

**MINUTES
WESTPORT CONSERVATION COMMISSION
JUNE 15, 2016**

The June 15, 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
Ralph Field, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the June 15, 2016 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda. The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

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

1. Receipt of Applications

Ms. Mozian stated there was one application to receive.

- a. 27 Darbrook Road:** Application #IWW,WPL-10240-16 by Land-Tech Consultants on behalf of Robert & Jennifer Bowman to construct a 43' X 61' sports court with associated stormwater drainage system. Portions of the work are in the upland review area and the WPLO area of a tributary of Deadman's Brook.

Ms. Mozian noted the staff and the Commission were at the site during its June 13, 2016 field trip to view the location of the proposed court and accessway. She has determined that it is necessary to hire an outside consultant to help in the review of the application as allowed in Section 9.1.6 of the Regulations and the Commission agreed.

Motion to receive 27 Darbrook Road with the support to hire an outside consultant to aid in the review of the application as allowed in Section 9.1.6 of the Regulations. The Commission also listed several areas they wished to have staked in the field prior to the opening of the hearing.

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

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

Ms. Mozian reported the Nyala Farms sewer line is still being fixed. There are beaver dam problems on Silver Brook and Poplar Plains Brook. There are listed "threatened" American Oystercatchers nesting at Compo Beach and that she is working with the Audobon Society and the Parks and Recreation Department to help protect them.

- 3. 7 Lakeview Rd.:** Request by Caio and Dani Rossoni to authorize staff to issue an administrative approval for a 15 Ft x 30 ft patio extension, sitting wall and fire pit located within the 30 ft upland review area.

Ms. Krynicki reviewed a request to authorize staff to issue an administrative approval for a 15' X 30' patio extension, sitting wall and fire pit located within the 30-foot upland review area. She noted the Commission and staff visited the site during its June 13, 2016 field trip. She reviewed the property's history including violations, which were revealed during the site visit.

Motion to deny the request to authorize staff to issue an administrative approval. The property owners need to file an application for a public hearing for this activity and which should include addressing the violations.

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

- 4. 2 Woodside Lane:** Request by Bruce Lindsay, Tree Warden, on behalf of the Town of Westport to authorize staff to issue an administrative approval for a 3 ft wide x 15 ft. long pedestrian bridge over an unnamed watercourse.

Ms. Mozian reviewed a request by Bruce Lindsay, Tree Warden, on behalf of the Town of Westport to authorize staff to issue an administrative approval for a 3' wide X 15' long pedestrian bridge over an unnamed watercourse. She indicated staff does not feel this would have a significant impact.

Motion to allow staff to issue an administrative approval with conditions.

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

5. Other Business

- a. **7 Brookside Park:** Request for modification of Permit #IWW,WPL/E-10174-16 for additions to a single family residence and deck.

Ms. Krynicky reviewed a request for modification of Permit #IWW,WPL/E-10174-16 for addition to a single family residence and deck. The application had been scaled back after a Zoning Board of Appeals denial. The existing garage now gets removed and the addition is smaller. It now meets the Zoning requirements but still is located in our regulated areas.

Motion to approve the modification.

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

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

1. **2 Conte Place: Continued Application** – Application #WPL-10199-16 by Hasim Avdiu on behalf of Opala Avdiu to build a new FEMA-compliant house on the same footprint with enlarged decks. Work is within the WPLO area of the Saugatuck River.

Opala Avdiu, property owner, presented the application. She reiterated the proposal.

Ms. Mozian noted the hearing was held open to allow for the Flood and Erosion Control Board to hear the application. They approved it on June 1, 2016. The Zoning Board of Appeals approved the application for setback and height variances on June 14, 2016.

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

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

WPL Application
Findings

1. **APPLICANT** - _____ Hasim and Opala Avidiu _____
2. **Appl. #** WPL 10199-16 **Flood Zone** AE **100yr Flood Elev.** 13.0" **Floodway?** (y/n) no
3. **Regulated Waterbody:** _____ Saugatuck River _____
4. **Waterway Protection Line Ordinance**

Section 30-93 of the Waterway Protection Line Ordinance states that the 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 ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and

decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

- A. Proposal Description:** Elevate a residence to elevation 16.0' to bring into FEMA compliance, add two new entry decks to the sides of the proposed residence. Remove an existing shed.
- B. Property Description:** Developed as a single family residence with associated site improvements.
- C. Statement of Problem:** Recent storm policy for WPLO Administrative Approvals for repair of storm damage does not include the addition of structural decks above and beyond a staircase needed for access.
- D. Previous Applications/Permits Filed:** No applications on file.
- E. WPLO Regulatory issues:**

| | |
|--|--|
| The activity will not cause water pollution, erosion and/or environmentally related hazards to life and property? | The applicant is bringing structure into FEMA compliance. Property is over 200' to the Saugatuck River. Level site with no proposed grading. Proper size and location of flood vents |
| The activity will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway? | Level site will promote infiltration of storm water of smaller storm events. Pervious gravel drive exists to enhance storm water infiltration. |
| The activity will not have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition? | For reasons enumerated above. No fill will be required for the construction activity. Pervious driveway to remain. Residence is now serviced by a municipal sewer line. |
| The activity will not have adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation? | Property is level and no grading is proposed. Minimal excavation for addition footing is required. No impact on habitat diversity. |

Issues applicable to all applications:

| | |
|------------------------------------|---|
| Stormwater management / Plans | None required by the Westport Engineering Department |
| Grading | N/A |
| Sedimentation and Erosion Controls | Silt fence should be employed and maintained around construction activity |
| FEMA Compliance | To meet Flood Zone AE EI. 13' requirements |
| Water Quality Management | Existing coverage conditions only proposed, no additional drainage requirement from the Town of Westport Engineering Department. Crushed stone required beneath deck. |

The Commission finds the project will bring the residence into FEMA compliance. There are no adverse impacts anticipated from the two enlarged decks as protected under the Waterway Protection Line Ordinance.

Conservation Commission
 TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10199-16
Street Address: 2 Conte Place
Assessor's: Map B 02 Lot 085
Date of Resolution: June 15, 2016

Project Description: To build a new FEMA-compliant house on the same footprint with enlarged decks. Work is within the 25 year floodplain and the WPLO area of the Saugatuck River.

Owner of Record: ODKSA Business Management LLC

Applicant: Hasim Avdiu

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 101222-16** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the Flood and Erosion Control Board Conditions of Approval of June 1, 2016.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "A2 Survey for ODKSA Business Management LLC, Westport, Connecticut", Scale: 1"=10', dated December 27, 2015 and last revised to April 14, 2016, prepared by Paul J. Stowell, Professional Land Surveyor
 - b. "Plot Plan for ODKSA Business Management LLC, Westport, Connecticut", Scale: 1"=10', dated December 27, 2015 and last revised to April 14, 2016, prepared by Paul J. Stowell, Professional Land Surveyor
 - c. "Zoning Location Survey (showing Proposed Raised Residence) prepared for ODKSA Business Management LLC, 2 Conte Place, Westport, Connecticut", Scale: 1"= 10' dated December 4, 2015, prepared by Robert Baluha, Connecticut Professional Land Surveyor

1. "Site Location Map (Sheet 1 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, prepared by Coastline Consulting & Development
 2. "Assessor's Map Sheet (Sheet 2 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, Scale: 1" = 50', prepared by Coastline Consulting & Development
 3. "Site Conditions (Sheet 3 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, Scale: 1" = 30', prepared by Coastline Consulting & Development
 4. "Proposed Conditions (Sheet 4 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, Scale: 1" = 30', prepared by Coastline Consulting & Development
 5. "Proposed Conditions, Cross Section A-A (Sheet 5 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, Scale: 1" = 8', prepared by Coastline Consulting & Development
 6. "Application Drawing Notes (Sheet 6 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, File No.: 14-029, prepared by Coastline Consulting & Development
 7. "Proposed, Prepared for Elise & Neil Gabriele, 22 Owenoke Park, Westport, Connecticut", Scale: 1"= 20', dated March 28, 2016, prepared by Leonard Surveyors LLC
3. **Background Information:**
- a. State of Connecticut DEEP issued a Permit for this activity on November 16, 2015, #201503352-SB
 - b. Water Classification per Bureau of Aquaculture is "Prohibited" in this area.
4. **WPLO**
The Waterway Protection Line is located 15' from the 9' contour in this area. The entire property falls within this jurisdiction. Tidal wetlands occur on this property. The Coastal Jurisdiction Line is set at elevation 5.3 NGVD.
5. **Permits/Applications filed:**
- a. CAM/E 1612-86 for rip rap, floating dock and ramp.
 - b. WPL 6806-02- stone wall repair- withdrawn
 - c. WPL/E 6882-02 for bank restoration and plantings (**No Certificate of Compliance issued**)
 - d. WPL 4505-92 for an inground pool
 - e. WPL/E 10145-15= for a new 20' x 22' flat roof open porch over existing masonry porch
6. **IWW Defined Resource (wetland or watercourse)**
Wetlands and Watercourses as defined by the Inland Wetlands and Watercourses Regulations do not occur on this property.
7. **Vegetation Description**
High tide bush and spartina were observed within tidal wetland limits. High tide bush was observed along the riprap edge and within wetland limits.
8. **Facts Relative to this application:**
- a. WPLO: All proposed activity is located below elevation 9.0 NGVD and therefore is within the WPLO.
 - b. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
 - c. Tidal Wetlands: Property does contain tidal wetlands and flagged by Environmental Land Solutions, LLC on November 1, 2007. The flags were located by Leonard Surveyors on November 1, 2007.
 - d. 100-Year Floodplain: The entire property is located within Zone AE 13' NGVD
 - e. Aquifer and Primary Recharge Area: The property is located within the Aquifer recharge area identified as coarse-grained stratified drift.
 - f. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area", "Near Shore Waters" per the Coastal Resources Map of the Connecticut Department of Environmental Protection.
 - g. There is spartina growth in the area of the proposed activity.
 - h. Mean low water elevation- 3.7'. Grays Creek is a mudflat at low tide.
9. Waterway Protection Line Ordinance

Section 30-93 of the Waterway Protection Line Ordinance states that the 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 ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The DEEP Permit as granted allows:

- a. Retention of a 9' wide by 162' long riprap revetment
- b. Installation of a dock comprised of a 4' wide by 23.5' long fixed pier, a 3' wide by 24' long ramp and an 8' wide by 12.5' long floating dock with four stop legs that will rest on precast concrete footings with stop pads secured by two anchor pipes and cross-brace ropes. The fixed pier support piles will also be anchored to similar precast concrete footings
- c. Retention of an 8' long section of timber fence that extends waterward of the CJL to mean high water at the eastern side of the site.

In order to protect the substrate of Grays Creek, the Connecticut DEEP Certificate of Permission required that the Permittee shall not permanently berth a motorized vessel at the dock. The dock shall only be used to berth non-motorized vessels and/or to load and off load a motorized vessel vessel during periods of high water.

The proposed activity has been sited so as to be 2' above growths of spartina intertidal vegetation, 5' above the mud flat and 4' above the mean high water line.

The proposed dock installation will be conducted as follows:

- a. The contractor will set and level the fixed pier foundations by hand and drive the associated steel anchor pipes with a hand held sledge hammer and/or small pneumatic hammer during periods of low water. The anchor pipes will be driven through pre-cast holes in the foundation.
- b. Any riprap displaced by the landward most pier foundations will be disposed of appropriately on the land.
- c. The contractor will set and level the float stop pad footings by hand and drive the associated steel anchor pipes with a hand held sledge hammer and/or small pneumatic hammer during periods of low water or from a small workboat during periods of high water. The anchor pipes will be driven through pre-cast holes in the foundations.
- d. The proposed ramp and float stop pads, will be manufactured off-site and towed by boat to the project site during periods of high water. The ramp and float will be manipulated into place by hand. The ramp will be affixed to the pier using hand tools.

Adverse impacts to tidal wetland vegetation will be prevented by prohibiting the use of heavy equipment within the vegetation and by ensuring that construction materials and equipment will be stored outside of tidal wetland vegetation.

The Flood and Erosion Control Board approved the application at its June 1, 2016 hearing. Provided the conditions as stated by the DEEP and the Flood and Erosion Control Board are employed, it is the finding of the Commission, that this application does not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10222-16
Street Address: 22 Owenoke Park
Assessor's: Map C 03 Lot 25
Date of Resolution: June 15, 2016

Project Description: For a proposed boat dock with pier, ramp and float. Portions of the work are within the WPLO area, the 25 year and the 100 year floodplain of Gray's Creek.

Owner of Record: 22 Owenoke Park LLC

Applicant: Barr Associates, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #WPL 10222-16 with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the Flood and Erosion Control Board Conditions of Approval of the meeting of June 1, 2016.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Site Location Map (Sheet 1 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, prepared by Coastline Consulting & Development
 - b. "Assessor's Map Sheet (Sheet 2 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, Scale: 1" = 50', prepared by Coastline Consulting & Development
 - c. "Site Conditions (Sheet 3 of 6), 22 Owenoke Park LLC, 22 Owenoke Park, Westport, Connecticut", dated April 28, 2015, Scale: 1" = 30', prepared by Coastline Consulting & Development

Findings
Application # IWW/WPL 10225-16
62/64 Old Road

1. **Receipt Date:** **May 18, 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 new porch and deck. The front section of the driveway location is to remain with the rear section being reconfigured for the new house. A drainage system for stormwater runoff is proposed. Portions of the work are within the 50 foot upland review area setback, and the WPLO boundary.
4. **Plans Reviewed:**
 - a. "Site Plan Prepared for Michael Ruppert, 62-64 Old Road, Westport, Connecticut", Scale: 1"= 20', dated May 11, 2016, prepared by Ochman Associates, Inc.
 - b. Architectural plans: Proposed Residence, 62Road, Westport, CT", dated May 8, 2016 and last revised to June 15, 2016, prepared by Steve Orban, Architect
5. **Permits Issued for this Property:** No previous permits have been issued for this property.
6. **WPLO:**

Waterway Protection Line is located 25' from the flood boundary of New Creek as determined by the Jackson Study.

The 100 year flood plain elevation as determined by the Jackson study is determined to be 79.0' NGVD.

7. **Soils**

Soil Report Summary- prepared by Christopher Allan on March 23, 2016 describes the following wetland soils occurring on the property:

Leicester fine sandy loam (Lc): This nearly level poorly drained soil is in drainageways and depressions. Slopes range from 0 to 5 percent. Typically, this soil has a surface layer of black fine sandy loam seven (7) inches shtick. The subsoil is twenty-two (22) inches thick. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. The permeability of the soil is moderate to moderately rapid. Runoff is 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 and pasture, and a few scattered areas are used for community development. The seasonal high water table limits this soil for community development; sites for on-site septic systems commonly need extensive filling and require special design and installation. Where suitable outlets are available, footing drains help prevent wet basements. Using siltation basins and quickly establishing plant cover help to control erosion and sedimentation during construction. Even when drained, the soil remains wet for several days after heavy rains, restricting the use of farming equipment. Wetness make this soil poorly suited for trees. The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

Aquents (Aq): This soil is found on slopes of 0 to 3 percent in disturbed areas that generally have less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.

Mr.Allan describes the non-wetland soils as Sutton fine sandy loam and Charlton fine sandy loam.

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

table. 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.

Charlton fine sandy loam, 3 to 8% slopes (CfB): This gently sloping, well drained soil is on hills and ridges. The areas are mostly irregular in shape and range from 4 to 100 acres. Typically, the surface layer is very dark brown fine sandy loam 6 inches thick. The subsoil is strong brown and yellowish brown fine sandy loam 23 inches thick. The substratum is light olive brown gravelly sandy loam to a depth of 60 inches or more. Included in this mapping are small areas of somewhat excessively drained Hollis soils, well drained Paxton soils, and moderately well drained Sutton soils and small area of soils with bedrock at a depth of 20 to 40 inches. Included areas makeup 15% of this map unit. The permeability of this Charlton soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. The soil dries out and warms up early in spring. It is very strongly acid to medium acid. Most areas of this soil have been cleared, and many are used for community development. Some areas are used for hay, corn for silage, pasture, vegetable and woodland. *This soil is generally suitable for community development.* 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. Minimum tillage, the use of cover crops, and strip cropping help to control erosion in cultivated areas. Machine planting is practical in wooded areas.

8. Property Description and Facts Relative to the Application:

- A demolition permit from the Conservation Department was issued on March 22, 2016 for the three bedroom residence originally built in 1940.
- The USGS Survey Quadrangle map for Westport, Connecticut indicates the wetland system is hydrologically connected to New Creek.
- Landscape position of this parcel is a side slope and land surface shape is linear/linear.
- The Waterway Protection Line occurs 15' from the 25 year floodplain as determined by the Jackson Study.
- The property will be served by public water and public sewer.
- 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.

9. Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

9.1 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 is scheduled to be demolished and a new 4 bedroom residence will be constructed in the same general area. A small section of the new residence will be located within the 50' upland review area. All other site improvements meet the upland review area setbacks.

Approximately 1,542 s.f. of pavement closest to the wetlands is being eliminated with the driveway modification.

Improvements and elevations of structures have been chosen to minimize grading and maintain existing topography and to allow for the installation of stormwater drainage appurtenances.

The property is serviced by public sewer and public water.

There is no removal of vegetation within the 20' upland review area.

Stormwater runoff will be treated with subsurface infiltration that has been approved by the Engineering Department.

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

There are portions of the property where wetland flags are located within a grassed lawn. The Commission finds that additional plantings proposed in these areas to remove the manicured lawn as a watercourse is beneficial to water quality. Invasive plants can be removed and replaced with native vegetation.

Rivers Alliance of Connecticut states a vegetated buffer is practical to keep pollutants from reaching the watercourses. These bands of vegetation help prevent flooding, stop erosion, absorb pollution, and increase recreational enjoyment.

Maintaining a vegetative buffer of native plants will help to provide the natural functions adjacent to a wetland and will help to safeguard natural resources as they are protected by the Waterway Protection Line Ordinance: 1) provides additional stormwater runoff filtration area that will improve water quality prior to discharge 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 5) provides slower water velocities which allow more water to infiltrate into the soil, improving groundwater recharge functions and water quality improvement functions 6) provides and improves upland habitat needed for wildlife dependent on wetlands/watercourses.

Subsurface storm water retention structures are proposed for the increase in impervious area as well as a level spreader for any excess overflow. The bottom of the infiltration galleries will be placed sufficiently above the high groundwater table as is being accomplished by raising the grade of the existing driveway and to avoid direct discharge to groundwater as the Engineering Department has witnessed soil testing on the property in the location of the drainage structures. Soil results indicate fill material was present approximately 10" to 18" thick in all three testing area.

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 the erosion and sedimentation as proposed and in the location as shown on the site plan should be adequate during the construction activities and should not be problematic provided the erosion and sediment controls are properly installed and maintained.

A large paved portion of the paved driveway is to remain and will be utilized as the anti-tracking pad. Erosion and sediment controls should be concentrated on the downgradient side of the existing drive. Sweeping should be used as the method to control sediment transportation off site. The contractor should be aware of this requirement and be responsible for this monitoring.

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

Existing site conditions provide the opportunity for a vast array of habitat potential on this parcel most especially due to the wetland complex that flanks the watercourse. The Commission finds that the existing vegetation adjacent to the watercourse should be maintained and supplemented. This will serve as an effort to limit intrusion into the wetland and to encourage and promote additional natural habitat 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 residence is proposed outside the 100 year flood boundary as determined by the Jackson Study. As the WPLO is being determined by the Jackson study, portions of the new proposed driveway are within this boundary.

Keith Wilberg of the Engineering Department has reviewed and approved the drainage design for this project to assure it meets the Town of Westport drainage requirements.

The Commission finds that an addition to the landscape buffer at the edge of the wetland and watercourse boundary would be beneficial for slowing runoff and aiding in infiltration.

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.

Waterway Protection Line Ordinance

The WPL Ordinance requires that the Conservation Commission consider the following when reviewing WPLO applications:

“ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation. “

The Waterway Protection Line boundary exists 15' from the 25 year flood boundary as determined by the Jackson Study. The Flood & Erosion Control Board approved this application on June 1, 2016.

The extent of disturbance is limited to the proposed driveway changes and the retaining wall as shown on the plan. Additional plantings along the wetland edge will significantly improve the existing conditions and water quality. Provided erosion controls are used as stipulated and the plan design is fully implemented, 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 10225-16
Street Address: 62/64 Old Road
Assessor's: Map H 09 Lot 034
Date of Resolution: June 15, 2016

Project Description: Construction of a new single family residence to replace the existing. The cottage is to remain. The driveway is to be modified for additional lawn area adjacent to the flagged wetlands and WPLO boundary. Portions of the work are within the upland review area and the WPLO area of an unnamed tributary to New Creek.

Owner of Record: Michael Ruppert

Applicant: Steve Orban, AIA

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 10225-16** 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. 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.
7. 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.
8. 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.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. 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.
14. 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.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "Site Plan Prepared for Michael Ruppert, 62-64 Old Road, Westport, Connecticut", Scale: 1"= 20', dated May 11, 2016, prepared by Ochman Associates, Inc.
 - b. Architectural plans: Proposed Residence, 62-64 Old Road, Westport, CT", Dated May 8, 2016, and last revised to June 15, 2016, prepared by Steve Orban, Architect
17. Any additional planting efforts or invasive vegetative removal within the wetland boundary or the 20' non-disturbance area shall require plan review and approval by the Conservation Department staff.

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

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

Motion: Rycenga

Second: Bancroft

Ayes: Rycenga, Davis, Shea, Field, Bancroft

Nays: 0

Abstentions: 0

Vote: 5:0:0

7. **3 Blind Brook Road South:** Application #IWW,WPL-10221-16 by Nadine Melniker to elevate the existing structure within the floodway so that the lowest horizontal structural beam is above the design flood. Replace the existing foundation with pier foundation designed to resist forces applied by design flood. Work is within the upland review area and the WPLO area of Nash's Pond and Stony Brook.

Dan Conlon, AIA, presented the application on behalf of the property owner, Nadine Melniker, who was also present. The property is located on the northwest corner of Nash's Pond as Stony Brook enters it. The house is entirely in the WPLO and in the floodway. The proposal is to just elevate the structure. He worked with Diane Ivkovic of CT DEEP/FEMA office to help determine what would be allowed since the house would not be allowed to be built in the floodway today. They have tried to mimic the V-zone flood standards but because there is no wave action, they hired a Geo-Technical Engineer to determine soil suitability. It was determined that helical piles were best to minimize disturbance. It also avoids the need to move the building as would be necessary if normal pilings were used. They will be lifting the building 5 feet. All the mechanicals will be located above the base flood elevation. The garage will remain as it is. The Flood and Erosion Control Board approved the application at its June 1, 2016 meeting. There is no increase in footprint. The oil tank will be replaced with gas. The sediment and erosion controls are shown. There will be minimal impact and no trees will be removed. The bottom of the lowest beam will be at elevation 61' and the base flood elevation is 60.5'. They will need 8 steps to access the residence. Mr. Conlon stated the most challenging portion of the project will be raising the structure.

Ms. Mozian asked who will be overseeing the project.

Mr. Conlon stated a Geo-Technical Engineer will be the site monitor. Currently the house is uninsurable.

Ms. Mozian asked Ms. Melniker if there is a geese problem. She stated she would like to see a vegetative buffer or the establishment of a no-mow zone.

Ms. Melniker stated there is a wire fence there now and extensive plantings.

Ms. Mozian noted the Nash's Pond Association and Stony Brook residents were involved in a DEEP pilot project to educate people about not putting excess fertilizer and pesticides on their properties. A vegetative buffer is the best was to absorb excess nitrogen.

Ms. Melniker agreed.

There was a discussion about the fence and the plantings on the property and it was decided that both should remain and no new plantings would be required.

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

| | | | |
|----------------|--|---------------------|-----------------|
| Motion: | Shea | Second: | Bancroft |
| Ayes: | Shea, Bancroft, Davis, Field, Rycenga | | |
| Nayes: | None | Abstentions: | None |
| | | Vote: | 5:0:0 |

FINDINGS
WETLANDS AND WATERCOURSE

APPLICATION # IWW,WPL 10221-16
ADDRESS 3 Blind Brook Road South
DATE May 26, 2016

1. Statement of Site Conditions and Proposal Description

The FEMA 100 year floodplain as well as the FEMA floodway associated with Stony Brook and Nash's Pond occur on this property. The 100 year base flood elevation is determined as 60.5' NGVD. There is an existing 3 bedroom residence built in 1940 on the property that is below the FEMA 100 year flood elevation and within the Floodway. It is the request of the applicant to elevate the structure so that the lowest horizontal structural beam is above the design flood and for the foundation located with the floodway to be structurally sound. The project also lies within the 50' IWW upland review area and the 25 year floodplain associated with the WPLO.

The footprint will remain the same with the exception of a small mud room addition and equipment deck on the east side of the residence where an existing deck is being removed.

The wetlands on the property were flagged by Bill Kenny of William Kenny Associates on July 22, 2015. Approximately 1/2 of the western side of the lot has been designated as containing regulated soils which makes retaining the original site of the structure to be the most optimal location. The staff noted to the Commission that the area within designated wetlands is maintained and manicured to the edge of Nash's Pond which is reinforced with stones at the interface of the land and water. Mature trees are interspersed on the landscape. No vegetation is proposed to be removed.

The applicant retained the services of Geotechnical Department, LLC to determine the type of foundation design necessary to address the soil conditions, the groundwater table and the force and impacts of being located within the floodway.

The following geotechnical design and construction recommendations were offered:

1. Use drilled-in pile foundations for support of the existing and/or altered house foundation. The in-place soil fill is not suitable for the support of conventional spread footings. Removal of the fill would necessitate implementing costly dewatering and shallow spread footings may not satisfy any flood scour criteria.
2. Deep foundations are, therefore, deemed an appropriate foundation alternative. Drilled-in piles, which can be installed with small equipment, could be installed with the tips bearing in the undisturbed sand soil below the in-place fill and result in the least disturbance. It was recommended that the geotechnical firm be retained to provide geotechnical engineering services during construction of the excavation and foundation phases of the work. This is to observe compliance with the design concepts, specifications and recommendations and to allow design changes in the event that subsurface conditions differ from those anticipated prior to start of construction.

Roberge Associates in a report dated April 5, 2016, provided documentation for the determination of hydrodynamic loads to be considered in the design of the foundation pier structures.

3. CLASSIFICATION:

Declaratory _____ Summary X Plenary _____

4. Facts Bearing on Problem:

5. Previous Application(s)/Permits Filed: Yes _____ No x

| 6. General Standards: | Conformance | Non-Conformance |
|--|--------------------|------------------------|
| a) Minimize Disturbance and Pollution | <u> X </u> | _____ |
| b) Minimize Height/Width/Length Structure | <u> X </u> | _____ |
| c) Prevent Loss of Beneficial Organisms | <u> X </u> | _____ |
| d) Maintain Conservation/Economic/Recreational and Aesthetic Qualities | <u> X </u> | _____ |
| e) Consider Known Historical Sites | <u> N/A </u> | _____ |

The Commission finds the addition is proposed within the upland review area setbacks due to the existing location of the residence. The existing topography will not be altered. Proposal is for bringing residence into FEMA compliance.

7. Water Quality Standards:

| | Conformance | Non-Conformance |
|---|--------------------|------------------------|
| a) Prevent Alteration of Channel Contours and Basin Characteristics | _____X_____ | _____ |
| c) Prevent Water Stagnation | _____X_____ | _____ |
| d) Prevent Water Pollution | _____X_____ | _____ |
| e) Prevent Pollution of Groundwater and Aquifer | _____X_____ | _____ |
| e) Comply With All Applicable State/Local Health Codes | _____X_____ | _____ |
| f) Maintain/Improve Water Quality Per Connecticut General Statutes 25-54(e) | _____X_____ | _____ |

The Commission finds the applicant is not required to provide additional drainage appurtenances as no additional building coverage is proposed.
 The driveway area is proposed to be repaved.
 An existing oil tank is proposed to be removed as well as a shed to reduce building coverage.
 The property is serviced by municipal sewer and water.
 All mechanical equipment will be elevated above the BFE.

8. Erosion/Sediment Standards:

| | Conformance | Non-Conformance |
|---|--------------------|------------------------|
| a) Utilize Temporary Erosion Control Measures | _____X_____ | _____ |
| b) Utilize Permanent Erosion Control Measures | _____X_____ | _____ |
| c) Prevent Alteration of Water Velocity, Flooding Characteristics | _____X_____ | _____ |
| d) Prevent Formation of Harmful Deposits | _____X_____ | _____ |
| e) Comply with State/Federal/Local Guidelines | _____X_____ | _____ |

The Commission finds the applicant will be employing the services of a Geotechnical firm during excavation and utilizing a drilled pile foundation to minimize impact and eliminate a dewatering requirement. Silt fencing will enclose the foundation, stockpile and other existing site appurtenances. An anti-tracking pad is proposed in the area of the existing driveway.
 As the property is gently sloping, the Commission finds there will not be a problem with sediment migration and/or deposition if methods proposed are employed.

9. Natural Habitat Standards:

| | Conformance | Non-Conformance |
|--|--------------------|------------------------|
| a) Preserve Critical Habitat Areas | _____N/A_____ | _____ |
| b) Maintain/Improve Biological Productivity | _____N/A_____ | _____ |
| c) Prevent Alteration of Breeding/Nesting Habitats | _____N/A_____ | _____ |
| d) Prevent Stopage of Fish Runs/Bird Migrations | _____N/A_____ | _____ |
| e) Deed Conservation/Open Space Easements | _____N/A_____ | _____ |

As the wetland area is highly disturbed and located within a densely developed urban landscape, the Commission finds the proposed activity will not have an impact on natural habitats.

10. Discharges/Runoff Standards

| | Conformance | Non-Conformance |
|--|--------------------|------------------------|
| a) Prevent Increase of Flooding on Adjacent Properties | _____X_____ | _____ |

- | | | |
|---|------------------|-----------------------------|
| b) Prevent Alteration of Flood Water Velocities and Volumes | <u> X </u> | <u> </u> |
| c) Prevent Reduction of Wetlands Absorption Capacity | <u> X </u> | <u> </u> |
| d) Prevent Increase of Upstream/ Downstream Flooding | <u> X </u> | <u> </u> |
| e) Activity is Acceptable to FECB and/or Town Engineer | <u> X </u> | <u> </u> |
| f) Provide Filtering/Dissipation of Concentrated Flows | <u> X </u> | <u> </u> |
| g) Provide On-Site Retention or Detention for Runoff | <u> X </u> | <u> </u> |

The Flood and Erosion Control Board approved this project with conditions on June 1, 2016. As there is no footprint increase additional drainage appurtenances were not required. FEMA compliance is being achieved and the structure is being made safe and supported above the Floodway.

| 11. Recreational/Public Use Standards: | Conformance | Non-Conformance |
|--|--------------------|-----------------------------|
| a) Provide Continued/Future Access To Open Space Areas | <u> N/A </u> | <u> </u> |
| b) Prevent Obstruction of Navigable Channels | <u> N/A </u> | <u> </u> |
| c) Deed Open Space/Recreational/ Other Easements | <u> N/A </u> | <u> </u> |
| d) Prevent Adverse Effects to Wetlands In Public Trust | <u> N/A </u> | <u> </u> |

Comments: The proposed project will not affect recreational or public uses.

The Commission finds there will not be an adverse impacts to the wetlands and watercourses with this proposal and that no further mitigation for the execution of this project is required.

Conservation Commission
 TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL 10221-16
Street Address: 3 Blind Brook Road South
Assessor's: Map B 09 Lot 85
Date of Resolution: June 15, 2016

Project Description: To elevate the existing structure within the floodway so that the lowest horizontal beam structure is above the design flood. Replace the existing foundation with a pier foundation designed to resist forces applied by design flood. Work is within the upland review area and the WPLO area of Nash's Pond and Stony Brook.

Owner of Record: Nadine Melniker

Applicant: Nadine Melniker

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE WITH CONDITIONS** Application #IWW,WPL 10221-16 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. 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.
 7. 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.
 8. 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.
 9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
 10. All plants proposed in regulated areas must be non-invasive and native to North America.
 11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
 12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
 13. 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.
 14. 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.
 15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
 16. Conformance to the Flood and Erosion Control Board Conditions of Approval of June 1, 2016.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. "Zoning Plot Plan, Map of Property Located at 3 Blind Brook South Prepared for Nadine Melniker, Westport, Connecticut", Scale 1"= 30', dated July 23, 2015 and last revised to August 31, 2015, prepared by B.G. Root, Surveyor
 - b. "Melniker Residence, 3 Blind Brook Road South, Westport, CT, General Notes, Sheet S-001", dated May 3, 2016, prepared by Cuono Engineering
 - c. "Melniker Residence, 3 Blind Brook Road South, Westport, CT, Basement & Foundation Plan, Sheet S-000", dated May 3, 2016, prepared by Cuono Engineering
 - d. "Melniker Residence, 3 Blind Brook Road South, Westport, CT, First Floor Framing Plan, Sheet S-001", dated May 3, 2016, prepared by Cuono Engineering
 - e. "Melniker Residence, 3 Blind Brook Road South, Westport, CT, Typical details, Sheet S-200", dated May 3, 2016, prepared by Cuono Engineering
 - f. "Melniker Residence, 3 Blind Brook Road South, Westport, CT, Sections, Sheet S-300", dated May 3, 2016, prepared by Cuono Engineering
 - g. Architectural Plans entitled: "Phase II Alterations and Additions for The Melniker Residence, 3 Blind Brook Road South, Westport, CT", dated April 11, 2016, prepared by Daniel Conlon, Architects

18. The design geotechnical firm shall be retained to provide geotechnical services during construction of the excavation and foundation phases of the work to observe compliance with the design concepts and to allow design changes in the event that subsurface conditions differ from those anticipated.

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

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

Motion: Shea

Second: Bancroft

Ayes: Davis, Shea, Bancroft, Field, Rycenga

Nays: 0

Abstentions: 0

Vote: 5:0:0

8. **1177 Post Road East, aka 1175 Post Road East (Assessor's Map G9, Lot 29, Unit 000):**
Application #IWW-10191-16 by Christopher J Smith, Esq. on behalf of 1177 PRE Associates, Inc. to convert existing commercial building to ninety-four (94) multi-family residential rental housing development. Conversion is to include an addition to the existing building, pavement and subsurface drainage improvements. Work is within the 75 upland review area.
9. **1177 Post Road East, aka 1175 Post Road East (Assessor's Map G9, Lot 29, Unit 000):**
Application #WPL-10218-16 by Christopher J Smith, Esq. on behalf of 1177 PRE Associates, Inc. to convert existing commercial building to ninety-four (94) multi-family residential rental housing development. Conversion is to include an addition to the existing building, pavement and subsurface drainage improvements. A portion of the work is within the WPLO area of Muddy Brook.

Ms. Rycenga disclosed that she has worked with Chris Smith in her previous capacity as Zoning Enforcement Officer in Oxford. She does not feel she has a conflict. Attorney Smith agreed and has no objection to her sitting. Ms. Shea asked if anyone from the public had a problem with Ms. Rycenga sitting and no one did.

Chris Smith, Atty., presented Applications #IWW-10191-16 and #WPL-10218-16 together. Mr. Smith noted the Flood and Erosion Control Board approved the WPLO application. They are complying with the Town's stormwater regulations. He submitted a packet of material, nothing of which was new, just all compiled into a booklet. There will be a 4-story addition to the existing building and convert the whole building to residential. It will have a green roof. There will be a reduction in peak flows. They have started the Planning & Zoning hearing already. The P&Z has asked them to explore alternatives to the height. For example, instead of a 4-story addition making it a 3-story addition and adding a third story to the existing 2-story portion of the building. This would necessitate 3 additional parking spaces because of the changes in the number of bedrooms. However, the requested regulated activity is the same. He asked the Commission to consider both.

Ms. Mozian stated that the Commission usually approves one site plan or another not both, but she would speak with the Town Attorney for advice.

Ted Hart, PE with Milone and MacBroom, described the location of the site. Muddy Brook flows through the northwest corner of the site in a culvert under the parking lot. Some of the buffer plants to the rear of the property required when the building was originally constructed are no longer there. The FECB did approve the project. He showed a plan highlighting the WPLO line, the 100-year floodplain and 3 off-site wetlands and associated upland review areas. The pipes do not interfere with the proposed addition. The flow is toward the back of the site. It flows into catchbasins or they spill over into the western most catchbasin and overflow to the offsite detention basin/wetland to the rear. The proposed addition will be up on columns with parking below, the 4-stories above. The existing office building will be converted to residential. Only the new addition will have a green roof. The emergency

access for fire trucks will be constructed to go all around 3 sides of the building. Permission for a DOT curb-cut on the east-side will be secured. The alternate plan would be a unilateral 3-story building with parking lot below. Residential space on the lowest floor will be used for storage because the preliminary Flood Study at 1141 Post Road East shows the flood heights may be higher on this property than what FEMA maps now indicate and since residential units have to be above the base flood elevation, they are designating the space for storage instead. The stormwater features include a green roof over the addition. They will be removing the existing impermeable asphalt and replacing it with permeable pavement that will allow more water to be absorbed. Test pits show the soil is sandy so it is well suited to absorption. They will have grass pavers for the emergency access on the east. There will be two underground galleries for the main, existing building that will have a hydro-dynamic separator. In front of the new addition, another hydro-dynamic separator and gallery system is proposed. That will flow back to the detention basin.

Ms. Rycenga asked if the stormwater management plan is included in the plans.

Mr. Hart indicated that it was.

Ms. Mozian asked if the Flood Board commented on the stormwater management plan.

Mr. Hart indicated the Flood Board did not.

Ms. Mozian asked if the applicant will continue to be the owner's manager.

Mr. Hart stated they would.

Ms. Rycenga noted that the stormwater management plan is important since these components are only as good as they are maintained.

Ms. Hart noted the May 16, 2016 staff report from Pete Ratkiewich, Town Engineer, which says the application complies with the Town's stormwater management policies and sediment and erosion control policies.

Ms. Mozian noted she needed to make sure there was a copy of that in the files.

Mr. Hart described the construction sequencing. There will be protection around the catchbasins, tree protection fencing, and mud tracking. There will be a rear landscape buffer. Some large trees exist but they will be adding Western Red Cedars. They only have 10 feet to work with. When the property was originally developed, the former owners, the Kowalsky's, owned both sites, so the berm and plantings were planted on the adjacent property.

Mr. Hart showed the overall topography and the wetland map of the area to give an idea of how the groundwater and surface water flows. He thought it flowed north and westerly. There is a detention basin in the rear that most likely receives a lot of the flow.

Ms. Mozian said the original site plan approval for the building included the detention basin but it was off-site. The Planning & Zoning Commission then required buffer plantings.

Mr. Hart and Mr. Smith noted that 1141 Post Road East has a 15-foot conservation easement that includes the berm and plantings but allegedly the applicant who will be redeveloping 1141 Post Road East plans on eliminating this.

Mr. Smith said he has notified the applicant/owner of the 1141 Post Road East that nothing they do shall impact 1175/1177 Post Road East.

Ms. Rycenga asked if there were any playscapes proposed with this development.

Mr. Smith stated there were not but a playroom is proposed in the lower level.

Mr. Field asked for more detail of the green roof and outline its benefits.

Mr. Hart said the specs went to the P&Z Commission (but later in the evening submitted it to the staff). It will be planted with a sedum mix and will need to be weeded. A maintenance plan is needed by the installer. This is done several times a year. They will check the drains to make sure they are open. They will not be using fertilizer. The green roof will reduce the CO₂ emissions. A small ecosystem will be provided. It will need to be watered by hand the first few months. The roof system lasts longer. The UV is less and provides better heating and cooling for the building. In the summer, there is almost no runoff due to evapo-transportation. There will be more runoff in the winter. During a storm event, the excess water will drain to the gutters and into the galleries.

Steve Danzer, soil scientist, professional wetland scientist, arborist, PhD Natural Resources, referred to the three reports he has written. He evaluated both proposals. The alternative plan that requires 3 additional parking spaces is outside the 30-foot upland review area. The building will not be in the 75-foot upland review area. He described the three wetland pockets in the area. Wetland 1 is an excavated wetland basin. The site discharges into a culvert to this basin which discharges to Muddy Brook. Then when Muddy Brook overflows, it flows in the opposite direction so the wetland is fed by the piping in both directions. It is now acting as a sediment basin for what is going on around it. The second and third wetlands are fringe floodplain wetland. They accept water from this site. These areas have more function and value. All construction is going to be over existing impermeable area with the exception of the eastern emergency access. Also, they will notch into the berm to put in extra parking spaces.

Ms. Mozian asked if this will encroach into the conservation easement area.

Dr. Danzer stated there will be new trees planted in the upland review area. It is his opinion that there is no significant or adverse impact nor will the project lead to diminishing of the wetland value. There will be no work in the wetland. The catchbasin sumps, the porous pavement, the hydro-dynamic separators, and the green roof will improve and protect the wetlands.

Mr. Davis asked if this is the same conclusion for the alternative plan.

Mr. Smith stated it was.

Ms. Mozian asked if the alternative plan where a third story is proposed over the existing building, can it also have a green roof.

Mr. Smith indicated that a green roof cannot be added according to the architect. The existing structure can handle the weight of the third story but it cannot handle the weight of the third story and a green roof.

Mr. Bancroft asked about the elevation of the culvert.

Mr. Hart indicated it is a very flat pipe, which is why it flows in both directions when it is not maintained. The flow will back up.

Mr. Hart stated that additional parking space will be in the floodway but they will be gaining flood storage on site when they lower the grade to create the parking under the addition. 1540 cubic yards of material will be removed.

Ms. Mozian asked if a Phase I study was done. She asked for a copy of the summary.

Mr. Smith stated the history of the site was the site has always been used as an office and served by natural gas.

