# MINUTES WESTPORT CONSERVATION COMMISSION APRIL 20, 2016

The April 20, 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, Alternate W. Fergus Porter

# **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 April 20, 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. – There were none.

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

#### 1. Receipt of Applications

Ms. Mozian stated there were three applications to receive:

- a. 1177 Post Road East: Application #IWW-10191-16 by Christopher J Smith, Esq. on behalf of 1177 PRE Associates, Inc. to convert existing commercial building to multi-family residential 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.
- **b. 9 Forest Drive:** Application #IWW,WPL/E-10201-16 by David Adamo for a new single family residence and associated appurtenances. Work is within the upland review area.
- **c. 91 Clapboard Hill Road:** Application #IWW,WPL-10203-16 by Peter Romano on behalf of Sam & Nancy Gault for a new tennis court to replace a previously removed tennis court. Proposal will include some minor grading, a small retaining wall and buffer plantings. Work is within the upland review area and the WPLO area of New Creek.

Ms. Mozian stated that 1177 Post Road East would be heard at the June 15, 2016 hearing. The other two would be heard on the May 18, 2016 agenda.

Motion to receive applications.

Motion: Shea Second: Bancroft

Ayes: Shea, Bancroft, Davis, Porter, Rycenga

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 that the owner of 5 Lamplight Lane paid the fine for conducting work in a regulated area without permits.

#### 3. Approval of March 16, 2016 meeting minutes.

The March 16, 2016 meeting minutes were approved as submitted.

Motion: Shea Second: Davis

Ayes: Shea, Davis, Bancroft, Porter, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

#### 4. Approval of April 4, 2016 Show Cause Hearing minutes.

The April 4, 2016 Show Cause Hearing minutes were approved as submitted.

Motion: Porter Second: Davis

Ayes: Porter, Davis, Bancroft, Rycenga, Shea

Nayes: None Abstentions: None Vote: 5:0:0

### 5. Announcement of upcoming training sessions.

Ms. Mozian noted there were two opportunities coming up:

a. Land Use Academy Basic Training: This is organized by WestCog and will be presented by the UConn Clear program.

It covers:

- Legal requirements and procedures, rules and responsibilities; and
- Fundamentals of reading plans

Ms. Mozian was supportive but decided that since Planning & Zoning is conducting their own training this may not be needed. Still, WestCog may conduct the training in Weston and will invite us. The map reading DVD developed by the CT DEEP is available to those who are interested.

b. Planning & Zoning training sessions:

Ms. Mozian noted the training dates are April 12, 2016, April 27, 2016, May 3, 2016 and May 9, 2016.

Four Commissioners expressed interest in the training sessions.

**6. 5 Woodside Lane:** Reaffirm November 18, 2015 approval of Application #IWW/M-10100-15 to amend wetland boundary map B10 on property owned by Tomas Brothers in order to correct notice errors which listed the property as 5 Woodside Avenue.

Ms. Mozian noted that at the November 18, 2015 meeting there was a mistake in the legal notice. The legal notice read 5 Woodside Avenue instead of 5 Woodside Lane. The purpose of this hearing is to correct the error in the legal notice and reaffirm the decision.

# (Insert F&R)

7. 17 Bobwhite Drive: Request by Anandh Hari for release of bond monies being held for plantings as a condition of Permit #IWW,WPL/E-9199-12.

Ms. Krynicki reviewed a request for bond release. She reported the plantings were viable and recommended release of bond monies.

Motion to release the bond monies.

Motion: Shea Second: Rycenga

Ayes: Shea, Rycenga, Bancroft, Davis, Porter

Nayes: None Abstentions: None Vote: 5:0:0

**8. 301 Riverside Avenue**: Request by Paragon Management Group to allow issuance of an administrative approval for construction of a deck over an existing planting bed located within the WPLO area of the Saugatuck River.

Ms. Krynicki reviewed a request to allow the issuance of an administrative approval for the construction of a deck over an existing planting bed. She reviewed the plan with the Commission.

Motion to authorize the staff to issue a WPLO exemption.

Conservation Commission Minutes April 20, 2016 Page 4 of 17

Motion: Shea Second: Davis

Ayes: Shea, Davis, Bancroft, Porter, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

**7. 785 Post Road East:** Request by David Ginter, PE of Redniss & Mead on behalf of Coastal Construction Group to allow construction of patio/decks within the IWW upland review area.

Ms. Krynicki reviewed a request by David Ginter, PE to allow construction of patios/decks, retaining walls and grading within the IWW upland review area.

The Commission agreed that if all work is removed from the 100-foot upland review area, no public hearing would be required. Any work closer than 100 feet will require a public hearing. However, it was decided upon review of the submitted plans, staff still has the ability to bring forth to the Commission an application for a public hearing if deemed necessary.

There was no vote.

#### Public Hearing: 7:30 p.m., Room 201/201A.

1. **6 Sea Spray Road:** Application #WPL-10178-16 by Richard Benson on behalf of Tammy Stendik Zelkowitz for revisions to the approved masonry front entry stairs and walks and an addition of 50 cubic yards of fill for landscaping. Work is within the WPLO area of the Saugatuck River.

Bill Achilles, architect, presented the application on behalf of the property owner. He explained that the house was lifted with approval, but an additional 50 cubic yards of fill was brought in to soften the appearance of the elevated façade.

Ms. Krynicki explained that the work was not discovered until the Conservation Certificate of Compliance inspection was done.

Mr. Achilles stated the owner intends to plant around the foundation, the low end and the high end of the berm.

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

Motion: Shea Second: Rycenga

Ayes: Shea, Rycenga, Bancroft, Davis, Porter

Nayes: None Abstentions: None Vote: 5:0:0

Findings 6 Sea Spray Road #WPL 10178-16

- 1. **Application Request:** Applicant is requesting a revision to the previous approved application #WPL 9467-13 to legalize additional masonry work for front entry stairs and walks and the addition of 60 cubic yards of fill for landscaping. The entire parcel is below elevation 9.0 NGVD and therefore within the jurisdiction of the WPLO.
- 2. Plans and supplemental materials reviewed:
  - 1. As-Built Plot Plan & Zoning/Location Survey, Map of Property Prepared for Tammu Stendik-Zelkowitz, 6 Sea Spray Road, Westport, Connecticut, Scale 1"=10'-0", dated

December 20, 2012 and last revised to April 20, 2015, prepared by Walter H. Skidd-Land Surveyor LLC

# 3. Facts Relative to this application:

- a. <u>Permits and Applications</u>: Previous permit # WPL 9467-13: for new residence to be FEMA compliant
- **b.** <u>WPLO</u>: The entire property is located below elevation 9.0 NGVD and therefore is entirely within the WPLO.
- Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
- d. <u>100-Year Floodplain:</u> The entire property <u>is</u> located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The 100-year base flood elevation is 11 feet above mean sea level.
- e. <u>Aquifer Protection Zone</u>: The property <u>is not</u> located within the Aquifer Protection Zone but is located within the Aquifer and Primary Recharge Area identified as coarse-grained stratified drift.
- f. <u>Coastal Area Management Zone:</u> The project <u>is</u> located within the Coastal Area Management Zone. The coastal resource is a "Coastal Hazard Area."
- g. Sewage Disposal: The property is serviced by an on-site sewage disposal system.
- h. Physical and Chemical Properties of the Soil: The NRCS Soil Survey of State of Connecticut identifies the on-site soils as Map Unit 306, Udorthents-Urban land complex. Udorthents are a well drained soil, however, shallow excavations in this soil are rated as "very limited" due to cutbanks that cave, slope and depth to the saturated zone.

# 4. Waterway Protection Line Ordinance:

Section 148-9 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 Applicant had completed construction on the residence and was requesting the Conservation Department issue a Certificate of Compliance. At the time of inspection is was determined that the front stairway and associated fill exceeded what had been approved for the original approval.

Further discussion by the staff of Conservation and the Flood Board resulted in the determination that the fill amount was a concern and that the applicant needed to file a new application to bring before the Commission for review.

The average grade in the front portion of the property prior to construction was 7.0' NGVD. The as-built grades average between 8.0' and 11.0' which equates to a raise in grade in front of the stairway of approximately 1' to 4' over an area of approximately 1500 square feet.

However, under consideration also is that the area of fill is greater than 260' from an open water body and in an area of developed properties which is level.

Due to the small area affected, the Commission finds plantings at the base of this newly created slope will promote slowing velocity and encouraging infiltration of the stormwater runoff that would be generated in this area due to the slope change and increased impervious area.

The Commission finds that all conditions of the previous application approval are to remain in effect.

Conservation Commission
TOWN OF WESTPORT

Conditions of Approval
Application # WPL 10178-16
Street Address: 6 Sea Spray Road
Assessor's: Map B 02 Lot 150
Date of Resolution: April 20, 2016

**Project Description:** For revisions to the approved masonry front entry stairs and walks and an addition of 50 cubic yards of fill for landscaping. Work is within the 100 year floodplain and the WPLO area of the Saugatuck River.

Owner of Record: Tammy Stendik Zelkowitz

**Applicant:** Richard Benson

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 10178-16** 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. All exterior heating oil tanks shall be elevated above the 100 year flood elevation, shall be anchored and shall be provided with a containment area for possible leaks.

- **12.** 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.
- **13.** 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.
- **14.** A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
- 15. Conformance to the conditions of the Flood and Erosion Control Board of April 6, 2016.

#### SPECIAL CONDITIONS OF APPROVAL

- **16.** Conformance to the plan entitled:
  - a. "As-Built Plot Plan & Zoning/Location Survey, Map of Property Prepared for Tammy Stendik-Zelkowitz, 6 Sea Spray Road, Westport, Connecticut", Scale 1"=10'-0", dated December 20, 2012 and last revised to April 20, 2015, prepared by Walter H. Skidd-Land Surveyor LLC
- 17. A landscape plan for a 5' wide planting buffer at the base of the fill area shall be submitted to the Conservation Department for review and approval. Buffer plantings shall be fully implemented and the area stabilized prior to the issuance of a Conservation Certificate of Compliance.
- **18.** Submission of a performance bond estimate in the amount of the cost of plants, and erosion controls is to be submitted to the Conservation Department prior to the initiation of planting activity. Bond shall be held for one full growing season.

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: Bancroft Second: Davis

Ayes: Davis, Porter, Shea, Bancroft, Rycenga

Nayes: 0 Abstentions: 0 Vote: 5:0:0

2. 200 Hillspoint Road: Application #WPL-10183-16 by Jim Kousidis, PE, on behalf of DeDe Guthariz to renovate the existing residence, remove the roof and add a second story with attic. The one car garage will remain, the lower level will be storage and flood vents will be added to comply with FEMA regulations. Work is within the WPLO area of the Sherwood Mill Pond.

Jim Kousidis, PE, presented the application on behalf of the property owner. The property is within the WPLO area of the Sherwood Mill Pond. The cape roof will be removed. The shell and foundation will remain. A new 2 ½ story will be built. The first floor is currently not at risk of flooding, just the basement. Instead they will retrofit the basement with flood openings and it will be used for storage. The oil tank will be replaced with gas. The shed in back will be removed to comply with coverage. The drainage will be in the front yard for roof runoff. The driveway will be permeable. It will be widened to allow for parking for 2 cars. The northern retaining wall will be rebuilt to allow for the widening. The driveway will be asphalt during construction of the house. The retaining wall work and permeable driveway will come toward the end of the project. A stockpiling area is not necessary; there is limited

excavation. They will start with the house work, then the drainage work, then the driveway replacement and retaining wall work. The project should take 6 months to complete. There are no ZBA or CAM approvals required for this project. The project has received approval from the Flood and Erosion Control Board.

Mr. Davis asked that the silt fence be fortified with haybales.

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

Motion: Rycenga Second: Shea

Ayes: Rycenga, Shea, Bancroft, Davis, Porter

Nayes: None Abstentions: None Vote: 5:0:0

# Findings Application #WPL 10183-16 200 Hillspoint Road

1. **Application Request:** Applicant is requesting to demolish the existing single family residence and to construct a new single family residence on the existing footprint, slightly widen the driveway and install a new drainage system. A major renovation is being proposed for this parcel. The total new impervious surface is 100 s.f. The residence will be FEMA compliant. Portions of the work are within the WPLO setback of the Sherwood Mill Pond.

#### 2. Plans reviewed:

- 1. "Zoning Location Survey of Property Prepared for Dede Guthartz, #200 Hillspoint Road, Westport, Connecticut," Scale 1"= 10', dated March 8, 2016, prepared by Arcamone Land Surveyors LLC.
- 2. "Site Development Plan, 200 Hillspoint Road, Westport, Connecticut prepared for Dede Guthartz," Scale: 1"= 10', dated March 10, 2016, prepared by Kousidis Engineering, LLC

# 3. Facts Relative to this application:

- 1. Permits and Applications:
  - a. AA 1855-86 for a deck replacement
  - b. CAM/E 1772-86 for a deck
  - c. WPL 8547-09 for a new single family residence-withdrawn
- 2. Tax Assessor card indicates the three bedroom residence was originally built in 1930 and remodeled in 1999.
- **3.** <u>WPLO:</u> Portion of the property is located below elevation 9.0 NGVD and therefore is within the WPLO jurisdictional boundary.
- **4.** <u>Inland Wetlands and Watercourses:</u> No inland wetlands or watercourses are located at this site.
- 5. 100-Year Floodplain: A portion of the property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The flood zone designation is A-6 with a base flood elevation of 12.0'. The applicant is requesting to raise the first floor elevation of the existing residence to elevation 13.0' which conform and exceeds the requirements of FEMA with regard to the 100 year flood elevation of 12.0' NGVD. Currently thegarage floor elevation is at 8.7' NGVD.
- **6.** Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone nor the Aquifer Recharge Zone.
- 7. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area" and "Shorelands".

- **8.** Zoning District: The property is located within zoning district "B" (minimum lot size 6,000 square feet).
- 9. Sewage Disposal: The property is serviced by a public sanitary sewer.
- **10.** <u>Physical and Chemical Properties of the Soil:</u> The Web Soil Survey in cooperation with the Natural Resources Conservation Service identifies the on-site soils as a Hinckley- Urban land complex with 3 to 15 percent slopes.

This map unit is 40 percent Hinckley soils, 35 percent Urban land and 25 percent minor components.

<u>Hinckley Soils</u> occur on valley outwash plains, eskers, kames and terraced landforms. The runoff class is low and the drainage class is excessively drained.

Typical Profile:

0-8 inches; gravelly sandy loam

8-20 inches; very gravelly loamy sand

20-27 inches; very gravelly sand

27 to 42 inches; stratified cobbly coarse sand to extremely gravelly sand

42 to 60 inches; stratified cobbly coarse sand to extremely gravelly sand

<u>Urban Land</u> is land mostly covered by streets, parking lots, buildings and other structures of urban areas. The runoff class is very high.

### 4. Waterway Protection Line Ordinance:

Section 148-9 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 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 subject property is located on the west side of Hillspoint Road and the Sherwood Mill Pond. The elevation of the driveway of 8.7' forms the connection with the 25 year floodplain elevation of 9.0' and is what impacts the redevelopment and renovation of the existing residence and requires the garage and basement area of the residence to be floodproofed.

The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways primarily is limited to nutrient loading and storm water quality impacts.

Based on the topographical aspects of this parcel, although nearly level, storm water runoff

from the proposed project will flow in an easterly direction towards the tidal pond. The Commission finds a line of silt fence abacked with haybales shall be placed at the property line adjacent to Hillspoint Road for added security against sediment migration during the construction process.

The current site does not provide for stormwater runoff or for water quality. Subsurface infiltration is proposed in the southeastern corner of the parcel. Test holes in the area of the infiltrators indicate a very permeable outwash gravel soil.

A new driveway edge and retaining wall is proposed along the north property boundary. This is to allow proper flood venting to meet the FEMA requirements. Although the residence is located outside the 100 year flood boundary, the Commission finds the applicant is meeting the requirements for first floor elevation and the flood vents for the AE elevation 13.0' flood zone requirements.

Conservation Commission Minutes April 20, 2016 Page 10 of 17

The Commission finds the driveway surface shall remain permeable in perpetuity in keeping with previous requirements for driveways located within the Waterway Protection Line Ordinance boundary.

The property area is very small and the proposed total lot coverage is being maintained at 24.7% which is within the Zoning allowed percentage.

In addition, the site soils have formed primarily in glacial meltwater sediments of sand and gravel and have extremely rapid permeability. This, combined with a very shallow subsoil, contribute to a limited potential for pollution renovation.

The Flood and Erosion Control Board reviewed and approved the application with conditions on April 6, 2016 with conditions.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10183-16
Street Address: 200 Hillspoint Road
Assessor's: Map E 05 Lot 029
Date of Resolution: April 20, 2016

**Project Description:** To renovate the existing residence, remove the roof and add a second story with attic. The one car garage will remain, the lower level will be storage and flood vents will be added to comply with FEMA regulations. Portions of the work are within the WPLO area of Sherwood Mill Pond.

Owner of Record: Dede Guthariz

Applicant: Jim Kousidis of Kousidis Engineering, 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 10183-16** 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.

Conservation Commission Minutes April 20, 2016 Page 11 of 17

- **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. All exterior heating oil tanks shall be elevated above the 100 year flood elevation, shall be anchored and shall be provided with a containment area for possible leaks.
- 12. All proposed decks shall be provided with a 6" gravel bed beneath.
- **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 conditions of the Flood and Erosion Control Board of April 6, 2016.

#### **SPECIAL CONDITIONS OF APPROVAL**

- 17. Conformance to the plans entitled:
  - **a.** "Zoning Location Survey of Property Prepared for Dede Guthartz, #200 Hillspoint Road, Westport, Connecticut," Scale 1"= 10', dated March 8, 2016, prepared by Arcamone Land Surveyors LLC.
  - **b.** "Site Development Plan, 200 Hillspoint Road, Westport, Connecticut prepared for Dede Guthartz," Scale: 1"= 10', dated March 10, 2016, prepared by Kousidis Engineering, LLC
  - **c.** Architectural Plans entitled: "Residential Addition for DeDe Gutharz, 200 Hillspoint Road, Westport, CT", dated: 3/12/2016, Scale: 1/4" = 1.0', prepared by John Jones Architects
- 18. All excavated material shall be immediately removed from the site.
- 19. Driveway shall remain pervious with said restriction placed on the Land Records prior to the issuance of a Conservation Certificate of Completion.
- **20.** Plans to be revised to show haybales installed in tandem with the proposed silt fence on the property line adjacent to Hillspoint Road. Sediment and Erosion control inspector shall verify said installation prior to the initiation of construction activity.

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

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

Motion: Rycenga Second: Shea Ayes: Davis, Porter, Shea, Bancroft,

Rycenga

Nayes: 0 Abstentions: 0 Vote: 5:0:0

3. 9 Owenoke Park: Application #WPL-10184-16 by Barr Associates LLC on behalf of 9 Owenoke Park LLC for demolition of existing and construction of a new single family residence and associated site improvements. Work is within the WPLO area of the Saugatuck River.

Mel Barr presented the application on behalf of the property owner. This project is for a teardown and rebuild. The new residence will be moved away from the street and will be built to FEMA compliance. The driveway will be elongated with a turnaround, which is the reason for the increase in coverage. The V zone is at the back of the house; the rear stairs will be separate from the house and break away. There is a rear planting buffer proposed along the seawall. The seawall looks to be in good shape; no repair work is anticipated. The Flood and Erosion Control Board approved the proposal on April 6, 2016. The residence will be heated by gas. The proposal will be going to ZBA for coverage and P&Z for CAM. The existing basement will be filled in. the existing tree in the front yard will be saved.

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

Motion: Shea Second: Davis

Ayes: Shea, Davis, Bancroft, Porter, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0.

# Findings 9 Owenoke Park #WPL 10184-16

1. **Application Request:** The Applicant is requesting to demolish an existing dwelling and to construct a new residence and associated site improvements. The project site is located entirely within the WPLO jurisdictional boundary.

### 2. Plans reviewed:

- a. "Existing Conditions Plot Plan prepared for 9 Owenoke Park, LLC, 11 Owenoke Park, Westport, CT", Scale: 1"=10', dated August 12, 2015 and last revised to March 11, 2016, prepared by Leonard Surveyors, LLC
- **b.** "Site Plan, Details & Notes, Owenoke Park, LLC, 9 Owenoke Park, Westport, CT", Scale: 1"-10', dated march 2, 2016 and last revised to March 15, 2016, prepared by Chappa Site Consulting, LLC
- **c.** Architectural design drawings sheets: A-1.1 to A-3.2 (8 sheets) entitled: Cohen Residence, 9 Owenoke Park, Westport, CT., dated March 8, 2016, prepared by Richard Ward, A.I.A. Architect.

#### 3. Facts Relative to this application:

- **a.** Permits and Applications: No previous permits have been issued for this property
- **b.** WPLO: This property is located below elevation 9.0 NGVD and within the WPLO.
- **c.** <u>Inland Wetlands and Watercourses:</u> <u>No</u> inland wetlands or watercourses are located at the site.
- **d.** 100-Year Floodplain: The entire property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The 100-year base flood elevation for the AE Zone is 13' NGVD and the VE Zone elevation is at elevation 14' NGVD.
- **e.** <u>Aquifer Protection Zone:</u> The property <u>is not</u> located within the Aquifer Protection Zone. Fine-grained stratified drift.
- **f.** Coastal Area Management Zone: The project <u>is</u> located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area", "Tidal Wetlands", "Nearshore Waters", and "Shellfish Areas".
- **g.** Zoning District: The property is located within zoning district "A" (minimum lot size 0.5 acre).
- **h.** <u>Sewage Disposal:</u> The property is serviced by a public sanitary sewer.

#### 4. Waterway Protection Line Ordinance:

Section 148-9 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 tidal wetland boundary has been identified and flagged. Much of this mapped area is a healthy stand of low-marsh tidal wetland vegetation (*Spartina alternifolia*) and is located just below the Mean High Water line along the property perimeter. Nearly all portions of the property that are located landward of an existing seawall are residentially developed.

The site soils have formed primarily in glacial meltwater sediments of sand and gravel. The top of the seawall running in an easterly/westerly direction is elevated above the existing ground elevation. Due to this existing condition and the sand and gravel subsoils, it is likely that little to no surface runoff from most storms (smaller storms) reaches the adjacent waterways as overland flow, as the stormwater likely settles landward of this sea wall and infiltrates into the soil.

Since the shoreline and the existing seawall are susceptible to erosion and periodic flooding, the Commission finds the applicant will stabilize the area adjacent to the seawall with deep rooting native plantings that do not require fertilization because of the close proximity to the tidal wetland.

The Commission finds this form of planting buffer be installed landward of this seawall for soil stabilization and stormwater infiltration.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways primarily is limited to stormwater quality impacts. The project calls for an increase in impervious surfaces from 27.7% to 32.17%, and over the target percentage of 25% as recommended by the Connecticut Stormwater Quality Manual (2004). As the site is nearly level, staff feels this is an opportunity for water quality improvement as well as seawall stabilization.

The proposed residence is being constructed entirely within the AE zone and out of the VE zone. Stairs and landing on the rear of the residence are being constructed within the VE zone. They will be considered as a breakaway structure to conform with VE zone construction standards.

All subsurface infiltration for stormwater runoff will be handled in galleries on the northerly portion of the site. The proposed galleries will be sufficient to handle the first inch of runoff from the proposed site development for water quality treatment. Furthermore, this system will be able to accommodate the additional runoff due for a 25 year storm. Driveway surface is proposed to be pervious. The Commission finds a construction detail for

this will be provided to the Conservation Department. The permeable surface is in keeping with the Commission request to minimize surface stormwater runoff, provide infiltration and to provide a water quality measure.

A perimeter silt fence is proposed for use during construction and should provide adequate protection if it is properly maintained as excavation and grading requirements for this project will be minimal.

Conservation Commission Minutes April 20, 2016 Page 14 of 17

The Flood and Erosion Control Board approved the application with conditions on April 6, 2016.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10184-16
Street Address: 9 Owenoke Park
Assessor's: Map D 03 Lot 167

Date of Resolution: April 20, 2016

**Project Description:** For the demolition of existing and construction of a new residence with associated site improvements. Portions of the work are within the 25 year floodplain and the WPLO area of Gray's Creek.

Owner of Record: 9 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 10184-16** 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.

Conservation Commission Minutes April 20, 2016 Page 15 of 17

- 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 April 6, 2016.

#### SPECIAL CONDITIONS OF APPROVAL

- **15.** Conformance to the plans entitled:
  - **a.** "Existing Conditions Plot Plan prepared for 9 Owenoke Park, LLC, 9 Owenoke Park, Westport, CT", Scale: 1"=10', dated August 12, 2015 and last revised to March 11, 2016, prepared by Leonard Surveyors, LLC
  - **b.** "Site Plan, Details & Notes, Owenoke Park, LLC, 9 Owenoke Park, Westport, CT", Scale: 1"-10', dated March 2, 2016 and last revised to March 15, 2016, prepared by Chappa Site Consulting, LLC
  - **c.** Architectural design drawings sheets: A-1.1 to A-3.2 (8 sheets) entitled: Cohen Residence, 9 Owenoke Park, Westport, CT., dated March 8, 2016, prepared by Richard Ward, A.I.A. Architect.
- **16.** Walkways and driveways to remain permeable in perpetuity with said restrictions placed on the land records prior to the issuance of a Certificate of Compliance.
- 17. A planting plan that includes native, salt and wind tolerant species for the proposed plantings along the existing seawall shall be submitted to the Conservation Department staff for review and approval prior to the issuance of a zoning permit.
- **18.** Submission of a performance bond estimate in the amount that includes the cost of plants and erosion control materials to be submitted to the Conservation Department prior to the issuance of a zoning permit.
- 19. A construction detail of the driveway to ensure it is permeable shall be submitted for review and approval to the Conservation Department prior to the issuance of a zoning permit.

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: Davis

Ayes: Davis, Porter, Shea, Bancroft, Rycenga

Nayes: 0 Abstentions: 0 Vote: 5:0:0

#### **Work Session II:**

1. 12 Stony Point Road: Request by Stuart Sachs of PRE/view Landscape Architects on behalf of Richard & Francoise Jaffe to modify pool and patio location and elevation previously approved under Application #WPL-9858-14.

Ms. Krynicki reviewed a request by Stuart Sachs, L.A., to modify the pool and patio location and elevation previously approved under Application #WPL-9858-14. She reviewed the

Conservation Commission Minutes April 20, 2016 Page 16 of 17

proposed plan with that previously approved by the Commission. The result is that the pool is 10 feet closer to the tidal wetland. It will also require additional fill and a 4-foot retaining wall. The wall will act as an erosion control structure. Also, the stormwater drainage galleries will have to be relocated.

Motion to deny the request.

Motion: Rycenga Second: Shea

Ayes: Rycenga, Shea, Bancroft, Davis, Porter

Nayes: None Abstentions: None Vote: 5:0:0

2. **7 Vineyard Lane**: Request by Gustavo Brinck to allow issuance of an administrative approval for construction of an on-grade patio with perimeter biofiltration within the wetland and 20-foot upland review area.

Ms. Krynicki reviewed a request by Gustavo Brinck to allow for issuance of an administrative approval for construction of an on-grade patio with perimeter biofiltration within the wetland and 20-foot upland review area.

Motion to allow staff to issue an Administrative Approval with conditions.

Motion: Shea Second: Porter

Ayes: Shea, Porter, Bancroft, Davis, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

**3. 6 Stone Drive:** Request by Leo Cirino to allow issuance of an administrative approval for construction of a garage addition within the 50' upland review area.

Ms. Krynicki reviewed a request by Leo Cirino to allow for the issuance of an administrative approval for the construction of a garage addition within the 50 foot upland review area. The owner wants to construct a garage and mudroom partially over what is now a carport and shed. The extension over what is now grass is 12 feet x 22 feet. There is no impact.

The Commission indicated the slope adjacent to the watercourse should be planted and drainage approved by the Engineering Department.

Motion to allow issuance of an Administrative Approval with conditions.

Motion: Shea Second: Porter

Ayes: Shea, Porter, Bancroft, Davis, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

**4. 1 Burr School Rd.**: Request by Christopher Retcho to allow issuance of an administrative approval to construct a 1,200 sq. ft on-grade patio with fireplace partially covered by 15' x 15' shed roof within the 30 ft upland review area.

Ms. Krynicki reviewed a request by Christopher Retcho to allow for issuance of an administrative approval to construct a 1,200 s.f. on-grade patio with fireplace partially covered by a 15 foot by 15 foot shed roof within the 30 foot upland review area. She stated Mr. Retcho did have the property flagged by a soil scientist. She reviewed the plan with the Commission.

Conservation Commission Minutes April 20, 2016 Page 17 of 17

Motion to allow the staff to issue an Administrative Approval with several conditions including installation of a raingarden, a riparian buffer the patio should be permeable and the pipe discharging directly to the stream should be cutback and eliminated or retrofitted to discharge further from the stream.

Motion: Shea Second: Porter

Ayes: Shea, Porter, Bancroft, Davis

Nayes: Rycenga Abstentions: None Vote: 4:1:0

**5.** Other business. – There was none.

The April 20, 2016 Public Hearing of the Westport Conservation Commission adjourned at 8:55 p.m.

Motion: Shea Second: Bancroft

Ayes: Shea, Bancroft, Davis, Porter, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0