

**DRAFT
SPECIAL MEETING MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 4, 2011**

The May 4, 2011 Special Meeting of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

W. Fergus Porter, Chair
Jennifer Tooker, Vice-Chair
Lanning Bryer, Esq.
Ralph Field
Arthur Hayes, Alternate
Martin Yellin

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 business days of the May 4, 2011 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

- I. **The Westport Conservation Commission acting in its capacity as the Aquifer Protection Agency will hold a Special Meeting on Wednesday, May 4, 2011 in the Auditorium at 7:00 p.m. of the Westport Town Hall, 110 Myrtle Avenue to establish the effective date of the amendments to the following sections of the Town of Westport Aquifer Protection Regulations: Section 4, "Prohibited and Regulated Activities" and Section 8, "Registration Requirements" reviewed and approved on February 16, 2011 in accordance with Section 6 of Public Act 10-135, which became effective October 1, 2010. A full text of the amendments is available in the Conservation Department.**

Ms. Mozian noted the Conservation Commission acting in its capacity as the Aquifer Protection Agency approved the mandatory changes to the Westport Aquifer Protection Area Regulations on February 16, 2011. Once the Commission approved the changes, the regulations were sent to DEP for review and approval, which they did. Now the Commission must establish an effective date. She noted the regulations would be clocked with the Town Clerk and sent to the DEP with the effective date. However, there is no requirement for any sort of a waiting period though she suggested allowing a 15-day appeal period from time of publication for the effective date, which would make the date not before May 21, 2011. She recommended the effective date for the changes be June 1, 2011.

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

Motion to establish the effective date of June 1, 2011 for the changes to the Aquifer Protection Area Regulations approved on February 16, 2011.

Motion:	Porter	Second:	Yellin	
Ayes:	Porter, Yellin, Bryer, Field, Hayes, Tooker			
Nays:	None	Abstentions:	None	Vote: 6:0:0

Motion to close the Special Meeting as the Aquifer Protection Agency and move into Work Session I as the Conservation Commission.

Motion:	Bryer	Second:	Tooker	
Ayes:	Bryer, Tooker, Field, Hayes, Porter, Yellin			
Nays:	None	Abstentions:	None	Vote: 6:0:0

- II. Notice is hereby given of a Special Meeting of the Westport Conservation Commission pursuant to the Connecticut Inland Wetlands and Watercourses Act, and the Regulations for the Protection and Preservation of Inland Wetlands and Watercourses of the Town of Westport (IWW Regulations) to be held on **Wednesday, May 4, 2011 at 7:10 p.m. in Rooms 307/309 of the Westport Town Hall, 110 Myrtle Avenue**. The Commission shall meet to take such action under the purview of the Town's IWW Regulations and the Waterway Protection Line Ordinance as the meeting may determine with regard to the following

Work Session I:

1. Receipt of Applications

Ms. Mozian noted the next regular meeting is on Wednesday, May 18, 2011. There are three applications on the agenda; one map amendment and two WPLO applications. Therefore, there are no applications to officially receive.

Special Meeting : 7:30 pm Auditorium.

1. 8 Barbara Place: Application #IWW/M-8774-11 by Peter Lanni & Cornelia Gallo to amend wetland boundary map #G9.

Peter Lanni and Cornelia Gallo, property owners, presented the application to amend wetland boundary map # G9. They hired James McManus to flag the wetland boundary. Tom Pietras was the town's soil scientist hired to verify the flagged wetland boundary. Both soil scientists agreed on the flagged line.

Ms. Mozian said the application was filed as a condition of permit issuance for additions and interior renovations to the house. She said the house was built in 1953 on a filled wetland.

Dimitrios Kousitkous of 25 Old Road noted the stream in the back floods his property when it rains. He noted there is a shed near the wetland. He questioned why he was not notified of this hearing.

Mr. Porter and staff explained that notification is not required with map amendments.

Mr. Bryer asked if the owner had to get a ZBA variance for the work that was recently done to the house.

Ms. Mozian summarized the blank notice he received was most likely because of that procedure.

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

Motion: Yellin Second: Tooker
Ayes: Yellin, Tooker, Bryer, Field, Hayes, Porter
Nays: None Abstentions: None Vote: 6:0:0

**Findings
8 Barbara Place
#IWW/M 8774-11**

- 1. Application Request:** Applicant is requesting an amendment for wetland boundary map #G-9.
- 2. Soil Scientist for Applicant:** James McManus of JMM Wetland Consulting Services, LLC
- 3. Soil Scientist for the Town of Westport:** Thomas Pietras of Soil Science and Environmental Service
- 4. Plan reviewed:** "Zoning Location Survey, Property Survey of Property Located at 8 Barbara Place, Westport, CT, Prepared for Peter C. Lanni and Cornelia L. Gallo", Scale: 1" = 10', dated December 2, 2010, prepared by Laferriere Associates
- 5. Previous Permits Issued for this Property:**
 - AA, WPL/E 8779-11 Addition to first and second floor with interior renovation to allow handicap accessibility. Submission of a map amendment application was a condition of issuing the permit.
- 6. Wetlands Description**

Soil report Summary- prepared by James McManus dated December 9, 2010 describes the following wetland soil occurring on the property:

The wetlands soils on the subject property consist of **Aquents (Aq)** a disturbed soil. He adds that the regulated area

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

7. Mr. McManus describes the non-wetland soils as the following:

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

8. **Property Description and Facts Relative to the Map Amendment application:**

- a. The property supports a 3 bedroom home built in 1953.
- b. The property is serviced by public water and sewer.
- c. Property is outside aquifer protection zones and not within the primary groundwater recharge areas.
- d. Property is not within the Coastal Area Management zones.
- e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a wooded swamp. The perimeter of this wetland system is developed residentially. The wetland system does not have an outlet.
- f. The WPLO boundary will be 15' from the wetland boundary.
- g. Landscape position of the residence is a shoulder. Land surface shape is linear/linear.

9. The Town of Westport retained the services of Thomas Pietras of Soil Science and Environmental Services to review the proposed wetland boundary. In a letter dated March 23, 2011, Mr. Pietras states he agrees with the proposed wetland boundary as delineated by James McManus of JMM Wetland Consulting Service, LLC.

RESOLUTION
Application #IWW/M-8774-11
8 Barbara Place

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 the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-8774-11 by Peter Lanni and Cornelius Gallo to amend the wetland boundary on Map #G-9 on the property located at 8 Barbara Place with the following conditions:

1. Conformance to the plan entitled: "Zoning Location Survey, Property Survey of Property Located at 8 Barbara Place, Westport, CT, Prepared for Peter C. Lanni and Cornelia L. Gallo", Scale: 1" = 10', dated December 2, 2010, prepared by Laferriere Associates.
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 to be void or of no legal effect, then this conditional approval is likewise void.

Motion: Bryer **Second:** Field
Ayes: Bryer, Tooker, Yellin, Hayes, Porter, Field
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

2. **90 Turkey Hill Road South: Application #IWW/M-8786-11 by Pamela Weil to amend wetland map #G6.**

Pamela Weil, property owner, presented the application to amend wetland boundary map #G6. She noted William Kenny flagged the wetland line and Tom Pietras was the soil scientist hired by the town to confirm the wetland flagging. The two soil scientists met on-site and came to a mutually agreeable delineation of the boundary.

Ms. Krynicki noted that 75 to 100 augers were done. She noted the line on the town map was substantially changed due to the farmer's drains and filling. The house was built in 1832

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

Motion: Bryer **Second:** Hayes
Ayes: Bryer, Hayes, Field, Porter, Tooker, Yellin
Nayes: None **Abstentions:** None **Vote:** 6:0:0

Findings
90 Turkey Hill Road South
#IWW/M 8786-11

1. **Application Request:** Applicant is requesting an amendment for wetland boundary map #G-6.
2. **Soil Scientist for Applicant:** William Kenny of William Kenny Associates LLC
3. **Soil Scientist for the Town of Westport:** Thomas Pietras of Soil Science and Environmental Service
4. **Plan reviewed:** "Plot Plan Prepared for James and Pamela M. Weil, 90 Turkey Hill Road South, Westport, Connecticut", Scale: 1" = 40', dated January 18, 2005 and last revised to April 21, 2011, prepared by Leonard Surveyors, LLC
5. **Previous Permits Issued for this Property:**
 - AA 5705-97 Residential additions and driveway modifications
 - AA 7786-06 Barn addition
6. **Wetlands Description**
Soil report Summary- prepared by William Kenny dated September 3, 2005 describes the following wetland soil occurring on the property:

The wetlands soils on the subject property consist of **Raypol silt loam (Rb)** a poorly drained glacial outwash soil. He adds that the wetland system is primarily a lawn area with altered drainage.

Raypol silt loam (Rb): This soil type is nearly level, poorly drained soil found in depressions, on plains and terraces. Included in this unit are small areas of moderately well drained Ninigret soils, poorly drained Walpole soils, and very poorly drained Saco and Scarboro soils. The Raypol soil has a seasonal high water table at a depth of 6 inches from fall until late spring. The permeability of the soil is moderate in the surface layer and subsoil, and rapid or very

rapid in the substratum. Runoff is slow, and available water capacity is moderate. The soil dries and warms up slowly in spring. Most areas of this soil type are wooded. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Groundwater pollution is a hazard in areas used for on-site septic systems. Excavations in the soil area commonly filled with water, and many areas do not have drainage outlets. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction. The soil is poorly suited for trees due to the high water table which restricts root growth. As a result, many trees are uprooted during windy periods.

7. Mr. Kenny describes the non-wetland soils as the following: Agawam (Af) , and Ninigret fine sandy loam (Nn)

Agawam fine sandy loam (AfA): This nearly level, well drained soil is found on plains and terraces in stream valleys. Included with this unit in mapping are small areas of excessively drained Hinckley soils, somewhat excessively drained Merrimac soils, well drained Haven soils, and moderately well drained Ninigret soils. The permeability of this Agawam soil is moderately rapid in the surface layer and subsoil and rapid in the substratum. Runoff is slow, and available water capacity is moderate. The soil dries out and warms up early in the spring. Most area of this soil are used for community and industrial development. Some areas are used for corn, vegetable, and nursery crops, and a few are wooded. **The rapid permeability of this soil causes a hazard groundwater pollution in areas used for on-site septic systems.** The soil is unstable and thus is limited for excavations. Quickly establishing plan cover, mulching, and using siltation basins help to reduce erosion and sedimentation during construction.

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

8. Property Description and Facts Relative to the Map Amendment application:

- a. The property supports a 6 bedroom home built in 1832.
- b. The property is serviced by public water and an on-site septic system.
- c. Property is outside aquifer protection zones and not within the primary groundwater recharge areas.
- d. Property is not within the Coastal Area Management zones.
- e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a wooded swamp. The perimeter of this wetland system is developed residentially. The outlet of this wetland system is a tributary to New Creek.
- f. The wetland system is not hydraulically connected to a named watercourse.
- g. The WPLO boundary will be 15' from the wetland boundary.
- h. Landscape position of the residence is a side slope. Land surface shape is linear/linear.

- 9. The Town of Westport retained the services of Thomas Pietras of Soil Science and Environmental Services to review the proposed wetland boundary. An initial inspection by Tom Pietras prompted a request for the two soil scientists to revisit the site as he felt the wetlands on the property were significantly less. On April 4, 2011, Lynne Krynicki, Conservation Analyst, Tom Pietras and William Kenny reexamined the wetland boundary and mutually agreed on a wetland line.

RESOLUTION
Application # IWW/M 8786-11
90 Turkey Hill Road South

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 8786-11 by Pamela Weil to amend wetland boundary maps #G 6 on the property located at 90 Turkey Hill Road South with the following conditions:

- 1. Conformance to the plan entitled: "Plot Plan Prepared for James and Pamela M. Weil, 90 Turkey Hill Road South, Westport, Connecticut", Scale: 1"= 40', dated January 18, 2005 and last revised to April 21, 2011, prepared by Leonard Surveyors, LLC to reflect the wetland boundary delineation location agreed upon by the two soil scientists on April 4, 2011.
- 2. An electronic file 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 to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

Motion: Tooker **Second:** Field
Ayes: Tooker, Field, Yellin, Porter, Bryer, Hayes
Nayes: 0 **Abstentions:** 0 **Votes:** 6:0:0

- 3. **354 Greens Farms Road:** Application #IWW/M-8788-11 by Jordan Bull of Bull Home Improvement on behalf of Jan and Jennifer McNally to amend wetland boundary map #17.

Ms. Mozian reported this application was withdrawn at the applicant's request. In the midst of the process, the property switched hands and the new owner decided not to proceed with this application.

- 4. **8 Melon Patch Lane:** Application #IWW/M-8794-11 by Joseph Schott on behalf of Kevin Griffin to amend wetland boundary map #F13.

Joseph Schott presented the application on behalf of the property owners. Otto Theall was hired by the applicant to flag the wetland boundary. William Kenny was the soil scientist retained by the town. Mr. Schott submitted a revised survey dated April 20, 2011 showing the agreed upon wetland boundary as determined in the field by both soil scientists on April 14, 2011.

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

Motion: Bryer **Second:** Tooker
Ayes: Bryer, Tooker, Field, Hayes, Porter, Yellin
Nayes: None **Abstentions:** None **Vote:** 6:0:0

Findings
8 Melon Patch Lane
#IWW/M 8794-11

1. **Application Request:** Applicant is requesting an amendment for wetland boundary map #F-13
2. **Soil Scientist for Applicant:** Otto Theall of Soil & Wetland Science, LLC
3. **Soil Scientist for the Town of Westport:** William Kenny of William Kenny Associates, LLC
4. **Plan reviewed:** "Existing Conditions Plot Plan Prepared for Dana Ann Griffin Revocable Trust, 8 Melon Patch Lane, Westport, Connecticut", Scale: 1" = 30', dated November 19, 2010 and last revised to April 20, 2011, prepared by Leonard Surveyors, LLC
5. **Wetlands Description**
Soil report Summary- prepared by Otto Theall dated March 14, 2011 describes the following wetland soil occurring on the property:

The wetlands soils on the subject property consist of **Ridgebury** fine sandy loams (Rn).

Ridgebury fine sandy loams (Rn): This unit consists of poorly drained and very poorly drained soils found in depressions and drainageways on uplands and in valleys. The soils have a seasonal high watertable at or near the surface from fall to spring. The permeability of Ridgebury soils is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. Available water capacity is moderate in the soil. Runoff is slow and water is ponded on the surface of some areas. The high water table, ponding on the surface limit these soils for community development. Excavations are commonly filled with water. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

6. Mr. Theall describes the non-wetland soils as the following:
Charlton fine sandy loam (Cf), Charlton-Hollis fine sandy loams, very rocky (Cr), Sutton very stony fine sandy loam (Sw) and Udorthents.

Charlton very stony fine sandy loam, 8-15 percent slopes (ChC): This soil unit consists of sloping, well drained soil is on hills and ridges. Stones and boulders cover 1 to 5 percent of the surface. The permeability of the Charlton soil is moderate or moderately rapid. Runoff is rapid, and available water capacity is moderate. The soil dries out and warms up early in spring. It is very strongly acid to medium acid. The hazard to erosion is severe. Most areas of this soil are wooded. Some of the acreage is used for pasture. Slope and the stones and boulders on the surface limit this soil for community development. Slope makes careful design and installation of onsite septic systems necessary to prevent effluent from seeping to the surface.

Sutton very stony fine sandy loam, 3 to 8 percent slopes (SwB): This gently moderately well drained soil is in slight depression and on the sides of hills and ridges. Stones and boulders cover 1 to 5 percent of the surface. The areas are irregularly shaped and mostly range from 4 to 30 acres. 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.

This Sutton soil has a seasonal high water table at a depth of about 20 inches from late fall until midspring. The permeability of the soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. The hazard of erosion is moderate. The seasonal high water table and the stones and boulders on the surface limit community

development. Onsite septic systems require special design and installation because of the seasonal high water table. Footing drains help prevent wet basements. Quickly establishing plant cover, mulching and using siltation basins and diversions help control erosion and sedimentation during construction.

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

7. Property Description and Facts Relative to the Map Amendment application:

- a. The property supports a 5 bedroom home built in 1972.
 - b. The property is serviced by public water and an on-site septic system.
 - c. Property is outside aquifer protection zones and not within the primary groundwater recharge areas.
 - d. Property is not within the Coastal Area Management zones.
 - e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as isolated with a perimeter wooded swamp. The perimeter of this wetland system is developed residentially.
 - f. The wetland system is not hydraulically connected to a named watercourse.
 - g. The WPLO boundary will be 15' from the wetland boundary.
 - h. Landscape position of the residence is a footslope. Land surface shape is linear/linear.
 - i. There are no wetlands currently shown on the town wetland maps.
8. The Town of Westport retained the services of William Kenny of William Kenny Associates, LLC to review the proposed wetland boundary.

In an e mail dated April 10, 2011, Bill Kenny states he may not totally agree with the proposed wetland boundary as delineated by Otto Theall of Soil & Wetland Science, LLC. as the site is very disturbed An on-site meeting took place between the two soil scientists on April 14, 2011. Concurrence was reached and the revised wetland boundary was agreed upon.

RESOLUTION
Application # IWW/M 8794-11
8 Melon Patch 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 8794-11 by Joseph Schott on behalf of Kevin Griffin to amend wetland boundary maps #F 13 on the property located at 8 Melon Patch Lane with the following conditions:

1. Revision to the plan entitled: "Existing Conditions Plot Plan Prepared for Dana Ann Griffin Revocable Trust, 8 Melon Patch Lane, Westport, Connecticut", Scale: 1" = 30', dated November 19, 2010 and last revised to April 20, 2011, prepared by Leonard Surveyors, LLC to reflect the wetland boundary delineation location agreed upon by the two soil scientists on April 14, 2011. Each soil scientist shall sign the revised survey.

Mr. Barr stated the ground floor elevation is 12.2 feet but there is a cellar below that will be filled by using a concrete truck that will pump concrete into the cellar.

Ms. Mozia recommended that construction fencing be installed at the rear of the site adjacent to the seawall to prevent construction debris and garbage leaving the site.

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

Motion: Bryer Second: Tooker
Ayes: Bryer, Tooker, Field, Hayes, Porter, Yellin
Nayes: None Abstentions: None Vote: 6:0:0

Findings
15 Owenoke Park
#WPL 8791-11

1. Application Request:

The Applicant is requesting to preserve, renovate and alter an existing historic dwelling. The existing cellar will be filled in to above the 100 year floodplain elevation. There will be rear additions to the second floor and the attic. The front entry way will be modified and a new pool and mechanical equipment will be placed on the westerly side of the existing building. The existing deck and garage structure will remain. The project site is located almost entirely within the WPLO jurisdictional boundary.

The regulated activities within the WPLO include a portion of proposed equipment pad, removing an existing pond, removing a deck along Owenoke Park, a new sidewalk, a new second story addition, new rear steps, removal of a platform adjacent to the seawall and separate an existing deck from the house structure.

2. Plans reviewed:

- a. "Proposed Building Additions Plot Plan Prepared for Deepdale Holdings, LLC, 15 Owenoke Park, Westport, Connecticut", Scale: 1"=10', dated February 7, 2011 and last revised to February 15, 2011, prepared by Leonard Surveyors, LLC
- b. "Plot Plan Prepared for Deepdale Holdings, LLC, 15 Owenoke Park, Westport, Connecticut", Scale: 1"= 10', dated May 10, 2010 and last revised to May 24, 2010, prepared by Leonard Surveyors, LLC
- c. Architectural design drawings sheets: A-1, A-2, A-6, A-7, A-8, and A-9, for Deepdale Holdings, prepared by Peter Cadoux Architects AIA, dated November 22, 2010.

3. Facts Relative to this application:

- a. Permits and Applications: No previous permits are on file for this property.
- b. WPLO: The portion of this property is located below elevation 9.0 NGVD and 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 12 feet above mean sea level.
- e. Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone but within the recharge area identified as fine-grained stratified drift.
- f. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area", "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. Sewage Disposal: 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 small area of tidal wetland has been flagged and is indicated on the Applicant's plans located south of the existing seawall.

The portions of the property that are located landward of the existing seawall are residentially developed and landscaped.

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 slightly 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.

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 a reduction in impervious surfaces from 50.52% to 47.44% but still significantly over the target percentage of 25% as recommended by the Connecticut Stormwater Quality Manual (2004). As the site is nearly level, the Commission finds this is an opportunity for impervious cover and water quality improvements over the existing absence of any water quality features that exists currently. The Commission finds that new walkways and driveways to remain permeable.

A perimeter silt fence should be installed 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. A construction fence is to be installed landward of the seawall to prevent construction debris from reaching the sound.

The shoreline is susceptible to erosion and periodic flooding. The Commission finds the applicant will stabilize the area adjacent to the seawall with native plantings that do not require fertilization because of the close proximity to the Sound and tidal wetlands.

The sidewalks that are proposed on the northerly side of the residence should be permeable in perpetuity.

The engineering department is not requiring additional measures for storm water collection and treatment. As total coverage is proposed at 47.44%, maximum biofiltration and infiltration of stormwater should be targeted and the implementation of additional plantings for runoff will help achieve this. The Commission finds this is another reason for additional plantings and stabilization in the area adjacent to the seawall.

The Flood and Erosion Control Board approved the application with conditions on April 6, 2011.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 8791-11
Street Address: 15 Owenoke Park
Assessor's: Map D 03 Lot 169
Date of Resolution: May 4, 2011

Project Description: The preservation, restoration and alteration of an historic home with additions to the rear second floor and attic, entry modifications, new pool and mechanical equipment. The existing deck and garage structures are to remain. Portions of the work are within the 25 year floodplain and the WPLO area of Grays Creek.

Owner of Record: Deepdale Holdings LLC

Applicant: Barr Associates, LLC and Peter Cadoux Architects

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 8791-11** 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, 2011.
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. "Proposed Building Additions Plot Plan Prepared for Deepdale Holdings, LLC, 15 Owenoke Park, Westport, Connecticut", Scale: 1"=10', dated February 7, 2011 and last revised to February 15, 2011, prepared by Leonard Surveyors, LLC
 - b. "Plot Plan Prepared for Deepdale Holdings, LLC, 15 Owenoke Park, Westport, Connecticut", Scale: 1"= 10', dated May 10, 2010 and last revised to May 24, 2010, prepared by Leonard Surveyors, LLC
 - c. Architectural design drawings sheets: A-1, A-2, A-6, A-7, A-8, and A-9, for Deepdale Holdings, LLC
17. New walkways and driveway to remain permeable in perpetuity with said restrictions placed on the land records prior to the issuance of a Certificate of Compliance. Concrete apron in front of the existing garage may remain.
18. A planting plan of a minimum 5' width that includes native, salt and wind tolerant species to enhance the existing 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.
19. Submission of a performance bond estimate in the amount of the cost of plants, erosion control materials and labor to be submitted to the Conservation Department prior to the issuance of a zoning permit.
20. A note on the plan shall indicate the location and type of heating source prior to the issuance of a zoning permit. Propane tanks must be installed in conformance with floodplain regulations and state building code as required. Proper abandonment of the existing oil tank is required.

21. A construction fence shall be placed along the seawall prior to the start of construction or demolition.

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: Yellin **Second:** Bryer
Ayes: Yellin, Bryer, Tooker, Field, Porter, Hayes
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

6. **47 Woodside Avenue: Application #IWW,WPL-8793-11 by Larry Edward, PE on behalf of Anthony & Kathryn Sirico to upgrade and remodel an existing house and raise the first floor above the flood elevation, construct a new detached garage, pool and driveway and install a water quality system to handle the roof runoff. Portions of the work are within the 25-year floodplain and the WPLO area of Stony Brook.**

Larry Edwards, PE, LS, presented the site plan and development proposal on behalf of the property owners. The proposal is to renovate the existing home and raise it above the flood elevation to bring it into FEMA compliance with no footprint expansion. He stated the Flood and Erosion Control Board has approved this application. The garage and pool are outside the floodway but within the floodplain. The existing shed is to remain for storage. The house is within the floodway. The wetland is on the south and west sides of the property and located at its closest point 17 feet from the deck of the house. The detached garage is 35 feet from the wetland. The new driveway meets the 30-foot setback but is primarily an upgrade of the existing driveway. The pool patio will be concrete but the runoff will be handled in the proposed drainage system. The driveway will be gravel. Both the proposed pool and patio meet the setbacks. Mr. Edwards noted the following mitigation measures include: sediment and erosion controls; the pool is located away from the pond, pulling human activity away from the water; the proposed driveway will be permeable; and the existing above-ground oil tank will be abandoned for propane. He noted that a 4-foot wide vegetated buffer is proposed along the pond. The drainage system is a gallery, which will allow for recharge but will have a raingarden as an overflow. He noted that two trees will be removed as a result of this project.

Ms. Krynicki asked Mr. Edwards to address the stormwater runoff on Woodside Avenue.

Mr. Edwards stated the stormwater runoff now diverts off the road down the existing driveway. He indicated that by eliminating one curb cut and using the one further to the north, which is at a higher elevation, the runoff will discharge onto the lawn before it enters into the wetland on the neighboring property.

Ms. Tooker asked for a better description of the raingarden.

Mr. Porter asked what is the increase in coverage on the site.

Mr. Edwards stated the existing coverage is 5,204 s.f. or 20%. The proposed coverage is 6,119 s.f. or 23.5%.

Mr. Yellin noted the Commission's standard pool conditions.

Mr. Edwards stated the pool filter will be an enclosed system.

Ms. Krynicki explained this project has gone through several iterations due to the house's location in the floodway. The DEP FEMA office has approved these plans primarily because there is no expansion of the footprint. The wetlands on this site are very small and low functioning. She stated staff is concerned that there is manicured lawn adjacent to Nash's Pond. She noted the property is on sewer.

Mr. Yellin asked how deep the pool will be.

Mr. Edwards stated he was not sure.

Ms. Mozian stated this was a good question and noted there are issues with groundwater in this area and there may be an issue during excavation for the pool.

Richard Gardella of 7 Blind Brook Road South stated this property is part of the Nash's Pond Taxing District, which is promoting the use of organic land care. He indicated several years ago, the Taxing District spent \$250,000 on dredging the pond. He asked the Commission to consider the following when making their conditions of approval:

- Haybales should be placed on the upside of the silt fence;
- Groundwater can be as high as 9 inches, so excavation of the pool will cause a problem; and therefore,
- Spare filter bags/dirt bags should be onsite so the contractor can readily change them when necessary.

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

Motion: Yellin Second: Field
Ayes: Yellin, Field, Bryer, Hayes, Porter, Tooker
Nayes: None Abstentions: None Vote: 6:0:0

Findings
Application #IWW/WPL 8793-11
47 Woodside Avenue

1. **Application Request:** The application is to remodel the existing house and have it conform to FEMA standards. The existing house is located with the floodway of Stony Brook and therefore renovation and expansion is restricted. The applicant also proposes to construct a new pool, a new three car garage and a new driveway. Drainage will be installed for the storm water runoff. Portions of the work are within the IWW upland review area setbacks and the WPLO.
2. **Permits Issued for this Property:**
 - IWW/M 8158-07 for the amendment of wetland map B9 and B10
 - IWW,WPL 8423-08 Single family residence and pool- Withdrawn
 - IWW,WPL 8691-10 Single family residence and pool- Withdrawn
3. **Plan and supplemental material reviewed:**
 - a. "Site Plan, Improvement Location Survey Prepared for Anthony & Kathryn Sirico, 47 Woodside Avenue, Westport, CT", Scale 1" = 20', dated February 14, 2011 and last revised to March 16, 2011, prepared by L. Edwards Associates, LLC.

- b. "Erosion Control Details Prepared for Anthony & Kathryn Sirico, 47 Woodside Avenue, Westport, CT", Scale 1" = 20', dated February 14, 2011 and last revised to March 16, 2011, prepared by L. Edwards Associates, LLC.
- c. Architectural plans entitled: "Proposed Additions/Renovations for Sirico Residence, 47 Woodside Avenue, Westport, CT", (6 sheets), dated March 14, 2011, prepared by Joseph Robert Gluse Architect, LLC
- d. Engineering Report for Anthony and Kathryn Sirico, 47 Woodside Avenue, Westport, Connecticut, March 8, 2011 prepared by L. Edwards Associates, LLC

4. Wetlands Description

Soil Report Summary- prepared by Aleksandra Moch dated August 25, 2007 describes the following wetland soil occurring on the property.

Aquents (Aq): These soils are poorly to very poorly drained soils formed in human transported fill material or on excavated (cut) landscapes.

Ridgebury, Leicester, and Whitman extremely stony fine sandy loams (Rn): This unit consists of poorly, drained and very poorly drained soils.

The **Ridgebury** soils have a surface layer of very dark grayish brown fine sandy loam. The subsoil is brown and light brownish gray, mottled fine sandy loam. The substratum is grayish brown and dark yellowish brown, mottled fine sandy loam.

The **Leicester** soils have a surface layer of black fine sandy loam. The substratum is olive brown, mottled gravelly fine sandy loam. The substratum is olive brown, mottled gravelly fine sandy loam.

The **Whitman** soils have a surface layer of very dark gray fine sandy loam. The upper section of subsoil is dark and grayish brown gravelly fine sandy loam. The lower section of subsoil is grayish brown, mottled fine sandy loam. The substratum is very firm, grayish brown, mottled gravelly fine sandy loam.

Ms. Moch describes non-wetland soils as Sutton fine sandy loam which is described by the Fairfield County Survey by the following: Sutton fine sandy loam, 3 to 8 percent slopes (SvB): This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges.

The remaining upland soil identified on the property is Udorthents (UD) which consists of areas that have been altered by cutting or filling.

5. Wetland Description

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "streamside, floodplain, permanent, wooded swamp." This wetland discharges into Nash's Pond which is part of Stony Brook.
- b. The 100 year floodplain as well as the Floodway as designated by FEMA occurs on the property.
- c. Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
- d. Property lies within the Coastal Areas Management Zone.
- e. The property supports a two bedroom residence serviced by a septic system and municipal water. The residence was constructed in 1930.

6. 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;
- f. consider historical sites

The project proposes to renovate an existing residence within a floodway whose first floor is currently below the 100 year floodplain elevation. The FEMA regulations stipulate that the existing footprint cannot be expanded and no new supports can be introduced within the floodway. Any additions proposed must be cantilevered above the base flood elevation.

The proposed garage is outside the 30' IWW upland review area setback.

The proposed drainage structures are located outside the 20' non-disturbance setback.

Several mature trees are being removed to accommodate the new site improvements. A tree protection plan or a tree location plan has not been offered. The Commission finds both of these are warranted.

An existing garage structure centrally located on the northerly property boundary will remain. This structure is below the 100 year floodplain elevation and located approximately 12' from the wetland boundary. If this structure is to be used for storage there is a potential for floodwaters to infiltrate. The Commission finds dry storage only or all potentially hazardous material to be stored above the 100 year flood elevation of 60.0'.

7. 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 new residence will be serviced by municipal sewer and water.

The site plan indicates the residence will be serviced by an underground propane tank as the fuel of choice. This storage tank will need to be properly anchored.

Proposed impervious area is proposed to increase with the addition of the pool, patio, garage and cantilevered additions. As this property abuts Nashs' Pond staff recommended at pre-application meetings that proposed vegetative mitigation along the pond edge be included on the proposed site plan, plantings within the upland review areas and rain gardens for storm water runoff also should be considered. A 4' wide planted buffer and a

rain garden location are shown on the referenced for the plan. The Commission finds the details for the proposed vegetation will need to be supplied for final approval.

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 water body from the pollution source afforded now from the maintained lawn.

The runoff from the roof leaders for the residence and the proposed impervious driveway are to be handled with subsurface infiltrators.

8. 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.

A construction limit line, a line of erosion control, a line of construction fence and an anti-tracking pad is shown on the site plan. The Commission finds this multiple layer of protection should prove adequate.

Sediment introduction to the watercourses will be reduced.

The Commission finds as the property is gently sloping but close to a pond and watercourse, a properly installed and properly maintained silt fence backed with haybales should be adequate protection.

As groundwater on this property is shallow, the Commission finds that extra silt bags for dewatering should be on site at all times for emergency use if needed.

9. 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

The Commission finds that additional plantings along the pond embankment would provide additional habitat area and stabilization of the bank's edge.

10. 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

The impervious area proposed for this parcel is to be increased from that which is existing and therefore subsurface drainage appurtenances are being provided for a twenty five year storm event.

Flooding upstream or downstream should not be further impacted by the existing residence as it is not being expanded below the 100 year floodplain boundary nor within the floodway.

Jim Kousidis Engineer, has reviewed the storm water management proposal and finds it acceptable.

The Flood and Erosion Control Board approved this project on April 6, 2011.

A patio is proposed at the perimeter of the proposed pool and a new driveway with the entrance off Woodside Avenue. The Commission finds that these surfaces remain permeable with a deed restriction placed on the land records.

The Commission finds the project engineer shall serve as the site monitor during the pool excavation to assure excess groundwater intrusion and sediment are handled properly.

11. 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.

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

12. 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 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.

Provided the project complies with all FEMA regulations, the water quality suggestions and plan revisions are met and the plan revisions are implemented as suggested above, the Commission finds this project will have minimal to no effect on the resources as protected under the Waterway Protection Line Ordinance

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL 8793-11
Street Address: 47 Woodside Avenue
Assessor's: Map B 09 Lot 083
Date of Resolution: May 4, 2011

Project Description: Upgrade and remodel an existing residence. The first floor elevation will be raised above the 100 year flood elevation. Construction will include a new detached garage, pool and driveway and installation of a water quality system to handle the roof runoff. Portion of the work are within the 25 year floodplain and the WPLO area of Stony Brook.

Owner of Record: Anthony and Kathryn Sirico

Applicant: Larry Edwards

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE WITH CONDITIONS** Application #**IWW,WPL 8793-11** 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 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 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.
11. 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.
12. Conformance to the Flood and Erosion Control Board Conditions of Approval of April 6, 2011.

13. 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

14. Conformance to the plans entitled:
 - a. "Site Plan, Improvement Location Survey Prepared for Anthony & Kathryn Sirico, 47 Woodside Avenue, Westport, CT", Scale 1" = 20', dated February 14, 2011 and last revised to March 16, 2011, prepared by L. Edwards Associates, LLC.
 - b. "Erosion Control Details Prepared for Anthony & Kathryn Sirico, 47 Woodside Avenue, Westport, CT", Scale 1" = 20', dated February 14, 2011 and last revised to March 16, 2011, prepared by L. Edwards Associates, LLC.
 - c. Architectural plans entitled: "Proposed Additions/Renovations for Sirico Residence, 47 Woodside Avenue, Westport, CT", (6 sheets), dated March 14, 2011, prepared by Joseph Robert Gluse Architect, LLC
15. All existing and new patio and driveway surfaces are to remain permeable in perpetuity. A deed restriction shall be placed on the land records prior to the issuance of a Certificate of Compliance.
16. Only items designated as "dry storage" shall be placed below the 100 year flood elevation in the shed and proposed garage. A deed restriction identifying this requirement shall be placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
17. A detailed landscape plan for the proposed planting bed and the rain garden to be submitted to the Conservation Department staff prior to the issuance of a zoning permit. The proposed vegetative buffer adjacent to Nashs' Pond shall be a minimum of 5' in width.
18. Erosion controls shall also include haybales on the upgradient side of the silt fence and a minimum of two spare filter bags for dewatering shall be on site.
19. The project engineer shall serve as the site monitor with reports submitted to the Conservation Department during pool excavation and construction including after a rainfall events of greater than 1 ½ " .
20. Submission of a performance bond estimate in the amount of the cost of plants, erosion control materials and labor to be submitted 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: Hayes **Second:** Field
Ayes: Hayes, Field, Tooker, Porter, Bryer, Yellin
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

Motion to close the Public Hearing and move into Work Session II.

Motion:Yellin **Second:** Field
Ayes: Yellin, Field, Bryer, Hayes, Porter, Tooker
Nayes: None **Abstentions:** None **Vote:** 6:0:0

Work Session II:

1. Approval of March 16, 2011 meeting minutes.

The March 16, 2011 meeting minutes were approved as submitted.

Motion: Bryer **Second:** Hayes
Ayes: Bryer, Hayes, Field, Porter, Tooker, Yellin
Nayes: None **Abstentions:** None **Vote:** 6:0:0

2. 575 Riverside Ave. (a/k/a 553 Riverside Ave.) Request by Land-Tech Consultants on behalf of Hamilton Development LLC to modify Permit #WPL-7840-06 by utilizing an existing concrete sidewalk adjacent to the bulkhead as the pedestrian walkway instead of installing a new permeable walkway.

Ms. Mozian reviewed a letter from Pete Romano of Land-Tech Consultants requesting to use the existing concrete sidewalk as the pedestrian walkway instead of installing a new permeable walkway.

Mr. Porter and Mr. Field noted they visited the site during the field trip and felt the request was reasonable.

Ms. Mozian stated that the raingarden will still be required but this change will result in more plantings.

Motion to modify Permit #WPL-7840-06 by utilizing an existing concrete sidewalk adjacent to the bulkhead as the pedestrian walkway instead of installing a new, permeable walkway as shown on the plans entitled:

- "Landscaping Plan" prepared for Hamilton Development, LLC by Land-Tech Consultants, Inc. dated 2/15/10 revised to 4/26/11; and
- "Proposed Public Access Timber Walkway & Docks at the Saugatuck Center" prepared for Gault Hamilton by Land-Tech Consultants, Inc. dated 10/28/10, revised to 4-27-2011.

Motion: Yellin **Second:** Porter
Ayes: Yellin, Porter, Bryer, Field, Tooker, Hayes,
Nayes: None **Abstentions:** None **Vote:** 6:0:0

The meeting was adjourned at 9:25 p.m.

Motion:	Bryer	Second:	Field
Ayes:	Bryer, Field, Hayes, Porter, Tooker, Yellin		
Nays: None	Abstentions:	None	Vote: 6:0:0