

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 18, 2011**

The May 18, 2011 of the Westport Conservation Commission was called to order at 7:00 p.m. in the Rooms 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

W. Fergus Porter, Chair
Jennifer Tooker, Vice-Chair
Pat Shea, Esq., Secretary
Ralph Field
Martin Yellin

Staff Members:

Alicia Mozian, Conservation Department Director
Susan Voris, Recording Secretary

Guests:

Tom Pietras, Soil Scientist, Soil Science & Environmental Services

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 18, 2011 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

exactly where the wetland line is, is very important and can make a huge difference in how and to what extent a property is or can be developed.

Over the last 11 years that I've been director, we have seen a steady rise in the number of map amendment applications. These are often times voluntary but sometimes they are forced by the department when it is suspected or revealed the town map is in error.

By now you are familiar with the process. The applicant hires a soil scientist, then we, using the application fee, hires a 2nd soil scientist to verify the initial flagging. You may think this is redundant – and maybe it is but, there are many times that they do not agree. Soil Scientist, Tom Pietras is here tonight and can shed some light as to why that is. Wetland delineation is both an art and a science. The trained eye needs to consider color and texture of the soil, the surrounding landscape, plant type and subtle changes in topography.

This is perhaps a long winded background for this discussion, but in a nutshell, it is staff's opinion and Tom is here who also supports this idea, that we start requiring that all wetland boundaries be investigated prior to issuance of permits for development.

The info I have provided to you (4 pieces of info) are the back and forth discussions Tom and I have had about this. While I am in favor of it, I do think that we need to find out a bit more info, before you as a Commission adopts this change. For example:

Since 2005: How many map amendment applications has there been?

How many times did the soil scientists disagree?

How many maps that were amended involved filled wetlands (prior to adoption of the IWW Act?)

How many applications involved lots that had no mapped wetlands?

In addition, as the director of the office I need to be very clear with the public when a wetland delineation is required and when it isn't. For example, should it be for all projects no matter how large or small? If not, what is the cut off and what about properties that do not have mapped wetlands? I can think of 2 recent examples. Luckily, we found out about them before development permits were issued. Do we make all 10,500 properties in Westport hire a soil scientist before receiving a permit?

This change in procedure will add a significant change to the way business is done by adding a good month or two to the permitting process. This could be shortened somehow by delaying the public hearing for the map amendment and only holding them 2 or 3 times a year where staff would present them but still, the hiring of a soil scientist, the flagging and the plotting it on a survey will mean added time.

Do we accept the applicant's soil scientist flagging and drop the 2nd opinion?

I will turn it over to Tom now and he can explain more why he thinks this change is needed and what his experience is in other towns. Please note that Westport's wetlands are mapped on 122 individual maps at a scale of 1"=100'. They are far from accurate but they do provide a pretty good ball park location. We are now working with the Town Attorney's office to put a disclaimer on the maps that states just that. This is also stated in the IWW regulations.

As far as this procedure change goes, I do not think it requires a change to our regulations but I will be reviewing that with the Town Attorney (Sections 2.6 and 7.2 of the regulations).

The purpose of tonight's discussion is to present the idea and get some feedback.

Tom Pietras of Soil Science and Environmental Services highlighted his letter to Ms. Mozian dated March 11, 2011 referring to the Utilization of Town Wetland Maps and submitted copies of the DEP model Inland Wetland Regulations. He described how his company devised the first set of wetland maps for Westport. They started with the town's 1975 topography map and referenced the NRCS data (The Fairfield County Soil Survey) along with some spot checking using field checking plants, water, and some limited augering. He stated that in general, the use of the town wetland maps are limited. They do not take the place of a soil scientist. He added that most towns require a soil scientist to investigate the property if there are wetlands on the maps.

Ms. Shea noted that if someone is buying a property, they should do their due diligence and investigate the town wetland maps and do a field investigation. She asked what happens if the person does not have a trained eye. She indicated that having wetlands on a property can have an impact on the cost of a property.

Mr. Pietras stated that he is okay with categorizing what projects need to flag the wetlands and which do not. For the most part, site plans, new houses, major additions and subdivisions should have the wetlands mapped. He reiterated that most towns require a soil scientist and indicated a second soil scientist is only need if doing a development project.

Staff was instructed to do more research and put this discussion back on the agenda for further discussion.

Public Hearing: 8:00 p.m., Rooms 201/201A

Motion to close the work session and move into the public hearing.

Motion:	Gouverneur	Second:	Bryer
Ayes:	Gouverneur, Bryer, Kagan, Tooker		
Nayes:	None	Abstentions:	None
			Vote: 4:0:0

1. 11 Stony Brook Road: Application #IWW/M-8807-11 by Robert & Kathryn Hill to amend wetland boundary map #B10.

Kathryn Hill was present on behalf of the application.

Ms. Mozian presented the staff report. Otto Theall was the soil scientist for the applicant and Tom Pietras was the soil scientist retained by the town. Mr. Theall described the non-wetland soils as Udorthents; which are filled wetlands. She noted the house was built in 1962 prior to the adoption of the wetland regulations. She stated the soil scientists initially disagreed but met on-site on May 4, 2011 with Lynne Krynicki to determine the boundary. Their agreed upon line is shown on the survey dated May 5, 2011. She noted that both soil scientists must sign the survey indicating their agreement with the depicted line.

Mr. Yellin asked why they had the wetland line flagged.

Mrs. Hill stated Ms. Krynicki was at the property because they wanted to pave their driveway and it was Ms. Krynicki's suggestion that they do a map amendment.

- e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a streamside floodplain isolated with a perimeter wooded swamp. The perimeter of this wetland system is developed residentially.
 - f. The wetland system is hydraulically connected to Stony Brook.
 - 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.
8. The Town of Westport retained the services of Tom Pietras of Soil Science and Environmental Services LLC to review the proposed wetland boundary of Otto Theall of Soil and Wetland Science, LLC. At a joint meeting of the two soil scientists on May 4, 2011 concurrence of a proposed wetland boundary line was reached.

RESOLUTION
Application #IWW/M-8807-11
11 Stony Brook Road

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-8807-11 by Robert and Kathryn Hill to amend the wetland boundary on Map #B-10 on the property located at 11 Stony Brook Road with the following conditions:

1. Conformance to the plan entitled: "Zoning/ Location Survey, Map of Property prepared for Robert Hill & Kathryn Hill, 11 Stony Brook Road, Westport, Connecticut", Scale: 1" = 30', dated August 20, 2009 and last revised to May 5, 2011, prepared by Walter H. Skidd- Land Surveyor LLC. Both soil scientists are to sign this revised survey.
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: Tooker **Second:** Porter
Ayes: Tooker, Porter, Yellin, Shea, Field
Nays: None **Abstentions:** None **Vote:** 5:0:0

2. **575 Riverside Drive (a/k/a 553 Riverside Avenue): Application #WPL-8792-11 by Land-Tech Consultants, Inc. on behalf of Hamilton Development, LLC for the construction of a 20 slip marina on the western shore. 17 slips will be seasonally rentable and 3 slips will be for transient day use. Portions of the work are within the 25 year floodplain and the WPLO area of the Saugatuck River.**

Tom Ryder of Land-Tech Consultants presented the application for a 20 slip marina on the western shore of the Saugatuck River to replace the existing docks. He stated the southern end of the marina would be dedicated to a kayak operation and would be fenced off. This facility would consist of a 250-foot floating dock with 20 finger docks and two fixed piers. All would have floatstops to prevent the docks from sitting on the bottom at low tide. There will be 24 timber pilings. No tidal wetlands or aquatic vegetation would be affected. There would be no refueling facility, dry docks servicing or powerwashing at this marina. There will be a 100-gallon holding tank that boats can use to dispose of their waste. However, since this is not a full-service marina, it probably will not fill up quickly. The pile installation will be

done at high tide. The dock will be assembled off-site and floated up to the site. This facility will accommodate fairly small boats due to the water availability.

Ms. Mozian reviewed the staff report. The project has received approval from the Flood and Erosion Control Board on May 4, 2011. There is a tentative DEP approval with a deadline for comment until May 29, 2011. The Army Corps of Engineers approval was received on May 11, 2011. The Shellfish Commission at its December 2010 meeting indicated there would be no adverse impact to the shellfish beds. She noted that the tops of the pilings must be above the 100 year base flood elevation of 11' msl. She stated there would be 2 to 4 feet of water available in the slips during low tide and the float stops would keep the docks from scouring the bottom of the river. She added all work would be done from the water including the pile driving and has to be times so that the barge does not rest on the river bottom. There is no dredging required with this project due to the close proximity to the channel. There are no boat washing facilities at the marina; however, there will be electric and water available at the slips. Septic waste from the boats could be pumped into a portable waste container and removed from the site. Public restrooms will be available in the new building as required by the DEP.

Jim Donaher of Hamilton Development LLC stated the public restrooms will be available to the renters of the boat slips via a pass code.

Mr. Porter expressed his hope that people will not be trampling through the raingardens adjacent to the boardwalk.

Mr. Donaher stated there are 600 plants proposed. Once it grows in, he hopes the density will prevent people from walking within the raingarden.

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

Motion:	Tooker	Second:	Yellin
Ayes:	Tooker, Yellin, Field, Porter, Shea		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

FINDINGS
Application # WPL 8792-11
575 Riverside Avenue

1. **Application Request:** Applicant is requesting to construct a 20 slip marina on the western shore of the Saugatuck River. The project includes 17 seasonally rentable docks with water and electrical service and 3 slips for transient day use. There are no tidal wetlands on this property. Work is within the WPLO area of the Saugatuck River.
2. **Plans reviewed:**
 - a. "Property & Topographic Survey #553, #570, & #580 Riverside Avenue, #9 Ketchum Street, Westport, CT Prepared for Hamilton Development LLC", Scale: 1" = 20', dated May 3, 2006 and last revised to November 16, 2006, prepared by Redniss & Mead
 - b. "Improvement Location Survey Depicting #575 Riverside Avenue, Westport, Connecticut (Improvements as of 02/22/2011) Prepared for Hamilton Development LLC", Scale: 1" = 20', dated February 23, 2011, prepared by Redniss & Mead
 - c. "Proposed Docks at the Saugatuck Center Prepared for Gault Hamilton at Riverside Avenue, Westport, CT", Scale: 1" = 20', dated October 28, 2010 and last revised to April 14, 2011, prepared by Land-tech Consultants, Inc.

- d. "Proposed Public Access Timber Walkway & Docks at the Saugatuck Center Prepared for Gault Hamilton at 575 Riverside Avenue, Westport, CT", Scale: 1" = 20', dated October 28, 2010 and last revised to April 27, 2011, prepared by Land-Tech Consultants, Inc.
- e. "Landscaping Plan Prepared for Hamilton Development, LLC at Ketchum Street, Westport, CT", Scale: 1" = 20', dated April 26, 2011, prepared by Land-Tech Consultants, Inc.
- f. "Dock Sections, Riverside Avenue, Westport, CT., Prepared for Gault Hamilton", Scale: 1" = 10', dated October 28, 2010 and last revised to March 4, 2011, prepared by Land-Tech Consultants, Inc.

3. Background Information:

- a. State of Connecticut DEP has issued a Notice of Tentative Determination to approve Application #201006599-TS on April 29, 2011.
- b. The US Army Corps of Engineers issued Permit #NAE-2010-2555 on May 11, 2011.
- c. Application #WPL-7840-06 for demolition and site redevelopment was approved by the Conservation Commission on June 21, 2006.
- d. The area is designated a "Prohibited" shellfish area by CT Bureau of Aquaculture on the map as amended on August 15, 2010. The Westport Shellfish Commission reviewed this project in December 2010 and found no adverse impact to the shellfish resources.
- e. The Flood and Erosion Control Board approved the application with conditions on May 4, 2011. A condition of approval included the tops of all pilings to be set at a minimum elevation of 11.0'.

4. Property Description:

- **Property is served by public sewer and water.**
- **Location of 25 year flood boundary:** 9 ft. contour interval.
- **Location of WPLO boundary:** is 15ft from the 9ft contour
- **Flood boundary zones** are identified as Zone AE elevation 10.0'.
- **Aquifer:** The property is within the groundwater recharge area identified as coarse grained stratified drift but is not located within the Aquifer Protection Area.
- **Coastal Area Management:** Property located within CAM zone. The coastal resources are identified as: Near Shore Waters. According to the DEP CAM Manual dated 2000 these resources are described as follows:

Coastal Waters is defined by the DEP as "those waters of Long Island Sound and its harbors, embayments, tidal rivers, streams and creeks, which contain a salinity concentration of at least 500 parts per million under the low flow stream conditions.

Near Shore Waters are those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour.

Coastal waters are areas of high primary and secondary productivity. Coastal waters provide habitat for a variety of marine organisms and are an important contributor to the productivity of contiguous ocean waters. Coastal waters are critical to the assimilation of industrial, commercial and residential wastes. They support commercial and recreational fisheries and are important to marine transportation. They also provide recreational opportunities for boating, swimming, fishing, diving and vistas.

5. The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

" An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange

and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The project involves the construction of a 20 slip marina on the western shore of the Saugatuck River. Components of which includes a 6' by 250' main float, a 10' by 30' low free board float, a 5' by 16' fixed pier, an 8' by 29' fixed pier, a 6' by 40' float, an 8' by 20' transition float, a 3' by 30' ramp, a 4' by 30' ramp, nine 3' by 24' finger floats, two 3' by 20' finger floats and twenty four float restraint pilings. Water and electricity will be installed.

Floating docks will be anchored by timber pilings, approximately 40' on-center along the main dock and at each end of the timber dock. The fixed timber piers providing access to the upland will be anchored to footings on shore and by timber pilings at each corner.

There will be approximately 1'-3' of water at the floating docks' waterward face during mean low water and approximately 2' to 4' of water will be available for the individual slips during low tide. This minimizes potential benthic disturbance during low tide. Float stops will keep the floats from coming in contact with the benthic surface.

The applicant will be charged with the responsibility of assuring work done by the water based barge is done so in a manner in which such barge does not rest on the bottom of the Saugatuck River.

There is no dredging activity required for the installation of the proposed dock facility.

There will be no boat washing facilities.

Septic waste from the boats will be pumped into a 100 gal. portable waste container and when necessary removed from the site. Public restrooms are being provided within the new building on site supporting first floor retail space.

Biofiltration utilizing vegetation for water quality improvements associated with storm water runoff was required under a previous permit approved by the Conservation Commission for the commercial site development proposal.

Activities required for construction of the landing and those activities most likely to impact the coastal waters have been planned as to minimize impact. For example, the major dock components will be constructed in Norwalk and then floated in. The majority of the proposed dock facility will be constructed utilizing a barge equipped with a derrick crane. There will be no upland construction and the piles will be driven from the water side.

Provided construction methods as described above are used during construction activity, it is the finding of the Commission, that this application does not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 8792-11
Street Address: 575 Riverside Avenue
Assessor's: Map C 06 Lot 056
Date of Resolution: May 18, 2011

Project Description: Construction of a 20 slip marina on the western shore. Seventeen slips will be seasonally rentable, 3 slips will be for transient day use. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Hamilton Development
Applicant: Land-Tech Consultants, Inc.

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-8792-11** 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. 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.
8. 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.
9. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
10. Conformance to the conditions of the Flood and Erosion Control Board of May 4, 2011.
11. When a Contractor Compliance Agreement is enclosed with a permit, the agreement must be appropriately executed and returned to the Conservation Department staff prior to the issuance of a zoning permit.

SPECIAL CONDITIONS OF APPROVAL

12. Conformance to the plans entitled:
 - a. "Property & Topographic Survey #553, #570, & #580 Riverside Avenue, #9 Ketchum Street, Westport, CT Prepared for Hamilton Development LLC", Scale: 1"= 20', dated May 3, 2006 and last revised to November 16, 2006, prepared by Redniss & Mead
 - b. "Improvement Location Survey Depicting #575 Riverside Avenue, Westport, Connecticut (Improvements as of 02/22/2011) Prepared for Hamilton Development LLC", Scale: 1"= 20', dated February 23, 2011, prepared by Redniss & Mead
 - c. "Proposed Docks at the Saugatuck Center Prepared for Gault Hamilton at Riverside Avenue, Westport, CT", Scale: 1"= 20', dated October 28, 2010 and last revised to April 14, 2011, prepared by Land-tech Consultants, Inc.
 - d. "Proposed Public Access Timber Walkway & Docks at the Saugatuck Center Prepared for Gault Hamilton at 575 Riverside Avenue, Westport, CT", Scale: 1"= 20', dated October 28, 2010 and last revised to April 27, 2011, prepared by Land-Tech Consultants, Inc.

- e. "Landscaping Plan Prepared for Hamilton Development, LLC at Ketchum Street, Westport, CT", Scale: 1"= 20', dated April 26, 2011, prepared by Land-Tech Consultants, Inc.
 - f. "Dock Sections, Riverside Avenue, Westport, CT., Prepared for Gault Hamilton", Scale: 1"= 10', dated October 28, 2010 and last revised to March 4, 2011, prepared by Land-Tech Consultants, Inc.
13. Submission of anticipated DEP Approval 201006599-TS prior to issuance of a zoning permit.
14. Conformance to all Army Corps and DEP permit conditions
15. Any revisions to dock fueling status or sanitation procedures shall require that a new application be filed with the Conservation Commission.

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:** Field
Ayes: Yellin, Field, Porter, Tooker, Shea
Nayes: None **Abstentions:** None **Vote:** 5:0:0

3. 34 Harbor Road: Application #WPL-8813-11 by Ochman Associates on behalf of Piekarski Investments, LLC to remove the existing house, shed and driveway and construct a new 2-story residence, driveway and terrace along with a stormwater management system for the property. The residence will be served by public water and city sewer. Portions of the work are within the 25 year floodplain and the WPLO of the Saugatuck River.

Mark Ochman, PE of Ochman Associates presented the application to remove the existing house, shed and driveway and construct a new 2-story residence, driveway and terrace with stormwater management system on behalf of the property owner. The property is wholly within the WPLO and the 25-year floodplain of the Saugatuck River. He stated that permeable pavers are proposed for both the new driveway and terrace. The drainage meets the town's standards. He indicated that the runoff from the proposed development will be less than if the site were undeveloped. There are raingardens and a grass swale proposed for the roof runoff. The raingarden in the northeast corner will overflow into a cal-tech system. They have proposed sediment and erosion controls with a silt fence encompassing the entire property and the stockpile area as well as a mud tracking pad.

Ms. Mozian reviewed the staff report. She noted there is a tidal wetland off-site; which zoning regulations require a 25-foot setback. That setback just touches the northwest corner of the site where no work is being proposed. However, the new house is closer to the tidal wetland than the existing house but that was to achieve the 30-foot front setback for zoning. The property is in the A₆ E₁₁ Flood Zone. The first floor of the proposed new residence is at elevation 12 but the garage is at 7.5' msl. She noted the mechanicals must be above the flood elevation. The Flood and Erosion Control Board approved the application on May 4, 2011 with one of the conditions being that flood vents be incorporated into the design of the garage for review and approval prior to issuance of a zoning permit.

Ms. Mozian asked about the fuel source.

Mr. Ochman stated it would be propane bolted to a concrete pad.

Ms. Mozian asked if the terraces were counted in the drainage design. She noted that the proposed site coverage is less than 25% but only because the terraces were not included in the calculation.

Mr. Ochman stated they were.

Ms. Mozian recommended to the Commission that a condition of approval be that the designer of the raingarden sign-off that it was properly installed prior to the issuance of a Conservation Certificate of Compliance. She asked about the buffer plantings on the north and west.

Mr. Ochman stated those plantings would be more for screening.

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

Motion:	Porter	Second:	Yellin
Ayes:	Porter, Yellin, Field, Shea, Tooker		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

Findings
34 Harbor Road
Application #WPL-8813-11

1. **Application Request:** Applicant is proposing to remove the existing house, shed and driveway and to construct a new 2 story residence, driveway and terrace. A storm water treatment system will be installed and the residence will be served by public water and sewer. A slight change in grade, (less than 6 inches) is proposed to keep water away from the foundation. The property lies wholly within the boundaries of the Waterway Protection Line Ordinance.
2. **Plans reviewed:**
 - a. "Existing Conditions Plot Plan Prepared for Pieka Construction, 34 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated January 25, 2011, prepared by Leonard Surveyors, LLC
 - b. "Proposed Site Plan Prepared for Piekarski Investments, LLC, 34 Harbor Road, Westport, Connecticut", Scale 1" = 10', dated April 10, 2011, prepared by Ochman Associates, Inc.
 - c. Architectural Plans "34 Harbor Road, Westport, CT", Six sheets, foundation plan dated April 14, 2011 and the floor plan and elevations dated March 2, 2011, prepared by Anthony J. Tartaglia Associates, LLC
3. **Property Description:**
 - **Location of 25 year flood boundary:** 9 ft. contour interval. Currently, property is located entirely within the WPLO boundary.
 - **100 year flood boundary** is elevation 11 ft.
 - **Proposed First Floor Elevation:** 12.00 ft.
 - **Proposed garage floor elevation:** 7.5 ft.
 - **Existing Site Coverage: 22.17%**
 - **Proposed Site Coverage: 20.5% (without terraces)**
 - **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Aquifer Protection Area.
 - **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during

"100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

- **Existing Vegetation:** Due to the size constraints of the property, landscaping consists of ornamental foundation plantings.
- **Proposed Stormwater treatment:** A biofiltration swale that discharges to subsurface infiltration and a dripline spreader are proposed to intercept stormwater runoff from the roof leaders. Two raingardens are also proposed.
- **Previous Permits issued:** There are no previous permits on file.

The Flood and Erosion Control Board approved the application with conditions on May 4, 2011. One of the conditions was that the garage include flood vents.

4. The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

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

The determination of whether the proposed project will have an adverse impact on the preservation of natural resources and the ecosystem of the Saugatuck River should focus on storm water quality impacts and nutrient loading in close proximity to a salt water environment and tidal wetland.

Brian L. Howes, manager of the Coastal Systems Program, School of Marine Science and Technology at U Mass, Dartmouth (January 2006) states that increased levels of nitrogen in estuaries is resulting in the loss of fisheries habitat, submerged aquatic vegetation and a general disruption of benthic communities and the food chain all along the Eastern Seaboard. At high levels, nitrogen causes aesthetic degradation and even inhibits recreational uses of coastal waters.

The application proposes to demolish the existing home and relocate a new residence closer to the rear property line in order to conform to the zoning setback regulations. Terraces and a garage also contribute to the location of the residence on the parcel. The relocated residence will be closer to the tidal wetland located just off the site in the northwesterly corner. As this parcel is nearly level, site grading directs storm water to subsurface infiltrators and an overflow rain garden in both the northerly and southerly most corners of the site. The proposed structure will be FEMA compliant. The driveway is to be relocated and installed using permeable pavers.

Proposed site coverage is 20.5 % which is a decrease from existing coverage of 22.17% though according to the zoning regulations, the terraces are not counted in coverage. However, the engineered drainage plan included the them in their calculations.

The 2004 Connecticut Stormwater Manuel provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. To compensate or mitigate for the impervious coverage, biofiltration is being utilized. Organic matter, plant roots and biologically active soil help remove nutrients and pollutants at the surface or in the upper

biologically active soil horizons prior to discharge to the inert parent material and eventually ground and surface waters.

The roof leaders on this residential dwelling are proposed to be discharged to subsurface infiltrators on the north side of the building and overflow through a biofiltration swale in the northerly corner of the site. A second rain garden is proposed in the southerly corner to handle roof runoff from the garage. These measures are **best management practices** for stormwater treatment on this property. A perimeter landscaped area is also proposed for additional biofiltration.

The property will be connected to the municipal sewer service.

The permeability of the driveway surface and terraces on this intensely developed site is important as porous surfaces detain stormwater and allows it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. The design should incorporate a sufficient base and storage capacity for the required rainfall capacity. Water that is slowly recharging groundwater sustains base flow for streams, wetlands and rivers. The constant flow of water they receive sustains water levels and contributes to the health of the aqua

The entire property lies within the WPLO boundary. The house will be rebuilt to conform to FEMA standards with the first habitable floor constructed one foot above the 100 year base flood elevation. New flood openings are proposed for the garage and the foundation walls.

Sediment and erosion controls are proposed. The Commission finds the silt fence is to be extended around the western perimeter of the parcel. This will provide adequate protection as this parcel is very level. An anti-tracking bed is shown in the location of the existing drive.

The heating fuel source is identified by the applicant as an underground propane tank.

It is the finding of the Commission that the plan as proposed with the mitigation measures defined and ensured, will result in no adverse impact to the Saugatuck River.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 8813-11
Street Address: 34 Harbor Road
Assessor's: Map B 02 Lot 129
Date of Resolution: May 18, 2011

Project Description: The demolition of an existing residence and the construction of a new single family residence, associated site improvements to include a new driveway location and terraces. The work is within the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Piekarski Investments, LLC

Applicant: Ochman Associates Inc.

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 8813-11** 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 conditions of the Flood and Erosion Control Board of May 4, 2011.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Existing Conditions Plot Plan Prepared for Pieka Construction, 34 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated January 25, 2011, prepared by Leonard Surveyors, LLC
 - b. "Proposed Site Plan Prepared for Piekarski Investments, LLC, 34 Harbor Road, Westport, Connecticut", Scale 1" = 10', dated April 10, 2011, prepared by Ochman Associates, Inc.
 - c. Architectural Plans "34 Harbor Road, Westport, CT", Six sheets, foundation plan dated April 14, 2011 and the floor plan and elevations dated March 2, 2011, prepared by Anthony J. Tartaglia Associates, LLC
16. Driveway and terraces shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
17. A detailed landscape plan for the rain gardens and the perimeter plantings shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
18. A bond to cover the cost of rain garden plantings shall be submitted to the Conservation Department prior to issuance of a zoning permit.

19. All rain garden construction shall be certified as having been installed properly at completion by the designer prior to the issuance of a Certificate of Compliance.
20. The proposed propane tank shall be installed in conformance with all floodplain regulations and state building code requirements.

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:** **Field**
Ayes: Shea, Field, Porter, Yellin, Tooker
Nayes: **Abstentions:** **Vote: 5:0:0**

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

Motion: **Porter** **Second:** **Yellin**
Ayes: Porter, Yellin, Field, Shea, Tooker
Nayes: None **Abstentions:** None **Vote: 5:0:0**

Work Session II:

1. **Approval of April 20, 2011 meeting minutes.**

There was no April 20, 2011 meeting; therefore, there were no meeting minutes to approve.

2. **Approval of May 2, 2011 field trip minutes.**

The May 2, 2011 field trip minutes were approved as submitted.

Motion: **Porter** **Second:** **Yellin**
Ayes: Porter, Yellin, Field, Shea, Tooker
Nayes: None **Abstentions:** None **Vote: 5:0:0**

3. **Approval of May 4, 2011 special meeting minutes.**

The May 4, 2011 Special Meeting minutes were approved with corrections.

Motion: **Porter** **Second:** **Shea**
Ayes: Porter, Shea, Field, Tooker, Yellin
Nayes: None **Abstentions:** None **Vote: 5:0:0**

4. **2 Lamplight Lane: Request for bond release for plantings required under permit #WPL-8407-08.**

Ms. Mozian presented the request for bond release. She passed around photos of the rain garden showing the condition of the raingarden of a period of 1 ½ years, which she asked the Commission to review in order. She stated the original planting plan called for 110 perenial plants but was revised to 67 in July, 2009 with the bond amount remaining the same.

Mr. Yellin suggested adding in the Commission's standard pool conditions to the approval.

Motion to allow staff authority to issue an Administrative Approval for renovation of an existing vinyl-lined pool with a new concrete pool located in the 35-foot upland review area.

Motion: **Shea** **Second:** **Field**
Ayes: **Shea, Field, Porter, Tooker, Yellin**
Nayes: **None** **Abstentions:** **None** **Vote:** **5:0:0**

The May 18, 2011 meeting of the Westport Conservation Commission adjourned at 9:20 p.m.

Motion: **Tooker** **Second:** **Yellin**
Ayes: **Tooker, Yellin, Field, Porter, Shea**
Nayes: **None** **Abstentions:** **None** **Vote:** **5:0:0**