

**MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 21, 2016**

The September 21, 2016 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
Robert Corroon
W. Fergus Porter

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicky, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 21, 2016 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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

Ms. Mozian noted there was a Notice of Violation issued to **63 Turkey Hill Road South** for suspected work within a wetland. A soil scientist's report was required. The owner asked for an extension and it was granted. The soils report was received today. Staff is meeting with the owner's attorney September 22, 2016 to come up with a remediation plan.

- 4. 122 Harbor Road:** Request by Garrett Wilson for bond release being held as a requirement of Permit #WPL-9896-14 for plantings and sediment and erosion controls.

Ms. Mozian reviewed a request for bond release. She stated the bond is for \$4,370.52 for plantings and sediment and erosion controls. The plantings were installed in the fall in of 2015 and were in good condition as of March of 2016 when the Conservation Certificate of Compliance was issued. The new owner took title in April. The inspection last week showed the plantings alongside Harbor Road had been reduced. When informed of the problem, the owner promptly corrected the problem and installed new plantings. Staff reinspected and recommends bond release now.

Motion to release bond.

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

- 5. 1 Bluff Point:** Request by the Cedar Point Yacht Club for a modification of Permit #WPL-9942-14 and elimination of Condition 13 requiring that all walkways be constructed and maintained as permeable.

Ms. Mozian reviewed a permit modification request. The walkways were not installed as permeable. So instead they would like to take the water and redirect it into a gravel trench feeding into a smaller raingarden on the west side of the peninsula rather than the east and exchange the proposed raingarden on the east side for a vegetative swale. All this would eliminate the need for Condition 13 of Permit #WPL-9942-14 requiring the restrictive covenant requiring walkways to be permeable in perpetuity. She stated Engineering was okay with the proposed change to the plan.

Mr. Porter asked why the walkways were not constructed as permeable.

Ms. Rycenga spoke to the fact that the Commission may want the right to place a restriction on walkways being permeable in the future.

Ms. Mozian stated the Commission would have a chance in next month when they will see this property come back with another application.

Ms. Shea stated she would like to see this proposal postponed so that it could be vetted at the next meeting.

The other Commission members agreed.

Motion to postpone this item to the October 19, 2016 meeting.

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

Public Hearing: 7:20 p.m. Room 201/201A.

1. **107 Old Road:** Application #IWW/M-10268-16 by Land-Tech Consultants on behalf of the Estate of Catherine D Fleming to amend wetland boundary map #H10.

Chris Allen of Land-Tech Consultants presented the application on behalf of the property owner. He noted Otto Theall had delineated the wetland in 2013. He flagged the wetland in 2016. He had some issues with Mr. Theall's delineation and met with him in the field and resolved them. Tom Pietras was the soil scientist retained by the Town to confirm the wetland boundary and he confirmed the flagging.

Ms. Mozian noted that Mr. Pietras found that some of the wetlands flags were missing in the field but he was able to find enough to confirm the wetland. However, if there is additional work to be done, the wetlands flagging may need to be reset.

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

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

Findings
Application #IWW/M 10268-16
107 Old Road

1. **Application Request:** The applicant is requesting to amend wetland maps #H 10.
2. **Soil Scientists for Applicant:** Otto Theall, Soil & Wetland Science LLC and Chris Allan of LandTech
3. **Soil Scientist for Town of Westport:** Tom Pietras of Pietras Environmental Group
4. **Plans reviewed:**

1. "Topographic Map of Property Located at 107 Old Road Prepared for the Estate of Catherine D. Fleming, Westport, Connecticut", Scale 1"=40'-0", dated February 10, 2016 and last revised to May 5, 2016, prepared by B.G. Root, Surveyor, LLC.
2. "Proposed Subdivision, Existing Conditions with GIS Overlay, prepared for Amy Day, 107 Old Road, Westport, Connecticut", Scale: 1"= 50', dated March 1, 2016, prepared by LandTech

5. **Wetlands Description**

Soil Report Summary- prepared by Otto Theall of Soil & Wetland Science, LLC dated June 26, 2013 describes the following wetland soil occurring on the property.

Ridgebury, Leicester and Whitman soils, extremely stony (3): This mapping unit consists of poorly drained soils. These soils are very stony to extremely stony on the surface and throughout the soils profile. The stones and boulders may cover from 3 to 15 percent or more of the soil surface. These soils have either a perched water table or a groundwater table at or near the surface from fall to spring and after heavy rains or long periods of rainfall in summer. The predominant soil in this mapping unit is the Ridgebury, which has a dark gray to black surface soil and a gray mottled subsoil. The topsoil ranges from silt loam to fine sandy loam and the subsoil texture is a fine sandy loam and is moderately permeable. The underlying substratum is a gray to grayish brown dense compact till consisting of fine sandy loam. It has a slow to very slow permeability. The dense compact substratum ranges from 20 to 30 inches below the surface. These soils normally occur in till deposits and drumlins. The

Leicester soils are more common in areas of bedrock and near outwash deposits. The Leicester soils have a dark gray to black fine sandy loam surface soil and mottled gray fine sandy loam ranging to sandy loam and is also moderately permeable to depths of 40 inches and more. Any compact substratum is below 40 inches. These soils may also be underlain by sand and gravel deposits in places. All of these soils may have a coarse silt loam surface in places due to sedimentation.

Ridgebury, Leicester, and Whitman extremely stony fine sandy loams (Rn): This unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. Stones and boulders cover 5 percent to 35 percent of the surface. This unit consists of three soil types mapped together because they have no major differences in use and management. The soils have a seasonal high watertable at or near the surface from fall to spring. The permeability of Ridgebury and Whitman soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The permeability of the Leicester soils is moderate or moderately rapid throughout. Available water capacity is moderate in all three soils. Runoff is slow on all three, and water is ponded on the surface of some areas of the Whitman soils. The high water table, ponding, and the stones and boulders on the surface limit these soils for community development. Excavations are commonly filled with water. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Rippowam fine sandy loam (Ro): This soil unit consists of nearly level, poorly drained soil found on flood plains of major streams and their tributaries. About 15 percent of this map unit includes small areas of moderately well drained Pootatuck soils, very poorly drained Saco and Scarboro soils, and a few areas with a surface layer and subsoil of silt loam. This Rippowam soil is subject to frequent flooding. It has a seasonal high water table of a depth of about 6 inches from fall until late spring. The permeability of the soil is moderate or moderately rapid in the surface layer and subsoil and rapid or very rapid in the substratum. Runoff is slow or very slow, and available water capacity is moderate. The soil dries out and warms up slowly in spring. Most areas of this soil are wooded. A few areas are used for hay, pasture, and corn, and a few small scattered areas have been filled and are used for community development. The frequent flooding and the seasonal high water table are the main limitations of this soil for community development. Extensive filling is needed for on-site septic systems. Excavations are commonly inundated by water, and slopes of excavations are unstable when wet. The soil is poorly suited to trees. Wetness limits the use of equipment, and the seasonal high water table restricts rooting depth and causes the uprooting of many trees during the windy period.

Saco Silt Loam (Sb): This nearly level, very poorly drained soil is on low flood plains of major streams and their tributary. It is subject to frequent flooding. The water table is at or near the surface most of the year. The permeability of the soils is moderate in the surface layer and subsoil and rapid or very rapid in the substratum. Runoff is very slow and water is ponded on the surface of some areas. Available water capacity is high. The frequent flooding and high water table limit these soils for community development, especially for on-site septic systems, and make the soil generally unsuitable for cultivated crops or commercial tree production.

Scarboro mucky sandy loam (Sc): This nearly level very poorly drained soil is in depressions on plains and terraces. The areas are generally oval and mostly range from 3 to 50 acres. Slopes are less than 1 percent. Included with this soil mapping are small areas of poorly drained Leicester, Raypol, Rippowam, and Walpole soils and very poorly drained Adrian and Carlisle soils. This Scarboro soil has a high water table at or near the surface most of the year. Permeability is rapid in the surface layer and rapid or very rapid in the substratum. Available

water capacity is low. Runoff is very slow, and water is ponded on the surface of some areas. Available water capacity is low. Runoff is very slow, and water is ponded on the surface of some areas. Most areas of this soil are wooded or covered by marsh grasses and sedges. A few small areas are used for pasture or have been filled and are used for community development.

The high water table makes this soil unsuitable for cultivated crops and poorly suited for trees. The water table restricts rooting depth, and many trees are uprooted during windy periods.

Mr. Theall describes non-wetland soils as:

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. Included with this soil in mapping are small areas of well drained Charlton and Paxton soils, moderately well drained Woodbridge soils and poorly drained Leicester and Ridgebury soils. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion and sedimentation during construction. The seasonal high water table limits community development and makes special design and installation of onsite septic systems necessary.

Ninigret and Tisbury soils (21): This nearly level to gently sloping, moderately well drained soil is found on plains and terraces in stream valleys. This soil has a seasonal high water table at a depth of about 20 inches from late fall until mid-spring. Permeability 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 slowly in spring. Many areas of this soil are used for hay, corn, vegetable and nursery crops. Some scattered areas are used for community development and a few small areas are wooded. The seasonal high water table is the main limitation of this soil for community development. The water table makes special design and installation of on-site septic systems necessary. Slopes of excavations are commonly unstable. Where outlets are available, footing drains help prevent wet basements. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction. This soil is well suited for cultivated crops and trees, but drainage is needed in some of the farmed areas. Minimum tillage and the use of cover crops help to control a moderate hazard of erosion in cultivated areas. Machine planting is practical in areas used for woodland.

A supplemental report dated July 20, 2016 was submitted by Chris Allan of LandTech. The report indicates a joint meeting between himself and Otto Theall took place on April 26 and May 2 of 2016. It was concluded at that time that the previously flagged wetland boundary does not possess wetland soil types except for an area in the northeast corner of the property. The revised wetland area was delineated with wetland flags labeled #201- #205.

6. Wetland Description

1. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "a permanent streamside, floodplain, with a marsh and wooded swamp." This wetland is a tributary to Sasco Creek.
2. Property is not located within a 100 year Flood Boundary Line.
3. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
4. Property does not exist within the Coastal Areas Management Zone.

- 2. 10 Punch Bowl Drive:** Application #IWW,WPL/E-10270-16 by Barr Associates LLC on behalf of Adrienne & Alan Kaye, Jr. for a proposed re-subdivision to create a 1-acre lot (Lot A) with the tennis court to be removed and a 1 acre (Lot B) with the house, pool and pool house to be retained and a 0.23-acre open space parcel.

Mel Barr presented the application on behalf of the property owner. He stated there is no development proposed at this time. There is no encroachment into the upland review area under the conceptual plan. The Flood and Erosion Control Board approved the drainage plans for the project with the condition that additional test pits will have to be dug at the time of construction.

Richard Bennett, PE, stated that the soils for the septic and the drainage system were excellent. The drainage system would be placed in clean fill.

Ms. Rycenga noted she submitted to staff photos of the existing vegetation around the pond.

Ms. Mozian noted issues with the site:

- a. The first issue is a zoning issue. Lot A does not meet the zoning requirements for lot size because of wetlands and steep slopes. The proposal is to fill in a portion of the steep slopes to hopefully make it meet the zoning requirements for lot size.
- b. The proposed house on Lot A looks like it has a walkout basement. Staff likes this proposal as it works with the land. She suggests that the Commission support this design as they are providing a blueprint for development of the lot.
- c. Earlier in the day, she asked Colin Kelly, Conservation Compliance Officer, to review photos of the property for the meeting. During his investigation, he discovered an open violation from 2010 for a walled stream. The stream had previously been walled. The wall was lowered and plantings were required. Mr. Kelly was waiting on a call that the plantings were installed for final inspection to close out the violation.
- d. She noted that the drainage is in an area that has groundwater to 102". She questioned whether it can be moved or be placed into two smaller galleries.

Ms. Rycenga noted that this is a subdivision plan but stated the sediment and erosion control plan was inadequate. It did not sufficiently address the area around the tennis court when it was removed.

Mr. Porter noted that the Commission would be able to see develop of the property and sediment and erosion controls when they are prepared to develop.

Ms. Mozian stated that as proposed, this project would be eligible for a staff level permit. The Commission is being given the opportunity to provide a roadmap for the property at this time.

Mr. Barr acknowledged that they are proposing to remove some of the steep slopes to comply with lot coverage. He addressed the violation by saying it was six years ago and that his client had believed that he had done what was necessary to comply with rectifying the violation. However, if there is something that needs to be done, it will be done to satisfy the violation. As to the drainage, they will be doing more test pits with the Engineering Department. There is room to move it around on the site. With regards to the sediment and erosion controls, he acknowledged they are necessary to protect the wetlands. The silt fence around the tennis court can be moved to the non-disturbance buffer and add staked haybales for a length of 40 feet. He addressed the plantings around the pond. He

such commission. In making its decision the commission shall give due consideration to the report of the inland wetlands agency."

Although the proposed development is outside the IWW setbacks and WPLO area, the Commission is reviewing this project with consideration of the existing urbanization of the whole watershed and what best management practice should be employed to protect the existing resource.

Section 5.1(f) allows the Commission to take into consideration impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed activity which may have an impact on wetlands or watercourses.

4. Plans Reviewed:

- a. "Existing Conditions Plot Plan Prepared for Alan Kaye, 10 Punch Bowl Drive, Westport, Connecticut", Scale: 1" = 30', dated April 27, 2016 and last revised to July 28, 2016, prepared by Leonard Surveyors LLC
- b. "Resubdivision Map Prepared for Alan Kaye, 10 Punch Bowl Drive, Westport, Connecticut", Scale: 1" = 30', dated April 29, 2016 and last revised to July 28, 2016, prepared by Leonard Surveyors LLC
- c. "Conceptual Lot Development Plan for a Proposed 2-lot Subdivision Prepared for Alan Kaye, 10 Punch Bowl, Westport, CT", Scale: 1" = 30', dated April 29, 2016 and last revised to July 28, 2016, prepared by Leonard Surveyors LLC

5. Previous Permits/Applications filed:

- a. #IWW/M 9982-15 was approved by the Conservation Commission for an amendment of wetland map #D 14.
- b. A 2010 violation for conducting work without a permit including reconstruction of stonewalls along the stream channel.

6. WPLO: The Waterway Protection Line is located 15' from the wetland boundary.

7. Wetland Soils:

Wetlands Description

The following wetland soils occur on the property:

Timakwa and Natchaug (17): The Timakwa series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials over sandy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately high or high in the organic layers and high or very high in the sandy material. Slope ranges from 0 to 2 percent.

The Natchaug series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials overlying loamy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately high or high in the organic layers and moderately low to high in the loamy material.

The wetland contains a watercourse (pond and channels).

The following soils have been identified as upland soils occurring on the property:

Ninigret and Tisbury soils (21): 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. Included with this soil in mapping are small areas of well drained Charlton and Paxton soils, moderately well drained Woodbridge soils and poorly drained Leicester and Ridgebury soils. Quickly establishing plant cover, mulching, and using siltation basins and diversions help to control erosion.

Agawam fine sandy loam (29): About 15 percent of this map unit includes 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 moderate rapid in the surface layer and subsoil and rapid in the substratum. Runoff is medium, and available water capacity is moderate. The soil dries out and warms up early in spring. Most areas of these soils are used for community and industrial development, and a few are used for corn, vegetable, and nursery crops. Some small scattered areas are wooded. **The rapid permeability of the soil causes a hazard of ground-water pollution in areas used for on-site septic systems.** The soil is unstable and thus is limited for excavations. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction. The soil is well suited to cultivated crops and trees. The hazard of erosion is moderate. The seasonal high water table limits community development and makes special design and installation of onsite septic systems necessary.

Udorthents-Urban Land Complex (306): This unit consists of areas that have been altered by cutting or filling. The areas are commonly rectangular and mostly range from 5 to 100 acres. Slopes are mainly 0 to 25 percent. The materials in these areas are mostly loamy, and in the filled areas it is more than 20 inches thick. Some of the filled areas are on floodplains, in tidal marshes, and on areas of poorly drained and very poorly drained soils. Included in this unit in mapping are small areas of soils that have not been cut or filled. Also included are a few larger urbanized areas and a few small areas containing material such as logs, tree stumps, concrete, and industrial waste. A few areas have exposed bedrock. Included areas make up about 30 percent of this map unit. The properties and characteristic of this unit are variable, and the unit requires on-site soil investigation and evaluation for most uses.

8. Property Description and Relative Facts:

- a. The Westport Wetlands Inventory prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "a permanent streamside, floodplain with a wooded swamp." This wetland discharges into Silver Brook.
- b. The landscape position of the proposed development site would be classified as a shoulder with a land surface shape of this property described as linear/linear and moderately sloping.
- c. The 100 year floodplain as designated by FEMA does not occur on the property.
- d. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
- e. Property does not exist within the Coastal Areas Management Zone.
- f. The property is serviced by a septic system and municipal water.
- g. Vegetative cover at the property is primarily lawn with other ornamental plantings.

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

Existing and proposed site improvements are shown on the submitted site plan to depict what is currently developed on Lot "B" and what viable area of future development is proposed for Lot "A".

The Commission finds the following concerns and possible alternatives to reduce potential impacts to the abutting freshwater wetland, watercourse and pond:

A septic system for **six** bedrooms is proposed for the proposed residence on Lot "A". A letter from the Health Department dated July 29, 2016 has been submitted with this application. Comments include that Lot A will require additional soil testing for the lot and a professional engineer must design the sub-surface disposal system.

Lot B supplies a 100% code complying septic area for a six bedroom dwelling. Jeff Andrews, RS, Chief Sanitarian recommends approval of this subdivision proposal.

The tennis court is being removed for the development of Lot "A". The existing court is located approximately 15' from the wetland line. The Commission finds it can be anticipated that disturbance will occur very close to the edge of the existing pond with the removal process. In addition,

Test pit #3 (located at the southern end of the court) showed evidence of a high groundwater table. Therefore, a dewatering operation may be necessary for the excavation for the court removal as well as additional sediment and erosion controls down gradient may be warranted.

The existing line of vegetation along the pond edge has not been identified on the site plan. The Commission finds the location of this vegetation is important for water quality and should be protected where possible. Prior to a site plan application review for individual development on Lot "A", this information should be included for staffs' consideration.

The proposed house design is for a walkout basement. This type of house design follows the existing contours and minimizes fill and/or excavation activity. The Commission finds this site design is desired for any future development of this parcel.

Proposed building and total lot coverage calculations have not been provided. The Commission finds this information should be included for individual lot design review during future permitting.

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 Westport Weston Health District recommended approval of the septic system preliminary layout for site development on both lots on July 29, 2016.

Test pit #4 in the vicinity of the storm water detention system for Lot "A" records a soil profile which description reads " 0" to 101" of black unsuitable soil". The Commission supports the need for further soil exploration in order to determine a more suitable stormwater retention area or engineering provisions for making the area suitable for drainage.

It appears the proposal is utilizing existing grades as much as possible to avoid substantial grade changes. A walk out basement and at-grade patio are proposed for the rear of the residence on Lot "A". The Commission finds this type of house design will result in less manipulation of natural grades and drainage flow.

Existing vegetation around the pond on Lot "A" is not currently shown on the existing site plan. The Commission finds a 5' vegetative buffer be retained, restored and /or proposed as necessary along the edge of the pond following the proposed site development activity. This will help to infiltrate and provide nutrient removal of the stormwater surface runoff prior to discharge to the pond.

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.

The applicant has provided silt fence around the proposed construction envelope on Lot "A".

The silt fence crosses the existing tennis court and so will need to be moved to a more realistic location as the tennis court removal is an integral part of the development of Lot "A". All areas wetland-ward of the silt fence should not be disturbed during construction. Proposed grading is located outside regulated areas. As the silt fence is shown around the entire proposed activity area, no physical impact due to erosion and sediment is anticipated within IWW setbacks.

An anti-tracking pad is proposed for the construction activity on Lot A and it is assumed the existing driveway will be used for the activity for Lot B, if construction activity occurs on this site.

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.

Lot "B" is remaining as is and Lot "A" is proposed to have site improvements take place in the vicinity of a tennis court that is to be removed.

Additional vegetation adjacent to the pond edge would help improve water quality as well as enhance habitat potential as it would provide visual and auditory screening from human activities.

A portion of the southern section of the property is to be designated as "open space". The pond and adjacent wetlands will provide the opportunity for biological productivity.

The Commission finds a Conservation Easement imposed by the Planning and Zoning Commission for the .235 open space would be beneficial to the long term protection of the pond, watercourse and wetland system.

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

Increased development without proper consideration of storm water impacts can be a cumulative and significant source of pollution and flooding concerns to neighboring properties. As the number of opportunities for non-point pollutant sources increases and the distance decreases, the likelihood of water quality impact increases.

To protect this wetland system from adverse impacts, pollutants need to be controlled at their source to the maximum extent feasible. The Commission finds the use of the maximum percentage of pervious surfaces and the encouragement of sheet flow to vegetated filter strips for maximum biofiltration and infiltration prior to discharge to the wetland system.

The applicant proposes to use subsurface infiltration for the storm water on Lot "A". The test results in the vicinity of these structures report unsuitable soil to a depth of 101". The Commission finds that due to these unsuitable soil conditions, the applicant explore other areas of Lot "A" for stormwater infiltration or provide an engineering solution that assures these soils will allow for infiltration.

Exiting Lot "B" and the current existing site improvements is not required to show additional drainage appurtenances.

The Flood and Erosion Control Board approved this application on September 7, 2016.

6.6 RECREATIONAL AND PUBLIC USES

- a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;

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

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

Waterway Protection Line Ordinance

Section 148-9 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 is established 15' from the wetland limit. The Flood and Erosion Control Board approved the resubdivision at its September 7, 2016 meeting.

All construction activities are proposed outside the WPLO boundary. The Commission finds that provided proper erosion controls and vegetative buffers are established, 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/E 10270-16
Street Address: 10 Punch Bowl Drive
Assessor's: Map D 14 Lot 089
Date of Resolution: September 21, 2016

Project Description: For the resubdivision of a 2.34 acre lot into two lots. The existing dwelling, pool and pool house will remain. The existing tennis court is to be removed and the new lot will be developed with a new single family dwelling and associated site improvements. The site plan shows proposed potential development outside the IWW upland review area and the WPLO boundary. No construction activity is authorized under this permit.

Owner of Record: Adrienne and Alan Kaye Jr.

Applicant: Barr Associates LLC

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW,WPL/E 10270-16** with the following conditions:

1. Completion of a 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.

SPECIAL CONDITIONS OF APPROVAL

6. Conformance to the plans entitled:
 - a. "Existing Conditions Plot Plan Prepared for Alan Kaye, 10 Punch Bowl Drive, Westport, Connecticut", Scale: 1" = 30', dated April 27, 2016 and last revised to July 28, 2016, prepared by Leonard Surveyors LLC
 - b. "Resubdivision Map Prepared for Alan Kaye, 10 Punch Bowl Drive, Westport, Connecticut", Scale: 1" = 30', dated April 29, 2016 and last revised to July 28, 2016, prepared by Leonard Surveyors LLC
 - c. "Conceptual Lot Development Plan for a Proposed 2-lot Subdivision Prepared for Alan Kaye, 10 Punch Bowl, Westport, CT", Scale: 1" = 30', dated April 29, 2016 and last revised to July 28, 2016, prepared by Leonard Surveyors LLC
7. An individual permit review will be required for any future activity on either parcel.
8. The development of Lot A will require a staff-approved erosion and sediment control plan that adjusts the location of the silt fence by approximately 40 ft. to account for the removal of the tennis court and which will include a double row of silt fence and staked haybales to protect the pond during excavation.
9. All existing pond-side vegetation shall be depicted on site plans submitted for future development.
10. A 5 ft. vegetative buffer around the perimeter of the pond shall be established to augment the existing plantings as a condition of approval for development/construction on each lot.
11. Future development of Lot A is encouraged to incorporate a walk-out basement as shown on the June 27, 2016 conceptual site plan in order to minimize excavation and filling activity.
12. Future development of Lot A is encouraged to explore alternative drainage design and location from what is currently shown on the conceptual site plan in order to find more acceptable soil conditions.

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: Davis Second: Corroon

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

Nayes:

Abstentions:

Vote: 6:0:0

Furthermore, in a sense of the meeting resolution, the Conservation Commission recommends to the Planning and Zoning Commission that the area on the subdivision map depicted as open space be further restricted from development and alteration by the establishment of a Conservation Easement as defined in the Planning and Zoning Regulations, Section 54-20.2.

Findings
Application # IWW/WPL/E-10276-16
42 Burnham Hill

1. **Receipt Date:** **September 21, 2016**
2. **Application Classification:** **Summary**
3. **Application Request:** The applicant proposes to demolish the existing residence and to construct a new single family residence with a FEMA compliant crawl space, new driveway, a/c units and a generator. The proposed pool has been eliminated from the application at this time. The residence is serviced with municipal water and sewer. Portions of the work are within the 50 foot upland review area setback. The proposed activity is outside the WPLO boundary and therefore eligible for an exemption.
4. **Plans Reviewed:**
 - a. "Site Plan Details & Notes, Bluewater Burnham 42 LLC, 42 Burnham Hill, Westport, CT", Scale: 1"= 20', dated August 10, 2016, prepared by Chappa Site Consulting, LLC
 - b. "Zoning/Location Survey, Map of Property Prepared for Bluewater Burnham 42 LLC, 42 Burnham Hill, Westport, Connecticut", Scale: 1"= 20', dated June 1, 2016, prepared by Walter H. Skidd- Land Surveyor LLC
 - c. Architectural plans: "New Residence for Bluewater Burnham 42 LLC, 42 Burnham Hill, Westport, CT", (4 sheets), dated August 8, 2016, prepared by Achilles Architects
5. **Permits Issued for this Property:**

No previous permits have been issued for this property.
6. **WPLO**

Waterway Protection Line is located 15' from the floodplain boundary of elevation 9.0' NGVD.
7. **Soils**

Soil Report Summary- prepared by Alexandra Moch on May 31, 2016 describes the following wetland soils occurring on the property:

Ridgebury, Leicester and Whitman soils, extremely stony)3): This mapping unit occurs in depressions and/or drainage ways. This poorly drained soil is underlined by a compacted restrictive layer at the depth of more than 80 inches. 9% of the surface area is covered with cobbles, stones or boulders. The parent material is a coarse-loamy melt-out till derived from granite and/or schist and/or gneiss. The depth to the groundwater table is about 0 – 18 inches.

Ms. Moch describes the non-wetland soils as Udorthents-Urban land complex (306).

Udorthents-Urban land complex: This unit consists of primarily of man-made soils named Udorthents, wet substratum. These areas have been altered for cutting and/or filling, and have a seasonal high water table within one and half (1.5) to three (3) feet of the soil surface. Slopes range from 0 to 5 percent. Typically these soils are in places that have two (2) feet or more of fill placed over poorly or very poorly drained soils; or are in areas that have been cut to within one and half (1.5) to three (3) feet of the water table, or the original soil materials have been mixed to the extent that the natural soil horizons are no longer identifiable. The fill consists primarily of mineral soil materials with minor amounts of man-made artifacts such as pieces of concrete, brick, wood, metal and glass.
8. **Property Description and Facts Relative to the Application:**
 - The existing residence on the 0.52 acre parcel was originally constructed in 1953.
 - The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "hydraulically isolated within a floodplain with open water and a wooded swamp present."
 - Landscape position of this parcel is a side slope and land surface shape is linear/linear.

- The FEMA maps indicate that the property is located within the 100 year flood zone AE (El. 13).
- The Waterway Protection Line occurs 15' from the 25 year floodplain as determined by the location of elevation 9.0' NGVD.
- Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
- Property does not exist within the Coastal Areas Management Zone.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

9. 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 existing residence will be demolished and a new 4 bedroom residence will be constructed in the same general area. The Commission finds the proposed footprint reduces the previous further intrusion into the upland review area of a patio and a portion of the existing residence. These are now eliminated from the proposed footprint so that at its closest point the new structure will be approximately 35' from the wetlands.

All other proposed components of the site development plan are in conformance with the IWW upland review area setbacks.

No vegetation will be removed from the site with this proposal.

As a portion of the flagged wetland on this parcel is maintained lawn, the applicant has proposed to identify the flagged wetland boundary in the field with randomly placed boulders and the area to the north will be revegetated to re-establish the wetlands and to remove the manicured lawn. The boulders will provide a permanent visual identification of the resource to be protected.

The Commission finds that vegetation also be proposed within the 20' non-disturbance setback along the easterly property line to remove manicured lawn and to establish a vegetative buffer strip in and around the wetland.

10. 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 residence will be served by municipal water and municipal sewer.

As the residence will be built to FEMA compliance, a crawl space foundation is proposed which reduces the grading activity needed to accomplish the development proposal.

The applicant proposes to install native plantings at the wetland line and within the wetland which will also serve to delineate the limit of disturbance and construction activity for the residence.

The Commission finds that maintaining a vegetative buffer of native plants will help to provide the natural functions within a wetland and will help to safeguard natural resources: 1) provides additional stormwater runoff filtration area that will improve water quality prior to discharge to a wetland; 2) reduces construction impacts on wetlands by reducing erosion and sedimentation impacts; 3) reduces water velocities from stormwater runoff prior to discharge into wetlands which allows vegetation to absorb some non-point pollutants such as fertilizers or herbicides that may otherwise discharge into wetlands/waterbodies; 4) provides slower water velocities which allow more water to infiltrate into the soil, improving groundwater recharge functions and water quality improvement functions; and, 6) provides and improves upland habitat needed for wildlife dependent on wetlands/watercourses.

11. 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.

The Commission finds erosion and sedimentation during construction activities should not be problematic as the proposed foundation is a crawl space and provided erosion and sediment controls are properly installed as shown, and are maintained, there should not be excessive sediment migration. A construction entrance anti-tracking pad is proposed as well as a stockpile area protected with a silt fence. The Commission finds that additional silt fencing should be placed around the dripline of the tree in the backyard to be saved.

12. 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 Commission finds that existing site conditions provide the opportunity to revegetate a wetland area at the rear of the parcel to enhance and/or improve biological productivity and habitat. Use of the proposed boulders or other demarcation type will serve as an effort

to limit intrusion into the wetland and to encourage and promote additional natural habitat area.

13. 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

All proposed activity is located outside the 25 year floodplain limits. The Commission finds the 100 year floodplain crosses through the center of the proposed residence and therefore the house must conform to the FEMA requirements of an AE Elevation 13.0' flood zone.

Keith Wilberg, P.E., Deputy Town Engineer has reviewed and approved the drainage design for this project to assure it meets the Town of Westport drainage requirements.

The Commission finds that the addition of the landscape buffer at the edge of the proposed construction limit is essential for slowing runoff and aiding in infiltration.

14. 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 that the current application will have no significant impact on recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E 10276-16
Street Address: 42 Burnham Hill
Assessor's: Map D 05 Lot 032
Date of Resolution: September 21, 2016

Project Description: The applicant proposes to demolish the existing residence and to construct a new single family residence with a FEMA compliant crawl space, new driveway, a/c units and a generator. The proposed pool is being eliminated from the application at this time. Portions of the work are within the 50 foot IWW upland review area and outside the WPLO area of the Sherwood Mill Pond.

Owner of Record: Bluewater Burnham 42, LLC
Applicant: William Achilles of Achilles Architects

In accordance with Section 6 of the Inland Wetlands and Watercourse Regulations and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL/E 10276-16** 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. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. 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.
10. 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.
11. Any construction dumpsters located on the site shall be covered at the end of each work day to avoid leaching of pollutants during rain events.

SPECIAL CONDITIONS OF APPROVAL

12. Conformance to the plans entitled:
 - a. "Site Plan Details & Notes, Bluewater Burnham 42 LLC, 42 Burnham Hill, Westport, CT", Scale: 1"= 20', dated August 10, 2016, prepared by Chappa Site Consulting, LLC
 - b. "Zoning/Location Survey, Map of Property Prepared for Bluewater Burnham 42 LLC, 42 Burnham Hill, Westport, Connecticut", Scale: 1"= 20', dated June 1, 2016, prepared by Walter H. Skidd- Land Surveyor LLC
 - c. Architectural plans: "New Residence for Bluewater Burnham 42 LLC, 42 Burnham Hill, Westport, CT", (4 sheets), dated August 8, 2016, prepared by Achilles Architects

"If an application involves land regulated as an inland wetland or watercourse under the provisions of chapter 440, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or re-subdivision. The commission shall not render a decision until the inland wetlands agency has submitted a report with its final decision to such commission. In making its decision the commission shall give due consideration to the report of the inland wetlands agency."

The resubdivision will not include any construction, changes or alterations to either the property or any structures, systems or other improvements. Its purpose is to create two lots: "A" which contains the single family residence and "B" which contains the residential Barn.

In lieu of the fact that no development is proposed at this time, Section 5.1(f) allows the Commission to take into consideration impacts potential future activities may have on wetlands or watercourses.

4. Plans Reviewed:

- a. "Historic Residential Structure Resubdivision Map Prepared for Wendy Van Wie, 188 Cross Highway, Westport, Connecticut", Scale: 1"= 30', dated June 14, 2016, prepared by Leonard Surveyors LLC

5. Permits/Applications filed:

No previous permits issued for this property.

6. WPLO

The Waterway Protection Line is located 15' from the wetland boundary.

7. IWW Defined Resource (wetland or watercourse)

Inland wetlands occur on the subject property.

The Town of Westport wetland boundary is being used for this application. No activity is proposed for this application. All existing property improvements are well outside the upland review areas.

8. Property Description and Relative Facts:

- The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland with a hydraulic streamside location associated with a geologic floodplain location. The wetland system includes an intermittent watercourse and a wooded swamp. The hydrological connection of this system is with the Sasco Creek.
- The 100 year floodplain as designated by FEMA does not occur on the property.
- Landscape position is a shoulder with a flanking moderate to steep backslope.
- Property does not exist within the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.
- The property is serviced by a septic system and municipal water. A very steep slope is a physical delineation between the manicured portions of the parcel and an area of steep slopes adjacent to the wetlands.
- The Westport Weston Health District approved the proposed septic system layouts for the 2 lot re-subdivision on November 17, 2014. The Health Department reviewed the most recent site plan of June 14, 2016 and stated it had no objection to the re-subdivision.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

9. 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

No site improvements are proposed at this time.

A document entitled: "Easement and Declaration of Preservation Restriction for Historic Structures" was submitted by the applicant and will be imposed as a condition of the granting of the Special Permit application by the Planning and Zoning Commission. Numerous conditions for maintaining, protecting and preserving the exterior architecture, historical and cultural features of the historic structures will be part of the restriction language that is required. No alteration of the historic structures are to be made, nor any additional structure erected or enlarged on the premise unless a review from the Historic District Commission or a special permit from the Planning and Zoning Commission has been granted.

Section 7.4 of the Regulations for the Protection and Preservation of Wetlands and Watercourses states: If wetlands or watercourses are located in an Aquifer Overlay Zone, or have the presence of steep slopes of 25% or greater, vernal pool(s), or endangered species, a review area setback of up to 100' may be required.

This parcel does contain a large area of steep slopes in the rear half of the property. The Commission finds that all existing site improvements and proposed septic system reserve areas are outside the 100' upland review area setback.

Pursuant to § 54-02.2 of the Planning and Zoning Subdivision Regulations, the Planning and Zoning Commission is authorized to require a Conservation Easement Area to encompass environmentally sensitive and/or ecologically fragile natural resources (such as steep slopes and wetlands). However, the Conservation Commission finds that due to the presence of steep slopes a 100 ft. setback for any future activity on the property will be sufficient to protect the wetland.

10. 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

No site development activity is being proposed and no future activity will be authorized at this time.

The Westport Weston Health District has reviewed a proposed two lot subdivision proposal. The review was for an existing five bedroom home on Parcel "A" which has a code complying septic system. Parcel "B" has an existing home with a septic system for four bedrooms with a code complying septic reserve area. Both lots are served by public water. The Health Department recommended approval of the site plan dated May 30, 2014.

Mark Cooper, Director of Health in an e mail dated August 15, 2016 brought to the attention of the Planning and Zoning Department that the resubdivision map dated June 14, 2016 should be resubmitted to the Westport Weston Health District for review. He added that it does not appear material changes have been made to the proposed primary and reserve septic system areas on either parcel.

The plan resubmission to the Westport Weston Health District was completed. Mr. Cooper issued a statement via e-mail that upon receipt and review of the revised plan, The Westport Weston Health District has no objections to its approval.

11. 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.

No site development activity is being proposed and no future activity will be authorized at this time.

12. 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 existing developed area on the proposed properties and the area of steep slopes adjacent to the wetland at the toe-of-slope are naturally vegetated and serve as an existing effective buffer. The Commission finds protection of this steep slope area is beneficial to the protection of the downgradient wetland and should not be significantly altered in any future application submissions. At this time, vegetation is not proposed to be removed within regulated areas in conjunction with this re-subdivision proposal.

13. 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

No site development activity is being proposed and no future activity will be authorized at this time. A report from Keith Wilberg, P.E., Deputy Town Engineer dated August 24, 2016 states that the depicted activity poses no adverse engineering impacts with respect to site grading or stormwater runoff and drainage. At such time that any development would be proposed, the owners would need to have the activity reviewed by the Engineering office for site grading and storm water runoff and drainage as is standard procedure for any development.

14. 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 current application will have no significant impact on recreational and public uses.

15. Waterway Protection Line Ordinance

Section 148-9 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.

All construction activities are proposed outside the WPLO boundary and therefore eligible for an exemption. The proposed re-subdivision is acceptable to the Engineering Department and the proposed re-subdivision, with no activity proposed, will not impact the resource as it is protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL/E 10278-16
Street Address: 188 Cross Highway
Assessor's: Map G 14 Lot 010
Date of Resolution: September 21, 2016

Project Description: For a proposed re-subdivision to create one new lot. No construction activity is proposed and none is authorized under this permit.

Owner of Record: Wendy Van Wie

Applicant: Rita Steinberger, Esq.

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL/E 10278-16** with the following conditions:

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.

SPECIAL CONDITIONS OF APPROVAL

5. Conformance to the plans entitled:
 - a. "Historic Residential Structure Resubdivision Map Prepared for Wendy Van Wie, 188 Cross Highway, Westport, Connecticut", Scale: 1"= 30', dated June 14, 2016, prepared by Leonard Surveyors LLC
6. An individual permit review will be required for any future activity on either parcel. A 100' setback from the wetlands will be requested for any proposed activity. Failure to meet the 100' setback will require a review of the proposal by the Conservation Commission.

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: Porter **Second:** Shea
Ayes: Porter, Shea, Rycenga, Davis, Bancroft, Corroon
Nays: **Abstentions:** **Vote:** 6:0:0

Findings
Application # IWW 10279-16
785 Post Road East

1. **Receipt Date:** September 21, 2016
2. **Application Classification:** Summary
3. **Application Request:** To raze the existing improvements on site and construct a commercial building on the southern half of the property with three residential buildings on the northern half (two townhouses and one apartment building) as well as associated drives and parking. The total proposed impervious coverage on site is approximately 0.89 acres, which is an increase of 0.45± acres over existing conditions. All proposed buildings are located outside the 100' upland review area as imposed due to steep slopes. A portion of the patios and a portion of the proposed retaining walls for proposed Building #3 are located within the 100' IWW upland review area. The Waterway Protection Line Ordinance is not applicable to this site
4. **Previous applications for this property:**
 - a. IWW/M 10134-15 for the amendment of wetland map E 9
 - b. The Commission had reviewed a request by the applicant to receive an Administrative approval. The motion made by the Commission requested the applicant adhere to a 100' upland review area due to steep slopes pursuant to Section 7.1 of the Regulations
5. **Plans Reviewed:**
 - a) "Zoning Site Plan Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet ZSP-1), Scale: 1" = 30' dated May 10, 2016 and last revised to August 17, 2016, prepared by Redniss & Mead
 - b) "Grading Plan Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-1), Scale: 1" = 30' dated May 10, 2016 and last revised to September 13, 2016, prepared by Redniss & Mead
 - c) "Utility Plan Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-2), Scale: 1" = 30' dated May 10, 2016 and last revised to September 13, 2016, prepared by Redniss & Mead
 - d) "Sediment & Erosion Control Plan Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-3), Scale: 1" = 30' dated May 10, 2016 and last revised to September 13, 2016, prepared by Redniss & Mead
 - e) "Details Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-4), Scale: 1" = 30' dated May 10, 2016 and last revised to August 17, 2016, prepared by Redniss & Mead
 - f) "Details Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-5), Scale: 1" = 30' dated May 10, 2016 and last revised to September 13, 2016, prepared by Redniss & Mead
 - g) "Details Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-6), Scale: 1" = 30' dated May 10, 2016 and last revised to September 13, 2016, prepared by Redniss & Mead
 - h) "Soil Data, Details, and Vehicle Movements Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet SE-7), Scale: 1" = 30' dated May 10, 2016 and last revised to September 13, 2016, prepared by Redniss & Mead
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- j) "CT DOT Vehicle Movements Depicting 785 Post Road East, Westport, CT Prepared for Coastal Construction Group, LLC" (Sheet SE-9), Scale: 1" = 30' dated May 24, 2016 and last revised to August 17, 2016, prepared by Redniss & Mead
- k) Westport Terrace Views, 1595 Post Road East, Westport, CT", prepared by Milone & MacBroom, dated October 1, 2014
- l) "Notes & Legend, Westport Terrace Views, 1595 Post Road East, Westport, CT ", Sheet NL (1 of 10), dated October 1, 2014, prepared by Milone & MacBroom
- m) "Landscape Plan Prepared for 785 Post Road East LLC, 785 Post Road East, Westport, Connecticut", dated May 10, 2016 and last revised to August 17, 2016, prepared by William Kenny Associates LLC
- n) "785 Post Road East Phasing Plan" prepared by David R. Ginter, Redniss & Mean, Inc. submitted into record at Public Hearing 9/21/16

6. Property description and facts relative to this application

- Property is outside Aquifer Protection Overlay Area and aquifer/primary recharge zones.
- Property is outside Coastal Area Management zones.
- The property is located on the northerly side of Post Road East. The site area is 2.41 acres.
- The 100 year floodplain as designated by the Federal Emergency Management Agency (FEMA) is not located on this property.
- A report, dated March 20 & 27, 2013, prepared by Thomas Pietras of Soil Science and Environmental Services, Inc. describes soil types found on the property to include wetland soil type, Aquents. This is a poorly to very poorly drained, disturbed soil where two or more feet of the original soil surface has been altered by filling, excavation and/or grading. Aquents are characterized by a seasonal to prolonged high groundwater table at or near the ground surface. Aquents are capable of supporting a prevalence of hydrophytic plants.
- The upland soils have been identified as Charlton-Chatfield complex (73), Udorthents-Urban land complex (307) and Udorthents, smoothed (308).

7. 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

Section 3.18 of the "Regulations", which also mimics the State Statute Section 22a-38 (13), states a "Regulated Activity" means "any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands and watercourses, but shall not include the specified activities in Section 4.0 of these Regulations. Furthermore the Commission may rule that any activity located within the review area setbacks or in any other non-wetland or non-watercourse area which is likely to impact or affect wetlands or watercourses and is a regulated activity."

The Commission finds that this project does not indicate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands and watercourses.

The proposed project proposes a Conservation Easement to protect vegetation and slopes 50' from the small wetland pockets in the northeast portion of the property. It is proposed to be delineated in the field with 4" square signs posted on existing trees or on a proposed wood post.

The proposed buildings lie outside the 100' upland review area imposed on the parcel due to the presence of steep slopes. Proposed activity within the 100' upland review area setbacks includes portions of proposed patios and retaining walls as well as grading. Test holes on the site indicate a very shallow ledge solum. The Commission finds the applicant has not addressed a blasting potential for the site development.

Section 5.1 of the "Regulations", lists criteria to be considered by the Commission in carrying out the purposes and policies of the Regulations and Sections 22a-36 to 22a- 45(a) inclusive of the Connecticut General Statutes. Section 5.1 (f) requires the Commission to consider "impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonable related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses." The Commission finds in this application Section 5.1 (f) may be applicable if proper site controls are not utilized.

No clearing, grading or disturbance is proposed within the Conservation Easement. Three trees consisting of Red Maple and Dogwood will be planted along the southern edge of the Conservation Easement area. Staff asks the Commission to consider if this is sufficient.

Section 4.2.1 of the "Regulations" states "an operation or use shall be considered a disturbance of the natural and indigenous character of wetlands and watercourses when it involves one or more of the following activities:

- (a) Alteration of the surface, soils or topography of, in and adjacent to;
- (b) Alteration of water level or water table in or adjacent to;
- (c) Alteration or removal of vegetation in;
- (d) Alteration of the light source or penetration into;
- (e) Placement of structures, dredging or filling within; and/or
- (f) Alteration of the chemical properties of; wetlands and watercourses"

The Commission finds this proposal does not constitute a disturbance of the natural and indigenous character of wetlands and watercourses as activities (a) through (f) as referenced above will not occur.

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

The Commission finds there is no proposed direct impact to the wetlands or watercourse.

The proposed Conservation Easement will allow vegetation to remain undisturbed.

Test holes show ledge at a depth as shallow as 33" in the vicinity of the storm drainage galleries adjacent to Building #3. Shallow depth to ledge on this site may make installation problematic.

Further consideration would include the fact that existing drainage patterns will not be maintained as the change in grade at this site is extensive. Natural hydrology will be disrupted.

The Commission finds that surface water quality protection measures would help with several purposes including stormwater renovation, retention storage, flow attenuation and infiltration.

The proposed infiltration system offers water quality in the form of:

- a. 2' sumps and bell traps in the catch basins to ensure sediment, oil and other floatables do not enter the infiltration systems
- b. Filter fabric is proposed to be installed around a select number of infiltration units
- c. Each structure discharging into the infiltration systems has two pipe connections. The primary connection allows the lower storm events to discharge into the filter fabric wrapped units first and receive additional treatment. The secondary pipes are set at an elevation so that 20% of the water quality volume is provided in the filter wrapped units

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.

The construction narrative and Phasing Plan submitted 9/21/16 indicates that the entire site will be disturbed and prepared for site work all at once but will provide sufficient protection of the wetland during construction.

Currently, the proposal has a toe of slope approach with a silt fence and haybale combination. The Commission finds it would be prudent to phase the excavation and grading activities and add multiple lines of sediment protection.

The Commission finds the answers to the following questions are applicable to this development proposal: a. Are stockpile areas proposed for loam only? b. How will the extensive amount of fill be handled or removed from this property? c. Will the excavation for the proposed retaining walls intercept groundwater and/or create side hill seeps? d. Will blasting be required? The depth of excavation exceeds 10' in many areas. The Commission finds that the phasing plan along with the site monitor and a contingency plan to handle groundwater seeps will provide the necessary protection to the wetlands.

Construction of retaining walls at the limits of disturbance is proposed. This limits the extent of grading at the top of a steep slope and further helps to protect the existing vegetation with the walls located adjacent to the Conservation Easement area. The Commission finds the Construction Sequence narrative be amended to allow the retaining wall to require to be installed before the foundation construction to aid in retarding sediment transport.

For a project as large as this, the Commission finds a qualified site monitor be retained to oversee the erosion and sediment control continued function throughout the re-development of the site.

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

No grading, clearing in or near the wetland is proposed with this project.

The proposed Conservation Easement area that is presently forested is to remain vegetated and will enhance the separation from the proposed development area.

Wildlife present on the site and in the general area is locally common suburban species that one would expect to find in a developed area.

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 application with conditions on September 7, 2016. The condition stated that the Town Engineer could review and approve a revised drainage report and layout. Keith Wilberg, P. E., Deputy Town Engineer has reviewed and approved the revised drainage proposal and assures it has been prepared in accordance with Engineering Department requirements and is acceptable. The existing site surface runoff is proposed to be reduced significantly with the use of additional underground infiltration galleries combined with a smaller surface level spreader.

6.6 RECREATIONAL AND PUBLIC USES

There should be no adverse impact to recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW 10279-16
Street Address: 785 Post Road East
Assessor's: Map E 09 Lot 191
Date of Resolution: September 21, 2016

Project Description: For the demolition and removal of the existing building and parking lot and the construction of a new mixed-use multiple structure development. Portions of the work are within the IWW upland review area setbacks of an isolated wetland.

Owner of Record: 785 Post Road East, LLC

Applicant: Redniss & Mead, Inc.

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application # **IWW 10279-16** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. Conformance to the Flood and Erosion Control Board Conditions of Approval of September 7, 2016.
7. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
8. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
9. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
11. All plants proposed in regulated areas must be non-invasive and native to North America.

12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
14. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
15. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
16. A final inspection is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. "Zoning Site Plan Depicting 785 Post Road East, Westport, CT Prepared for 785 Post Road E, LLC" (Sheet ZSP-1), Scale: 1" = 30' dated May 10, 2016 and last revised to August 17, 2016, prepared by Redniss & Mead
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 - k. "Landscape Plan Prepared for 785 Post Road East LLC, 785 Post Road East, Westport, Connecticut", dated May 10, 2016 and last revised to August 17, 2016, prepared by William Kenny Associates LLC
 - l. General Compliance to the plan entitled:"785 Post Road East Phasing Plan" by David R. Ginter, P.E. Redniss & Mead, Inc. submitted 9/21/2016.
18. A site monitor shall be retained by the applicant with name and contact information given to the Conservation Department prior to the issuance of a Zoning permit. Inspections shall be

6. **303 Bayberry Lane, 21 Woodside Lane, 5 Lehn Farm Road, 6 Hillyfield Lane, 34 Burnham Hill, 14 Cardinal Lane, 33 Cavalry Road, 7 Grist Mill Lane, 6 Burr Farms Road, 178A Hillspoint Road, 14 Lyons Plains Road, and 53 Turkey Hill Road South:** Application #IWW/M-10267-16 by the Town of Westport on behalf of Jacob & Marjorie Salik, Donald Miller, James A Conroy & Roberta Conroy, Matthew Sugarman & Heather S Cohen, Mitchell Cohen & Jennifer Barry, Elizabeth Fraas, David J and Laura G. Sussman, Lizinka C Benton-Rzeznik & Francine M Benton-Rzeznik, 6 Burr Farms LLC, Erika Horn Miller, The Unitarian Church of Westport, and Coastal Construction Group, respectively, to amend wetland boundary map # E17, A10, E12, B08, D5, F16, B15, I10, F10, E5, D16 and G7, respectively.

This agenda item was postponed to the October 19, 2016 Public Hearing.

