

**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.

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Alicia Mozian  
Conservation Department Director







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. Permits and Applications: Previous permit # WPL 9467-13: for new residence to be FEMA compliant
- b. WPLO: The entire property is located below elevation 9.0 NGVD and therefore is entirely within the WPLO.
- c. Inland Wetlands and Watercourses: No 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 is 11 feet above mean sea level.
- e. Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone but is located within the Aquifer and Primary 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 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 it 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.





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. Physical and Chemical Properties of the Soil: 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.  
Hinckley Soils 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

Urban Land 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.

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.

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: ¼" = 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  
Rycenga

**Second:** Shea

**Ayes:** Davis, Porter, Shea, Bancroft,

**Nays:** 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.



#### **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.

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.

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 & Françoise 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



