

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
MARCH 16, 2016**

The March 16, 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  
Paul Davis, Secretary  
Donald Bancroft  
Robert Corroon  
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 March 16, 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

**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.

Ms. Mozian stated there were two items to add to the work session agenda:

- a. **21 Owenoke Park:** Request for elimination of Condition 18 of WPL-9702-14 and release of remaining bond monies.
- b. **295/297 Saugatuck Avenue:** A request to modify Permit WPL-9470-13 by reconfiguring the driveway and to make the pool smaller and patio larger.

Motion to add 21 Owenoke Park and 295/297 Saugatuck Avenue to the work session agenda.

<b>Motion:</b>	<b>Shea</b>	<b>Second:</b>	<b>Porter</b>
<b>Ayes:</b>	<b>Shea, Porter, Bancroft, Corroon, Davis</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

**Work Session I: 7:00 p.m., Room 201/201A** (The work session is not a public hearing. The public is invited to attend but may not speak.) *The following applications will be "received" by the Conservation Commission subject to determination of completion. A public hearing will not be opened at this time for the following applications:*

#### 1. Receipt of Applications

Ms. Mozian stated there were no applications to officially receive.

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

Ms. Mozian stated there was no enforcement activity to report.

#### 3. Approval of February 17, 2016 meeting minutes.

The February 17, 2016 meeting minutes were approved with minor changes to page 9 regarding 12 Marsh Court.

<b>Motion:</b>	<b>Shea</b>	<b>Second:</b>	<b>Porter</b>
<b>Ayes:</b>	<b>Shea, Porter, Bancroft, Corroon, Davis</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

#### 4. Other Business

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

#### 1. **11 Rustic Lane:** Application #IWW/M-10171-16 by Paul & Rivers Teske to amend wetland boundary map #H7.

Ms. Shea recused herself and left the room. Mr. Davis, Secretary, took over as Chair.

Rev. Paul Teske presented the application to amend the wetland boundary.

Ms. Krynicki reported Rev. Teske hired soil scientist, Jim McManus to flag the wetland boundary. Tom Pietras, soil scientist hired by the Town, found a slight variation to the line which both soil scientists agreed to in the end.

With no public comment, the hearing was closed.

<b>Motion:</b>	<b>Porter</b>	<b>Second:</b>	<b>Corroon</b>
<b>Ayes:</b>	<b>Porter, Corroon, Bancroft, Davis</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 4:0:0</b>

**Findings**  
**11 Rustic Lane**  
**#IWW/M 10171-16**

1. **Application Request:** Applicant is requesting to amend wetland map H-7. The applicant requested the services of Jim McManus of JMM Wetland Consulting Services, LLC to delineate the proposed wetland boundary. The Town of Westport retained the services of Tom Pietras of Pietras Environmental to verify the boundary as flagged by Mr. McManus.
2. **Background Information:** No permits are on file at the Conservation Department.
3. Plan reviewed: "Property Survey Prepared for Paul Teske, 11 Rustic Lane, Westport, CT", Scale: 1"= 20', dated February 5, 2016, prepared by Martin Surveying Associates, LLC
4. **Facts Relative to this application:**
  - a. Property is outside aquifer/wellfield protection zones and aquifer/recharge area.
  - b. Property is outside Coastal Area Management zones.
  - c. Wetland is characterized as a "woodland swamp," "permanent watercourse," "streamside" and "floodplain" by the Westport Wetlands Inventory, dated June 1983, prepared by Flaherty Giavara Associates P.C.
  - d. Typical wetland vegetation included such species as red maple, spicebush, multiflora rose, honeysuckle, skunk cabbage, jewelweed, Japanese knotweed, mile-a minute vine and poison ivy.
  - e. Plan reviewed entitled "Property Survey Prepared for Paul Teske, 11 Rustic Lane, Westport, CT", Scale 1"=20'-0", dated February 5, 2016 , prepared by Martin Surveying Associates, LLC
  - f. A report, dated January 9, 2016, by soil scientist, James McManus of JMM Wetland Consulting Services, LLC indicates wetland soils identified on the property as Walpole sandy loam (Unit 13) and Aquents (Unit 308). The upland soils are identified as Ninigret fine sandy loam (Unit 21) and Udorthents (Unit 308).
  - g. The Town of Westport retained soil scientist, Tom Pietras of Pietras Environmental Services, LLC to review wetland boundaries prepared by Mr. McManus.
5. Staff received correspondence from Tom Pietras dated February 17, 2016 that he requests that wetland flag #3 be connected directly to wetland flag #5. Mr. McManus in an e mail dated February 18, 2016 states that the neighborhood has had a lot of disturbance over the years, which includes re-routing of a watercourse. It is my understanding that the watercourse at one time went through roughly the central part of the neighborhood. The subject property soils show signs of being disturbed throughout, which includes the wetland areas. It is worth noting that the wetlands are mainly located within maintained lawn. It is not uncommon that soil scientists will interpret highly disturbed soils differently. However, the area Tom has outlined on the plan is relatively small and the small alteration to the original delineation is expectable. Mr. McManus is amenable to eliminate flag #4 as requested by Mr. Pietras and directly connect wetland flag #3 to flag #5. The Commission finds the wetland boundary as amended as described above is adopted.

**RESOLUTION**  
**APPLICATION #IWW/M 10176-16**  
**11 Rustic Lane**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M 10176-16** by Paul Teske to amend wetland boundary map #H 7 on the property located at 11 Rustic Lane with the following conditions:

1. Conformance to the plan entitled: "Property Survey Prepared for Paul Teske, 11 Rustic Lane, Westport, CT", Scale: 1"= 20', dated February 5, 2016 and received March 3, 2016, prepared by Martin Surveying Associates, LLC
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision be found void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

**Motion:** Davis

**Second:** Porter

**Ayes:** Davis, Porter, Bancroft, Corroon

**Nays:** 0

**Abstentions:** 0

**Votes:** 4:0:0

Ms. Shea returned to the room and resumed as Chair.

2. **65 Bermuda Road:** Application #WPL-10172-16 by Mitchell Saunders for property improvements including: redesigned rear patios to connect with an already elevated residence; removal of the existing tennis court and installation of a 16' X 32' swimming pool and an 8' X 8' spa; and, underground stormwater infiltrators. Work is within the WPLO area of the Saugatuck River.

Carey Barrett, architect, presented the application. He oriented the Commission to the location of adjacent off-site tidal wetlands. The pool elevation is 10 feet, which is above the WPLO and surrounded by small garden walls. Existing bamboo located on the rear property line will be contained with a 2-foot deep barrier. A raised spa will flow back into the pool. It will be surrounded by vegetation. The pool will be heated by the house's propane heat. Runoff from the pool deck will go into 17 different scupps and then infiltrate into the soil. Construction access will be from the front. Because the pool will be slightly raised, the excavated material will be used for backfill. Dewatering provisions will be in place complete with a plunge pool pit. The relandscaping plan for screening and buffering is extensive. There will be very little lawn left. The pool is 7 feet in depth and will contain a hydrostatic pressure valve.

Ms. Mozian recommended that the type of pool fence be one which will allow for the free flow of water.

Mr. Bancroft asked for haybales in addition to the silt fence.

Ms. Shea and Ms. Krynicki asked about fertilization and pesticide control.

Mr. Barrett stated that irrigation was proposed but since native plantings will be installed, little maintenance should be needed once they're established.

Bill Beckman, PE of Leggette, Brashears and Graham, submitted an amended drainage report. The flow rate is anticipated to be very small. They are using Cultec level spreaders. The soil tests show sandy soils. Therefore, the Flood & Erosion Control Board reduced the need for the number of infiltrator from 10 to 4. The drainage plan will pick up the house runoff. The realignment of the driveway is just to make the lines cleaner.

Mr. Bancroft asked about the pool cartridge filter and if it would be ozone, or use ultra-violet and use bromine.

Mr. Barrett stated with use of an automatic pool cover, there is little evaporation so the amount of bromine to dispense is less than normal.

Ms. Mozian asked about the firepit. Mr. Barrett said it will be at-grade on gravel.

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

<b>Motion:</b>	<b>Shea</b>	<b>Second:</b>	<b>Bancroft</b>
<b>Ayes:</b>	<b>Shea, Bancroft, Corroon, Davis, Porter</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

**FINDINGS**  
**65 Bermuda Road**  
**#WPL 10172-16**

1. **Application Request:** Applicant is proposing to redesign rear patios to connect with existing elevated residence, removal of the existing tennis court (previously approved under Application #WPL/E 9998-15) and installation of a 16' x 32' in ground swimming pool and 8' x 8' spa. The existing driveway will be slightly realigned to provide access to the two-car garage. Total coverage will be reduced from 7,605 sf (35.5%) to 5,271 sf (24.7%). Portions of the work are within the WPLO and the 25 year floodplain of the Saugatuck River.
2. **Plans and supplemental materials reviewed:**
  - a. *"Site Information Plan prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 1 of 6", Scale : As Noted, dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor*
  - b. *"Proposed Site Plan prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 2 of 6", Scale : 1"= 10', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor*
  - c. *"Sections prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 3 of 6", Scale : 1"= 4', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting, Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor*
  - d. *"Erosion and Sediment Control Plans prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 4 of 6", Scale : 1"= 10', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates,*

Environmental Consulting, Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor

- e. "Planting Plan prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 5 of 6", Scale : 1"= 8', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting, Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor
- f. "Construction Details prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 6 of 6", Scale : 1"= 10', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting, Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor

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

- a. WPLO: Portions of the site are located below elevation 9.0 NGVD and therefore within the WPLO.
- b. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
- c. Tidal wetlands: Were evaluated by Evans Associates Environmental Consulting, Inc. in October 2014. The tidal wetland boundary is entirely off-site to the east.
- 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 13' NGVD. House is FEMA compliant.
- 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 connected to the municipal sewer.
- h. Physical and Chemical Properties of the Soil: The NRCS Soil Survey of State of Connecticut identifies the upland 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.
- i. The four bedroom residence was originally built in 1975 and remodeled in 2015.

**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.

The proposed activity lies above the Coastal Jurisdiction Line elevation of 5.3 NGVD and therefore is not within the jurisdiction of the Connecticut DEEP.

The subject property measures .5 acres and is situated on the north side of Bermuda Road. The property is bounded to the east by a tidal wetland system. The project wetland scientist, Evans Associates Consulting Inc., has confirmed that the tidal wetland does not occur on the Saunders property, but rather, just east of the subject property at approximate elevation 5. The 25 foot tidal wetland setback does occur along the easterly portion of the parcel. Within

this 25 foot tidal wetland setback area is a graded slope that provides a transition from the tidal wetlands elevation (5') to the higher elevations on the Saunders property of elevations 8, 9 and 10.

The proposed pool and surrounding pool terrace are to be set approximately at elevation 10.8. Masonry garden walls/sitting walls contain the pool and pool terrace. Wall height from the pool terrace to the adjacent grade is approximately 24". The sitting walls surrounding the pool are equipped with scupper drains positioned around the pool terrace in 17 locations to allow rain water to run off to the adjacent gardens. The proposed patio surface is declared as impervious, thus the need for surface runoff and treatment with the use of biofiltration.

In the existing condition, runoff from the house was unmanaged and simply discharged at the base of the house via roof gutters and leaders and dispersed to adjacent areas.

Engineer soil testing indicates primarily sandy type soils. As the site is raised and is above the tidal wetland elevation of 5' and the daily tidal fluctuation, the opportunity for subsurface infiltration will be present. Soil testing and drainage calculations were not part of the submission package.

LBG has proposed to capture the runoff from the existing house via gutters and leaders and direct it to underground infiltrators. The infiltrators allow infiltration via open bottoms and gravel. Overflow from the infiltrators is via two level spreaders east of the pool within a naturalized native planting area.

As the site was severely overgrown much of the plantings will need to be removed from the property. The Commission finds that a large stand of bamboo is present and will need to be contained for the re-planting of the parcel to be successful.

Long term stabilization, native habitat and foraging opportunities for wildlife is the ultimate goal of the planting effort.

The Commission finds that the removal of a large impervious tennis court, the introduction of stormwater treatment for the existing development and the extensive replanting and biofiltration effort of the patio runoff are the advantages of this proposal.

The Commission finds the bonding of the plantings to assure their viability for biofiltration should focus on those plantings along the easterly half of the parcel from the northerly to the southerly boundary. This section of the property is most important as the surface stormwater runoff will flow in an easterly direction due to the topography.

Bamboo containment and the long term monitoring to protect from further invasive plant intrusion are also important components of the redevelopment of this property. From the review of older aerial photos, it can be assumed that this entire parcel was once part of the larger adjacent salt marsh.

The Flood and Erosion Control Board approved this application with conditions on March 2, 2016.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # WPL 10172-16**  
**Street Address: 65 Bermuda Road**  
**Assessor's: Map B 1 Lot 033**  
**Date of Resolution: March 16, 2016**

**Project Description:** Property improvements to include: redesigned rear patios to connect with an already elevated residence; removal of the existing tennis court and installation of a 16' x 32' swimming pool with an 8' x 8' spa; and underground stormwater infiltrators and related appurtenances

**Owner of Record:** Mitchell Saunders

**Applicant:** Mitchell Saunders

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 10172-16** 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 March 2, 2016.
15. **Standard Conditions of Approval for Swimming Pools** Proposed Near Wetlands and Watercourses are as follows:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer is to be maintained between the pool and the waterway or wetland.
  - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
  - e. Pools should be covered over the winter or when they will not be in use for extended periods of time (three (3) or more months).
  - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
  - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

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

16. Conformance to the plans entitled:
  - a. *"Site Information Plan prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 1 of 6, Scale : As Noted, dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor*
  - b. *"Proposed Site Plan prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 2 of 6, Scale : 1"= 10', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor*
  - c. *"Sections prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 3 of 6, Scale : 1"= 4', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting, Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor*
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- f. "Construction Details prepared for 65 Bermuda Road, Westport, Connecticut, Sheet 6 of 6, Scale : 1"= 10', dated January 19, 2016, prepared by J.D. Barrett & Associates, LLC, Landscape Architect/Environmental Planner, Pagliaro Bartels Sajda, Architect. LBG Engineering Services, P.C., Engineer, Evans Associates, Environmental Consulting, Inc., Environmental Scientist, and J. Edwards & Associates, LLC, Surveyor
- 17. A site monitor shall be employed during the process of initial clearing and shall continue until such time as the final grading is completed and plantings and pool/spa are installed. Initial clearing and excavation to include dewatering activity of the site and final grading will require weekly reports submitted to the Conservation Department. The inspections and reports shall also include requirements for reporting after storm events of 1 1/2" or more of rainfall.
- 18. Submission of a performance bond estimate in the amount of the cost of plants, erosion control materials and labor for the tidal wetland setback on the easterly half of the parcel to be submitted to the Conservation Department prior to the issuance of a zoning permit.
- 19. Staked haybales shall be installed in tandem with the silt fence on the easterly side of the parcel.

**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:** Corroon

**Second:** Bancroft

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

**Nayes:** 0

**Abstentions:** 0

**Votes:** 5:0:0

- 3. **10 Berndale Drive:** Application IWW,WPL/E-10173-16 by Doyle Coffin Architecture, LLC on behalf of John & Remedios Saez for a 11' X 16' one-story addition on piers. Addition outside of the WPLO but within the 50 ft. upland review area.

Peter Doyle, architect, presented the application on behalf of the property owners. This is for a one-story addition above grade on piers so the disturbance will be minimal. The footings will be hand dug and no heavy equipment will be brought in. The stockpiling of material will be on the driveway. The silt fence and hay bales will align with the top of the bank.

Ms. Krynicki stated staff had asked the Engineering Department to review. Engineering believed that no additional drainage was required. Mr. Doyle stated extra drainage was added when the garage was built several years ago.

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

**Motion:** Shea

**Second:**

Davis

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

**Nayes:** None

**Abstentions:** None

**Vote:** 5:0:0

**FINDINGS**  
**10 Berndale Drive**  
**#IWW, WPL/E 10173-16**

1. **Application Request:** Applicant is requesting to renovate an existing residence with an addition to allow owners single-family living. An 11' x 16' addition will expand the master bathroom. New floor space is proposed on the main level only. The foundation for this addition will be on piers. The addition is outside of the WPLO of Deadman's Brook but within the 50' or potentially 100' steep slope upland review area of the flagged wetland boundary.
2. **Plans Reviewed:**
  - a. "Zoning Location Survey of Property Prepared for John and Reme Saez, #10 Berndale Drive, Westport, CT", Scale 1" = 20', dated September 25, 2008 and last revised to February 2, 2016, prepared by Arcamone Land Surveyors LLC
  - b. Architectural Plans entitled: "Alterations & Additions to the Residence of Mr. & Mrs. John Saez, 10 Berndale Drive, Westport, CT(5 sheets), dated February 8, 2016, prepared by Doyle/Coffin Architecture
3. **Background Information:**
  - a. The subject property is serviced by municipal sewer and water.
  - b. The Engineering Department has reviewed and approved the need for no further drainage appurtenances for this project.
  - c. AA-WPL/E 9286-12 issued for a generator.
4. **Facts Relative to this application:**
  - a. A portion of the proposed addition is located within the 50' IWW upland review area and with the steep slopes on site the review area could be expanded to 100'.
  - b. The proposed addition is outside the WPLO area.
  - c. Wetland boundaries have been flagged in the field on 1/20/16 by Otto Theall of Soil and Wetland Science LLC.
  - d. The 25 year Flood Line is located at elevation 149.2' to 150.5' per Barry Hammons, LS, P.E.
  - e. The property lies outside the Special Flood Hazard Zone.
  - f. The property is not located within the Aquifer Protection Overlay zone or groundwater recharge area.
  - g. The property is not located within a Coastal Area Management Zone.
  - h. The proposed total coverage is 12.8%
  - i. Tax Assessors card indicates the building was originally constructed in 1963, prior to Inland Wetland Regulations and Waterway Protection Line Ordinance
  - j. The submitted plan dated 09/25/08 depicts contours referenced to the NAGVD29 datum.
5. The applicant has hired a soil scientist to delineate the wetland boundary on the property. The proposed line does not significantly change from the town wetland line and the proposed work is still within the upland review area setbacks of both the Town delineation and the soil scientists' site specific delineation.
6. **Consistency with Regulations:**

#### **Water Quality**

*Pursuant to Section 6.2 Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

Typical development near wetlands and watercourses can lead to degraded water quality in wetlands and watercourses from point and non-point sources. Roads and driveways can be point sources and runoff from lawn and roof areas can be non-point sources. This is based on knowledge of typical uses for roof, driveway or road, and lawn and landscape runoff containing typical fertilizers, and pesticides, as well as sediments, hydrocarbons, and heavy metals.

Land use changes associated with urban and suburban development often increase the amount of impervious or compacted areas. Rain water cannot infiltrate the ground through

these impervious surfaces and becomes runoff; consequently, more water reaches surface water resources faster than as infiltration would occur under natural conditions.

The Commission finds that the steep slope is to remain naturally vegetated in perpetuity to control erosion potential and to promote stormwater infiltration. The Commission finds that any clearing of this slope should be reviewed by the Conservation Commission.

The existing top of slope is now demarcated by boulders in the field. The Commission finds that the boulders should remain in place.

The proposed addition is at elevation 170' and the wetland exists at the toe of slope at elevation 149'. No disturbance of the slope is proposed.

#### **Erosion and Sediment**

Pursuant to Section 6.3 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* staff recommends that the proposed activities will not cause erosion and sedimentation to the watercourse provided a silt fence is installed prior to site disturbance maintained appropriately.

#### **Natural Habitats**

Pursuant to Section 6.4 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the existing conditions on the parcel do not limit habitat potential as a naturally vegetated slope exists next to the brook. The Commission finds the natural vegetation along the edge of the watercourse helps maintain a riparian zone and offers an opportunity to maintain biodiversity along this section of Dead Man's Brook. The proposed site development proposal will not result in the removal of vegetation nor disturbance of the biological wetland.

#### **Discharge and Runoff**

Pursuant to Section 6.5 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the proposed activities will not significantly impact discharge and runoff into the watercourse.

Proposed grading is not indicated on the plans and therefore not anticipated. The 11' x 16' addition has been reviewed by Keith Wilberg of the Engineering department and he has concluded in a report dated March 2, 2016 that the scope of the project is below the threshold that would require further drainage appurtenances on the property.

The Commission finds there is no grading proposed in proximity to neighboring properties and therefore it is not anticipated to have an impact on the adjacent or adjoining properties.

#### *Recreational and Public Uses:*

Pursuant to Section 6.6, *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the Commission finds the proposed activities will not significantly impact recreational and public uses.

#### **Waterway Protection Line Ordinance**

Section 148-9 of the WPLO ordinance states the following: "An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the

waterway, including but not limited to, impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The Waterway Protection Line boundary exists 15' from the 25 year floodplain. As all activity falls outside the jurisdictional boundary, this proposal is eligible for an exemption.

The Commission finds that the retention of native plantings within the wetlands and continuing on the steep slope area that is associated with Dead Man's Brook is necessary. These landscape areas will be utilized to maximize biofiltration and to minimize the impacts from stormwater runoff.

Habitat diversity will be maintained. The natural rates and processes of erosion and sedimentation will also be maintained with the existing plantings.

Provided erosion controls are properly placed and installed, the steep slope and vegetation is left undisturbed, and the excavated materials are hauled off the site, the Commission finds the proposed activity will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW,WPL/E 10173-16**  
**Street Address: 10 Berndale Drive**  
**Assessor's: Map E 12 Lot 092**  
**Date of Resolution: March 16, 2016**

**Project Description:** For renovations and a one story addition on piers. The work is proposed within the IWW upland review area but outside the WPLO.

**Owner of Record:** John & Remedios Saez

**Applicant:** Doyle Coffin Architecture, LLC

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL/E 10173-16** 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.

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

15. Conformance to the plans entitled:
  - a. "Zoning Location Survey of Property Prepared for John and Reme Saez, #10 Berndale Drive, Westport, CT", Scale 1" = 20', dated September 25, 2008 and last revised to March 7, 2016, prepared by Arcamone Land Surveyors LLC
  - b. Architectural Plans entitled: "Alterations & Additions to the Residence of Mr. & Mrs. John Saez, 10 Berndale Drive, Westport, CT(5 sheets), dated February 8, 2016, prepared by Doyle/Coffin Architecture
16. Existing boulder wall to remain as permanent limit of disturbance.

**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:** Shea, Bancroft, Corroon, Porter, Davis  
**Nayes:**                      0                      **Abstentions:** 0                      **Vote:** 5:0:0

- 4. 7 Brookside Park:** Application #IWW,WPL/E-10174-16 by Robert & Andrea Arnold for a two-story addition, garage and decks. Work is within the 50' upland review area.

Robert Arnold, property owner, presented the application. He presented photos of where they would like to construct the additions of a garage, house addition and decks. The sewer easement is located along the canal. An elevated covered porch is proposed with a flagstone patio beneath. All the roof runoff will be directed to new drainage.

Ms. Krynicki gave a history of the property and noted the previous legalization of the westerly deck by a previous owner. There is evidence of erosion on the streambank. She suggested the vegetative buffer along the canal could be augmented. She explained the work is outside the WPLO. Engineering witnessed the test pits and the drainage requirements have been met.

Andrea Arnold, property owner, clarified the location of the plantings.

Ms. Krynicki specified that the plantings need to be native and conducive to the site conditions as to light and soil.

Mr. Bancroft noted the pipe discharge but acknowledge it is not from the roof leaders.

Ms. Mozian noted the wetland boundary was flagged. Staff agreed with the line and will bring the amended line forward at a future hearing.

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

<b>Motion:</b>	<b>Shea</b>	<b>Second:</b>	<b>Bancroft</b>
<b>Ayes:</b>	<b>Shea, Bancroft, Corroon, Davis, Porter</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 5:0:0</b>

#### **Findings 7 Brookside Park**

1. **Application Request:** The application is for the addition of a first floor mudroom, dining room and family room, a garage and a second floor master suite. Portions of the work are within the IWW upland review area setbacks. The project lies outside the Waterway Protection Line Ordinance boundary and is eligible for an exemption.
2. **Permits Issued for this Property:**
  - IWW,WPL 9362-13: Deck legalization
3. **Plan and supplemental material reviewed:**
  - a. "Existing Conditions Plot Plan, Map of Lot '16 & 17", Located at 7 Brookside Park Prepared for Robert M. Arnold and Andrea N. Arnold, Westport, Connecticut", Scale: 1"= 20', dated October 7, 2015 and last revised to December 16, 2015, prepared by B.G. Root, Surveyor
  - b. Design of Storm Drainage and Soil Erosion and Sediment Control Plan Prepared for Robert M. Arnold and Andrea N. Arnold, 7 Brookside Park, Westport, Connecticut", Scale: 1"= 20', dated February 5, 2016, prepared by Hammons LLC
  - c. Architectural Plans: Arnold Residence, 7 Brookside Park, Westport, Connecticut", (10 sheets), dated November 15, 2015 and last revised to February 16, 2016, prepared by GP Design Consulting LLC
4. Wetlands Description

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

**Ridgebury, Leicester and Whitman soils, extremely stony (3):**

This mapping unit consists of poorly drained soils. These soils are very stony to extremely stony on the surface and throughout the soils profile. The stones and boulders may cover from 3 to 15 percent or more of the soil surface. These soils have either a perched water table or a groundwater table at or near the surface from fall to spring and after heavy rains or long periods of rainfall in summer. The predominant soil in this mapping unit is the Ridgebury, which has a dark gray to black surface soil and a gray mottled subsoil. The topsoil ranges from silt loam to fine sandy loam and the subsoil texture is a fine sandy loam and is moderately permeable. The underlying substratum is a gray to grayish brown dense compact till consisting of fine sandy loam. It has a slow to very slow permeability. The dense compact substratum ranges from 20 to 30 inches below the surface. These soils normally occur in till deposits and drumlins. The Leicester soils are more common in areas of bedrock and near outwash deposits. The Leicester soils have a dark gray to black fine sandy loam surface soil and mottled gray fine sandy loam ranging to sandy loam and is also moderately permeable to depths of 40 inches and more. Any compact substratum is below 40 inches.

The non-wetland soils are described as Udorthents-Urban land complex and Sutton-Urban land complex sandy loam.

**Udorthents-Urban land complex (306):**

This soil unit consists of areas that have been altered by cutting or filling. The areas are commonly rectangular and mostly range from 5 to 100 acres. Slopes are mainly 0 to 25 percent. The materials in these areas are mostly loamy, and in the filled areas it is more than 20 inches thick. Some of the filled areas are on floodplains, in tidal marshes, and on areas of poorly drained and very poorly drained soils. Included in this unit in mapping are small areas containing material such as logs, tree stumps, concrete and industrial waste. A few areas have exposed bedrock. Included areas make up about 30 percent of this map unit. The properties and characteristics of this unit are variable and the unit requires on-site soil investigation and evaluation for most uses.

**Sutton-Urban land complex (250):**

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.

**5. Property Description and Facts Relative to the Application:**

- a. The entire parcel lies within the 100 year floodplain, Flood Zone 'AE' as per FEMA Flood Insurance Rate Map 413G. B.F.E. = 10.6'.

- b. Property is located within the Aquifer Protection Zone and the Aquifer Recharge Zone.
- c. Property lies within the Coastal Areas Management Zone identified as a "Coastal Flood Hazard Area".
- d. The property is serviced by a municipal sewer and water supply.
- e. Site specific landscape is a toeslope with a surface shape identified for this parcel as linear/linear. The site is nearly level to the top of bank adjacent to the canal.
- f. The wetland system is located on the top of the bank of the canal.
- g. All proposed activity is located outside the Waterway Protection Line Ordinance boundary.

**Conformance to Section 6.1 General Standards of the Inland Wetlands and Watercourses Regulations**

- 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; consider historical sites

The existing residence including the garage and workshop were originally built in 1935. The main residence was remodeled in 2013. The first floor elevation of the residence is at 12.35' which is above the 100 year floodplain elevation. The proposed addition to the residence will be constructed on a crawl space and will connect to the existing garage structure. The existing frame garage will continue to be used for storage. Both the existing garage and the new proposed garage will need to be fitted with flood vents to be FEMA compliant.

All proposed work will take place within manicured lawn areas. No grading is proposed.

The property is serviced by municipal water and sewer.

The existing residence and the proposed addition are within the 50' IWW upland review area setback. The proposed attached garage structure meets the IWW upland review areas.

As the activity is proposed within an existing maintained lawn area there is no additional vegetation removal proposed for this project.

Due to the soil conditions and water table on site, it is assumed that footing drains will not be required for this property.

Proposed lot coverage following development will be 26.71% which is above the allowable percentage of cover of 25% by Zoning.

**Conformance to Section 6.2 Water Quality of the Inland Wetlands and Watercourses Regulations**

- a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- b) water stagnation will neither be contributed nor caused;
- c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;

- d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- e) all applicable state and local health codes shall be met;
- f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes;
- g) prevents pollution of surface water

The site currently does not provide for stormwater runoff retention and/or treatment. The runoff from the roof leaders for the proposed addition is to be handled with subsurface infiltrators.

Landscape position of this property is a toe slope with the canal located within the easterly property boundary. As part of the previous Conditions of Approval for the deck legalization, a planting buffer was required at the top of the bank of the canal. This buffer planting can be reevaluated in the field during the growing season with this application and supplement or replace plantings if it is warranted

Staff supports supplementing the planting as it is within the non-disturbance buffer which includes existing lawn area. This helps retain stormwater flow and promotes infiltration and water quality. A nutrient removal or "filtering" process takes place as the water comes in contact with the soil and the roots of the vegetation. The process accounts for the improved water quality and a way to protect the downstream receiving wetland from the pollution source afforded now from the maintained lawn.

The existing drive is to be expanded. As the coverage for this property exceeds 25%, the Commission finds the driveway is to remain permeable in perpetuity with a deed restriction to be placed on the land records.

#### **Conformance to Section 6.3 Erosion and Sediment of the Inland Wetlands and Watercourses Regulations**

- 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 location of the silt fence is also the limit of disturbance for construction. As the property is level this should prove an acceptable method for retention. A silt fence also surrounds the temporary stockpile area.

Permanent site stabilization will be required prior to the issuance of a Conservation Certificate of Compliance.

#### **Conformance to Section 6.4 Natural Habitat Standards of the Inland Wetland and Watercourses Regulations**

- 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

This proposal is not anticipated to have an adverse impact on the existing natural habitat. The plantings as required from the previous permit along the top of bank in the lawn area will provide the potential for additional habitat area normally found in a neighborhood environment.

**Conformance to Section 6.5 Discharge and Runoff of the Inland Wetland and Watercourses Regulations**

- 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

Mike Skowronek, P.E. of the Engineering Department has reviewed the stormwater management proposal and finds it acceptable. A report was issued to the Conservation Department on March 1, 2016 which states the application complies with Town of Westport Engineering Department requirements with respect to storm water drainage and sediment and erosion controls.

**Conformance to Section 6.6 Recreational and Public Uses of the Inland Wetland and Watercourses Regulations**

- 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.

Current application will not have a significant impact on recreational and public uses.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW,WPL/E 10174-16**  
**Street Address: 7 Brookside Park**  
**Assessor's: Map C 11 Lot 117**  
**Date of Resolution: March 16, 2016**

**Project Description:** For a two-story addition, garage and decks. Portions of the work are proposed within the IWW upland review area but outside the WPLO.

**Owner of Record:** Robert and Andrea Arnold

**Applicant:** Robert and Andrea Arnold

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL/E 10174-16** 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.

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

15. Conformance to the plans entitled:

- a. "Existing Conditions Plot Plan, Map of Lot "16 & 17", Located at 7 Brookside Park Prepared for Robert M. Arnold and Andrea N. Arnold, Westport, Connecticut", Scale: 1"= 20', dated October 7, 2015 and last revised to December 16, 2015, prepared by B.G. Root, Surveyor
  - b. Design of Storm Drainage and Soil Erosion and Sediment Control Plan Prepared for Robert M. Arnold and Andrea N. Arnold, 7 Brookside Park, Westport, Connecticut", Scale: 1"= 20', dated February 5, 2016, prepared by Hammons LLC
  - c. Architectural Plans: Arnold Residence, 7 Brookside Park, Westport, Connecticut", (10 sheets), dated November 15, 2015 and last revised to February 16, 2016, prepared by GP Design Consulting LLC
16. A landscape plan which depicts supplemental plantings at the top of the bank of the canal shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning permit. Plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.
17. The driveway and the expansion shall remain permeable in perpetuity with said restriction placed on the land records prior to the issuance of a Conservation Certificate of Compliance.

**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:** Porter  
**Ayes:** Davis, Corroon, Shea, Bancroft, Porter  
**Nayes:**                      0                      **Abstentions:** 0                      **Vote:** 5:0:0

### **Work Session II:**

#### **1. Update on WPLO Sub-committee**

Ms. Mozian gave the Commission an update on the WPLO sub-committee proceedings.

#### **2. Review of Public Outreach Materials**

Staff reviewed with the Commission the Public Outreach materials it has prepared for mailings, Facebook postings and handouts.

#### **3. Other business.**

- a. **21 Owenoke Park:** Request for elimination of Condition 18 of WPL-9702-14 and release of remaining bond monies.

Ms. Krynicki reviewed a request for elimination of Condition 18 of WPL-9702-14 and release of remaining bond monies. Condition 18 required plantings along the seawall for stabilization and water quality.

Ms. Krynicki and Ms. Mozian both expressed their opinion that the bond should not be released. Their review of the property indicated that the soil conditions in which the

