooded. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Groundwater pollution is a hazard in areas used for on-site septic systems. Excavations in the soil area commonly filled with water, and many areas do not have drainage outlets. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction. The soil is poorly suited for trees due to the high water table which restricts root growth. As a result, many trees are uprooted during windy periods.

Mr. Pietras describes the non-wetland soils at 4 Whitehead Terrace as the following:

Charlton fine sandy loam (Cf) and Sutton fine sandy loam (SyB).

Charlton very stony fine sandy loam, 8-15 percent slopes (ChC): This soil unit consists of sloping, well drained soil is on hills and ridges. Stones and boulders cover 1 to 5 percent of the surface. The permeability of the Charlton soil is moderate or moderately rapid. Runoff is rapid, and available water capacity is moderate. The soil dries out and warms up early in spring. It is very strongly acid to medium acid. The hazard to erosion is severe. Most areas of this soil are wooded. Some of the acreage is used for pasture. Slope and the stones and boulders on the surface limit this soil for community development. Slope makes careful design and installation of onsite septic systems necessary to prevent effluent from seeping to the surface.

Sutton fine sandy loam (SvB): This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. Many areas of this soil type are used for community development, with limitations caused by the high water table. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction.

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

- a. The properties are all currently developed with single family residences.
 - b. The properties are all serviced by public water and an on-site septic systems.
 - c. Property is outside aquifer protection zones. The southerly portion of the property is within the aquifer recharge area identified as coarse grained.
 - d. Property is not within the Coastal Area Management zones.
 - e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a permanent streamside floodplain with a watercourse. The perimeter of this wetland system is developed residentially and borders a highway. The outlet of this wetland system is Sasco Creek.
 - f. The WPLO boundary will be 15' from the wetland boundary.
 - g. The wetland line is located at the toe of slope. Land surface shape is linear/linear.
8. The Town of Westport retained the services of Aleksandra Moch to review the proposed wetland boundary.
9. In a letter dated December 10, 2016 states she agrees with the proposed wetland boundary as delineated by Tom Pietras of Pietras Environmental Group, LLC.

**Resolution
Application #IWW/M-10325-16
4 Whitehead Terrace, 333 Greens Farms Road, 335 Greens Farms Road and 337 Greens Farms 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 the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-10325-16 by Karen Schur to amend the wetland boundary on

Map #H 07 on the properties located at 4 Whitehead Terrace, 333 Greens Farms Road, 335 Green Farms Road and 337 Greens Farms Road with the following conditions:

1. Conformance to the plan entitled: "Zoning/Location Survey, Map of Property", Prepared for Karen Shur, 4 Whitehead Terrace, Westport, Connecticut, Prepared by Walter Skidd, Land Surveyor, LLC, Scale: 1" = 30', dated May 4, 2016.
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

Motion: Rycenga

Second: Bancroft

Ayes: Davis, Bancroft, Shea, Porter, Rycenga

Nays: 0

Abstentions: 0

Votes: 5:0:0

Ms. Shea resumed her seat with the Commission.

shallow (0 to 6 inches) seasonal ponding. The seasonal water table typically remains within six inches of the surface.

Mr. Pietras describes the non-wetland soils as the following:

Charlton Chatfield complex (73): These are deep and moderately deep, well drained friable, coarse-loamy textured, glacial till soils derived from schist, gneiss and granite. Depth to bedrock ranges from 20 inches to over 5 feet. About 50% of the soils in this complex are greater than 5 feet to bedrock. Charlton-Chatfield soils occur on glaciated plains, hills and ridges. The water table is generally greater than 5 feet below the surface.

Sutton fine sandy loam (50): This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. Many areas of this soil type are used for community development, with limitations caused by the high water table. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction.

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

- a. The property is currently developed with a single family residences and asphalt driveway. Grassed lawn is present to the west, north and east from the house. The eastern portion of the property contains a pond, woodlands and marsh.
 - b. The property is serviced by public water and an on-site septic system.
 - c. Property is outside aquifer protection zones. The southerly portion of the property is within the aquifer recharge area identified as coarse grained.
 - d. Property is not within the Coastal Area Management zones.
 - e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a permanent streamside floodplain with a watercourse. The perimeter of this wetland system is developed residentially and borders a highway. The outlet of this wetland system is Sasco Creek.
 - f. The WPLO boundary will be 15' from the wetland boundary.
 - g. The wetland line is located at the toe of slope. Land surface shape is linear/linear.
8. The Town of Westport retained the services of Aleksandra Moch to review the proposed wetland boundary.
9. In a letter dated December 10, 2016 states she agrees with the proposed wetland boundary as delineated by Tom Pietras of Pietras Environmental Group, LLC.

RESOLUTION
Application # IWW/M 10334-16
81 Maple Avenue South

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M 10334-16 by 81 Maple Avenue LLC to amend wetland boundary maps # H 07 on the property located at 81 Maple Avenue South with the following conditions:

1. Conformance to the plan entitled: "Zoning/Location Survey, Map of Property", Prepared for 81 Maple Avenue LLC, Westport, Connecticut, Prepared by Walter Skidd, Land Surveyor, LLC, Scale: 1" = 30', dated April 29, 2016.
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: Davis, Bancroft, Shea, Porter, Rycenga
Nays: 0 **Abstentions:** 0 **Votes:** 5:0:0

3. **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. **(POSTPONED TO TUESDAY, JANUARY 24, 2017.)**
4. **1141 Post Road East:** Application #WPL-10317-16 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. **(POSTPONED TO TUESDAY, JANUARY 24, 2017.)**

- 5. 41 Crescent Road:** Application #IWW-10321-16 by LANDTECH on behalf of the Roger Quick, Heritage Homes, to subdivide an existing 2.56 acre lot into three residential lots that will each support a single family dwelling. A portion of the property is within the IWW upland review area.

Tom Ryder of LandTech presented the application on behalf of the property owner. He noted this application is one less lot than what was previously approved a few years ago. They have also removed the interior road to access the lots and the addition to the existing house. The proposed access to the new lots will be from Heather Hill and Webb Road. The water and sewer lines remain as previously proposed. The raingardens have not changed. There will be no physical disturbance to the eastern or western wetlands.

Ms. Krynicky expressed concern that the raingarden would have less hydrology without the road being built and still being sized the same with the 5-foot berm.

Mr. Ryder noted that this application was approved by the Flood and Erosion Control Board. He also indicated that he does not believe there will be less hydrology in the raingarden and that leaving the raingarden as previously proposed does have a slight benefit to the downstream neighbors.

Ms. Krynicky stated there might not be a lot of infiltration in the raingarden as there is a lot of ledge on the site which is why there is a 5-foot berm proposed. She expressed concern with the eastern wetland being impacted as a result of less water reaching this raingarden.

Mr. Ryder acknowledged that the water budget for the wetland may be the staff's concern but he stated that ecologically he is comfortable with the design.

Ms. Rycenga asked about the impervious coverage of the project.

Ms. Rycenga noted that previously no curbed driveways were allowed for lots 2 and 3. She asked if the Commission should add this requirement for lot 1.

Ms. Mozian referred to the 2014 decision in which the interior driveway was the reason for the "no curbs" in order to allow for sheet flow to the wetland. She indicated that the requirement was not necessary for lot 1. She added the staff report of January 10, 2017 does not reflect the plans the Commission just received and the staff received on January 13, 2017. She continued that the owner submitted a proposed memo of agreement for the homeowner's associations of Webb Road and Heather Hill. The Town Attorney has indicated that the Conservation Commission does not need this agreement to be executed but that the Planning and Zoning Commission will in order to move forward with the subdivision application. She noted the Commission was sued over its 2014 decision of the subdivision and there is a stipulated agreement. She suggested that the Commission incorporate the conditions of the 2014 decision into this decision where applicable as well as the terms of the settlement should they move to approve.

Mr. Ryder suggested that conditions #13, 25 and 26 of the Commission's 2014 decision no longer apply.

Ms. Mozian stipulated that condition #13 of the 2014 decision should apply.

Ms. Krynicky discussed the over land connectivity between the two wetlands areas.

Mr. Ryder stated that connectivity is protected by a conservation easement.

Ms. Mozian stated she would like to see that delineated in the field on the Heather Hill northern property line.

Mike Bologna, atty. representing neighboring property owners, Elizabeth and Paul Lieba, in the suit against the Commission, asked the Commission to incorporate all the same conditions of approval of

- 6. 107 Old Road:** Application #IWW,WPL-10322-16 by LANDTECH on behalf of the Estate of Catherine D Fleming to subdivide an existing 6.11 acre lot into 3 residential lots, each to support a single family dwelling. The site contains wetlands that drain to an unnamed tributary of Sasco Brook. A portion of the proposed activity is within the upland review area and the WPL area.

Robert Pryor, PE of LandTech presented the application on behalf of the property owners. The property is located on the north side of Old Road. It is currently developed with a single family residence. At the time of development in the 1960's, approximately 2,700 s.f. of fill was deposited for the driveway installation. They are proposing 3 conforming lots and improving the driveway to create a private road. Sewer is available on Old Road along with public water. The lots are all at least 1 acre in size. The new 20-foot wide roadway will be centered in the 40-foot right-of-way to allow for screening plantings. The existing driveway is 10 feet wide. The private roadway requirement of 20 feet is per Planning & Zoning, the Fire Marshal and Engineering. They did try to get a waiver of this requirement. In place of the existing 12-inch culvert, they will be placing an open bottom box culvert that is 24 inches above the ground and 12 feet wide. They will minimize the fill needed for the driveway construction by use of a retaining wall abutting the roadway. The proposed fill area in the wetland is 380 s.f. but he indicated they will be removing 204 s.f. of wetland fill.

Mr. Pryor stated they prepared a stormwater management plan that conforms to the Town standards. It was designed to the largest allowable coverage on each lot. The roadway will be curbed and sent to a wet basin for treatment of runoff before it gets to the wetland, which is something they do not have now. The runoff to the downstream neighbors is reduced. The runoff volumes will be reduced.

Mr. Pryor discussed the alternatives they explored including:

- A request to reduce the roadway width. This request was denied as indicated above.
- A 2-lot subdivision solution. This alternative still requires wetland filling. The roadway width goes from 20 feet to 18 feet. The potential for the amount of impervious surface increase on the individual lot per the Planning & Zoning regulations. For example, there could be tennis courts on the lots and those tennis courts only count as 50% coverage under the regulations. The driveway crossing would reduce from 380 s.f. to approximately 210 s.f. because the driveway would not be as wide.

Chris Allan, soil scientist and wetland scientist with LandTech, noted the wetland delineation flagged in April 2016 was approved by the Commission in September 2016. He gave an overview of the property's wetlands and uplands. The Town GIS map shows a watercourse connection between the wetland on and off site. There is only a pocket wetland in the northern section, which was confirmed by three soil scientists. He discussed the large wetland, noting he did a vernal pool study and did not find evidence to support this wetland is a vernal pool in that there were no egg masses found. He was able to conduct this study from April until July. He discussed mitigation that would be result of this project which included:

- There will be minimal intrusion into the wetlands.
- There will be an improved hydrologic connection between the two wetlands.
- There will be improved water quality. And
- There will be an open space easement of 2.15 acres.

Mr. Allan added there will be buffer plantings and demarcation of both wetlands.

Mr. Davis asked if there would be an impact to the wetland going over the existing culvert due to construction vehicle activity.

Mr. Pryor stated the current drive is probably typical driveway construction with about a foot of fill below. The trucks for construction should not impact the existing culvert.

Ms. Rycenga asked what the impact to the wetlands is with the reduced 2-lot subdivision scenario.

Mr. Allan stated there is less impact with fill in the wetlands but there are no improvements to the wetlands functions and impacts economic value.

Mr. Bancroft referred to the retaining wall and asked what happens to the snow when plowing. He indicated that they do not want the snow to be pushed into the retention basin.

Mr. Pryor stated there is a break in the retaining wall. They could make it continuous. He believes that the snow would be placed in the T at the end of the road in the turnaround.

Ms. Shea asked how the sewer would be installed.

Mr. Pryor reviewed the process for installing the sewer and utilities beginning at Old Road. Dewatering will be required for sewer installation. They will start at Old Road, trench, pump to sediment basin through a dirt bag. When finished, sediment basin will be converted to wet basin. The box culvert will be installed after the utilities are complete and done from the roadway. The phone poles will be removed.

Ms. Mozian presented photos submitted by the neighbors at 113 Old Road at the driveway crossing dated June 2013 and December 2014.

Mr. Pryor indicated the trees that are to be removed can be identified in the field in the vicinity of the proposed wet basin.

Ms. Mozian asked about the added infiltration and whether sump pumps would be needed.

Mr. Pryor stated the detentions systems are placed in upland soils that are granular soils. They will infiltrate very differently from the wetland soils. All the footing drains will discharge to the detention systems. Sump pumps will be needed in the houses.

Ms. Krynicki asked Mr. Allan to speak to the wet basin's ability to remove pollutants.

Mr. Allan stated the wet basin will be for sediment removal and is vegetated. Most pollutants are bound to sediments. More nutrient uptake takes place during the summer when the plants are active.

Ms. Krynicki spoke to the thermal impact due to tree removal and the number of trees that would have to be removed for the installation of the wet basin.

Mr. Allan stated they have agreed to identify the trees that are going to be removed. If necessary, they will look at the location of the wet basin and relocate it.

Mr. Bancroft asked about the impact of road salt on the wetlands.

Mr. Allan stated it is minimal to the wetland based on its proximity to the main road.

Ms. Krynicki questioned whether there was enough time to study if this was a vernal pool due to drought conditions. This past spring did not reveal a vernal pool due to a CT drought, could a different and wetter spring season possibly show vernal pool activity.

Mr. Allan stated he would have found egg masses even if the pool dried up later in the season. Amphibians tend to make use of the same areas consistently.

Ms. Mozian asked about impact to wildlife with the regard to walls.

Mr. Pryor stated that the wildlife movement would not be affected by the walls. The retaining walls are segmental block walls. No footing sits on gravel.

Ms. Mozian passed out information on wet basins from the 2004 CT Stormwater Management Manual. She asked Mr. Allan for his comments.

Mr. Allan stated every treatment system has both advantages and disadvantages. This system has been used in the past and has been proven to be effective.

Chris Fitch of 9 Mallard Lane stated that he and his neighbor at 11 Mallard Lane both wish that there was evergreen screening between this property and their properties. Currently there are only deciduous trees. Also, they are concerned with increase flow and erosion. He asked if the connection of the two wetlands increase the flow onto his property.

Mike Bologna, atty. representing John and Susan Tschirhart of 113 Old Road, submitted an Environmental Intervention pursuant to CT Statute 22a-19. He indicated that he was going to ask that the Public Hearing be continued. He noted the May 2016 CT court case Calco vs. IWW Farmington (2016-3179764). In this case, a reduced number of lots is a feasible and prudent alternative. He stated the applicant has to show feasible and prudent alternatives and has to demonstrate their plan is the most feasible and prudent.

Aleksandra Moch, consultant for the Tschirhart's, soil scientist, wetland scientist, hydrologist, and hydrogeologist, submitted an initial report based on the plans. She felt the application submission was incomplete. She stated trees are missing from the plan. The drainage systems are very close to the property lines and no overflow shown. The disturbance to build the roadway will be the full 40 feet not just the 20 feet of the roadway. She asked what will be allowed or not allowed within the conservation easement. She spoke to the wetland connection with Sasco Brook and the diversity of the ecosystem. Ms. Moch discussed the short-term impacts of the project including:

- Tree clearing
- Wetland crossing – there are concerns with the installation of the utilities. More details are needed for the roadway construction.
- Wet basin – going to be cleared and filled. It will fill with water. It will be a mosquito breeding area. She questioned how this will be treated.

Ms. Moch discussed the long-term impacts including:

- 40-foot area disturbance for the roadway construction. – the trees currently maintain shade. The roadway will be 4 feet above the ground. The microclimate along the roadway will change.
- The removal of the 12-inch culvert to be replace with a 12-foot wide open culvert. – all the vegetation and species in this wetland have adapted to the existing conditions. This change will require adaptation to the new conditions.
- The detention basin – will be replacing meadow grass for the existing mature trees.
- Installation of the driveway – there is a swale along the roadway, which will direct more stormwater onto her client's property.
- Pocket wetland – it is significant. It is an area that is important for juvenile amphibians.

Ms. Moch made the following recommendations:

- There may be no disturbance within the buffer areas; however, drainage structures in these areas could impact wetland hydrology.
- Maintain the natural flow patterns.
- Reduce the plan to a 2-lot subdivision.

Ms. Rycenga noted that based on training the Commission has had from the State, they cannot accept verbiage that describes the impact as "maybe, could or possible" as fact. She stated the Commission needs to get the resumes of the experts into the record especially with the Intervention.

Ms. Rycenga made a recommendation to Mr. Bologna that they hire their own professional engineer to review the drainage.

Mr. Bologna asked Ms. Moch if a 2-lot subdivision would have less impact on the wetland than the proposed 3-lot subdivision.

Ms. Moch stated it would.

Mr. Bologna urged the Commission to listen to the staff on the pocket wetland. He asked that the map amendment application be incorporated into the record. There is standing water in the wetland 9 months out of the year. The wet basin is isolated. He noted that the animals and birds of the wetland deal with mosquitos. He reminded the Commission that the removal of fill in the wetland is under the culvert not in an open area.

The Commission made a unanimous finding that the hiring of an outside expert to help in the review of this project was necessary.

The Commission, also, made a finding that as presented, this application presents a significant impact.

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

Ms. Mozian noted there were time constraints under the WPLO, which would require the application to be withdrawn. Also, the hiring of an outside expert and awaiting updated plans would mean that the application would like not be heard in February.

Mr. Pryor made a statement that they would withdraw the application and would work with staff regarding the timing for resubmission.

Work Session II:

1. Other business. - NONE

The January 18, 2017 Public Hearing of the Westport Conservation Commission adjourned at 11:30 p.m.

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