

**MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 16, 2018**

The May 16, 2018 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:

Pat Shea, Esq., Chair
Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft
Robert Corroon
Paul Lobdell, Alternate
Mark Perlman

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicky, Conservation Analyst
Pete Gelderman, Atty., Town Atty.'s Office

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 16, 2018 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda. The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian noted Item #5 of the Public Hearing agenda, **286 Compo Road South**, has been withdrawn.

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

1. Receipt of Applications

Ms. Mozian stated there were two items to officially receive including:

- a. **9 Fresenius Road:** Application #IWW/M-10613-18 by Alison Danzberger on behalf of James & Leslie Kickham to amend wetland boundary map #F9.
- b. **28, 36, 38, 39, 41, 42, 43, 44, 45, 47, Parcel A05 Lot 4 and Parcel A05 Lot 5 Hiawatha Lane:** Application #IWW,WPL-10619-18 by Summit Saugatuck LLC on behalf of Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy for a proposed 187-unit multi-family rental development presented in five buildings with associated site improvements.

Ms. Mozian noted that the Hiawatha Lane application is not complete at this time due to the fact that she is soliciting bids for consultants for help in reviewing the proposal. The regulations state that submission of the consultant fee is required for the application fee to be complete.

Motion to receive 9 Fresenius Road. Hiawatha Lane is deemed incomplete.

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Corroon, Davis, Lobdell, Perlman		
Nays:	None	Abstentions:	None
		Vote:	7:0:0

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

There was no report.

3. 65 Bermuda Road: Request for bond release being held for planting and sediment and erosion controls for Permit #WPL-10172-16.

Ms. Mozian reviewed a request for bond release being held for plantings and sediment and erosion controls for Permit #WPL-10172-16. She stated the plantings have been in for a full growing season and are thriving. She recommended release of the bond.

Motion to release the bond.

Motion:	Shea	Second:	Davis
Ayes:	Shea, Davis, Bancroft, Corroon, Lobdell, Perlman, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	7:0:0

4. 5 Yankee Hill Road: Request for bond release being held for plantings and sediment and erosion controls for Permit #WPL-9954-15.

Ms. Mozian reviewed a request for a bond release being held for plantings and sediment and erosion controls for Permit #WPL-9954-15. She stated the plantings have been in for a full growing season and are thriving. She recommended release of the bond.

Motion to release the bond.

Motion: Davis **Second:** Perlman
Ayes: Davis, Perlman, Bancroft, Corroon, Lobdell, Rycenga, Shea
Nays: None **Abstentions:** None **Vote:** 7:0:0

5. 79 Newtown Turnpike: Request for partial bond release being held for Permit IWW,WPL/E-9964-15.

Ms. Mozian reviewed a request for partial bond release being held for Permit #IWW,WPL/E-9964-15. She stated work on the wall is complete and the sediment and erosion controls are no longer required. She recommended release of the monies for these items. The monies for the plantings will remain in escrow.

Motion to allow a partial bond release.

Motion: Shea **Second:** Bancroft
Ayes: Shea, Bancroft, Corroon, Davis, Lobdell, Perlman, Rycenga
Nays: None **Abstentions:** None **Vote:** 7:0:0

6. 42 Burr Farms Road: Request to allow staff to issue a staff level permit for a gravel patio within the upland review area.

Ms. Mozian reviewed a request to allow the staff to issue a staff level permit for a gravel patio within the upland review area. She reviewed the plans with the Commission.

Motion to allow the staff to issue administrative approvals with conditions including that the patio be kept at a dimension not to exceed 18' X 18', that the patio be permeable and the sections of concrete pipe in the stream be removed.

Motion: Rycenga **Second:** Shea
Ayes: Rycenga, Shea, Bancroft, Corroon, Davis, Lobdell, Perlman
Nays: None **Abstentions:** None **Vote:** 7:0:0

7. Approval of April 9, 2018 Special Hearing minutes.

The April 9, 2018 Special Hearing minutes were approved with corrections:

Motion: Davis **Second:** Shea
Ayes: Davis, Shea, Bancroft, Corroon, Lobdell, Perlman
Nays: None **Abstentions:** Rycenga **Vote:** 6:0:1

8. Approval of April 18, 2018 meeting minutes.

The April 18, 2018 meeting minutes were approved with corrections.

Motion: Shea **Second:** Lobdell
Ayes: Shea, Lobdell, Bancroft, Corroon, Davis, Perlman
Nays: None **Abstentions:** Rycenga **Vote:** 6:0:1

9. 115 Harbor Road: Plan review changes for dock previously approved per Permit #WPL-10311-16.

Ms. Mozian reviewed changes for a dock previously approved per Permit #WPL-10311-16.

The staff and the Commission reviewed the proposed plan changes. The changes include:

- Shift and rotate float 6 feet to the west;
- Install a 5' x 6' ramp landing float;
- Replace existing ramp 3' x 37.5' with a 3' x 30' ramp; and
- Relocate 2 anchor piles' install 2 tie-off piles.

Findings
Application # AA, WPL 10586-18
7 Belaire Drive

1. **Receipt Date:** **April 18, 2018**
2. **Application Classification:** **Declaratory**
3. **Application Request:** The applicant proposes to construct a new six-bedroom residence with a septic system, drainage appurtenances and a new circular drive. The pool and patio as shown on the site plan are not part of this application review.

The total impervious surface proposed is 8,312 s.f.

All site improvements are outside the IWW upland review areas. Portions of the work are within the WPLO of Indian Creek.

Proposed activities occur within the 25-year flood plain boundary and within the 100-year flood plain boundary.

4. **Plans Reviewed:**
 - a. "Site Development Plan, 7 Belaire Drive, Westport, CT, Prepared for Doug & Liz Pardon", Scale: 1"= 20', dated January 16, 2018 and last revised to March 23, 2018, prepared by Kousidis Engineering, LLC
 - b. "Zoning Map of Property Prepared for Doug & Liz Pardon, 7 Belaire Drive, Westport, CT", Scale: 1" = 20', dated October 3, 2017, prepared by Dennis A. Deilus- Land Surveyors
 - c. Architectural Plans entitled: "Belaire Residence, 7 Belaire: Westport, CT" (& sheets) dated February 22, 2018, prepared by Kathleen Poirier Architects, LLC
5. **Permits/Applications filed:** No previous permits issued for this property
6. **WPLO** - Waterway Protection Line is located 15' from the twenty-five year flood line associated with Indian River.
7. **IWW Defined Resource (wetland or watercourse)**
Wetlands and Watercourses occur on the subject property. The wetlands on site were flagged by Scott Stevens of Soil Science and Environmental Services, Inc. on August 21, 2017. No tidal wetlands were found on the parcel. Off-site wetlands exist just west/southwest of Belaire Drive.
8. **Wetland Soils**
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 Scarborough 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.

Scarboro muck (Histic Humaquepts)- This is a deep, very poorly drained soil with a thin mucky surface that is underlain by sandy and gravelly, glacial outwash. The outwash was derived from schist, gneiss and granite. Outwash soils occur in valleys, outwash plains and terraces.
9. **Non-Wetland Soils**
Agawam fine sandy loam (AfB): This gently sloping, well drained soil is on plains and terraces in stream valleys.
Runoff is medium, and available water capacity is moderate. The soil dries out and warms up early in spring. Most Areas of this soil is used for community and industrial development, and a few are used for corn, vegetable, and nursery crops. Some small scattered areas are wooded. **The rapid**

permeability of the soil causes a hazard of ground-water pollution in areas used for on-site septic systems. The soil is unstable and thus is limited for excavations. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction. The soil is well suited to cultivated crops and trees. The hazard of erosion is moderate.

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.

Ninigret and Tisbury soils (Aquic Dystrudepts)- These are deep, moderately well drained, friable, coarse-loamy and loamy textured soils that developed over sandy and gravelly, glacial outwash derived from schist, gneiss and granite.

Udorthents, smoothed This is a well drained to moderately well drained soil area that has had two or more feet of the original soil surface altered by filling, excavation or grading activities. Udorthents, smoothed soils commonly occur on leveled land and fill landforms.

10. Property Description and Facts Relative to the Application

The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as a "streamside, floodplain, shrub and wooded swamp." This wetland is part of the floodplain that is adjacent to New Creek. The general description is a wooded swamp with a pocket of shrub swamp.

1. The 100 year floodplain AE 13.0 as designated by FEMA occurs on this parcel.
2. The WPLO boundary is 15' from 9' contour.
3. IWW defined resource occurring on this property is wetland/wooded swamp complex.
4. Property does not exist within the Aquifer Protection Overlay Zone.
5. Property does not occur within an aquifer recharge area.
6. Property does not exist within the Coastal Areas Management Zone.
7. Health Department approved a plan for a new six bedroom residence on April 3, 2018.
8. The tax assessor card indicates a home was originally built on this parcel in 1907. A demolition permit was issued in January of 2018.
9. There are 3,211 s.f. of wetlands on the subject property located in the southeast corner.

11. Vegetation Description

The property mainly supports perimeter trees on the eastern part of the property. The wetlands remain vegetated.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

12. 6.1 GENERAL STANDARD

- 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 Commission finds all site development will take place outside the IWW upland review areas and in the same general location as the existing dwelling was located since 1907. Vegetation removal will be necessary to install the new code compliant septic system as approved by the Health Department.

13. 6.2 WATER QUALITY

- 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

A new code compliant septic system will be installed. The Commission finds the grading for the development appears minimal and therefore the surface runoff patterns to the wetlands will remain relatively unchanged.

A 20' non-disturbance buffer will be established on the property through the use of demarcating the non-disturbance line with large boulders.

All mechanicals will be FEMA compliant and above the 100 year floodplain elevation.

14. 6.3 EROSION AND SEDIMENT

- a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
- b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
- c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
- d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
- e) applicable state, federal and local guidelines shall be met.

The Commission finds the applicant has provided silt fence around the exterior limits of disturbance as the erosion and sediment controls for this project. Site grading and grade change are both minimal and will provide adequate protection.

15. 6.4 NATURAL HABITAT STANDARDS

- 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 proposed residential alterations are to be within the existing lawn area. The Commission finds the construction activity proposed will not impact the existing species or habitat area. It is likely that

mammals such as deer, raccoons, squirrels, and some bird species will remain and contribute to the suburban species that exist in residential neighborhoods.

16. 6.5 DISCHARGE AND RUNOFF

- 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 existing residence did not provide for any stormwater mitigation. The applicant is proposing a subsurface infiltration system that will handle the increase runoff and infiltrate the runoff from a 25 year storm even while also providing water quality treatment for the first inch of runoff.

The Commission finds biofiltration from the driveway runoff will be provided, or the driveway should be pervious.

The Flood and Erosion Control Board approved this project subject to Conditions on May 2, 2018.

17. 6.6 RECREATIONAL AND PUBLIC USES

- 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 the current application will have no significant impact on recreational and public uses.

18. Waterway Protection Line Ordinance

Section 30-93 of the WPLO ordinance states the following: An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to, impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Waterway Protection Line boundary exists 15' from the 25 year floodplain. The Flood & Erosion Control Board approved this application on May 2, 2018.

The proposed residence will be FEMA compliant.

Provided proper erosion controls are used during construction activity, bioretention is utilized for impervious surfaces and FEMA compliance is met, the Commission finds 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 # AA, WPL 10586-18
Street Address: 7 Belaire Drive
Assessor's: Map A04 Lot 03
Date of Resolution: May 16, 2018

Project Description: Construction of a new dwelling and associated site appurtenances. Work is outside the IWW upland review areas but a portion of the work is within the WPLO of the Saugatuck River .

Owner of Record: 7 Belaire Drive LLC

Applicant: Chris O'Dell

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**AA, WPL 10586-18** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.

15. Conformance to the Conditions of Approval of the Flood and Erosion Control Board hearing of May 4, 2018.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "Site Development Plan, 7 Belaire Drive, Westport, CT, Prepared for Doug & Liz Pardon", Scale: 1"= 20', dated January 16, 2018 and last revised to March 23, 2018, prepared by Kousidis Engineering, LLC
 - b. "Zoning Map of Property Prepared for Doug & Liz Pardon, 7 Belaire Drive, Westport, CT", Scale: 1" = 20', dated October 3, 2017, prepared by Dennis A. Deilus- Land Surveyors
 - c. Architectural Plans entitled: "Belaire Residence, 7 Belaire: Westport, CT" (& sheets) dated February 22, 2018, prepared by Kathleen Poirier Architects, LLC
17. Submission of a landscape plan for plantings for the biofiltration stormwater treatment shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning permit. Plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.
18. Revision to the site plan to include a soil stockpile area with appropriate soil and erosion controls measures shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning permit.
19. Boulders for the demarcation of the 20' non-disturbance buffer shall be installed prior to the issuance of a Conservation Certificate of Compliance.

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

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

Motion: Rycenga **Second:** Shea
Ayes: Rycenga, Perlman, Davis, Shea, Lobdell, Bancroft, Corroon
Nays: 0 **Abstentions:** 0 **Vote:** 7:0:0

3. **9 Beachside Common:** Application #WPL-10591-18 by Artemis Landscape Architects on behalf of Margaret & Michael Shwabe to rebuild an existing stone wall and replace a fence. The proposed activity is within the WPLO area of both New Creek and Mill Creek.

Tara Visenta, LA with Artemis Landscapes, presented the proposal on behalf of the property owners. She denoted the WPLO boundary on the plan. The Flood and Erosion Control Board approved the project at its May 2, 2018 meeting. She reviewed the details of the rebuilt wall. All work will be done by hand. Sediment and erosion controls will be installed. The current fence is chain link. The proposed fence will be galvanized posts with wire mesh. The new driveway is proposed as Flexy Stone "Perma-Drive", which is completely permeable. The process uses natural stone embedded in an epoxy. The driveway should be vacuumed once a year.

Ms. Krynicki noted there are several items that are eligible for a WPL/E but more detail is needed for staff to approve. She suggests they seek a separate approval for those. She gave examples such as the driveway and the potting shed.

Mr. Bancroft asked if the existing well is adequately separated from the septic system.

Ms. Visenta stated this is beyond the scope of her work. She stated that work would be done at low tide.

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

Motion: **Shea** **Second:** **Bancroft**
Ayes: **Shea, Bancroft, Corroon, Davis, Lobdell, Perlman, Rycenga**
Nays: **None** **Abstentions:** **None** **Vote:** **7:0:0**

Findings
9 Beachside Common
#WPL 10591-18

1. **Application Request:** Applicant is proposing to rebuild an existing dry stacked stone wall and replace existing pool code fencing in existing location. A new peastone path with a metal edge and portions of a new 30" high curved gabion wall are proposed as landscaping improvements.

The applicant has not included resurfacing of the existing tennis court with this proposal. The requested proposed activities are within the WPL area for Gray's Creek.

2. **Plans Reviewed:**
 - a) "Site Development Plan, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-100.00), Scale: 1"= 20', dated May 8, 2018, prepared by Artemis Landscape Architects, Inc.
 - b) "Wire Mesh Fence & Galvanized Steel Gate Details, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-802.00), Scale: 1"= 20', dated May 4, 2018, prepared by Artemis Landscape Architects, Inc.
 - c) Fencing & Dry-Set Retaining Wall Layout Plan, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-800.00), Scale: 1"= 10.0', dated May 8, 2018, prepared by Artemis Landscape Architects, Inc.
 - d) Rear Property Planting Plan, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-401.00), Scale: 1"= 10', dated April 27, 2018, prepared by Artemis Landscape Architects, Inc.
 - e) "Existing Conditions Plot Plan Prepared for Margaret Schwabe, 9 Beachside Common, Westport, Connecticut", Scale: 1" = 30', dated November 13, 2012 and last revised to December 3, 2013, prepared by Leonard Surveyors LLC
3. **WPLO Waterway Protection Line** is located 15 feet from the 9' contour on this property. Portions of this parcel are within the WPLO jurisdiction.
4. **Permits/Applications filed:**
 - a. WPL/E 10109-15 Interior renovations, driveway regrading, patio alterations and landscaping
5. **Property description**
 - a. Property occurs within a groundwater recharge area and is underlain by an aquifer. Said aquifer is characterized as a fine grain stratified drift. The property however, is not located within the Aquifer Protection Overlay Zone.
 - b. FEMA Designated Floodplain-The 100 year floodplain occurs on the property as indicated by FEMA. The property occurs within an AE zone with a base flood elevation of approximately 14' NGVD.

The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal flood hazard area" and "tidal wetlands".

- c. According to the DEEP CAM Manual dated 2000 these resources are described as follows:

Coastal flood hazard area is defined by the DEEP as "those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act and all erosion hazards as determined by the Commissioner. In general, coastal flood hazard areas include all areas designated as within A-zone and V-zones by the Federal Emergency Management Agency (FEMA). A- zones are subject to still-water flooding during so called "100 year" flood events. During 100 year flood events, V zones are subject to direct action by waves three feet or more in height. **Coastal flood hazard areas encompass most other important coastal resources, can serve as flood storage areas, and provide numerous open space and recreational opportunities. They are, by their nature, hazardous areas for structural development, especially residential-type uses**".

6. Waterway Protection Line Ordinance

Section 30- 93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that **such activity will not cause water pollution**, erosion and/or environmentally related hazards to life and property and **will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway**, including but not limited to **impact on ground and surface water, aquifers**, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Flood & Erosion Control Board (F&ECB) reviewed and approved this application on May 4, 2018 with conditions.

The project includes the replacement of an existing cement block wall with a dry laid stone wall at the same height and in the same location. The existing wall has been used to prevent erosion of the lawn area. The dry laid stone wall will perform the same function and provide a stable area for the pool fence. It follows existing grade. It will not impact flood heights or water flow within the cove.

The low stone wall is made of natural, native stone to be hand stacked without mortar joints. All work associated with the wall/fence replacement is to be done by hand. A line of haybales for erosion and sediment control will be installed approximately 12" waterward of the stone wall replacement. The Commission finds a new planting bed will be installed landward of the fence and wall which will remove invasive plants as well as a section of manicured lawn.

The tidal wetland line is depicted on the site plan at approximately elevation 4.0'NGVD. The replacement fence and wall are depicted at approximately at elevation 9.0' NGVD which is also simultaneous with the 25 year floodplain elevation. The meandering planting bed ranges from between 5' wide and 10' wide across the rear of the property. The Commission finds the applicant will specify the number and type of plantings proposed for this large bed.

The Commission finds the wall and fence project will be hand excavated.

The existing stone wall within the lawn area will be removed and reconfigured with a wall segmented into three sections with a peastone walkway between them. All work is taking place within an existing lawn area and no grading is proposed. The Commission finds the new configuration of wall provides a better scenario for flood waters to pass through.

The Commission finds the wall/fence project will be implemented at low tide. A line of haybales will be installed waterward of the project area prior to the initiation of any activity. A substantial planting buffer will be installed north of the proposed fence/wall.

The Commission finds the plan shows numerous additional landscape projects throughout the site. These projects are outside the WPLO boundary and are eligible for staff approval with additional information provided to the Conservation Department. These activities will be handled through an additional staff level approval with all the necessary construction details and specific landscape planting material identified.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10591-18
Street Address: 9 Beachside Common
Assessor's: Map G 05 Lot 009
Date of Resolution: May 16, 2018

Project Description: To rebuild an existing stone wall and replace a fence. The proposed activity is within the WPLO area of both New Creek and Mill Creek.

Owner of Record: Margaret & Michael Shwabe

Applicant: Artemis Landscape 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 10591-18** 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 and any ledge encountered.
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 May 2, 2018.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Site Development Plan, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-100.00), Scale: 1"= 20', dated May 8, 2018, prepared by Artemis Landscape Architects, Inc.
 - b. "Wire Mesh Fence & Galvanized Steel Gate Details, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-802.00), Scale: 1"= 20', dated May 4, 2018, prepared by Artemis Landscape Architects, Inc.
 - c. Fencing & Dry-Set Retaining Wall Layout Plan, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-800.00), Scale: 1"= 10.0', dated May 8, 2018, prepared by Artemis Landscape Architects, Inc.

- d. Rear Property Planting Plan, Private Residence, 9 Beachside Common, Westport, CT (Sheet L-401.00), Scale: 1"= 10', dated April 27, 2018, prepared by Artemis Landscape Architects, Inc.
 - e. "Existing Conditions Plot Plan Prepared for Margaret Schwabe, 9 Beachside Common, Westport, Connecticut", Scale: 1" = 30', dated November 13, 2012 and last revised to December 3, 2013, prepared by Leonard Surveyors LLC
16. All work is to be done by hand and all excess soil from hand excavation shall be removed from the site.
17. Haybales are to be installed immediately waterward of the proposed stone wall installation area prior to any activity.
18. Submission of a performance bond estimate in the amount of the cost of plants, erosion control materials and labor for the fence/wall and planting buffer shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
19. This permit authorizes the fence/wall replacement activities and the stone wall rebuild and stone path east of the existing pool and terrace only. All other proposed activities as shown of the "Site Development Plan" are eligible for a staff level approval. The Conservation Department staff will review the proposed activities and issue permits accordingly which will include all requested details and architectural plans as needed.

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

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

Motion: Shea

Second: Davis

Ayes: Shea, Davis, Rycenga, Perlman, Bancroft, Lobdell, Corroon

Nays: 0

Abstentions: 0

Votes: 7:0:0

4. **28 Owenoke Park:** Application #WPL-10593-18 by Julian Robins for the installation of a fixed pier, ramp and floating dock. The proposed activity is within the WPLO area of Gray's Creek.

Jeff Westermeyer, PE with RACE, presented the application on behalf of the property owners. The dock has been approved by the DEEP and the ACOE.

Ms. Shea asked if they had considered a shorter dock.

Mr. Westermeyer stated anything shorter would cause an unacceptable impact to the tidal wetlands. The dock is just long enough to bypass the tidal wetland.

Ms. Rycenga asked if it has been contemplated to repair the bulkhead. She noted it looks like it may need to be.

Mr. Westermeyer stated permission was received in 2009 for some repair to the bulkhead. He was not hired to do that but the dock was specifically designed so the bulkhead repair work could be done without impedence by the dock.

Ms. Krynicki asked for clarification of what "wharf out" means.

Mr. Westermeyer stated that anyone has the right to a dock.

Ms. Krynicki noted that Grey's Creek is a mudflat half the day. The dock is proposed for a motorized boat.

Mr. Westermeyer explained the owners have a boat slip at Compo Marina. This dock is contemplated for a small power boat. He added that no owner would want their boat sitting in the mud.

Ms. Krynicki highlighted that DEEP noted Terrapins are in the area. She asked how they will be protected.

Mr. Westermeyer explained the means to protect Terrapin during construction.

Ms. Krynicki noted there are lots of shellfish in this area. She asked how they will be protected.

Mr. Westermeyer stated float stops will prevent the float from sitting on the mud. The only impact will be the pile driving itself. He estimates 8 s.f. of total impact to the shellfish. There is no turbidity expected as they pile drive. The ramp and float will be removed in the winter so the shellfish will be protected in the winter.

Ms. Krynicki asked for an explanation of the DEEP and ACOE requirements to protect the spartina growth.

Mr. Westermeyer stated the dock will be 1-foot above the spartina at full growth. It will also have spacing between the deck boards so the spartina gets sunlight.

Mr. Corroon asked how the ramp and float will be brought in.

Mr. Westermeyer stated all work will be done at high tide.

Mr. Lobdell asked how long the piles will be.

Mr. Westermeyer stated he is unsure. They will not know until they get out there and hit refusal.

Ms. Mozian asked how can we prevent future owners from permanently docking a boat at this site who may not have a boat slip elsewhere as these owners do.

Mr. Westermeyer stated the DEEP permit conditions prevent boat from sitting on the mudflat. The owners intend to have it be transient. If a boat were permanently docked at the site, a complaint could be filed with DEEP as it would be in violation of their permit.

Mr. Lobdell asked what would be a non-significant impact.

Mr. Westermeyer indicated that significant shading is an example. A quantifiable impact in this application is the pile driving.

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

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Corroon, Davis, Lobdell, Perlman, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	7:0:0

Findings
28 Owenoke Park
Application # WPL 10593-18

- 1. Application Request:** Applicant is requesting to install a 4' x 37' fixed pier with hand railings supported by ten timber piles, a 4' x 20' ramp and an 8' x 12.5' float with float stops anchored by two anchor posts and cross- brace ropes. The proposed work is located in Gray's Creek.

The applicant proposes to use the facility as a private recreational small docking facility.

Work is within the WPLO boundary of the Saugatuck River.

2. Plans reviewed for this application:

- a. "Site Location Map Dock Project (Sheet 1 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
- b. "Geographic Information System Map (Sheet 2 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
- c. "Existing Conditions Plan Dock Project (Sheet 3 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", Scale: 1"= 50', dated April 26, 2017 and revised to April 10, 2018, prepared by Coastline Consulting & Development
- d. "Proposed Conditions Plan Dock Project (Sheet 4 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", Scale: 1"= 50', dated April 26, 2017 and last revised to April 10, 2018, prepared by Coastline Consulting & Development
- e. "Proposed Elevations & Details Dock Project (Sheet 5 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
- f. "Application Drawing Notes Dock Project (Sheet 6 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
- g. Topographic Survey Existing Conditions, Robins Property, 28 Owenoke Park, Westport, Connecticut", Scale: 1"= 20' dated October 31, 2016 and last revised to April 10, 2018, Scale: 1" = 20', prepared by Coastline Consulting & Development
- h. "Plot Plan Prepared for Jonathan R. and Judi Lake, 28 Owenoke Park, Westport, Connecticut", dated February 11, 2008 and last revised to March 20, 2008, Scale: 1" = 20', prepared by Leonard Surveyors, LLC

3. Background Information:

- a. State of Connecticut DEEP issued a License for this activity on April 20, 2018, #201704826-SDFRTW
- b. Army Corps of Engineer issued an approval for the activity: #NAE- 2009-00055 on June 7, 2017
- c. Water Classification per Bureau of Aquaculture is "Prohibited" in this area.

WPLO

The Waterway Protection Line is located 15' from the 9' contour in this area. The entire property falls within this jurisdiction. Tidal wetlands occur on this property. The Coastal Jurisdiction Line is set at elevation 5.3 NGVD.

Permits/Applications filed:

1. WPL/E 7165-03 Garage expansion and addition
2. WPL/E 6875-02 Expansion of second floor bathroom

IWW Defined Resource (wetland or watercourse)

Wetlands and Watercourses as defined by the Inland Wetlands and Watercourses Regulations do not occur on this property.

Vegetation Description

Tidal wetland vegetation spans the entire shoreline of the property. The vast majority of the vegetation consists of *Spartina alterniflora* with a narrow band of high marsh tidal wetland vegetation growing near the timber bulkhead. A gap in the vegetation is present in the approximate center of the shoreline. Though this area is currently devoid of vegetation, the conditions are conducive for the recolonization of tidal wetlands.

Facts Relative to this application:

1. WPLO: All proposed activity is located below elevation 9.0 NGVD and therefore is within the WPLO.
2. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
3. Tidal Wetlands: Property does contain tidal wetlands
4. 100-Year Floodplain: The entire property is located within Zone AE 13' NGVD

5. Aquifer and Primary Recharge Area: The property is located within the Aquifer recharge area identified as coarse-grained stratified drift.
6. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area", "Near Shore Waters" per the Coastal Resources Map of the Connecticut Department of Environmental Protection.
7. There is spartina growth in the area of the proposed activity. The dock is to be located within the narrowest expanse of tidal vegetation on site, if practical.
8. Grays Creek is a mudflat at low tide.
9. Grey's Creek is a Prohibited shellfish area.

Waterway Protection Line Ordinance

Section 30-93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The applicant permanently berths their powerboat at Compo Marina and will continue to do so even after construction of the dock. The power boat will only access the dock at high tide and berth temporarily to load/unload people or supplies.

The applicant states in his narrative to the CT DEEP Office of Long Island Sound Program that "Potential impacts to water quality and benthic habitat will be experienced from the hydraulic pumping by the float/boat and propeller dredging. By utilizing a float pad system, the float will maintain a minimum clearance of 18" above the substrate as the tide is falling. No vessels will be berthed at the dock during low tide, therefore, it is not anticipated that the float and/or boat dock will cause significant hydraulic pumping.

Propeller action has the potential to suspend sediments. The potential impacts to water quality could not be entirely eliminated due to the existing water depths at the site. The only ways to eliminate the potential impacts to water quality from the proposed project would be to either conduct dredging to increase water depths, or to entirely disallow floats and vessels from the waterway. Coastal management policies discourage new dredging for residential sites. In addition, disallowing floats and vessels entirely would be contrary to the established common law practice of the "right to wharf out", which asserts that riparian/littoral property owners have a right to reasonable structural boating access from their property provided that adverse impacts to coastal resources and navigation are minimized.

Impacts have been minimized by ensuring that the float will remain elevated above the substrate at low tide with the use of float stop pads. The use of a power boat during periods of high water only prevents vessel grounding and minimizes the potential for sediment suspension. The proposed pier has been designed to facilitate sustained growth of the underlying tidal wetland vegetation and located within the narrowest expanse of such vegetation.

The DEEP Permit conditions as granted :

- a. Install a temporary turtle exclusion device such as fencing or corrugated tubing, as shown on the attached plans, if needed.
- b. Installation of a 4' x 37' fixed pier with hand railings supported by ten timber piles or timber piles anchored to precast concrete footings, if needed, a 4' x 20' ramp, and an 8' x 12.5' float with float stops anchored by two anchor posts and cross-brace ropes
- c. Remove the temporary turtle exclusion device upon work completion.

The license is subject to the following Terms and Conditions:

- a. Work shall be conducted between November 1st and April 1st of any year in order to minimize impacts to the State Special Concern Species *Malaclemys t. terrapin* (northern diamondback

terrapin). If work has to be conducted outside this time frame, special conditions shall be required as spelled out in the license conditions.

- b.** Any turtle exclusion device shall be installed prior to construction if work is conducted during the active turtle period and must be removed upon work completion.
- c.** Float stops shall be installed to prevent the entire float surface from resting on the bottom of low water. Such float stops shall be maintained in optimal operating condition for the life of the structure.
- d.** At no time shall heavy equipment enter or be stored in tidal wetlands.

Intertidal flats are present waterward of the *Spartina alterniflora* along the entire shoreline of the property. The Commission finds potential adverse impacts to this resource have been minimized by eliminating the use of a barge and by installing stop pads on the float to prevent the entirety of the structure from contacting the bottom at low tide.

Tidal wetland vegetation spans the entire shoreline of the property. The vast majority of the vegetation consists of *Spartina alterniflora* with a narrow band of high marsh tidal wetland growing near the timber bulkhead. A gap in the vegetation is present in the approximate center of the shoreline. Though this area is currently devoid of vegetation, the conditions are conducive for the recolonization of tidal wetlands. A dock in this location may eventually span as much as 56 linear feet of tidal wetland. The proposed dock on the western side of the shoreline will span only 44 feet of tidal wetlands. In addition, the proposed fixed pier will be elevated such that the bottom stringers are elevated a minimum of 1' above the height of the vegetation during the peak of the growing season in order to maximize sunlight penetration to the underlying vegetation, which is consistent with DEEP guidelines to minimize shading impacts to tidal wetland vegetation. The Commission finds this minimizes impact from the dock construction.

The project was also reviewed by the Town of Westport Shellfish Commission. In their evaluation, they concluded that the proposed dock would cause adverse impacts to shellfish concentration areas. This determination was based on the use of kayaks only. The concerns included that:

- a.** The construction and use of the dock will disturb the underlying *Spartina alterniflora*
- b.** Construction will disturb the shellfish beds. The proposed work will need to be conducted by hand, small work boat, or from land

The applicant has addressed the concerns of the Shellfish Commission. They state:

- a.** Long term impacts to shellfish beds are expected to be minimal, as areas of direct impacts are limited to the points of pile installation for the pier and float stops.
- b.** Shellfish will still be able to colonize around the pier piles and underneath the floating dock. As such, the proposed dock does not result in any appreciable reduction in shellfish habitat-on-site.
- c.** The open-pile nature of the dock prevents scour along the face of the bulkhead and within the tidal wetlands from refraction, as the dock will not have reflective capacity. This prevents undermining of the existing timber bulkhead and subsequent erosion from bulkhead failure, as well as sedimentation from scoured substrate.
- d.** The proposed dock will be of open-pile construction and will not include the construction of any impervious surfaces on-site. This ensures that flood waters can pass underneath and over the structure and maintains the natural pattern of water circulation. As such, the dock will not cause the redirection of flood water onto adjacent properties through the constriction of flow. Furthermore, as no solid fill is proposed, the dock will not reduce the flood storage capacity of the tidal wetlands located along the shoreline of the property or of that of the vegetated upland.
- e.** The open-pile nature of the dock also prevents scour along the face of the bulkhead and within the tidal wetlands from refraction, as the dock will not have such reflective capacity. This prevents undermining of the existing timber bulkhead, which protects the upland property from damage from erosion.
- f.** In addition, the proposed dock will not have a physical connection to the existing bulkhead. This will eliminate stress on the bulkhead, as the dock loads, and tidal forces on the dock, will not affect the bulkhead. The lack of a physical connection also allows for contractor access in the event that repairs to the timber bulkhead are necessary.

The Commission finds the proposed activity has been sited so as to be 2' above growths of spartina intertidal vegetation, 5' above the mud flat and 4' above the mean high water line.

The proposed dock installation will be conducted as follows:

- a. The contractor will set and level the fixed pier foundations by hand and drive the associated steel anchor pipes with a hand held sledge hammer and/or small pneumatic hammer during periods of low water. The anchor pipes will be driven through pre-cast holes in the foundation.
- b. Any riprap displaced by the landward most pier foundations will be disposed of appropriately on the land.
- c. The contractor will set and level the float stop pad footings by hand and drive the associated steel anchor pipes with a hand held sledge hammer and/or small pneumatic hammer during periods of low water or from a small workboat during periods of high water. The anchor pipes will be driven through pre-cast holes in the foundations.
- d. The proposed ramp and float stop pads, will be manufactured off-site and towed by boat to the project site during periods of high water. The ramp and float will be manipulated into place by hand. The ramp will be affixed to the pier using hand tools.

The Commission finds adverse impacts to tidal wetland vegetation will be prevented by prohibiting the use of heavy equipment within the vegetation and by ensuring that construction materials and equipment will be stored outside of tidal wetland vegetation.

The Flood and Erosion Control Board approved the application at its May 2, 2018 hearing.

Due to the Conditions of Approval as directed by the CT DEEP for turtle construction precautions, time of year for construction activity, height of dock above tidal wetland vegetation, minimal intrusion of wetland through the use of piles, benthic habitat protection with the use of power boats at high tide only, protection with the use of float stops and the span of the least amount of tidal vegetation, the Commission finds 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 10593-18
Street Address: 28 Owenoke Park
Assessor's: Map C 03 Lot 21
Date of Resolution: May 16, 2018

Project Description: Installation of a 4' x 37' fixed pier with handrailings supported by ten timber piles, a 4' x 20' ramp and an 8' x 12.5' float with float stops anchored by two anchor posts and cross-brace ropes. Work is within the WPLO area of Gray's Creek.

Owner of Record: Julian Robins

Applicant: Julian Robins

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 10593-18** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.

2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. All proposed decks shall be provided with a 6" gravel bed beneath.
12. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
13. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of May 2, 2018.
16. 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

17. Conformance to the plans entitled:
 - a. "Site Location Map Dock Project (Sheet 1 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
 - b. "Geographic Information System Map (Sheet 2 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
 - c. "Existing Conditions Plan Dock Project (Sheet 3 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", Scale: 1"= 50', dated April 26, 2017 and revised to April 10, 2018, prepared by Coastline Consulting & Development
 - d. "Proposed Conditions Plan Dock Project (Sheet 4 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", Scale: 1"= 50', dated April 26, 2017 and last revised to April 10, 2018, prepared by Coastline Consulting & Development
 - e. "Proposed Elevations & Details Dock Project (Sheet 5 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
 - f. "Application Drawing Notes Dock Project (Sheet 6 of 6), Robins Property, 28 Owenoke Park, Westport, Connecticut", dated April 26, 2017, prepared by Coastline Consulting & Development
 - g. Topographic Survey Existing Conditions, Robins Property, 28 Owenoke Park, Westport, Connecticut", Scale: 1"= 20' dated October 31, 2016 and last revised to April 10, 2018, Scale: 1" = 20', prepared by Coastline Consulting & Development

**MINUTES
WESTPORT CONSERVATION COMMISSION
JULY 18, 2018**

The July 18, 2018 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft
Robert Corroon

Staff Members:

Alicia Mozian, Conservation Department Director
Susan Voris, Recording Secretary

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the July 18, 2018 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda. The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian stated there were two items to add to Work Session I:

- **42 Whitney Street:** Request for bond release being held as a condition of Permit #IWW,WPL/E-9993-15 for plantings.
- **13 Wheeler Gate:** Request for bond release being held as a condition of Permit #WPL-10355-17 for plantings.

Motion to add items to Work Session I.

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Corroon, Davis		
Nays:	None	Abstentions:	None
		Vote:	4:0:0

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

1. Receipt of Applications

Ms. Mozian stated there were no applications to officially receive as the submission deadline is August 9, 2018. She reminded the Commission that **16 Fresenius Road** has been received and has given an extension to September for hearing the application. She stated there have been two WPLO applications submitted. There are 16 applications in the queue. She expects to have two meetings in September to deal with a portion of the workload.

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

Ms. Mozian stated there were enforcement issues to discuss:

- **7 Hillside Lane:** A Notice of Violation was issued for wall construction. The owners have obtained a permit to legalize the work and the Notice of Violation has been removed.
- The Conservation Department is responsible for the enforcement for the Tree Spraying Ordinance. Eastern Tree Service was found taking water from one of the brooks without a permit. A warning was given. They obtained a permit. They are the only company to have obtained a permit this year.

3. Approval of June 20, 2018 meeting minutes.

The June 20, 2018 meeting minutes were adopted with a minor correction.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Corroon		
Nays:	None	Abstentions:	None
		Vote:	4:0:0

4. 14 Allen Raymond Lane, Westport-Weston Family Y – Discussion of status of previously approved activities and proposed activities in and outside the regulated area.

Ms. Mozian came to the Commission for a discussion about how the Commission would like her to proceed with the proposed work at the Westport-Weston Family Y. She noted that she included the 2007 resolution, which was vetted through many court cases, for the Commission's review. The Y now wants to build Phase II of its building. It was part of the original approval by the previous Commission and thoroughly vetted. The original decision approved approximately 102,000 s.f. but the Y only built 54,000 s.f. Now they would like to build another 22,000 s.f. This approval is still valid. She would not grant an Administrative Approval without State Health Department approval for the FAST

system as this system took almost two years to bring into compliance with its permit requirements. She would also want to re-establish the escrow account for the FAST system to help in the monitoring of it to ensure compliance once the new building becomes on-line. Also on the northern side, the Y is proposing 70 additional parking spaces. She stated that in keeping with the original resolution, she believes these parking spaces should be permeable as the overflow parking was required to be permeable. These parking spaces are greater than 75 feet from the wetland but still closer than the original overflow parking. She recommended that a bond be posted for the parking lot landscaping

Ms. Mozian noted the Y is also proposing additional work outside the 75-foot upland review area on the southern side of Poplar Plains Brook in the Camp Mahackeno portion of the property. The proposed activities include:

- A basketball court;
- An athletic field;
- Remove the existing pool and build a new pool;
- Pool house;
- Slide pavilion;
- Archery pavilion
- Rope area;
- Trails, some of which currently exist; and
- Addition to the Beck's Lodge and the art building.

Ms. Mozian stated there were three areas where there was regulated activity including a proposed amphitheater, a raised boardwalk, and elevated platform and stairs. These would return to the Commission in a Public Hearing.

It was Ms. Mozian's suggestion that the building and amenities be issued administratively pending State Health Department approval and with appropriate bonds and escrow monies set aside.

Motion to allow staff to issue administrative approval for work once State Health approval is obtained. Parking must remain permeable. An escrow account should be re-established for the FAST system. A bond should be required for the parking lot landscape plantings. The amenities on the southern side of the property are authorized for Administrative Approval except the amphitheater, raised boardwalk, and raised platform and stairs, which must return to the Commission for approval.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Corroon		
Nays:	None	Abstentions:	None
			Vote: 4:0:0

5. Other Business:

- a. Update on WPLO proposed ordinance change

Ms. Mozian reported the proposed ordinance change had its first reading in front of the RTM on June 18, 2018. Now they are awaiting sub-committee meetings regarding the change and once that is done, there will be a second reading.

- b. Scheduling of upcoming meetings.

Ms. Mozian noted an Executive Session is scheduled for July 27, 2018 at 9:30 a.m. Also, a second Public Hearing is scheduled for September 25, 2018 in order to help with the amount of permit applications.

- c. **42 Whitney Street:** Request for bond release being held as a condition of Permit #IWW,WPL/E-9993-15 for plantings.

Ms. Mozian stated the plantings have been installed. Some initially took and others didn't. They have now got the quantity needed. Fencing has been installed for protection of some of the trees.

She recommended release of all the money except that which is being held for the trees in order to allow for a full growing season.

Motion to allow for a partial bond release of \$2,150.40.

Motion:	Rycenga	Second:	Corroon
Ayes:	Rycenga, Corroon, Bancroft, Davis		
Nayes:	None	Abstentions:	None
			Vote: 4:0:0

- d. **13 Wheeler Gate:** Request for bond release being held as a condition of Permit #WPL-10355-17 for plantings.

Ms. Mozian stated the plantings have been in for a full growing season and are thriving. She recommended bond release.

Motion to release the bond.

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Corroon, Davis		
Nayes:	None	Abstentions:	None
			Vote: 4:0:0

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

Mr. Bancroft, Mr. Corroon and Mr. Davis visited all the sites. Ms. Rycenga visited 111 Harbor Road.

1. **111 Harbor Road:** Application #WPL-10621-18 by Richard Benson on behalf of Richard & Karen Leever for the demolition of the existing house and pool and to construct a new house, pool, patio and associated site appurtenances and maintenance to existing seawall. Work is within the WPLO area of the Saugatuck River.

Brian Nesteriak, PE, presented the application on behalf of the property owners. He noted the property is entirely within the WPLO. There is an existing seawall that they will be doing some maintenance work on including patching and repointing. The existing stairs will remain. There will be a drop in coverage. The proposed house will be FEMA compliant. There will be an underground propane tank at the front of the property. The existing pool will be replaced with a new pool. He discussed the drainage components including raingardens and detention system. They have proposed sediment and erosion controls including haybales. The property is relatively flat. Mr. Nesteriak noted that a new dock is currently going through the DEEP approval process and not a part of this application. If it is approved, they will come back for local approvals.

Ms. Mozian noted there is a healthy growth of spartina to the northeast. She indicated this needs to be maintained and cannot be removed or pulled up. With regards to the seawall, it had been originally built illegally but since legalized by CT DEEP. Maintenance is allowed, but no raising or removal and reconstruction is permitted. She asked about the construction phasing of the project given the small size of the lot.

Mr. Nesteriak stated they would be demolishing the house first, then start on constructing the new house. He noted the pool is still under structural design as it is located in the VE zone so that will start later.

Ms. Mozian expressed concern with hitting groundwater during pool construction. Dewatering may be necessary and suggested that the pool be constructed during low tide.

Mr. Nesteriak noted the pool will only be 5 feet deep and should be out of the groundwater. However, they are aware they may need to dewater and excavation should be done at low tide. They will have

provisions on site to dewater in case they are needed. He noted they received Flood and Erosion Control Board approval.

Ms. Mozian confirmed the driveway and walkway will be permeable.

Mr. Nesteriak agreed but stated the driveway will not be gravel but a pervious asphalt or pervious pavers with stone reservoir beneath.

Ms. Rycenga asked about the maintenance of the raingarden.

Mr. Nesteriak stated it is important the leaves and invasive species be removed and plantings are replaced as necessary. The area will be a swale.

Ms. Mozian stated the Commission should bond the plantings to ensure they survive a full growing season.

Mr. Bancroft noted the patio detail shows the patio set in stone dust.

Ms. Mozian noted Steve Smith, Building Official, wants the patio set in concrete as it is located in the VE zone.

Mr. Nesteriak noted the coverage is being reduced and runoff from the patio will go to the lawn and raingarden.

Ms. Rycenga asked if the pool emergency overflow would be directed to the detention system.

Mr. Nesteriak stated this is unknown. The pool contractor has not been decided but he would direct the overflow to the raingarden.

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

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Corroon, Davis		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

Findings
Application #WPL-10621-18
111 Harbor Road

Request: Applicant is proposing to demolish the existing house, pool, patio and driveway and to construct a new, FEMA-compliant house with elevator, pool, patio, house and pool mechanicals, pool fence, drainage and driveway. The property lies wholly within the boundary of the Waterway Protection Line Ordinance.

1. Plans reviewed:

- a. "Plot Plan Prepared for Richard & Karen Leever, 111 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated September 22, 2017 and last revised to March 1, 2018, prepared by Leonard Surveyors LLC
- b. "Site Development Plan (Drawing No. 1 of 2) of 111 Harbor Road, Westport, Connecticut prepared for R.B. Benson 1258 Post Road East, Suite B, Westport, Connecticut", Scale: 1" = 10', dated March 12, 2018 and last revised to June 4, 2018, prepared by B & B Engineering
- c. "Construction Details and Notes (Drawing No. 2 of 2) of 111 Harbor Road, Westport, Connecticut prepared for R.B. Benson 1258 Post Road East, Suite B, Westport, Connecticut", Scale: 1" = 10', dated March 12, 2018 and last revised to June 4, 2018, prepared by B & B Engineering
- d. "Pool Construction Drawing, 111 Harbor Road, Westport, CT 06880", dated June 10, 2018, prepared by Timothy Walker- Consulting Engineer

- e. Architectural Plans (Sheets A-0 through A-7) entitled: New Residence for Rick & Karen Leever, 111 Harbor Road, Westport, CT", Scale: 1/4" = 1-0', prepared by Donald William Fairbanks Architect, P.C. dated May 1, 2018.

2. Property Description:

- **Location of 25 year flood boundary:** 9 ft. contour interval. WPLO boundary is located 15 ft. landward from the 9 ft. contour. Average existing grade is elevation 8 ft. +/-.
- **Property is situated in Flood Zones AE (el. 13') and VE (el. 14')** as shown on F.I.R.M. Panel 09001C0661G Map revised to July 8, 2013.
- **Tidal Wetlands:** A growth of Spartina is present along the eastern side of the seawall.
- **Proposed First Floor Elevation:** 16.5 ft. **Proposed garage floor elevation:** 7.7 ft.
- **Existing Site Coverage: 55.3%** **Proposed Site Coverage: 30.9%**
- **Sewer Line:** The proposed new residence will be serviced by municipal sewer.
- **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- **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.

3. Previous Permits issued:

- a. CAM 2946-89 Sea wall renovation
 - b. CAM/E 4958-93 Porch enclosure
 - c. WPL 6507-01 Renovations
 - d. WPL 6507-01 Retain and maintain seawall
4. The Flood and Erosion Control Board approved the application with conditions on July 11, 2018. The drainage proposal is acceptable to the Engineering Department. The Westport Weston Health District issued a permit for the pool construction on June 15, 2018.
 5. **Proposed Storm Water Treatment:** Stormwater runoff from the roof and driveway is proposed to be discharged to a porous asphalt driveway with a 14" crushed stone reservoir.

A second area for infiltration is the rain garden proposed along the full length of the rear yard adjacent to the existing seawall to capture any surface stormwater runoff. This drainage system proposal has been reviewed and approved by the Engineering Department and the Flood and Erosion Control Board at its July 11, 2018 hearing.

As the property lies within both the AE and VE-FEMA flood zones, the Building Official, Steve Smith expressed his opinion in an e-mail dated June 14, 2018 that a patio with pavers secured in concrete is preferable to sand or stone in order to ensure that the patio material will remain intact during storm events. The raingarden is proposed waterward of the patio and pool. The Commission finds locating the raingarden in this location will treat the stormwater runoff from the impervious patio.

6. WPLO Analysis: 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."

1. The entire property lies within the WPLO boundary. The application proposes to construct a new FEMA compliant residence with rear deck, a new driveway, patio and pool with FEMA-compliant fencing.

2. The Commission finds the house will be rebuilt to conform to FEMA standards with the first habitable floor constructed 3.5 ft. above the 100 year base flood elevation of 16.5'. FEMA compliance for the proposed garage will be accomplished by constructing the garage slab at elevation 7.7' and providing the appropriate flood openings to meet FEMA requirements. The proposed at-grade slab will also include outdoor dining, an outdoor kitchen and an elevator.
3. A pervious driveway construction detail has been included in the plans showing 14 inches of stone reservoir beneath 4 inches of porous asphalt. The Engineering Department has required the drainage for the roof runoff be directed to the permeable asphalt driveway.

The Commission finds that the design engineer will witness and certify the construction of all permeable surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

4. The Commission finds the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways will focus on storm water quality impacts and percentage of impervious area. Proposed site coverage is to be 30.9% which is significantly greater than the 10-25% cover that will impact water quality. The stormwater runoff associated with the proposed patio will sheet flow into a rain garden to achieve biofiltration. The Westport Building Official weighed in on the proposed impervious patio design. In an email dated June 14, 2018 to Alicia Mozian, Steve Smith, Building Official stated that he would prefer pavers secured in concrete due to the fact that the patio will be in close proximity to the V Zone and thereby subject to wave action during storm events.
5. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As Saugatuck Shores is densely developed, the proposed coverage significantly exceeds the percentage in which water quality can be assumed to be impacted.

The Commission finds that in order to compensate or mitigate for the impervious coverage, biofiltration is recommended. 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 Commission finds this is being accomplished by the applicant through permeable driveway and walkway surfaces and a large rain garden area adjacent to the seawall. In addition, a large area of existing patio will be removed and replaced with lawn. Overall coverage will be reduced from 55.3% to 30.9%. The Zoning Board of Appeals granted a variance for the coverage as it is still beyond the allowable 25%.

6. A seawall with an edge that is above grade across the rear property line inhibits direct surface runoff to the Saugatuck River. However, this portion of the property lies within the VE flood zone and is subject to wave action during storm events. The Commission finds proposing a rain garden immediately south of the seawall will help filter and treat stormwater generated on this site. The Commission finds a VE flood zone compliant pool fence acceptable to the Town Engineer and a structural pool design with all associated components approved by the Health Department are required. The applicant is working with the Engineering Department to assure the appropriate fence design is proposed. The Westport Weston Health District approved the pool on June 15, 2018. A design for the pool by a structural engineer has not been secured yet.
7. The property will be connected to the municipal sewer service.
8. Sediment and erosion controls are shown being installed around the perimeter of the property. Construction access and material stockpile area appears limited. A small soil stockpile is depicted for this project. As little excavation for the foundation is required and final grade change is limited, this area should be adequate. However, because of the amount of material to be demolished, removal of debris should go directly into dumpsters and carted off site.
9. The applicant proposes maintenance activities to the seawall as well as proposed stairs and a future dock facility. In a "Motion for Stipulated Judgment" dated January 23, 2001, it permitted that "routine maintenance" could be performed on the existing seawall as necessary. An email dated April 7, 2017 from Susan Bailey, Environmental Analyst 3 of the CT DEEP Land & Water Resources Division confirmed that "patching, chinking, skim coating and repointing" are all considered routine activities and would not need state authorization. The "future " dock as

depicted on the plan is not included in this review as that will need approval from DEEP and will need to return to the Commission following receipt of the appropriate state approvals.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10621-18
Street Address: 111 Harbor Road
Assessor's: Map B 02 Lot 142
Date of Resolution: July 18, 2018

Project Description: The demolition of the existing house, driveway, pool and patio and the construction of a new, FEMA compliant house, driveway, pool, patio, pool and house mechanicals, pool fence and drainage appurtenances. The work is within the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Richard and Karen Leever

Applicant: Richard Benson of RB Benson & Co. 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 10621-18** 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 July 11, 2018.

15. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
- 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. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should 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 long periods of time, i.e 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. "Plot Plan Prepared for Richard & Karen Leever, 111 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated September 22, 2017 and last revised to March 1, 2018, prepared by Leonard Surveyors LLC
 - b. "Site Development Plan (Drawing No. 1 of 2) of 111 Harbor Road, Westport, Connecticut prepared for R.B. Benson 1258 Post Road East, Suite B, Westport, Connecticut", Scale: 1" = 10', dated March 12, 2018 and last revised to June 4, 2018, prepared by B & B Engineering
 - c. "Construction Details and Notes (Drawing No. 2 of 2) of 111 Harbor Road, Westport, Connecticut prepared for R.B. Benson 1258 Post Road East, Suite B, Westport, Connecticut", Scale: 1" = 10', dated March 12, 2018 and last revised to June 4, 2018, prepared by B & B Engineering
 - d. "Pool Construction Drawing, 111 Harbor Road, Westport, CT 06880", dated June 10, 2018, prepared by Timothy Walker- Consulting Engineer
 - e. Architectural Plans (Sheets A-0 through A-7) entitled: New Residence for Rick & Karen Leever, 111 Harbor Road, Westport, CT", Scale: 1/4" = 1-0', prepared by Donald William Fairbanks Architect, P.C., dated May 1, 2018.
17. The design engineer shall witness and certify construction of all permeable surfaces and raingarden installation prior to the issuance of a Conservation Certificate of Compliance.
18. Driveways and walkways shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
19. A bond to cover the cost of the erosion and sediment controls and the raingarden plantings shall be submitted to the Conservation Department prior to issuance of a zoning permit.
20. The existing saltmarsh grass, *Spartina alterniflora*, shall be continued to grow unabated. No pulling to control its growth is allowed.
22. The proposed propane tank shall be installed in conformance with all floodplain regulations and state building code requirements.
23. Future dock and proposed stairs as shown on the plans are Not Approved at this time and will need to return to the Commission for review and approval following permit issuance by the CT DEEP.
24. Work to the seawall is confined to maintenance only; the wall shall not be removed and rebuilt or raised in elevation.

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.

- a. WPLO: The majority of the property is located below elevation 9.0 NGVD and therefore activity is subject to review under the WPLO regulations.
- b. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
- c. No tidal wetlands exist on the property.
- d. 100-Year Floodplain: The entire property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency Zone AE (el. 11) per F.I.R.M Panel 09001C551G, Map revised July 8, 2013.
- e. The existing home was constructed in 1925 and is located within the Owenoke/Compo National Historic District. The Historic District Commission reviewed the request for demolition and voted not to waive the 180 day waiting period. This 180 day time period has passed.
- f. Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone.
- g. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resource is a "Shorelands." Shorelands function as immediate sources of upland runoff contributing to coastal drainage, serve as immediate sources of upland sediments, provides scenic vistas and have high development and redevelopment potential.
- h. Zoning District: The property is located within zoning district "A" (minimum lot size 21,780 feet or ½ acre).
- i. Sewage Disposal: The property is serviced by a public sanitary sewer.
- j. Physical and Chemical Properties of the Soil: The on-site soils are identified as Agawam fine sandy loam. The permeability of this soil is moderately rapid in the surface layer and subsoil and rapid in the substratum. At a depth of 29" and greater below existing grade, the permeability rate is 6.0 inches to 20 inches per hour. Permeability is the rate at which water can pass through a soil horizon.

5. Waterway Protection Line Ordinance:

Section 30-93 of the Waterway Protection Line Ordinance states that the applicant shall "submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The Applicant is requesting to demolish the existing structures on the property and driveway and construct a new single family residence with an attached garage, patio and pool at the rear of the residence. Existing total lot coverage is calculated at 41.93% and the proposed lot coverage is calculated at 32.25%. The reduction in coverage calculations comes mainly from the reduction in the size of the driveway.

The Commission finds that studies show that significant impairment of waterways often occurs when just 10% of the land in a watershed is covered with parking lots and rooftops. However, if these areas exceed 25% of the land, severe ecosystem and water quality impairment occurs.

The 2004 Connecticut DEEP Stormwater Manual reports that various studies from around the country show that stream ecosystems and water quality become degraded as impervious surfaces increase. Impairment to streams often occurs when more than 10% of the land within a watershed is covered with impervious surfaces.

There is currently no drainage provided for the existing development. The proposed new site plan shows the roof drains will be first directed to a biofiltration swale with overflow going to a catch basin which will then be directed to a trench drain in the driveway and will also capture the driveway runoff. Final discharge is into a gallery in the southeast corner of the site.

The Commission finds retention time, nutrient removal and water quality are also concerns that are routinely addressed on properties within the WPLO jurisdiction. The applicant has included Low

Impact Development (LID) design features including the addition of a gravel driveway, permeable patios and permeable bluestone front walkway to assure these concerns are being addressed.

In addition, the Commission finds that as this property is very level, gentle grading to direct roof runoff into the creation of the bioswale is an efficient way to retain and treat stormwater to improve water quality. This places the stormwater in the upper soil horizon where it is biologically active as necessary for nutrient removal and the soil texture in this horizon will allow for a longer retention time. The Commission finds concave vegetated surfaces need not be very deep to make a significant contribution to overall storm storage capacity and storm water quality however, they should be adequately planted so they are properly maintained and not filled in by future property owners.

The Commission finds a single row of silt fence around the perimeter of the parcel should be sufficient erosion and sediment protection on this parcel as the grades are so flat. Staging areas for construction material and parking for contractors appears limited. The Commission finds the applicant has provided a stockpile area with erosion and sediment control in the rear of the property. This stockpile area will most likely be used during excavation for the pool. A dirtbag is proposed to be on-site for use in case groundwater is hit during pool excavation. The depth to groundwater in this coastal area is general coincident with the high tide elevation of 3.3. The pool is estimated at 5.5 ft. The ground elevation is 9.5. Therefore, at elevation 4, groundwater should not be intercepted but the dirtbag will be on-site in case it is needed. An anti-tracking pad is shown along the front of the property for this purpose.

The Flood and Erosion Control Board reviewed and approved the application with conditions on July 11, 2018. The Westport Weston Health District approved the pool application on July 3, 2018.

Potential impacts to the waterway are limited to flooding and water quality. The Commission finds the following measures are proposed to avoid or minimize potential impacts and to treat stormwater runoff.

- A gravel driveway to allow for infiltration of some stormwater.
- Permeable patio surfaces
- Biofiltration swale for roof runoff
- Reduction in driveway area
- Construction of a new house above the 100 year base flood elevation with associated raised mechanicals,
- Connection to the sewer system.
- Use of gas as the fuel source rather than oil.

Storm water retention and infiltration measures as well as the permeable surfaces are necessary to help assure the proposed activities will not cause additional adverse impacts to the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10626-18
Street Address: 15 Roosevelt Road
Assessor's: Map D03 Lot 020
Date of Resolution: July 18, 2018

Project Description: For the demolition of the existing house, detached garage, shed and driveway and construction of a new 2 story single family residence with attached garage, pool, patios, driveway, pool fence, house and pool mechanicals and related drainage appurtenances. The proposed activity is within the WPL area of the Saugatuck River.

Owner of Record: 15 Roosevelt LLC
Applicant: William Achilles AIA

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 10626-18** 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 July 11, 2018.
15. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
 - 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. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should 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 long periods of time, i.e 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. "Plot Plan Prepared for SIR Development, 15 Roosevelt Road, Westport, Connecticut, Scale 1"=10'-0", dated August 21, 2017 and last revised to May 21, 2018, prepared by Leonard Surveyors LLC
 - b. Site Plan Details & Notes, SIR Development, LLC, 15 Roosevelt Road, Westport, Connecticut, Sheet 1 of 1, Scale 1"=10'-0", dated July 3, 2018 prepared by Richard Bennett & Associates, LLC.
 - c. Architectural Plans entitled: SIR Development, 15 Roosevelt Road, Westport, CT, Sheets A0 through A-9 dated May 11, 2018, prepared by BCRD, LLC.
17. A permeable driveway and patio detail shall be submitted to the Conservation Department for review and approval prior to the issuance of a zoning permit.
18. Driveway, patios and walkway shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
19. A detailed landscape plan for the proposed delineation of the bioswale using plantings or boulders shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
20. A bond to cover the cost of the plantings and sediment and erosion controls shall be submitted to the Conservation Department prior to issuance of a zoning permit. Bond monies shall be held for one year following the date of planting.
21. All proposed mechanical equipment 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: Bancroft

Second: Corroon

Ayes: Bancroft, Corroon, Rycenga, Davis

Nays: None

Abstentions: None

Vote: 4:0:0

8. **286 Compo Road South:** Application #WPL-10627-18 by William Green and Linda Durakis for filling, wall construction, driveway improvements and courtyard parking area. The proposed activity is within the WPLO area of the Grey's Creek.

Ms. Mozian reviewed new materials submitted into the record since the June 20, 2018 Public Hearing. These included:

- A revised landscape plan;
- Report from Brian Nesteriak dated July 13, 2018;
- Visit to the site by DEEP on July 12, 2018. E-mail from Kevin Zawoy of DEEP noted findings of the visit including the determination that the area is not a tidal wetland.
- Health Department letter;
- E-mail from Keith Wilberg, Deputy Town Engineer, dated July 12, 2018;
- Letter from Bill Kenny dated July 12, 2018;
- E-mail from Pete Ratkiewicz, Director of Public Works, regarding the pipe and abandonment of storm laterals; and
- Memo from Alicia Mozian dated July 12, 2018 outlining the outcome of the on-site meeting with DEEP.

Bill Green, owner, presented two letters of support for the project from Jeff Neff, owner of 1 Longview Road and 3 Longview Road and Larry Hoy, owner of 5 Quentin Road. He submitted text from former owner, David Jones related to the repair of the pipe, which was a 6-inch long crack sealed with hydro cement and back filled.

Brian Nesteriak, PE discussed the pipe. He did research finding a 1936 map showing the pipe and a 1938 as built of the pipe. There is a .2% slope over 2,000 feet. He discussed this is an active drainage line. There is a 1982 map showing the town removed the catchbasins from draining into the pipe.

Ms. Mozian asked for clarification of the reasoning for the retaining wall.

Mr. Nesteriak noted that Zoning regulations cannot grade within 5 feet of the property line. The 1-foot retaining wall allows them to implement the plan and will give a 1-foot walkway along the property line.

Ms. Mozian asked if the wall would be mortar free.

Mr. Green stated the plan is for a mortar free face but they may need some mortar for stability. If they do that, they will place pipes in the wall at intervals for drainage. The courtyard and driveway are proposed to be asphalt. He would be amenable to a permeable courtyard. However, he is concerned that the permeable materials would not work on the shared driveway.

Bill Kenny, soil scientist, wetland scientist, and LA, stated he was on-site at the DEEP meeting. He agreed with their findings. He added the DEEP also found the area is not a watercourse.

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

Motion:	Rycenga	Second:	Corroon
Ayes:	Rycenga, Corroon, Bancroft, Davis		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

Findings
Application # WPL 10627-18
286 Compo Road South

1. **Application Request:** Filling, wall construction, driveway improvements and creation of a parking area courtyard. Proposed work includes drainage appurtenances, including a raingarden for biofiltration for stormwater treatment, as well as underground utilities, installation of vegetable and flower gardens. The property lies within the boundary of the Waterway Protection Line Ordinance area of Gray's Creek.
2. **Plans reviewed:**
 - a. "Zoning/ Location Survey Map of Property Prepared for David R. Jones & Jennifer Jones, 286 Compo Road South, Westport, Connecticut", Scale: 1" = 20', dated September 22, 2016, prepared by Walter H. Skidd- Land Surveyor LLC
 - b. "Driveway Site Plan of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 1 of 2, dated March 13, 2018 and last revised to April 20, 2018, Scale: 1" =20', prepared by B & B Engineering.
 - c. "Construction Notes and Details of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 2 of 2, dated March 13, 2018 and last revised to April 6, 2018, Scale: 1" =20', prepared by B & B Engineering.
 - d. "Front Garden Preliminary Landscape Plan prepared for WR Green Construction, 286 Compo Road South, Westport, Connecticut", dated February 26, 2018, received July 16, 2018 to show extended raingarden along eastern property line, prepared by William Kenny Associates LLC.
3. **Reports and Letters Reviewed:**

- a. E-Mail from Kevin Zawoy, CT DEEP to Alicia Mozian dated July 16, 2018 confirming area does not meet the definition of a tidal wetland.
 - b. Letter to Conservation Commission dated July 13, 2018 from Bryan Nestiak, P.E. from B&B Engineering
 - c. Memo from Town Engineer, Keith Wilberg, PE, LS, dated July 12, 2018
 - d. Letter to William Green from William Kenny, PWS, PLA, Soil Scientist dated July 12, 2018.
 - e. Report from JMM Wetland Consulting Services, LLC to Lynne Krynicky, Conservation Analyst.
 - f. Report entitled, "Wetland Delineation for the Property Located at 286 Compo Road South Westport, CT" prepared by Aleksandra Moch, Soil & Wetland Scientist dated July 11, 2015.
 - g. Letter to Linda Durakis dated July 10, 2018 from Mark Cooper, Westport-Weston Health District.
 - h. Letter to Mr. William Green dated September 28, 2017 from William Kenny Associates.
 - i. Report entitled, "Storm Water Management Analysis for 286 Compo Road South Westport, CT revised to April 20, 2018 prepared for William Green & Linda Durakis prepared by B&B Engineering.
4. **Property Description:**
- **Location of 25 year flood boundary:** 9 ft. contour interval. The entire property is lower than elevation 9.0 ft. The WPLO boundary encompasses the entire site.
 - **Property lies within Flood Zone AE (EI. 11)** as shown on FIRM Map #09001C0551G, map revised to July 8, 2013
 - **Inland Wetlands and Watercourses:** There are no inland wetlands or watercourses on this property. This has been verified by Soil Scientists William Kenny and James McManus.
 - **Aquifer:** The property is not located within the Aquifer Protection Overlay Zone, but is located within an aquifer recharge area defined as fine-grained stratified drift.
 - **Coastal Area Management:** Property is located within the CAM zone.
 - **Proposed Vegetation:** Rain garden meadow and native shade trees on the northerly property line and raingarden meadow along the majority of the eastern property line. Proposed vegetable garden and ornamental plantings associated with the new driveway courtyard configuration and fill activity.
 - **No Previous Permits issued.**

The Flood and Erosion Control Board approved the application with conditions on May 2, 2018.

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 current site development includes an existing asphalt driveway and single family residence served by sanitary sewer and water.

The applicant proposes to fill an existing basin in the northerly portion of the lot from elevation 3.0' +/- to elevation 10.0'. In addition to the filling in of the 25 year floodplain being a regulated activity pursuant to the WPLO, the elimination of the basin is a concern as it has been long time observed that the basin fills with water as it collects and retains water after storm events and has been used by various waterfowl including both ducks and shorebird species. Catch basins in Compo Road South in the immediate vicinity of the basin have been seen to overflow during storm events. On a site visit on March 2, 2018, staff observed a sump pump in the middle of the "depression pond" with a discharge pipe going to the catch basin in Compo Road South. In addition, Black Grass, *Juncus gerardi*, an obligate tidal wetland species, is present when not otherwise mowed.

Tidal Wetland Determination:

The definition of “waterway” as defined in the WPLO states:

”*Waterway* means any river, stream, brook, watercourse or tributary, both fluvial and **tidal** including any contiguous backwater, pond or other body of water or any floodplain, swamp, marsh, bog or other wetlands.

Furthermore, the definition of a tidal wetland as found in Section 22a-29 of the Connecticut General Statutes states:

“Wetland” means those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas **now or formerly** connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the following: (a very long list of plants including black grass (*Juncus gerardi*))

The elevation of local extreme high water is 3.6’. The bottom of this basin is at elevation 3.0’.

“Regulated activity” as defined in the State Statute is any of the following: Draining, dredging, excavation, or removal of soil, mud, sand, gravel, aggregate of any kind or rubbish from any wetland or the dumping, **filling or depositing thereon of any soil**, stones, sand, gravel, mud, aggregate of any kind, rubbish or similar material, either directly or otherwise, and the erection of structures, driving of pilings, or placing of obstructions, whether or not changing the tidal ebb and flow.

Therefore, the Commission had the responsibility to determine if the area to be filled qualified as a tidal wetland pursuant to the definition of waterway as defined in the WPLO.

A report dated September 28, 2017 from William Kenny of William Kenny Associates states that there are no inland or tidal wetlands or watercourses identified on the property. The identified soils were neither poorly drained, very poorly drained, or from alluvial deposits. They are moderately well to well drained and formed from glacial outwash deposits or are forming in human-altered deposits.

Two soil map units were identified on the property: Agawam a well-drained glacial outwash with a high ground water table of greater than 6’. The second soil type was “Udorthents, smoothed” which is excavated or smoothed soil moderately well to well drained soil with a high groundwater table of 1.5’ to 6’. Udorthents were identified on the entire parcel with the exception of a small area at the rear of the existing house.

A report from soil and wetland scientist, Aleksandra Moch written in 2015 found inland wetland soils.

At the advice of the Town Attorney’s office, staff retained the services of a third soil scientist to aid the Commission in its review. Soil Scientist, James McManus was retained to assist in the review of the application and verify the wetland determination. Mr. McManus visited the site on more than one occasion and determined that no inland wetland soils were present but the obligate tidal wetland vegetation, *Juncus gerardi* was growing.

Following his site visit, Mr. McManus described the soils in the area of the basin as “silty, multi-thin layered and of poor drainage quality”. No inland wetland soils were found.

In a report dated June 18, 2018 from JMM Wetland Consulting Services, LLC, Mr. McManus states “the vegetation observed during our site visit had been allowed to grow after the cessation of mowing. This meadow community was found dominated by black grass or saltmarsh rush (*Juncus gerardii*) which is characteristic of irregularly flooded salt marsh (i.e., high marsh).

The presence of *Juncus gerardii* would indicate that there is either residual salinity within the soils or, most likely, salinity has been introduced via the surcharging by the pipe.

In conclusion, it is JMM's professional opinion that the small temporarily flooded depression at the study area is not an inland wetland. From a tidal wetlands regulatory perspective it may qualify under the Tidal Wetlands Act as a tidal wetland if there is a subsurface connection via a leak pipe, tidal influence via the groundwater regime or an interpretation of the statute provided by the CT DEEP.

At this time, no inspection has been done to the existing pipe in the drainage easement. Information from the Town Engineering Department and the applicant's engineer have provided a history of the drain pipe located within the drainage easement in the front yard of the property.

Though there is evidence that the pipe carries water toward Grey's Creek, there has been no proof that it provides a conduit for tidal influence but rather carries surface flow.

Furthermore, and most importantly, a visit of the site by staff of the CT DEEP on July 12, 2018 determined that no tidal wetlands are present. In an e-mail dated July 16, 2018 from Kevin Zawoy to Alicia Mozian, Mr. Zawoy states: "Based upon the information which has been provided, our site meeting, and information reviewed here at the Department, we do not find that the area in question meets the statutory definition of a tidal wetland. I do find that the area contains the proper tidal wetland plant species, does contain the proper soil characteristics, but lacks a tidal connection. The area in question appears to be functioning as a drainage basin with limited environmental resources."

It is noted that an e-mail from the Public Works Director to Alicia Mozian dated June 27, 2018 states:

"The Compo Road South project abandoned the existing storm laterals to the old pipe, in place, but did not abandon the main pipe. The main pipe is still functional through that property and actually carries water from properties on the East side of Bradley Street. Under no circumstances should that pipe be broken, blocked or removed as it would impact a great number of properties to the East with a verifiable right to drain through the pipe."

Drainage Design:

Stormwater drainage for the new driveway courtyard is proposed to be directed to a catch basin on the easterly side of the courtyard. A trench drain will also collect runoff from a newly easterly- pitched driveway. Together, this runoff will flow into a new underground galley detention system placed in the newly filled basin with overflow into a new raingarden running the width of the southern property line. In addition, a new yard drain will take runoff from the northwest corner of the site and discharge it into the same raingarden.

Stormwater runoff in the southern third of the site will be addressed by taking both roof runoff from the house and approximately one-third of the driveway and directing it to a new galley system on the south side of the house. Overflow will be directed through a pipe with discharge into the new raingarden meadow located along the eastern property line between the new retaining wall and property line.

The applicants' engineer has studied the surrounding watershed and has substantiated the fill and depression removal with the proposed infiltration units and proposed rain garden as adequate to handle storm water not generated just on the site but from sheet flow from the surrounding landscape immediately around the basin. The drainage design has been amended to accommodate the analysis.

The Flood and Erosion Control Board approved the application at its May 2, 2018 meeting.

Inert fill used for stormwater infiltration does little to nothing to remove nutrients in stormwater or from the volatile compounds associated with the runoff from an asphalt driveway. Therefore, the Commission finds that the courtyard must be pervious.

At the time of the soil investigation for drainage, it was determined that the soils are comprised of sand and gravel in the rear and fill soils (Udorthents) in the front. Therefore, the Commission finds the drainage system design that is proposed in the rear of the residence will be adequate to capture and treat the runoff from the existing residence.

Sediment and Erosion Controls:

It should be assumed the entire property except the house will be disturbed with fill and regrading activity, installation of the drainage systems, the courtyard, underground utilities, the retaining wall and raingarden installation. A silt fence will be installed at the perimeter of the parcel. A mudtracking pad is proposed at the entrance and a soil stockpile area is proposed in the rear. This should provide for adequate protection against sedimentation and erosion for this project but will most likely need to be monitored by town staff on a regular basis.

**TOWN OF WESTPORT
CONSERVATION COMMISSION
CONDITIONS OF APPROVAL
RESOLUTION #WPL-10627-18
286 Compo Road South
Assessor's Map: D 04, Lot 112
Date of Resolution: July 18, 2018**

Project Description: The application requests permission to fill an existing basin, construct a retaining wall, conduct driveway improvements and underground utility installation and construct a parking area courtyard. Proposed work also includes drainage galleys, including a raingarden for biofiltration for stormwater treatment as well as installation of vegetable and flower gardens all within the Waterway Protection Line Ordinance area of Gray's Creek.

Owner of Record: William Green and Linda Durakis **Applicant:** William Green

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 10627-18** with the following conditions:

Standard Conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution,

impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. Any dumpster used during demolition or construction must be covered at the end of each work day.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. "Zoning/ Location Survey Map of Property Prepared for David R. Jones & Jennifer Jones, 286 Compo Road South, Westport, Connecticut", Scale: 1" = 20', dated September 22, 2016, prepared by Walter H. Skidd- Land Surveyor LLC
 - b. "Driveway Site Plan of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 1 of 2, dated March 13, 2018 Scale: 1" =20', prepared by B & B Engineering
 - c. "Construction Notes and Details of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 2 of 2, dated March 13, 2018 Scale: 1" =20', prepared by B & B Engineering
 - d. "Front Garden Preliminary Landscape Plan Prepared for WR Green Construction, 286 Compo Road South, Westport, Connecticut", dated February 26, 2018, prepared by William Kenny Associates LLC
18. Conformance to the Flood and Erosion Control Board Resolution of Approval dated May 2, 2018.
19. Submission of a detailed landscape plan for the rain garden and the courtyard shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning permit
20. Care shall be taken to prevent heavy trucks or machinery from driving over or stockpiling material on top of the proposed rain gardens and/or infiltration system area.
21. A revised plan to show a permeable courtyard with an associated construction detail shall be submitted to the Conservation Department prior to the issuance of a Zoning permit.
22. The courtyard shall be pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of a Conservation Certificate of Compliance.
23. The retaining wall shall be constructed first so as to act as an erosion and sediment control for the proposed rain garden on the easterly property line
24. The contractor shall submit to the Conservation Department documentation of the source of the proposed fill for this project and certification that the fill is "clean and uncontaminated."
25. The design engineer shall submit to the Conservation Department proposed measures to protect the existing drainage pipe within the drainage easement area during filling, regrading and construction activity prior to the issuance of a Zoning permit.
26. The design engineer shall submit to the Conservation Department a written narrative detailing the construction method of fill installation of the basin prior to the issuance of a Zoning permit.
27. The design engineer shall prepare a document certifying the basin filling and drainage installation was completed to design specifications prior to the issuance of a Conservation Certificate of Compliance.

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

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

Motion: Corroon

Second: Davis

Ayes: Corroon, Davis, Rycenga, Bancroft

Nays: None

Abstentions: None Vote: 4:0:0

- 9. 28, 36, 38, 39, 41, 42, 43, 44, 45, 47, Parcel A05 Lot 4 and Parcel A05 Lot 5 Hiawatha Lane:** Application #IWW,WPL-10619-18 by Summit Saugatuck LLC on behalf of Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy for a proposed 187-unit multi-family rental development presented in five buildings with associated site improvements.

Ms. Rycenga noted there was an e-mail from Judy Starr asking the Commission not to hear the application as there was pending litigation. Pete Gelderman stated in an e-mail to Alicia Mozian that the Commission could hear the matter. Ms. Rycenga read an e-mail from Matt Mandell, RTM District 1 member, asking that the hearing not be closed.

Ms. Mozian oriented the Commission to location of the properties involved and the regulated area.

Tim Hollister, Atty., was present on behalf of the property owners. He gave an overview of the background of the application. The soils were tested in 2016 by Tom Pietras and reconfirmed by Bill Kenny in 2018. A peer review conducted at the behest of the Commission has been done by GHD. He explained the history of the sewer connection permission. The application has Flood and Erosion Control Board approval. GHD provided a report and they will respond before the September meeting.

Bill Kenny, soil scientist, wetland scientist and landscape architect, discussed the wetlands including the brook and along the southern portion of the properties near the railroad. He discussed the wetland soils. This is a Red Maple swamp and is heavily vegetated. It provides detention, groundwater recharge and removes sediments. The eastern portion of the wetland is different from the western portion. The eastern portion is less wet, the trees are larger and less susceptible to falling. The western portion is very wet, higher functioning, wet soils, and dominated by younger trees and shrubs. Indian Brook where it crosses Hiawatha Lane, the location of the sewer crossing, has the primary function of conveying water. The southern wetland, especially in the extreme southwest corner, is full of invasive species.

Mark Shogrin, PE reviewed details of the site. The overall property is approximately 8.8 acres. 8.1 acres is in the southern portion of the site and .75 acres is in the northern section. The property will be linked by sidewalks. There will be emergency vehicle access. There will be four, 3-story buildings and one, 4-story building. All will have underground parking. The properties currently have no stormwater treatment except the catchbasins. They are proposing:

- Three infiltration basins;
- Three cul-tecs;
- Six raingardens;
- 11,000 s.f. of green roof;
- Polymer inserts in the catchbasins; and
- 2 level spreaders.

The drainage system will meet or exceed the Town requirements. There will be a 44% to 79% reduction in peak volume. Mr. Shogrin discussed the sediment and erosion control plan and phasing

of the project. He stated the phasing of the project would be such that there would be less than 5 acres of disturbance at any given time. The sediment and erosion controls include:

- Double row of silt fencing;
- Sediment traps;
- Stock piles with silt fence at a minimum of 55 feet from the wetland;
- Wheel wash area; and
- Dewatering pits.

Mr. Shogrin noted there is going to be a delineated conservation easement area that will be between 4 feet and 10 feet from the wetland line. The conservation easement will be marked with 4" X 4" posts every 50 feet. The only work within the upland review areas are the sewer pump station and the sewer main crossing.

Mr. Kenny reviewed the proposed improvements. He stated there will be no direct adverse impact from the proposed work. There will be an indirect impact with the sewer main installation, the sewer pump station and the habitat enhancement program. The new development will be served by sewer rather than septic as the current single family homes are serviced. The stormwater management system is designed for quantity and quality. They are proposing NOFA standards be used as a part of the management practices. The conservation easement is 2.89 acres. He stated it was his professional opinion that the project will not cause an adverse impact to the wetland.

Ms. Mozian asked about the cut and fill required for this project.

Mr. Shogrin stated this will be a net cut. They will be exporting fill off the site. Less than 5 acres will be disturbed at any given time. No special stormwater permit will be required. They have provided a detailed sediment and erosion control plan. Phasing would include installation of silt fence as practical, then sediment traps. Buildings would be demolished, septic tanks abandoned and topsoil stripped except for the two sites to the north. They would excavate for the buildings. The excavated materials will be off-loaded to dump trucks. Building will then start west to east. The building on the two northern lots will then commence. Utility work will be done toward the end.

Mr. Corroon asked about a Phase I study as the properties are so close to I-95.

Atty. Hollister stated there has been no Phase I study and there is no trigger for a such a study as the property was used for single family residences. However, a Phase I is being prepared.

Ms. Rycenga asked for clarification of the location of the conservation easement.

Mr. Shogrin stated the conservation easement would be private and would be 4 feet to 10 feet off the wetland line.

Ms. Rycenga asked about the efficiency of level spreaders.

Mr. Shogrin stated the level spreader is a useful tool when appropriately sized, placed and maintained.

Ms. Rycenga asked for certification that the level spreaders are installed properly. She asked that the corners of the buildings, parking lots and the wetlands be staked prior to the next site walk for orientation purposes. She asked how many cubic yards will be removed from the site.

Mr. Shogrin stated 27,500 cubic yards will be removed from the site.

Ms. Rycenga stated she would like to see a construction phasing plan.

Mr. Shogrin stated the sediment and erosion phasing is meant to be the construction phasing.

Ms. Rycenga stated she would like something more detailed.

Mr. Davis asked why there is a stockpile area in the southwest corner so close to the wetland.

Mr. Shogrin stated it is 55 feet away from the wetland. It will likely be used to store the topsoil during construction. He reminded the Commission there will be a silt fence around the stock pile area.

Ms. Rycenga asked to see the survey referenced by Tom Pietras regarding the pond in his 2016 report.

Atty. Hollister referred to Mr. Pietra's report, which notes that the survey is the Town's GIS map.

Mr. Bancroft asked about the contingency plans if sewer pump station fails.

David Ginter, PE with Redniss & Meade, stated there will be multiple pumps to serve for redundancy with sensors and alarms. In case of a failure, it will alert maintenance and the Town. There will be a back-up generator.

Ms. Mozian noted at the site walk an abutting neighbor alerted them to the fact that drainage pipes under the railroad are not functioning, which is causing some in the neighborhood to have drainage problems.

Atty. Hollister stated this came up at the Flood and Erosion Control Board meeting and reported Amrik Matharu stated this may be a future Town drainage improvement project for Indian Brook based on consultant recommendation.

Mr. Davis noted the headwalls at the beginning of Hiawatha Lane Extension are in need of repairs.

Mr. Ginter stated the headwalls are not part of their proposed work. It would be part of any work the Town did with culvert replacement.

Stewart Manley of GHD, environmental scientist and LEP and consultant to the Commission, stated overall the plans they reviewed were robust but they did request additional information. He said they project stormwater flow will be reduced by 40% but maintenance is key to achieving this. This includes a maintenance plan for the green roof and the wetland restoration work. In reference to snow removal, he would use something other than sodium chloride.

Mr. Davis asked if there are any concerns during construction.

Mr. Manley stated the topsoil pile should be hydro seeded to stabilize as soon as possible.

Ms. Mozian asked if he as a LEP would require a Phase I study.

Mr. Manley stated this is a typical residential use and contamination sources are generally underground storage tanks. Its proximity to I-95 is incidental. The question is the volume of material going off-site and where is it going. Is it going to another wetland site?

Ms. Rycenga asked about the recommendation for 4 foot sumps rather than 2 foot.

Chris Gazelli of 37 Hiawatha Lane Extension submitted a letter and photos taken in April 2018. He noted the septic systems in the area are working fine. There is water coming into the area from all over including the Nordon property in Norwalk. There are 3 culverts from Norden to Hiawatha; one is buried, one does not take much water and another is collapsed. He stated that the idea of adding more water/impervious area including underground garages is a concern. There are 21 homes now and what is proposed is 5 buildings with underground garages and parking lots. It is too intense. It does not belong in this area. There are too many risks.

Carolanne Curry of 29 Hiawatha Lane Extension stated that Hiawatha Lane is a public street. When 195 was built, it was negotiated with the State to have a plot of land set up for some of those who were displaced by the incoming highway. Lots were oversized to accommodate septic systems. Lots were deed restricted to remain single family. These were former wetland properties. These properties became Hiawatha Lane Extension. Felix Charney bought the road. She stated this is inappropriate siting for this development.

Toni Boucher, State Senator, expressed concern with excess runoff and flooding. She questioned the failure rate as a result of the sewer line going uphill.

Mr. Gazelli expressed concern about the buildings being uphill of the existing residences.

Gail LaVielle, State Representative, stated this application is proposing 9 times the amount of housing compared to what is there now. She represents this section of Westport as well as the area next door in Norwalk. She questioned how this will impact that neighboring Norwalk neighborhood.

Ms. Mozian questioned why they are proposing 187 units.

Atty. Hollister stated after weighing the pros and cons, they felt this was buildable and sustainable.

Ms. Curry stated that over the years, the plans have changed. At one time, there were less units proposed.

Ms. Mozian stated she needed a withdrawal and resubmission of the WPL portion of the application.

Atty. Hollister agreed to continue the hearing to September 12, 2018 and speak with the Town Atty. about withdrawing the WPL application.

Motion to continue the hearing.

Motion:	Rycenga	Second:	Corroon
Ayes:	Rycenga, Corroon, Bancroft, Davis		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

Work Session II: (The work session is not a public hearing. The public is invited to attend but may not speak.)

1. Other business.
 - a. Ms. Rycenga read the following stated into the record:

On behalf of the Commission and myself, I would like to extend our appreciation for all the amazing work done by Lynne Krynicki, a recently retired Conservation Analyst. Her diligence, self-motivation and dedication to the environment, Town of Westport, Conservation staff and Commission has been such a blessing and truly a model to follow. You truly have made the Conservation Department and Commission the success it is today.

May you retire knowing that you have made a remarkable contribution. Our best wishes are with you and may your journey enlighten your life. Congratulations. Lynne.

Ms. Rycenga noted the Plastic Straw Ordinance which is being proposed.

**MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 12, 2018**

The September 12, 2018 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Pat Shea, Esq., Chair
Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft
Paul Lobdell, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 12, 2018 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda. The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian stated there were three items to add to the agenda including:

- **12 Marsh Court:** Request to release a bond for Permit #WPL-10159-15 being held for plantings and sediment and erosion controls.
- **1 Glendinning Place:** Request for a staff level permit for two storage sheds with a canopy roof outside the WPLO area but within the 75-foot upland review area.
- **61 Kings Highway South:** Request to modify Permit #IWW,WPL-10389-17 to relocate pool.

Ms. Mozian stated these items could be placed on Work Session I.

Motion to amend the agenda to include the above mentioned items.

Motion:	Shea	Second:	Davis
Ayes:	Shea, Davis, Bancroft, Lobdell		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

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

1. Receipt of Applications

Ms. Mozian stated there was one application to be received:

- **9 Fresenius Road:** Application #IWW,WPL/E-10662-18 by Alison Danzberger on behalf of James & Leslie Kickham for the partial demolition of the existing house and to construct a new home over the existing house. Portions of the work are within the upland review area.

Ms. Mozian stated 9 Fresenius Road will be heard at the September 25, 2018 Special Meeting.

Motion to receive 9 Fresenius Road.

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Lobdell		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

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

Mr. Kelly reported on the status of existing enforcement activity including:

- **7 Hillside Road:** Violation for wall construction without a permit. The owner has secured a permit.
- **10 Burr Farms Road:** Violation for cutting within the wetland. The owner is working with the department to resolve the issue.
- **3 Black Birch Road:** Fill violation. Restoration has been implemented and approved.
- **1 Yankee Hill:** Paved permeable driveway against deed restriction. The homeowner is working to resolve the violation.

3. Approval of July 18, 2018 meeting minutes.

The July 18, 2018 meeting minutes were approved with corrections.

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Lobdell		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

4. Other Business

- a. 12 Marsh Court:** Request to release a bond for Permit #WPL-10159-15 being held for plantings and sediment and erosion controls.

Mr. Kelly reviewed a request for bond release being held for plantings and sediment and erosion controls. He stated the plantings have been in for a full growing season and are thriving. He recommended bond release.

Motion to release the bond.

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Lobdell		
Nays:	None	Abstentions: None	Vote: 4:0:0

- b. 1 Glendinning Place:** Request for a staff level permit for two storage sheds with a canopy roof outside the WPLO area but within the 75-foot upland review area.

Ms. Mozian reviewed a request for a staff level permit for two storage sheds with a canopy roof. Work is located outside the WPLO area but is within the 75-foot upland review area. Work is located over what is currently driveway. The purpose is to provide additional storage. She reviewed the proposed plan with the Commission.

Motion to approve request to grant a staff level permit for two storage shed with a canopy roof.

Motion:	Shea	Second:	Lobdell
Ayes:	Shea, Lobdell, Bancroft, Davis		
Nays:	None	Abstentions: None	Vote: 4:0:0

- c. 61 Kings Highway South:** Request to modify Permit #IWW,WPL-10389-17 to relocate pool.

Mr. Kelly reviewed a request to modify Permit #IWW, WPL-10389-17 to relocate the pool. He reviewed the previous approval and the proposed pool location.

Motion to approve the request to modify Permit #IWW,WPL-10389-17 to relocate the pool.

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Lobdell		
Nays:	None	Abstentions: None	Vote: 4:0:0

Public Hearing: 7:10 p.m., Room 201/201A.

Ms. Rycenga arrived at 7:23 p.m.

- 1. 52 Harbor Road:** Application #WPL-10664-18 by Barr Associates LLC on behalf of Joshua Frank to raise the existing house for FEMA compliance, add a rear addition, reconstruct the existing roof for an attic and roof deck, remove the patio and spa and modify the driveway. Work is within the WPLO area of the Saugatuck River.

Mel Barr presented the application on behalf of the property owner. The proposal is to raise the house to FEMA compliance. Coverage will be reduced by removing several structures from the property. A garage is proposed beneath the house. There will be a gravel driveway with stone storage deep enough to provide storage for runoff below. The stone storage is designed to handle 1 inch of rainfall. They have added a stockpile area and silt fencing. He noted this is a difficult, tight site to work with.

Mr. Davis asked if the roof leaders will go to the stone storage area.

Mr. Bancroft asked how the 1 inch storage is calculated.

Mr. Barr stated the Engineering Department required the storage area be increased to accommodate the roof runoff.

Ms. Shea asked how high the house is being raised.

Mr. Barr stated the house is being elevated to 16.4 feet at first floor.

Mr. Kelly asked about the egress.

Mr. Barr stated the steps and walkways will be added to the plan and will be permeable.

Mr. Davis noted there are no plantings proposed.

Mr. Barr agreed and indicated this is because there is no room. However, all the ground will be covered with gravel.

Mr. Kelly noted there are limited site conditions with lots of moving parts.

Mr. Barr stated the dumpster will be in the front of the property in the area of the stockpile. The Flood and Erosion Control Board required one additional flood vent in the mudroom on the ground level so as to make that room non-habitable.

Ms. Mozian noted that the a/c units and generator are also part of the application. She asked if these were part of the ZBA variance.

Mr. Barr stated yes.

All members present attended the site walk.

Mr. Barr stated he had no objection to recommendations in the staff report.

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

Motion:	Shea	Second:	Rycenga
Ayes:	Shea, Rycenga, Bancroft, Davis, Lobdell		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

Findings
52 Harbor Road
#WPL 10664-18

- 1. Application Request:** Applicant is proposing to raise the existing house to meet FEMA compliance, add a rear addition, add a second floor balcony, and reconstruct the existing roof for an attic and roof deck. The driveway will be modified and the existing spa and patio will be removed. The property lies wholly within the boundaries of the Waterway Protection Line Ordinance.
- 2. Plans Reviewed:**
 - a.** "Plot Plan Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated January 17, 2017 and last revised to December 12, 2017, prepared by Leonard Surveyors LLC
 - b.** "Proposed Improvement Plan Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated January 17, 2017 and last revised to 9/7/18, prepared by Leonard Surveyors LLC

- c. "Drainage Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Scale 1" = 1'0", dated August 24, 2018, prepared by Connecticut Consulting Engineers LLC
 - d. Architectural Plans (Sheets A-1 through S-3; 13 pgs.) entitled: Additions & Renovations to The Frank Residence 52 Harbor Road, Westport, CT", Scale: 1/4" = 1-0', prepared by Jim Denno Design, Dated 6/18/18
3. **Property Description and Facts Relative to this application:**
- **WPLO** Waterway Protection Line is located 15 feet from the 9' contour interval. This property is located entirely within the WPLO boundary.
 - **Property is situated in Flood Zones AE (el. 13') and Limit of Moderate Wave Action (LiMWA)** as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.
 - **Proposed First Floor Elevation:** 16.4 ft.
 - **Proposed garage floor elevation:** 7.58 ft.
 - **Existing Site Coverage:** 75.32%
 - **Proposed Site Coverage:** 58.03%
 - **Previous Permit Issued:**
 - WPL 565-82: 6' Deck to replace stoop
 - WPL 9268-12: Repair deck damaged by storm and interior renovations
 - The property is served and sewer and propane tank.
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **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.
6. The Flood & Erosion Control Board (F&ECB) reviewed and approved this application on September 5, 2018 with conditions.
7. Section 30- 93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that **such activity will not cause water pollution**, erosion and/or environmentally related hazards to life and property and **will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway**, including but not limited to **impact on ground and surface water, aquifers**, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Conservation Commission finds that the house will be rebuilt to conform to FEMA standards with the first habitable floor (el. 16.4') constructed above the 100-year base flood elevation (el. 13'). The constructing of the garage is proposed at elevation 7.58' pitched to 7.24' with the surrounding existing grade shown at an average grade of 7.2'. The ground floor depicts a three car garage along with a mudroom, storage, elevator and storage. Flood openings (8) are proposed to meet FEMA requirements. The entire property lies within the WPLO boundary.

The Commission noted that the site is generally level and that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area.

Utilizing Low Impact Development (LID) to manage storm events would be suitable to manage nutrient removal from site runoff. The Commission finds that a porous asphalt driveway construction detail has been provided with this application. Additionally, a rain garden immediately south of the seawall will help filter and treat stormwater generated on this site.

The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. Areas surrounding southwestern edge of

the Saugatuck River are densely developed, the proposed coverage significantly exceeds the percentage in which water quality can be assumed to be impacted.

To compensate or mitigate for the impervious coverage, the Conservation Commission finds that a permeable driveway is utilized. Furthermore, they have determined the stormwater runoff associated with the addition of the residence has no direct flow to the storage within the driveway. The amount of coverage on the site is being reduced from 75.32% to 58.03%. The Commission also noted the limited areas onsite for any biofiltration or water quality treatment.

The Conservation Commission finds that sediment and erosion controls are required around the perimeter of the property. Construction access and material stockpile area appears limited. Any soils removed from the site will require direct loading to a vehicle within Promised Road to be carted off. Any soil stockpile will only be available in the western portion of the site which is approximately 7' wide and the eastern portion which is approximately 20' wide. The eastern portion of the property also shows an inground propane tank that will require proper installation of an anchoring system in accordance with FEMA standards.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Assesor's Map B02, Lot 107
Application #WPL 10664-18
#52 Harbor Road

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL-10664-18** by Barr Assoc. LLC. on behalf of Joshua Frank to raise the existing house to meet FEMA compliance, add a rear addition, add a second floor balcony, and to reconstruct the existing roof for an attic and roof deck. The driveway will be modified and the existing spa and patio will be removed, with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.

9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans titled:
 - a. "Plot Plan Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated January 17, 2017 and last revised to December 12, 2017, prepared by Leonard Surveyors LLC
 - b. "Proposed Improvement Plan Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Not to Scale, dated January 17, 2017 and last revised to August 8, 2018, prepared by Leonard Surveyors LLC
 - c. "Drainage Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Scale " = 1'0", dated August 24, 2018, prepared by Connecticut Consulting Engineers LLC
 - d. Architectural Plans (Sheets A-1 through S-3; 13 pgs.) entitled: Additions & Renovations to The Frank Residence 52 Harbor Road, Westport, CT", Scale: 1/4" = 1-0', prepared by Jim Denno Design, Dated 6/18/18
16. Conformance to the conditions of resolution of the Flood and Erosion Control Board approval of September 5, 2018.
17. Conservation Department shall be contacted 48 hours prior to construction.
18. Design engineer shall witness driveway/drainage installation and certify the installation prior to the issuance of a Conservation Certificate of Compliance
19. Submission of revised plans to show patios or walks leading from doorway access prior to issuance of Zoning Permit.
20. Proposed driveway must be installed as permeable and remain so in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
21. Proposed propane tank to be installed in conformance with floodplain regulations and state building code as required by applicable departments

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

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

Motion: Rycenga Second: Shea
Ayes: Rycenga, Shea, Davis, Bancroft, Lobdell
Nays: None Abstentions: None Vote: 5:0:0

2. **15 Old Mill Road:** Application #WPL-10649-18 by Barr Associates LLC and Peter Cadoux Architects on behalf of Deer Lake LLC for a proposed new main house in the front of the property and driveway modification. The existing cottage in the rear is to remain. Work is within the WPLO area of the Sherwood Mill Pond.

Mel Barr presented the application on behalf of the property owner. He stated the two houses on one lot are legal. The application is for a new house. The existing house has a large deck that will be removed, part of the deck encroaches into the Town right-of-way. There is a planting buffer proposed along the seawall. The planting buffer was increased in size due to CAM related conditions at the ZBA hearing. Three abutting neighbors submitted letters of support. The Flood and Erosion Control Board approved the application with the condition that additional flood vents be installed.

Ms. Rycenga noted the silt fence that was installed for the cottage raising should be maintained. At the site visit, it was down.

Mr. Barr noted the above-ground oil tank will be removed.

Mr. Kelly indicated that it was acceptable for the driveway to be of a permeable material not necessarily gravel.

Mr. Bancroft noted permeable driveway in front of the lot next door to the west.

Mr. Kelly noted the driveway proposed here will be of similar design. The work site is tight. The sediment and erosion controls should be strictly maintained throughout.

Ms. Shea asked how that will be enforced.

Mr. Kelly stated the Sediment & Erosion Control Inspector will be inspecting on a regular basis and the Compliance Officer will inspect periodically.

Mr. Barr indicated he was in agreement with the staff recommendations.

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

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Lobdell, Rycenga		
Nays:	None	Abstentions:	None
			Vote: 4:0:0

Findings
15 Old Mill Road
#WPL 10649-18

1. **Application Request:** Applicant is proposing to demolish the existing main dwelling and construct a new FEMA compliant main dwelling with a driveway modification. The existing cottage will remain and has been recently issued a separate permit for its elevation.

The property lies wholly within the boundary of the Waterway Protection Line Ordinance.

2. **Plans Reviewed:**
 - a. "Site Development & Utility Plan of 15 Old Mill Road, Westport, Connecticut prepared for Peter Cadoux Architects 35 Post Road West Westport, CT 06880", Scale: 1"=10', dated March 27, 2018 and last revised to August 24, 2018, prepared by B&B Engineering
 - b. "Plot Plan Prepared for Peter Tauck 15 Old Mill Road, Westport, Connecticut", Scale: 1" = 8', dated June 22, 2017 and last revised to January 23, 2018, prepared by Leonard Surveyors LLC
 - c. "Deer Lake LLC 15 Old Mill Road Westport, CT 06880", Scale: 1/8" = 1'-0", dated June 26, 2018, prepared by Peter Cadoux Architects, Sheets A01, A02, and Z-1.
3. **Property Description and Facts Relative to this application:**
 - a. **WPLO** Waterway Protection Line is located 15 feet from the 9' contour on this property. The whole of this parcel is within the WPLO jurisdiction.
 - b. **Property is situated in Flood Zones AE (el. 13') and VE (el. 14')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
 - c. **Proposed First Floor Elevation:** 16.3 ft. **Proposed garage floor elevation:** 7.3 ft.

- d. **Existing Site Coverage: 57.51% Proposed Site Coverage: 50.2%**
- e. **Permits/Applications filed:**
 - i. WPL/E-10641-18 for lifting of rear cottage
 - ii. CAM/E 4707-93 storm damage repair
- f. The property is served by sewer and natural gas.
- 4. **Aquifer:** Property underlain by the Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 5. **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. V-zones are subject to direct action by waves three feet or more in height. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
- 6. The Flood & Erosion Control Board (F&ECB) reviewed and approved this application on September 5, 2018 with conditions.
- 7. Section 30- 93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that **such activity will not cause water pollution**, erosion and/or environmentally related hazards to life and property and **will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway**, including but not limited to **impact on ground and surface water, aquifers**, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Conservation Commission finds that the entire property lies within the WPLO boundary. The application proposes to construct a new FEMA compliant residence. The Commission noted that the site is generally level and that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area.

Utilizing Low Impact Development (LID) to manage storm events would be suitable to manage nutrient removal from site runoff. The Commission finds that a porous asphalt driveway construction detail has been provided with this application. Additionally, a vegetative buffer immediately south of the seawall will help filter and treat stormwater generated on this site.

The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. Areas surrounding this southwestern edge of Sherwood Mill Pond are densely developed, the proposed coverage significantly exceeds the percentage in which water quality can be assumed to be impacted.

To compensate or mitigate for the impervious coverage, the Conservation Commission finds that a permeable driveway, permeable walkway surfaces, and a vegetative buffer area adjacent to the seawall are utilized. Furthermore, coverage on the site is being reduced from 57.51% to 50.2%.

The Conservation Commission finds that sediment and erosion controls are proposed around the perimeter of the property. Construction access and material stockpile area appears limited. A small soil stockpile is depicted for this project and as little excavation for the foundation is required and final grade change is limited, this area should be adequate. The site is served by sewer. The onsite above ground oil tank will be removed and the house will be served by natural gas.

The Commission finds that the work as proposed will not cause an adverse impact to the the waterways of Westport as defined in section 30-93 of the WPL Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval

Application # WPL 10649-18
Street Address: 15 Old Mill Road
Assessor's: Map E04 - Lot 059
Date of Resolution: September 12, 2018

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL-10649-18** by Barr Assoc. LLC. On behalf of Deer Lake LLC. for the demolition of the existing main dwelling and to construct a new FEMA compliant main dwelling with a driveway modification 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. All on-site dumpsters shall be covered at the end of each work day and or when not in use.
15. Conformance to the conditions of the Flood and Erosion Control Board of September 5, 2018.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans titled:
 - a. "Site Development & Utility Plan of 15 Old Mill Road, Westport, Connecticut prepared for Peter Cadoux Architects 35 Post Road West Westport, CT 06880", Scale: 1" = 10', dated March 27, 2018 and last revised to August 24, 2018, prepared by B&B Engineering
 - b. "Plot Plan Prepared for Peter Tauck 15 Old Mill Road, Westport, Connecticut", Scale: 1" = 8', dated June 22, 2017 and last revised to January 23, 2018, prepared by Leonard Surveyors LLC
 - c. "Deer Lake LLC 15 Old Mill Road Westport, CT 06880", Scale: 1/8" = 1'-0", dated June 26, 2018, prepared by Peter Cadoux Architects, Sheets A01, A02, and Z-1.

17. Conformance to the conditions of resolution of the Flood and Erosion Control Board approval of September 5, 2018.
18. Conservation Department shall be contacted 48 hours prior to construction.
19. Design engineer shall witness driveway/drainage installation and certify the installation prior to the issuance of a Conservation Certificate of Compliance
20. Proposed walkways and driveways must be installed as permeable and remain so in perpetuity with said restriction placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
21. The planting buffer, as designed must be installed prior to issuance of a Conservation Certificate of Compliance.

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

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

Motion: Shea **Second:** Bancroft
Ayes: Rycenga, Davis, Shea, Lobdell, Bancroft
Nays: 0 **Abstentions:** 0 **Vote:** 5:0:0

8. **14 Allen Raymond Lane:** Application #IWW,WPL-10660-18 by LandTech on behalf of Young Mens Christian Association of Westport/Weston Conn Inc. to demolish a house and shed, replace the amphitheater, replace a section of boardwalk and construct a waterfront overlook platform with canoe storage. Work is within the upland review area and the WPLO area of Poplar Plains Brook and the Saugatuck River.

John Fallon, Esq., presented the application on behalf of the property owner. The Y is looking to enhance the experience of its membership and campus. He stated they are okay with the staff recommendations in the staff report.

Dan Graniss, LA of SLAM presented photos of the amenities to be replaced including the boardwalk, amphitheater, and viewing platform. The boardwalk will be installed using augers. The amphitheater will have granite benches with concrete supports. The trails will be low maintenance made of pulverized stone dust.

Mr. Davis asked about the erosion on the slope.

Ms. Shea asked about how the trail material is selected.

Mr. Graniss stated it is tested regularly and is porous and ADA compliant.

Mr. Bancroft asked about the wood for the boardwalk.

Mr. Graniss stated they will be using pressure treated IPEY.

Ms. Mozian asked about the demolition of the house and cottage at 8 Allen Raymond Lane.

Rob Pryor, PE with LandTech confirmed that any fuel tank and septic system will be removed and soils tested per legal requirements.

Ms. Mozian asked about the access to perform the amphitheater work.

Mr. Pryor stated it will be from the bridge.

Ms. Mozian noted the leaching field location and indicated she does not want any construction activity or stockpiling there.

Mr. Fallon agreed.

Ms. Mozian asked about the canoe rack replacement and stairs.

Mr. Graniss stated they know this work has to be done in a sensitive way because of the steep slope next to the river. Erosion controls will be in place. The stairs will be going where the existing stairs are now so there is no tree removal proposed.

Mr. Bancroft noted the wash out of woodchips on the path near the amphitheater. The 2-foot wide trench in the amphitheater should remain clean and be maintained.

Mr. Graniss agreed.

Ms. Mozian asked about the Flood and Erosion Control Board approval.

Mr. Pryor stated they received approval and a condition was that they must certify that the boardwalk will not uplift as part of it is in the floodway.

Ms. Rycenga asked about the Red Barn property and status.

Mr. Fallon stated there are no plans for that property.

Mr. Pryor stated there will be building demolition at 8 Allen Raymond Lane but nothing will be done at the Red Barn property.

Ms. Mozian noted the proposal to demolish the house and cottage, and reestablish the grade and install a vegetative buffer along Poplar Plains Brook.

Mr. Graniss stated they would add topsoil and grass and reestablish the grade.

Ms. Mozian stated staff would prefer a meadow mix and limit the use of fertilizers and pesticides.

Mr. Graniss agreed to follow the established Maintenance Plan.

Ms. Mozian suggested adding haybales to the silt fence.

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

Motion:	Shea	Second:	Bancroft
Ayes:	Shea, Bancroft, Davis, Lobdell, Rycenga		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

Mr. Bancroft stated the maintenance of the trench should be added to the overall maintenance plan of the property.

Ms. Rycenga stated the septic field should be delineated so as to protect it from vehicular traffic.

Findings
Application #IWW, WPL 10660-18
14 Allen Raymond Lane

1. **Receipt Date:** **September 12, 2018**
2. **Application Classification:** **Plenary**
3. **Application Request:** To demolish the house and shed at 8 Allen Raymond Lane, replace the amphitheater stage and seating and construct a new amphitheater pavilion and storage shed, replace a section of boardwalk and construct a waterfront overlook platform with canoe storage rack and repair of existing steps leading down to the river. Work is within the upland review area and the WPLO area of Poplar Plains Brook and the Saugatuck River. Replacement of the existing dock is NOT proposed at this time.
4. **Plans and supplemental material reviewed for this application include the following:**
"Campus Improvements" Prepared for Westport Weston Family YMCA, 14 Allen Raymond Lane, Westport, CT
 1. "Existing Conditions North", Sheet C-001, prepared by SLAM scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 2. "Existing Conditions South", Sheet C-002, prepared by SLAM, scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 3. "General Site Information", Sheet L-001, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 4. "Overall Site Demolition and Preparation", Sheet L-100, prepared by The SLAM Collaborative, Scale 1" = 60', dated July 13, 2018 and revised to August 8, 2018.
 5. "Site Demolition Enlargements", Sheet L-101, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 6. "Overall Site Layout", Sheet L200, prepared by The SLAM Collaborative, Scale 1" = 80', dated July 13, 2018 and revised to August 8, 2018.
 7. "Site Plan Enlargements", Sheet L-201, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 8. "Overall Site Grading", Sheet L-300, prepared by The SLAM Collaborative, Scale 1"= 80', dated July 13, 2018 and revised to August 8, 2018.
 9. "Site Grading Enlargements", Sheet L-301, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 10. "Site Details", Sheet L-501, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
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 17. "Cross Sections", Sheet C-207, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 18. "North Parking Lot Cross Sections", Sheet C-208, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 19. "Improvement Location Survey depicting YMCA-Mahackeno Site Allen Raymond Lane (formerly Sunny Lane) Westport, CT Westport Weston Family Y dated 8/15/2014 by Redniss & Mead.
 20. "Stormwater Management Report prepared for Westport Weston Family YMCA Campus Improvements Phase 2" 14 Allen Raymond Lane Westport, Connecticut dated August 8, 2108 by Land Tech.

21. "Environmental Evaluation" Westport Weston YMCA Proposed Campus Improvements 14 Allen Raymond Lane Westport, CT prepared for Westport Weston Family YMCA dated August 7, 2018 by Land Tech.

22. "Wetland Delineation Mahackeno Outdoor Center Sunny Lane and Rice's Lane Westport, Connecticut prepared for Westport YMCA dated August 6, 2004 by Soil and Wetland Scientist, Christopher Allen of Land Tech.

5. Permits/Applications filed:

- a. Application #IWW/M 7484-04 to amend the Town wetland boundary map was approved by the Conservation Commission on December 15, 2004.
- b. Application #IWW,WPL 7726-05 was approved by the Conservation Commission on February 6, 2006 for a 10' wide by 30' long wooden bridge crossing Poplar Plains Brook.
- c. On September 12, 2014 the State of Connecticut, Department of Environmental Protection issued a permit for an alternative wastewater treatment system in the form of a Film Activated Sludge Treatment system (a/k/a FAST system) with a 34,000 gpd capacity. The DEEP permit establishes a 10 mg/l/day nitrogen limit. The Conservation Department has been monitoring the discharge parameters on a monthly basis. Since November of 2016 the permit discharge limit has not been exceeded.

Other proposed activity by the Y involving the addition to the main building and other amenities on the site have been reviewed by the CT DEEP again and have been found to be acceptable. This is in an e-mail dated 8/7/2018 to Mike Bartos, P.E. of Land Tech from Antoanela Daha of CT DEEP. DEEP is requiring that plans be submitted regarding sewer collection modifications for approval before construction. As decided by the Commission at its July 19, 2018 work session, the building addition is part of the originally approved plan reviewed under the 2005 application while other structures and amenities are well outside the regulated area and eligible for staff level permits.

6. Facts Relative to this application:

- a. The 2014 survey by Redniss & Mead indicates the property measures 30.566 acres in size.
- b. Property is within the Aquifer Protection Overlay Zone and is underlain by a coarse grained stratified drift aquifer.
- c. Property is outside Coastal Area Management zones.
- d. According to the FEMA Flood Insurance Rate Map for this area, a portion of the property is located within the 100 year floodplain of Poplar Plains Brook and the Saugatuck River. The 100-year flood elevation is determined by FEMA to be at 25.9' NGVD for the Saugatuck River and 41' for Poplar Plains Brook. The proposed viewing platform is above the 100 year base flood elevation but the boardwalk work and a portion of the back side of the amphitheater are located within the 100 year floodplain.
- e. Soil report prepared by soil scientist, Chris Allen dated August 6, 2004 indicates the wetland soils on the site are classified as Walpole fine sandy loam (Wd). The upland soils are classified as Agawam fine sandy loam (AfB) and Hinckley gravelly sandy loam (HkD). The wetland boundary location was verified by soil scientist Thomas Pietras of Soil Science and Environmental Services during the previous map amendment application.
- f. There are two wetlands systems on the property. A mixed hardwood riparian wetlands flanks the flood plain on both sides of Poplar Plain's Brook as it traverses the property. The second wetland system is a red maple dominated forested wetland along Lee's pond. The on-site wetland area is approximately 35,090± s.f. or .8 acres. No wetlands will be directly affected by the proposed work except for approximately 360 sq.ft of an existing stonedust pathway that will be stabilized.
- g. Flood & Erosion Control Board approved this application pursuant to the WPLO on September 5, 2018.

Regulated Activities:

- A. **IWW** – Section 7.0 of the "Inland Wetland and Watercourse Regulations for the Town of Westport" establishes distances for activities in an effort to categories them into degrees of impact to the on-site resources. There are no set upland review area distances established for amenities such as the benches, steps, canoe storage rack, boardwalk, flagpole and water station proposed in this application. Staff has usually included similar types of amenities within the 20 ft. distance assigned for

“limit of cut, fill, grading and other alterations.” The proposed amphitheater, pavillion and shed are considered “outbuildings” and are assigned a 30 ft. upland review area distance.

Based on this, the following proposed activities are proposed within 20 ft. of the wetland:

- The rebuilding of approximately 120 linear ft. of boardwalk including decks, ramps and railings.
- Stabilization of approximately 360 sq. ft. of an existing stonedust path.
- Removal of the house and cottage. The garage to be demolished is more than 75 ft. from the wetland.

The following activities are proposed within the 30 ft. upland review area:

- The amphitheater and storage shed. The amphitheater pavillion is 53 ft. from the wetland boundary.
 - The replacement of the waterfront canoe storage rack and benches.
- B. WPLO** - The Waterway Protection Line Ordinance dictates that the WPLO boundary be located 15' from the 25 year floodplain, 15' from the wetland boundary, or 15' from the top of bank, whichever is more conservative. For this project a combination of these factors determines the location of the WPLO. A portion of the amphitheater and the replacement of the boardwalk are within the WPLO boundary. A portion of the house and cottage to be removed is also within the WPLO.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

6.1 GENERAL STANDARDS

- 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

Discussion: The regulated activities being proposed include the removal of the house and cottage at 8 Allen Raymond Lane on the north side of Poplar Plains Brook, the replacement of a 120 ft. +/- section of boardwalk north of Poplar Plains Brook, the replacement of the existing amphitheater and seating, and the construction of a pile-supported platform providing views of Lee's Pond and canoe storage.

The house and cottage are in very close proximity to Poplar Plains Brook. With the use of sediment and erosion controls, the Commission finds that the demolition work will not cause impact to the brook. Furthermore, the Commission finds that the removal of these structures so close to the brook will produce a positive, long-term improvement to the brook and surrounding wetland.

The work on the boardwalk and amphitheater are taking place within their same location. The viewing platform will be placed at the top of an existing staircase that will also be repaired and the canoe storage and benches along the River, replace that which is already there.

6.2 WATER QUALITY

- 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

Discussion: In general, the Commission finds that the work proposed will not produce any deleterious effects on water quality. With regard to the demolition of the house and cottage, removing these structures from such close proximity to the brook should in fact, help to improve water quality. The vegetative buffer that will replace the buildings will help purify any surface runoff before it enters the brook. In addition, removal of any underground storage tanks as well as any existing septic systems will have a long term positive impact on water quality. However, the Commission finds that proof of such proper abandonment should be filed with the Conservation Department.

The new amphitheater, including the partially covered roof of the stage measures approximately 8,766 sq.ft. in area. The base will be comprised of stone dust. Stormwater runoff will be collected by a 2 ft. wide x 27 in. deep stone trench located behind the amphitheater and spanning the width of it approximately 35 ft. from the wetland boundary of the brook. A temporary sediment basin is proposed in case groundwater is intercepted but this is unlikely since the soils on the site are highly permeable.

6.3 EROSION AND SEDIMENT

- 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.

Discussion: The demolition work to remove the house and cottage will be done from the north side of the property. The foundation cavity will be filled and the area regraded to match surrounding grades. The area will then be reseeded with a native meadow species. Because of the close proximity of the house and cottage to the brook, the Commission finds that silt fence backed with haybales must be installed prior to commencement of the demolition work. The replacement of the boardwalk in its same location will not involve the replacement of the footings but rather just the decking, ramp and railings. No ground disturbance that would cause erosion is anticipated.

The amphitheater, including the stage will be rebuilt in their same location which is approximately 25 ft. south of Poplar Plains Brook with only a slight encroachment of 5 ft. in the WPLO. Silt fence is proposed to be placed along the back side of the work. All existing vegetation between the back of the stage and the brook is to remain undisturbed.

Silt fencing is also proposed along the edge of the Saugatuck River in the vicinity of the staircase replacement and viewing platform. The canoe rack replacement and benches are along the banks of the River but will not cause erosion.

A site development proposal should be compatible with natural drainage patterns to the fullest extent possible. All proposed features do honor the natural drainage patterns on the site. This is most apparent in the design of the amphitheater and the steps to the viewing platform along the River as they are designed in their existing location and within the existing hillside.

As mention above under, "Water Quality," the new amphitheater, including the partially covered roof of the stage measures approximately 8,766 sq.ft. in area. The base will be comprised of stone dust. Stormwater runoff will be collected by a 2 ft. wide by 27 in. deep stone trench located behind the amphitheater and spanning the width of it approximately 35 ft from the wetland boundary of the brook. A temporary sediment basin is proposed in case groundwater is intercepted but this is unlikely since the soils on the site are highly permeable.

The Commission finds that short and long term measures for controlling erosion and sediment have been employed in the design and therefore, no adverse impacts to the on-site wetlands and watercourses are anticipated.

6.4 NATURAL HABITAT STANDARDS

- 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.

Discussion: Riparian vegetation is the main source of organic detritus and is thus the basis of the food chain. This zone also helps shade the water and provide cover for both fish and terrestrial animals. In many instances, the corridor formed by a stream and its riparian zone provides a continuous habitat that serves the needs of many species. In addition to drinking water, stream belts can offer protected sites for nests or dens, food sources, and a corridor for safe travel. Such corridors also provide important links between larger habitat areas.

The proposed project is within a currently wooded streamside channel. Existing habitat is provided for various mammals, reptiles, amphibians, fish and birds as water is available, and vegetation is dominant on this property which provides food and shelter for wildlife.

The applicant has indicated planting within the 20' non-disturbance buffer as a mitigation measure for disturbance associated with this project as it relates to the removal of the house and cottage. All other existing streamside vegetation is to remain. Therefore, the Commission finds no significant impact to the natural habitat will result from the proposed activity.

6.5 DISCHARGE AND RUNOFF

- 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

Discussion: None of the activities proposed require drainage except for the amphitheater which, as discussed above, the runoff will be captured by the stone-lined trench. A section of the boardwalk is located within the floodway but will not deviate from its current location and therefore, will not increase flood heights.

The 8,766 sq.ft. increase in impermeable area is attributed to the amphitheater seating which has a stonedust base and the covered stage. The stonedust base was chosen because it allows for better handicapped access. In addition, it is underlain with a permeable subbase and should result in no to minimal erosion. In addition, the removal of the house and cottage at 8 Allen Raymond Lane removes approximately 2,500 sq. ft. The net 6,200 sq.ft is nominal when compared with the 32 acres +/- of lot area. The Flood and Erosion Control Board approved the application at its September 5, 2018 meeting. The Commission finds no adverse impact to wetlands and watercourses due to drainage and runoff associated with this proposal.

6.6 RECREATIONAL AND PUBLIC USES

- 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.

Discussion: The Commission finds that the proposed development will have a positive impact and enhance the recreational and public uses on the site.

CRITERIA TO BE CONSIDERED BY THE COMMISSION

In carrying out the purposes and policies of the IWW regulations for the Town of Westport Section 5.0 and Sections 22a-36 to 22a-45(a,) inclusive, of the Connecticut General Statutes, including matters relating to regulating, permitting and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- (a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- (b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- (c) The relationship between the **short-term** and **long-term impacts** of the proposed regulated activity on wetland or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- (d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity **would foreclose a future ability to protect**, enhance or restore such resource and any mitigation measures which may be considered as a condition of issuing a permit for such activity
- (e) The character and degree of injury to, or interference with, safety, health or reasonable use of property which is caused or threatened by the proposed regulated activity
- (f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and **future activities** associated with, or reasonably related to, the proposed regulated activity **which are made inevitable** by the proposed regulated activity and which may have an impact on wetlands or watercourses. ; and
- (g) The degree to which the proposed activity is consistent with all applicable goals and policies set forth in Section 1.3 and 1.4 of these Regulations and Section 22a-36 of the Connecticut General Statutes, as amended.

The Commission finds that the activities as proposed will cause little to no impact to the wetlands and watercourses on the property. Because the work includes removal of structures within the regulated area, repair or replacement of existing structures in the same location and or cause little to no impact, no alternatives are necessary. In addition, water quality will be improved with the demolition of the structures at 8 Allen Raymond Lane by the abandonment of the fuel source and on-site septic system and the creation of a vegetative buffer next to Poplar Plains Brook. Erosion controls will protect the brook and the river from temporary disturbance.

Waterway Protection Line Ordinance

Section 30-93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Waterway Protection Line Boundary occurs 15' from the wetland boundary or 15' from the 25 year floodplain whichever is more conservative. On this property both factors are present therefore the boundary is a combination of these areas. Standards of Review 6.1 through 6.5 address the issues stated above.

The Flood & Erosion Control Board approved the application at its September 5, 2018 public hearing.

The Commission finds that the project as proposed will not have an adverse impact of the waterways of the Town as it relates to Section 30-93 of the Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL 10660-18
Street Address: 14 Allen Raymond Lane
Date of Resolution: September 12, 2018

Project Description: To demolish the house and shed at 8 Allen Raymond Lane, replace the amphitheater stage and seating and construct a new amphitheater pavilion, stage and storage shed, replace a section of boardwalk and construct a waterfront overlook platform with canoe storage rack and repair of existing steps leading down to the river. Work is within the upland review area and the WPLO area of Poplar Plains Brook and the Saugatuck River. Replacement of the existing dock is NOT proposed at this time.

Owner of Record: Young Mens Christian Association of Westport/Weston Conn. Inc.
Applicant: LandTech

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30- 93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW, WPL 10660-18** 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. Conformance to the Flood and Erosion Control Board Conditions of Approval of September 5, 2018.
7. 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.
8. 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.
9. 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.
10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
11. All plants proposed in regulated areas must be non-invasive and native to North America.

12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
14. 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.
15. 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.
16. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
"Campus Improvements" Prepared for Westport Weston Family YMCA, 14 Allen Raymond Lane, Westport, CT:
 - a. "Existing Conditions North", Sheet C-001, prepared by SLAM scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - b. "Existing Conditions South", Sheet C-002, prepared by SLAM, scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
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 - r. "North Parking Lot Cross Sections", Sheet C-208, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
18. Haybales shall be added to silt fencing along Poplar Plains Brook.
19. Proof of proper abandonment of the fuel tank and septic systems currently serving 8 Allen Raymond Lane shall be provided prior to issuance of a Certificate of Compliance.

20. The newly established vegetative buffer adjacent to Poplar Plains Brook shall be installed and thriving prior to issuance of a Certificate of Compliance. Said area shall not be treated with pesticides and only organic fertilizer.
21. No heavy vehicular traffic shall pass over the septic leaching fields. The septic fields shall not be used as a staging area for any of the proposed activity during construction. The septic field shall be delineated so no vehicular traffic can pass over it during all phases of construction.
22. No heavy machinery shall be used to install the canoe racks, stairway replacement or viewing platform.
23. Maintenance of the infiltration trench must be added to the construction phasing and the overall stormwater maintenance plan and submitted for review and approval.

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: Rycenga
Ayes: Shea, Rycenga, Davis, Bancroft, Lobdell
Nays: None Abstentions: None Votes: 5:0:0

Ms. Shea left the meeting at 8:25 p.m. as she was not participating in the Hiawatha Lane application. The Commission took a break and resumed at 8:35 p.m.

9. **28, 36, 38, 39, 41, 42, 43, 44, 45, 47, Parcel A05 Lot 4 and Parcel A05 Lot 5 Hiawatha Lane: Continued Application:** Application #IWW-10619-18 and WPL-10659-18 by Summit Saugatuck LLC on behalf of Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy for a proposed 187-unit multi-family rental development presented in five buildings with associated site improvements.

Ms. Mozian entered items into the record received since the July 18, 2018 Public Hearing including:

- The WPLO application was withdrawn and resubmitted and given a new number. The IWW application was remains the same and was given a time extension.
- New notices were sent to the public.
- Revised plans were submitted on August 24, 2018.
- Response to documents from the applicant to July 11, 2018 GHD memo;
- Staff report dated August 14, 2018. Ms. Mozian stated she intends to update for the September 25, 2018 Special Meeting;
- GHD memo dated September 6, 2018 responding to Summit Saugatuck's response to their July comments.
- Memo from Summit Saugatuck dated September 7, 2018 responding to the 10 questions that came up at the July 18, 2018 meeting. Corners were staked in the field and a map showing the location of the staked corners was e-mailed.
- Memo dated September 7, 2018 from Amrik Mathru of the Engineering Department, which stated there were some components of the plan not in compliance with the Town standards. This is the main reason to continue the hearing to the Special Hearing.
- Photos submitted by Mr. Gazelli taken on September 6, 2018 during the heavy rains.
- July 18, 2018 meeting minutes.

Ms. Rycenga stated she submitted 10 photos taken during the site walk to staff.

Matt Renelli, Atty. of Shipman and Goodwin, presented on behalf of the Summit Saugatuck. He noted that in light of the Town Engineer's comments, he submitted a letter agreeing to a time extension to September 25, 2018 to allow time to respond. The disturbance to the wetlands and watercourse is diminimus to the sewer crossing under Indian Brook. All work is outside the upland review area. There is a conservation easement proposed. For the evening, they would like to take the opportunity to go over responses from the Town staff and GHD's comments, the September 6, 2018 Summit Saugatuck memo and the September 7, 2018 GHD memo.

Mark Shogrin, PE, stated they revised the sump pump depths from 2 feet to 4 feet after the last meeting. They will be meeting with the Town Engineer to respond to his comments. They have beefed up the construction phasing plan. The snow stockpile areas have been designated.

Ms. Rycenga asked if signage could be added onsite to indicate where snow should be stockpiled.

Mr. Shogrin stated yes.

Ms. Rycenga asked if the City of Norwalk had submitted any comments regarding this application after they received notification.

Mr. Shogrin stated they had not. They have amended the pipe sizes. They added the green roof detail and maintenance of it on its own report. They took the GIS data from Norwalk and Westport to look at flooding in those culverts. It looks like the peak discharge will rise but because of the propped infiltration, the discharge rates will remain the same. He reviewed the answers to the 10 questions posed by Ms. Mozian on the September 7, 2018 memo. The generator will be gas or diesel. They are hoping for gas line extension but if diesel, it will be in a secondary containment area contained within the generator. There will be about 200 truckloads of material being removed. The road will be replaced after they are done toward the end of the project.

Mr. Bancroft expressed concern that the amount of traffic will further degrade the headwall over Indian Brook.

Mr. Shogrin stated there is no load restriction for any crossing on the road. He continued they plan to keep Hiawatha Lane as is until the end of the project. They will start at the far end at the Norwalk line and work their way out. They will have to get a General Permit from the CT DEEP for Sediment and Stormwater Management. The stockpile area closest to the wetland in the southwest corner of the site will be for natural material, no construction debris will be stored there.

Ms. Rycenga stated she would like to see the stockpile area covered and seeded if it will remain there more than 30 days as the guidelines for CT DEEP soil and erosion control suggest.

Mr. Shogrin agreed. He stated snow stockpiles will be treated through the treatment system. Over 12 inch storms will be trucked out.

Mr. Bancroft asked about deicing.

Mr. Shogrin stated they would avoid a salt based treatment. Maintenance of the green roof was added to the Operations and Maintenance Plan including seasonally. The property owner is responsible for long-term maintenance.

Ms. Rycenga wants the Town to have the ability to ensure that maintenance is being done as scheduled and suggested a log to be available for review onsite. She also suggested a site monitor for the project if approved.

Mr. Lobdell asked how long the project will take to construct.

Mr. Shogrin stated the four buildings to the south will be constructed together since the parking garage goes under all the buildings. This will take about 2 years. The other building could add about another year. A Phase I has not been done. These are all residential units. They are committed to removing any underground fuel storage tanks, if present. He addressed additional questions. Generator will only be for the pump station. He reviewed the architectural drawings. All utilities will be underground and will be installed before the road is rebuilt. There will be a perimeter water main and 4 fire hydrants. A large water main will go under the brook and follow the same path as the sewer. The water and sewer line will go under Indian Brook, then go to Davenport Avenue, and then to Saugatuck Avenue. He stated they will be reviewing Mr. Matharu's report of Friday, September 7, 2018.

Ms. Rycenga asked what are the pre and post stormwater conditions. She was referring to photos submitted by Mr. Gazelli after the 1.8 inch rainfall of September 6, 2018.

Mr. Shogrin stated they have to assume meadow conditions when calculating stormwater. They ran the numbers again and confirmed the new drainage will reduce the runoff.

Ms. Rycenga asked if it is in his professional opinion that this project was designed to meet the Town of Westport standards.

Mr. Shogrin stated yes, but it needs tweaking according to the Town Engineer.

Mr. Davis asked if there is culvert enhancement planned.

Mr. Davis asked how many truckloads of material would need to be carried over the culvert.

Mr. Shogrin stated there is not as this is a Town project.

Ms. Rycenga asked how many parking spaces there are proposed.

Mr. Shogrin stated there are 325.

Ms. Mozian asked how many are underground and how many are above-ground.

Mr. Shogrin stated he would get back to us with the answer.

Ms. Rycenga asked if oil/grit separators are proposed and if so, will it be included in the maintenance plan.

Mr. Shogrin stated they would be looking at that. It will be included in the maintenance plan.

Mr. Bancroft asked about the Ecological Enhancement Zone. He noted that they will be using herbicides especially within such close proximity to the wetland.

Tim Vite, Ecologist, William Kenny Associates, stated the plan is modeled after the 1141 Post Road East plan. Formal plan will be ready by the next hearing.

Mr. Bancroft stated should be looking for something to use that is biodegradable and very targeted.

Mr. Vite stated they should have a plan by September 25, 2018.

Ms. Rycenga noted the stand of bamboo witnessed not part of this project.

Mr. Ranelli stated they will have conservation easement documents, Invasive Management Plan, response to Town Engineer memo, snow shelf signage. GHD comments have all been addressed. Some items may be addressed by meeting with Town Engineer.

Stuart Manley, GHD, third party consultant and expert witness for the Commission, highlighted September 6, 2018 letter. In summary, all comments were acceptable. There are a lot engineering controls planned. It is mandatory, they be maintained over the long haul. He questioned how you set up a mechanism to ensure they are maintained. That still has to be worked out. He asked who is responsible for maintenance of the conservation easement. Also, where will the excavated material go. He stated it should be certain it doesn't go into a wetland.

Ms. Rycenga asked if it is in his professional opinion that this project was designed to meet the Town of Westport standards.

Mr. Manley stated yes but they need to address high groundwater.

Ms. Rycenga asked how will sediment deposition on the paved surfaces be prevented with so much material being removed off site.

Mr. Manley stated that you should expect silt. He would encourage weekly site monitoring, tracking pads refreshed and regular street sweeping.

Ms. Rycenga stated a wash rack is also needed.

Mr. Davis asked how we ensure the weight going over Indian Brook will not crush the culvert.

Mr. Manley stated that a civil or structural engineer will be needed to answer that.

Ms. Rycenga stated this should be discussed with the Town Engineer.

Mr. Shogrin stated they do call for a wheel wash at three locations. They are located on plan SP4.1.

Chris Gazelli, 37 Hiawatha Lane Extension, submitted aerial photos showing water coming in from Norwalk. The green highlights the wetlands in Norwalk. Water flows from north to south, hits the wall on Metro-North, then flows to Hiawatha Lane. Norwalk has large culverts that deal with this but one is clogged and overflows. There is significantly decreasing permeable surfaces. Norden Place and Cypress Data Center in Norwalk are already built. They are contributing to the runoff to Hiawatha Lane. Civil Law and Natural Flow Laws apply here.

Ms. Mozian asked if this information was given to the Flood & Erosion Control Board.

Mr. Gazelli stated it was but their focus was narrow and confined to the WPLO impacts.

Ms. Mozian stated the Town Engineer will look at the bigger picture. She also want to know if the applicant considered the wholewatershed in the drainage analysis.

Mr. Gazelli added the question of whether the clogged culverts, which renders them ineffective, was considered.

Carolanne Curry of 29 Hiawatha Lane Extension stated this land is not capable of handling this density. She has lived in the area for 30 years. They have learned to live with the conditions. She questioned whether the soil can even support the columns or pilings.

Gloria Gouveia spoke on behalf of the neighbors "Saving Old Saugatuck". She said this area is not zoned for this level of development and was never analyzed to determine if it is suitable for this use. The soils, floodplains, wetlands and CAM would have all been considered along with existing drainage patterns, flora and fauna. She submitted a DEEP fact sheet and Southwest Shoreline Watershed Survey. She noted the CT Endangered and Species of Special Concern and asked if DEEP has weighed in. She asked if the soils can support this proposal. Has soil compaction testing

been done here? She noted this was a no man's land area during construction of I-95. A lot of spoils were dumped on the Norden site. No one knows exactly where or what Udorthernt soils are present, which is indicative of fill. The effect of drainage patterns has not been analyzed. Water flows from Norwalk to Westport.

Ms. Rycenga asked if they will be retaining any experts to provide any expert testimony to the Commission.

Ms. Gouveia stated they will not. Rather, they are asking that the Commission have the applicant respond.

Matt Mandell, 18 Ferry Lane East and RTM representative, asked why a Phase I study has not been done. If the applicant is claiming septic failure, then why hasn't it been studied. Also, there have been a lot of abandoned cars there. People working on their cars. Oil spilling into the ground.

Gail Lavielle, State Representative for the district, noted the Walk Bridge is being done in Norwalk. The work on the Strawberry Hill Bridge is being moved up by 2 years to address anticipated traffic with so much going on in the area.

Andrew Colabella, RTM District 4 member, stated it is not just the sewage. He is concerned but also with the lead in the houses. There is 27,000 c.y. of fill being removed that could be contaminated. There is a concern with the highway runoff. Trailors will be used to hall off material. It will be impacting the flow of water over Indian Brook.

Ms. Curry stated the developer says the septics are not working. Many have upgraded due to increases in footprint but none have been repaired or replaced. All systems have been well maintained.

Mr. Ranelli stated they would like the photos and documents submitted. They would like to prepare a response to the testimony heard.

Motion to continue the hearing to September 25, 2018.

Motion:	Rycenga	Second:	Lobdell
Ayes:	Rycenga, Lobdell, Bancroft, Davis		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

Work Session II:

1. Other business. - None

The September 12, 2018 Public Hearing of the Westport Conservation Commission adjourned at 10:23 p.m.

Motion:	Rycenga	Second:	Lobdell
Ayes:	Rycenga, Lobdell, Bancroft, Davis		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

**MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 25, 2018**

The September 25, 2018 Special Meeting of the Westport Conservation Commission was called to order at 7:15 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Vice-Chair, Acting Chair
Paul Davis, Secretary
Donald Bancroft
Robert Corroon
Mark Perlman
Paul Lobdell, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Susan Voris, Recording Secretary

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 business days of the September 25, 2018 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

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

The Work Session began at 7:15 p.m. due to inclement weather conditions and until a quorum was met.

1. Approval of September 7, 2018 field trip minutes.

The September 7, 2018 field trip minutes were approved as submitted.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Perlman, Lobdell		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

2. 243 Sturges Highway: Request by Achilles Architects on behalf of Victoria Gouletas for issuance of a staff-level permit for a new deck and building additions within the 30 ft. and 50 ft. upland review areas and WPLO area of Deadman's Brook.

Ms. Mozian reviewed a request for issuance of a staff-level permit for a new deck, screened porch and building additions. She reviewed the site plan with the Commission. She stated Engineering has given support for a WPLO exemption. Health Department has given approval for the work and they have a B100A shown. The swing set is shown in the wetland and in the zoning setback. The deck will be supported by sonotubes. The purpose of the work is to make the house more ADA compliant.

Ms. Rycenga noted Engineering wants gravel under the deck as a condition.

Mr. Perlman asked if the lift is electronically run and if there is a backup power source.

Ms. Mozian stated generators are supposed to be 50 feet from the wetland or placed next to the house to meet the intent of the regulation. A generator is not proposed at this time.

Motion to allow staff to issue a staff-level permit for work. The playset can stay where it is because there is a natural bottom and no adverse impact to the wetland has resulted.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Corroon, Lobdell		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

3. 61 Kings Hwy South: Request by MLR Properties on behalf of George and Shannon Vindiola to modify the location of the pool approved pursuant to #IWW,WPL-10389-17.

This agenda item was discussed and resolved at the September 12, 2018 Work Session.

4. 1 Glendinning Place: Request by Bridgewater Associates for issuance of a staff-level permit for two storage sheds measuring approximately 250 s.f. with an overhead roof canopy within an existing paved area. The work is outside the WPLO area but within the 75 ft. upland review area.

This agenda item was discussed and resolved at the September 12, 2018 Work Session.

Mr. Corroon arrived at 7:25 p.m.

5. 2 Pierway Landing: Request by Colin Ambrose to modify condition 16 and eliminate conditions 19 and 23 of Resolution #WPL-9657-13 for an in-ground pool, patio and deck expansion.

Ms. Mozian noted members were at this property during the field trip. When the addition was approved, a bioswale was required. When the pool was approved, access was via the swale area. The Commission did not want the swale impacted. Since that time, the property owners indicate they have not been able to get anything to grow in the swale area. Instead, they have modified the

landscape to pitch the land toward the wall and have grassed the area. They believe this meets the intent of the Resolution because it still conveys the water from the front of the property to the rear.

Ms. Mozian stated Town Engineer, Keith Wilberg and she visited the site during the afternoon around 3:00 p.m. Around that time, the department was notified that there had been 3.29 inches of rainfall. The yard drain and the plunge pool were both filled with water. Mr. Wilberg submitted a memo indicating this solution appears to be working and directing runoff toward the tidal wetland to the rear. There was evidence that water was moving toward the wall and moving toward the rear of the property.

Ms. Rycenga stated that field modifications should have been discussed first with staff before they were made but acknowledged the Town Engineer indicates this appears to be working.

Mr. Davis expressed concern with the reason for not following the original conditions and with changing the grade. He worried that the pitched grade could be filled in and cause flooding in the future.

Mr. Bancroft indicated it is in the owner's best interest to keep the grade as it is.

Mr. Davis stated he is pleased that the function is there.

The Commission discussed the plunge pool in the front yard and the fact that this feature should be augmented and enhanced to make it a focal feature in order to discourage filling it in by future owners.

Motion to eliminate Condition 19 and 23 and require plantings be added to the plunge pool and along the wall for augmentation and better enhancement of water quality and retention.

Motion:	Davis	Second:	Bancroft
Ayes:	Davis, Bancroft, Corroon, Perlman, Lobdell		
Nayes:	Rycenga	Abstentions:	None
		Vote:	5:1:0

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

All members of the Commission visited the sites prior to the meeting.

1. **25 Oak Ridge Park:** Application #WPL-10650-18 by Barr Associates on behalf of Debra Kowalsky to maintain the existing dock, pool, pool patio and storage garage; remove the existing shed and deck and construct a new single family residence with driveway, pool equipment pad and associated site appurtenances. Work is within the WPL area of the Saugatuck River.

Mel Barr presented the application on behalf of the property owners. The proposal is to tear down the existing residence and rebuild a FEMA compliant home. They will retain the existing garage, pool and pool patio. Drainage is being added. Coverage is being reduced by 1,500 s.f. primarily by the elimination of the driveway. The driveway and walkways will be pervious. A wetland buffer planting plan has been submitted. He has no objections to the staff recommendations in the staff report. The restriction to the driveway being gravel should be changed to permeable. He stated bulkhead wall along the river is in need of repair and they have secured DEEP approval and will be submitting an application next month for WPLO approval. He suggested that the buffer plantings be required to be installed prior to the Conservation Certificate of Compliance for the house or the wall repair, whichever is later.

Ms. Rycenga asked if there are going to be any proposed pool improvements.

Mr. Barr stated it is unknown at this time but it would be routine maintenance.

Ms. Rycenga noted that at the site walk, the silt fence was in need of maintenance and this maintenance is needed routinely. She asked how the deck would be removed.

Mr. Barr stated the deck removal will be by hand and acknowledged that they will be working in a tight and sensitive area.

Ms. Mozian asked about the regrading of the slope under the deck.

Mr. Barr stated they do not know what will be needed to stabilize the slope until the deck is removed.

Ms. Mozian stated the area should be restored to the original grade.

Ms. Rycenga suggested the Conservation Department should be contacted so that the contractor can work with staff in order to determine how the area will be stabilized.

Mr. Perlman asked about the septic system and whether this is an improvement.

Mr. Barr pointed out the new location. He noted they have located the new system as far away from the river as possible compared to the current system, which is located in the backyard. Also, this system does use better technology.

Ms. Mozian stated the Flood and Erosion Control Board approved the application. The tidal wetlands were flagged.

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

Motion:	Rycenga	Second:	Perlman
Ayes:	Rycenga, Perlman, Bancroft, Corroon, Davis, Lobdell		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

Findings
25 Oak Ridge Park
Application #WPL-10650-18
Public Hearing: September 25, 2018

1. **Application Request:** to maintain the existing dock, pool, pool patio and pool house/garage; remove the existing shed and deck; and demolish the existing and construct a new, FEMA-compliant single family residence with relocated driveway, pool equipment pad and associated site appurtenances. The proposed activity lies within the boundaries of the Waterway Protection Line of the Saugatuck River.
2. **Plans Reviewed For This Application:**
 - a. Map prepared for Edward L Kowalsky, 25 Oak Ridge Park, Westport, Connecticut, prepared by Leonard Surveyors LLC., dated May 17, 2018, Scale 1" = 10'.
 - b. Site Plan, Details & Notes: prepared for Edward L Kowalsky, 25 Oak Ridge Park, Westport, CT, prepared by Chappa Site Consulting, dated: June 27, 2018, Scale: As Noted, Sheet 1 of 1.
 - c. Kowalsky Residence, 25 Oak Ridge Park, Westport, CT, prepared by Robert Storm Architects, Scale 1/4" = 1'
 - i. Crawl Space Foundation Plan, Sheet A-0, dated September 19, 2017.
 - ii. First Floor Plan, Sheet A-1, dated September 19, 2017.
 - iii. Second Floor Plan, Sheet A-2, dated September 19, 2017.
 - iv. Half Story Plan, Sheet A-3, dated September 19, 2017.
 - v. Roof Plan, Sheet A-4, dated September 19, 2017.
 - vi. Front (North) Elevation, Sheet A-5, dated September 19, 2017.
 - vii. Right (West) Elevation, Sheet A-6, dated September 19, 2017.
 - viii. Back (South) Elevation, Sheet A-7, dated September 19, 2017.
 - ix. Left (East) Elevation, Sheet A-8, dated September 19, 2017.

- x. Existing Storage Garage Plan, Elevations and Sections, Sheet EX-1, dated January 10, 2018.
 - d. Watercourse Buffer Restoration Planting Plan prepared for 25 Oak Ridge Park in Westport, prepared by Aleksandra Moch, Landscape Designer, dated September 4, 2018, scale 1" = 110'.
- 3. Background Information:**
- a. **Previous Permits issued:** None
- 4. Facts Relative to This Application:**
- a. **Location of 25 year flood and WPLO boundary:** The 25 year floodplain boundary is the 9 ft. contour interval. The WPLO boundary is 15 ft. from the 9 ft. contour. The property is located entirely within the WPLO boundary.
 - b. **Property is situated in Flood Zones AE (el. 10')** as shown on F.I.R.M. Panel 09001C0413G Map revised to July 8, 2013
 - c. **Proposed First Floor Elevation:** 12.5 ft.
 - d. **Proposed garage floor elevation:** 8.0 ft.
 - e. **Existing Site Coverage:** 35.41%
 - f. **Proposed Site Coverage: 25.89%.** The coverage reduction is attributed primarily to the removal of the existing driveway, the shed and deck behind the detached garage/pool house.
 - g. The pool on the property will remain. According to the Tax Assessor's card it was installed in 1950. The deck behind the detached frame garage/pool house is located partially off the property and will be removed.
 - h. **Septic:** The proposed new residence will be serviced by septic system. A1250 gallon septic tank and Geomatrix (GST 3718) leaching system is proposed. The Health Department issued a permit for a 4 bedroom dwelling on July 13, 2018.
- 5. Aquifer:** Property is underlain by the Saugatuck River Aquifer, which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's Aquifer Protection Overlay Zone.
- 6. Coastal Area Management:** Property is located within the 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.
- 7. Proposed Storm Water Treatment:** Storm water runoff from the roof and driveway is proposed to be discharged to a subsurface detention system. Eighty-eight feet of 18" precast concrete stormwater galleries are proposed to the west of the residence. The bottom elevation of the drainage system is proposed at 5.0'. The Engineering Department has reviewed and approved this drainage proposal. A "Watercourse Buffer Restoration Planting Plan" is proposed with this application. This buffer is shown along the full length of the western portion of the yard, atop the existing timber retaining wall and rip-rap slope, to capture any surface stormwater runoff. The buffer consists of 173 plantings. They include an assortment of shrubs, grasses and perennials
- 8. The property is surrounded on two sides by the Saugatuck River.** A wetland delineation was performed by Soil and Wetland Scientist, Aleksandra Moch on December 23, 2017. No inland wetlands were found. The survey was done in the winter and tidal wetland vegetation was dormant except for the presence of high tide bush. The tidal wetland boundary is found on the survey and site plan.
- 9. Vegetation on the site consists mainly of lawn and some ornamental plantings.** High tide bush is present within the tidal wetland area as well as Red-Osier Dogwood.
- 10.** The U.S.D.A soil survey for Fairfield County describes the soils in this area to be Agawam fine sandy loam, 8% to 15%. These are described as well rained soils found on terraces in stream valleys. Permeability is moderately rapid, runoff is medium and available water capacity is moderate. It is very acidic. Most areas are used for community development. Rapid permeability of the soil causes a hazard of groundwater pollution in areas used for onsite septic systems.
- 11. 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.

Discussion

The entire property lies within the WPLO boundary. The application proposes to construct a new FEMA compliant residence with pervious patio, walks, and driveway

The house will be built to conform to FEMA standards with the first habitable floor constructed above the 100-year base flood elevation of 10'. FEMA compliance for the proposed residence will be accomplished by constructing a garage at elevation 8.0' and the living area above at elevation 12.5 ft. msl. The crawl space (at grade) and garage will include 9 flood vents to meet FEMA requirements.

A pervious walkway/patio construction detail is shown for the walkways and patio. A driveway construction detail has not been specified or provided with this application. The Commission finds that the applicant must specify the type of material proposed for the driveway. Additionally, the design engineer should witness and certify the construction of all permeable surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Proposed site coverage is to be 25.89% which is greater than the 10-25% cover that will impact water quality. The stormwater runoff associated with the residence and driveway will be captured within the stormwater gallery. All other storm water will sheet flow to the Saugatuck River through the planted buffer. The timber retaining wall inhibits direct surface runoff to the Saugatuck River and lies above the Floodway Boundary Line. An existing fence is found within this same area.

The Commission has witnessed and the applicant has confirmed that the condition of the timber retaining wall and fencing is in need of maintenance or replacement in the near future. The watercourse buffer plan submitted includes plantings for the treatment of water runoff from the site but the timing of installation of the plants may depend on the possibility of the wall being repaired. The Commission finds that ideally, the planting should be done after the wall has been repaired. The applicant testified that a Certificate of Permission application to the Connecticut Department of Environmental Protection for repair of the bulkhead has been submitted and approved and that an application for this activity will be submitted forthwith to the Conservation Commission and Flood and Erosion Control Board pursuant to the WPL Ordinance.

The Westport Weston Health District issued a permit for the construction of a subsurface disposal system on July 13, 2018. They require proper abandonment of the existing septic system and that the design engineer shall witness the removal of the topsoil and the placement of select fill for the new system.

Sediment and erosion controls are shown being installed along the western limit of site disturbance and around the stockpile. Construction access will be from the new driveway location with a proposed anti-mud tracking pad proposed. The existing driveway will be removed, topsoil added and reseeded at the proposed elevations. A propane tank is proposed to be buried along the southeastern property line with state and town required straps and concrete pad. The deck to the rear of the existing detached garage/pool house will be removed. Due to access constraints and its proximity to the River, the Commission finds that dismantling of the deck must be done by hand with no use of heavy machinery.

The Flood & Erosion Control Board approved the application at its July 11, 2018 with conditions.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL-10650-18
Street Address: 25 Oak Ridge Park
Assessor's: Map C07 Lot 033
Date of Resolution: September 25, 2018

Project Description: To maintain the existing dock, pool, pool patio and storage garage; remove the existing shed and deck; and demolish the existing and construct a new single family residence with driveway, pool equipment pad and associated site appurtenances.

The proposed activity lies within the boundaries of the Waterway Protection Line of the Saugatuck River.

Owner of Record: Debra Kowalsky

Applicant: Barr Associates, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL-10650-18** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.

14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. Conformance to the September 5, 2018 Conditions of Approval of the Flood and Erosion Control Board.
16. **Special Pool Conditions:**
 - 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. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should 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 long periods of time, i.e 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

17. Conformance to the plans entitled:
 - a. Map prepared for Edward L Kowalsky, 25 Oak Ridge Park, Westport, Connecticut, prepared by Leonard Surveyors LLC., dated May 17, 2018, Scale 1" = 10'.
 - b. Site Plan, Details & Notes: prepared for Edward L Kowalsky, 25 Oak Ridge Park, Westport, CT, prepared by Chappa Site Consulting, dated: June 27, 2018, Scale: As Noted, Sheet 1 of 1.
 - c. Kowalsky Residence, 25 Oak Ridge Park, Westport, CT, prepared by Robert Storm Architects, Scale ¼" = 1'
 1. Crawl Space Foundation Plan, Sheet A-0, dated September 19, 2017.
 2. First Floor Plan, Sheet A-1, dated September 19, 2017.
 3. Second Floor Plan, Sheet A-2, dated September 19, 2017.
 4. Half Story Plan, Sheet A-3, dated September 19, 2017.
 5. Roof Plan, Sheet A-4, dated September 19, 2017.
 6. Front (North) Elevation, Sheet A-5, dated September 19, 2017.
 7. Right (West) Elevation, Sheet A-6, dated September 19, 2017.
 8. Back (South) Elevation, Sheet A-7, dated September 19, 2017.
 9. Left (East) Elevation, Sheet A-8, dated September 19, 2017.
 10. Existing Storage Garage Plan, Elevations and Sections, Sheet EX-1, dated January 10, 2018.
 - d. Watercourse Buffer Restoration Planting Plan prepared for 25 Oak Ridge Park in Westport, prepared by Aleksandra Moch, Landscape Designer, dated September 4, 2018, scale 1" = 10'.
18. A driveway detail showing how it will be installed as permeable shall be submitted to the Conservation Department for approval prior to issuance of a Zoning Permit.
19. The design engineer shall certify that the driveway, patios and walkways were installed as permeable with said certification submitted to the Conservation Department prior to issuance of a Conservation Certificate of Compliance.
20. Proposed walkways, patios, and driveways shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
21. The underground propane tank shall be installed in conformance with floodplain regulations and state building code as required by applicable departments.

Mr. Kousidis stated the only other location for the stockpile would place it very close to the wetland in the backyard.

Mr. Perlman asked about coverage.

Mr. Kousidis stated the coverage is going from 19.5% to 20.2%.

Ms. Mozian noted the pool was built in 1950. Under today's requirements, the Commission would require permeable pavers, plantings and the special pool conditions. She stated the planting plan needs to be amended to give the size and number of the plantings. The Commission needs to determine if a bond is needed for the plantings. A Cease and Correct Order is on the property filed on the Land Records for installation of the wall surrounding the watercourse without a permit. The owners did lower the wall but have not installed the plantings. In order to issue a Conservation Certificate of Compliance, we must say there are no violations on the property.

Mr. Palmer stated the plantings are proposed to be done in the next 3 weeks. There are 75 plants in the proposal. He agreed to submit a revised plant list with the sizes and numbers.

Ms. Mozian stated Engineering reviewed the proposal on September 25, 2018. The proposed drainage system is so small because of it being an addition and them keeping the foundation walls and crawlspace. If those foundation walls and crawlspace come down, then the drainage system will have to be resized.

Mr. Davis asked if the driveway is remaining as is.

Ms. Danzberger stated it is.

Don Stump, PE, discussed the stockpile area. The only excavation is going to be 11 feet by 16 feet for the slab on grade and the area around the proposed garage door, which will be about 1 c.y. There is not likely to be more than 5 or 6 c.y. in the stockpile area at any given time and only for a brief period.

Bill Weeks, 11 Fresenius Road, stated there has been severe flooding on Fresenius Road due to the storms of the day. He is concerned with runoff. He stated when he had work done on his property years ago, plantings were required. Those plantings were washed away during a flooding event.

Ms. Mozian stated based on the neighbor comments, the plantings should have deep roots.

Mr. Palmer stated the shrubs have deep roots. The perennials are on the outside of the planting buffer.

Ms. Danzberger thanked the Commission for their time.

Mr. Weeks added the neighbor at 7 Fresenius Road was under water as he was coming to the meeting. The roadway was heavily flooded.

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

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Corroon, Perlman, Lobdell		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

Findings
9 Fresenius Road
Application #IWW,WPL/E-10662-18
Public Hearing: September 25, 2018

1. **Application Request:** Applicant is proposing to demolish the existing house leaving the foundation slab and foundation walls and construct a new single-family residence, add a small addition and entryway in the front and rear 3 story addition in rear with decks and steps to grade and on-grade patio below.

The existing house and rear addition is located within the 50' IWW upland review area. The work is outside of the WPLO boundary. An unnamed stream flows from north to south. The proposed impacts include excavation and grading in conjunction with the proposed foundation, cellar slab and associated site work. An existing in-ground pool and patio is situated between the wetland and the proposed activity.

2. The plans reviewed for this proposal are the following:
 - a. "9 Fresenius Road Westport, CT 06880 Sections" Sheet A-6, Scale 1/4"=1'0" Drawn by Tanner White Architects, LLC, Dated 8/7/18.
 - b. "Site Development Plan 9 Fresenius Road Westport, CT prepared for James and Leslie Kickham" Scale 1"=20', Drawn by Kousidis Engineering, LLC, Dated 8/8/18, revised to 9/14/18.
 - c. "Plot Plan Prepared for James and Leslie Kickham 9 Fresenius Road Westport, CT" Scale 1"=20', Drawn by Leonard Surveyors, LLC, Dated 4/18/18.
 - d. Planting plan sketch and plant list prepared by T. Palmer Landscaping Co., LLC submitted 9/24/and 9/25, 2018.
3. This property has received the following previous approvals:
 - a. IWW/M-10613-18: Wetland Boundary Map Amendment: Map F09
4. Previous Open Enforcement Actions on file:
 - a. **Notice of Violation & Citation:** Issued November 30, 2005 to James and Leslie Kickham for wall construction and grading without a permit.
 - b. **Conformance Order: Cease and Correct Order:** November 30, 2005 for wall construction and grading. Time extension granted by Commission on July 19, 2006 until September 30, 2006. Last in contact on October 17, 2006.
5. **WPLO** – WPLO associated with the unnamed watercourse is established 15' from wetland line.
6. **IWW Defined Resource (wetland or watercourse)**

Wetlands and Watercourses occur on the subject property. A Soils Investigation Report was completed by Soil & Wetland Science, LLC on March 27, 2018. The wetland soils onsite are identified as Leicester fine sandy loam (4). Also present on site is a watercourse and two intermittent watercourses. There are approximately 26,715 sq. ft. of wetlands occurring on a 50,559 sq. ft. property.

Soil Survey of Fairfield County, Connecticut (U.S. Department of Agriculture, (1981) describes Leicester soils as soils found on upland drainageway and depression landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss. The slope ranges from 0 to 5 percent and the runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is poorly drained. The slowest permeability within 60 inches is about 0.57 in/hr (moderate), with about 7.4 inches (high) available water capacity. The flooding frequency for this component is none. The ponding hazard is none. The minimum depth to a seasonal water table, when present, is about 9 inches.

7. Property is outside the Aquifer Protection Overlay Zone and aquifer/primary recharge zone.
8. Property is not located in the vicinity of the 100 year floodplain as designated by the Federal Emergency Management Agency (FEMA)
9. Property is outside the Coastal Area Management (CAM) zones.
10. Wetland is part of a larger wetland system described by the *Westport Wetlands Inventory* prepared by Flaherty Giavara Associates, P.C., dated June 1983, as an isolated wetland primarily part of a wooded swamp with both intermittent and permanent watercourses present.
11. Vegetation description: On-site observation reveals the wetland consists primarily as lawn surrounded by mature trees and understory growth.

12. The pool on the property was installed in 1952 prior to adoption of the IWW or WPLO Regulations.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

13. 6.1 GENERAL STANDARDS

- 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

Discussion:

Portions of the existing residence lie within the 50' IWW upland review area. The proposal is for the demolition of the existing residence and to build a new residence utilizing the existing slab and foundation walls. There are two proposed additions outside of the existing footprint (one on the rear and one on the front near the entry) that are located beyond the 50' IWW upland review area. A new deck and stairs are proposed outside of the 30' IWW upland review area. New steps from the existing driveway to the front path are proposed outside the 30' IWW upland review area. The grading, and drainage structure will be outside the 20' IWW upland review area. An existing pool and surrounding patio is located 20 feet from the wetland.

The additions and deck will cover approximately 900 sq. ft. of land that is currently deck area and patio. Storm water runoff from the new additions and a portion of the existing house have been proposed to be retained within the proposed drainage system located in the front yard.

14. 6.2 WATER QUALITY

- 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

Discussion: The applicant is proposing to install 16 linear feet of 12" pre-cast galleries to comply with the Town of Westport drainage standards. This will capture storm water runoff from the new impervious coverage and a portion of the existing footprint. Also proposed is a planted buffer, varying in width, along both sides of the onsite watercourse. The buffer is proposed along the walled portions of the watercourse and along the closest portions of the driveway. Therefore, totaling approximately 200 linear feet of a perennial watercourse where it is currently maintained as lawn.

15. 6.3 EROSION AND SEDIMENT

- 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.

Discussion: All wetland areas will be protected by a silt fence as shown on the "Site Development Plan." In addition, the plans provide an anti-mud tracking plan, stock pile protection, and language detailing sediment and erosion control inspections and required maintenance. All sediment and erosion controls shall remain in place and in good working condition until the site work is completed and the bare soils have fully stabilized. The stockpile area is located in the front yard on a slope. Therefore, the Commission finds the stockpile area needs to be surrounded by silt fence and haybales.

16. 6.4 NATURAL HABITAT STANDARDS

- 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.
- g) *Planting plan included with application as mitigation for the proposed activities*

Discussion: The Commission finds that this proposal will not have an adverse impact on the existing natural habitat. The Commission finds that the installation of the planted buffer along the watercourse be done by the use of hand tools to minimize overall disturbance areas. The plantings will enhance the streambank by creating naturalized buffer to the watercourse and provide habitat areas. In addition, on-site inspection revealed that the stream has filled in with grass. The Commission finds that as part of this project, the grass should be removed using shovels during dry conditions to return it to a more natural state in order to increase habitat value.

17. 6.5 DISCHARGE AND RUNOFF

- 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

Discussion: The impervious area proposed for this parcel is to be increased from that which is existing. Existing total coverage is 19.49% Proposed is 20.41%, not counting the patio This represents a 246 s.f. increase. A subsurface drainage system is being provided. The drainage report states there will be no increase in peak runoff from a twenty-five-year storm event. In its September 25, 2018 memo to the Conservation Commission, the Engineering Department finds that the drainage design meets the Town's drainage standards as long as the existing foundation is utilized. If that is removed and a new foundation built, the drainage system as designed would need to be revised.

The patio around the pool is not counted in coverage according to the Zoning Regulations. The Commission finds that the buffer plantings on the east side of the watercourse will act as water quality treatment for any overland sheet flow from the patio and pool.

It is not anticipated that flooding upstream or downstream will increase as the calculated runoff from the impervious area is to be retained on site.

The proposed streamside buffer plantings includes a mixture of perennials, and shrubs and one tree. The woody vegetation will have significant roots that do a better job with streambank stabilization and

erosion prevention during floods. The Commission finds that all of the plantings will provide biofiltration of runoff and treat stormwater prior to entering the watercourse. In addition, removal of the existing grass within the stream will provide a greater capacity to handle floodwaters.

18. 6.6 RECREATIONAL AND PUBLIC USES

- 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.

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL/E 10662-18
Street Address: 9 Fresenius Road
Assessor's: Map F09 Lot 095
Date of Resolution: September 25, 2018

Project Description: Applicant is proposing to demolish the existing house, keeping the existing foundation, foundation walls and slab and construct a new single-family residence using the same cellar and add a small addition and entry way in the front of the house and a new 3 story addition with decks and patio below in the rear. The existing pool and shed will remain.

Work is proposed within the 50' IWW upland review area. The work is outside of the WPLO boundary. An unnamed stream flows from the North to South. The proposed impacts include excavation and grading in conjunction with the proposed foundation, cellar slab, associated site work. An existing shed, in-ground pool and patio is situated between the wetland and the proposed activity.

Owner of Record: James & Leslie Kickham

Applicant: Alison Danzberger

In accordance with Section 6 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,WPL/E- 10662-18** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.

6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. All on-site dumpsters shall be covered at the end of each work day and or when not in use.
17. **Special Pool Conditions:**
 - 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. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should 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 long periods of time, i.e 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

18. Conformance to the plans entitled:
 - a. "9 Fresenius Road Westport, CT 06880 Sections" Sheet A-6, Scale 1/4"=1'0" Drawn by Tanner White Architects, LLC, Dated 8/7/18.
 - b. "Site Development Plan 9 Fresenius Road Westport, CT prepared for James and Leslie Kickham" Scale 1"=20', Drawn by Kousidis Engineering, LLC, Dated 8/8/18, revised to 9/14/18.
 - c. "Plot Plan Prepared for James and Leslie Kickham 9 Fresenius Road Westport, CT" Scale 1"=20', Drawn by Leonard Surveyors, LLC, Dated 4/18/18.
19. The buffer planting plan and list submitted on September 24 and 25, 2018 shall be amended to include the container size of the plantings with final size and density to be approved by Conservation Department staff prior to issuance of a Zoning Permit.

20. Said buffer plantings shall be planted prior to issuance of a Conservation Certificate of Compliance in order to release the Cease and Correct Order on file in the land records.
21. The existing pvc pipe discharging into the stream behind the shed shall be removed prior to issuance of a Conservation Certificate of Compliance.
22. The stockpile location shall be surrounded by silt fence and staked haybales
23. The grass in the stream channel shall be removed by hand and or shovel during the dry season prior to issuance of a Conservation Certificate of Compliance.

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

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

Motion: Davis

Second: Lobdell

Ayes: Davis, Lobdell, Rycenga, Bancroft, Corroon, Perlman

Nays: None Abstentions: None Vote: 6:0:0

3. **28, 36, 38, 39, 41, 42, 43, 44, 45, 47, Parcel A05 Lot 4 and Parcel A05 Lot 5 Hiawatha Lane:**
Continued Application #IWW-10619-18 and WPL-10659-18 by Summit Saugatuck LLC on behalf of Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy for a proposed 187-unit multi-family rental development presented in five buildings with associated site improvements.

Mr. Perlman, Mr. Corroon and Mr. Lobdell stated for the record that they had familiarized themselves with the record and video and were prepared to participate in the hearings.

Tim Hollister, atty., representing the applicant noted there is additional information that needs to be submitted. They would be using the meeting to update the Commission on the new information that has been prepared.

Bill Kenny, soil scientist, wetland scientist and landscape architect, stated the Wetland Management Plan has been submitted. He noted it is similar to the plan the Commission looked at with the 1141 Post Road East application. He reviewed the proposal. They will remove debris and invasive species. Then they will install the native plantings. There will be signage delineating the easement area. The plan calls for three years of monitoring. There will afterwards be annual inspections, which he calls for observing the railroad culverts and if there is a problem, contact the proper authorities. The invasive removal will be by hand using chainsaws, brush hogs, etc. He addressed the neighbor's question about Listed Species or Species of Special Concern. They have check with DEEP both prior to and since the last meeting and there are none. They had also conducted their own investigation and found none.

Mr. Lobdell noted the increasing traffic over the culvert carrying Indian Brook with the construction and the number of proposed units. He questioned whether the culvert could be increased in size to deal with these concerns.

Mr. Hollister deferred answering this question to later in the presentation.

Mark Shogrin, PE reviewed that the request for wash stations as mentioned at the last meeting are on the plans. Street sweeping will be done on a regular basis. On-going maintenance is going to be key. The inspection schedule for the maintenance could be based on the Standard DEEP form or individual companies may have their own form they work from. It will be onsite for anyone to inspect. A snow storage area will be shown on the plans and will have signage. Building E, the footing drains will drain to the catchbasins and will have no sump pumps. Buildings A through D will have sump

pumps that will discharge to the infiltration system. The infiltration system will be increasing in size to accommodate this change. There is no backup system for the sump pumps.

Mr. Perlman stated not having a backup system for the sump pumps appears to be a liability issue.

Ms. Mozian questioned whether the floor drain going into the sewer is a WPCA issue.

Mr. Shogrin stated they are addressing the Town Engineer's comments.

Atty. Hollister acknowledged that his client does own the culvert and headwall carrying Indian Brook. They have heard the Town's consultant's comments that the culvert is potentially clogged. It will be addressed and maintenance of the culvert can be done as of right under IWW regulations. The load bearing capacity of the pipe has been brought into question. They accept that the culvert needs to be examined including its load bearing capacity. If replacement of the pipe is required, they will get all necessary permits. This application is not diminishing the flood carrying capacity of the wetland or watercourse. They are improving the drainage on the property. The Commission has heard about the clogged culverts under the railroad and has heard the Town is working to resolve this. The railroad authority has a maintenance division and does not want its system impaired. The majority of the work is outside the CAM zone with only the sewer extension slightly inside it. He noted the neighbors have provided no expert testimony to the Commission.

Ms. Rycenga stated the Commission's concern with the culvert and headwall is that it be H-20 design to withstand the traffic during construction. She asked how the culvert would be impacted with the sewer installation.

Dave Ginter, PE, stated it would be narrow trenching under the culvert to accommodate a 3 to 4 inch pipe.

Ms. Mozian entered land record maps into the record noting Summit Saugatuck is the owner of Hiawatha Lane Extension and the culvert.

Ms. Rycenga asked at what distance the markers would be set to delineate the wetland.

Mr. Kenny indicated that 50 feet seems appropriate.

Mr. Perlman asked about the stormwater flow.

Mr. Shogrin indicated that it generally flows from north to south.

Mr. Bancroft noted the slabs are in or close to groundwater.

Mr. Shogrin stated the slabs would be below groundwater.

Mr. Bancroft asked if they anticipate groundwater pooling.

Mr. Shogrin stated they would have groundwater underdrains.

Ms. Rycenga noted there are 325 parking spaces on the plan. It appears there are 148 outside and 177 inside.

Ms. Mozian confirmed that cleaning out the culvert would be an as of right permit. She noted the railroad culverts act as a pinch point. Indian Brook is tidal to Burritt's Landing. She noted there may be an area of brackish water beyond that. She asked if there is any evidence of the area being tidally influenced.

Mr. Kenny stated no.

Ms. Mozian highlighted her memo that acts as a second staff report to bring the Commission up to date on what has happened since the last meeting including a summary of the meeting with the Engineers on September 14, 2018.

Mr. Perlman noted that from viewing the tapes the neighbors were calling for a Phase I report to be done. It is the applicant's response that there is no need as these are residential houses.

Atty. Hollister agreed.

Carolanne Curry of 29 Hiawatha Lane Extension stated the railroad has been approached about the clogged culverts for 10 years with no success. If Mr. Hollister has someone, he can contact with better success, more power to him. Currently there are 10 small houses on 8 acres. This is very different from 187 units over 8 acres. People live small in this area. They live with the water in the area. The drainage from I-95 pushes from Norden towards Hiawatha Lane.

Matthew Mandell, RTM District 1, 18 Ferry Lane East, questioned why this application was before the Commission. The sewer has been denied. The Planning & Zoning Commission has denied and there is no positive §8-24 given. The WPCA has appealed to the Appeals Court over the sewer connection decision. Why is this application before the Commission without a sewer approval? There is no septic approval. He stated the Commission could deny without prejudice because there is no sewer approval.

Chris Gazelli, 37 Hiawatha Lane Extension, stated that flooding is a historic issue with or without the railroad culverts being clogged. He added that the Avalon property is uphill of Hiawatha Lane. He read a letter from Gloria Gouveia, who is representing Save Old Saugatuck, into the record.

Atty. Hollister stated he would give the appropriate extensions.

With no further comments, motion to continue to October 17, 2018 for the receipt of additional information.

Motion:	Rycenga	Second:	Perlman
Ayes:	Rycenga, Perlman, Bancroft, Corroon, Davis, Lobdell		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

4. **16 Fresenius Road:** Application #AA,WPL/E-10637-18 by Barr Associates LLC on behalf of Patricia C Davis for a proposed 3-lot subdivision with site regrading for Lots A, B and C and an Open Space Parcel.

Mel Barr was present on behalf of the application. Due to the lateness of the evening, he asked the Commission for what information they would be looking to see at the next meeting.

Ms. Mozian passed out the list of 13 items that the Commission requested to see after seeing the application the last time for reference. She indicated she believes many of these were germane to this application.

The Commission and Mr. Barr reviewed the 13 items including:

- Submission of Flood & Erosion Commission comments;
- Response to HRP's comments – The applicant and HRP agrees on the groundwater flow. ;
- Updated report from Aleksandra Moch re: Biological Assessment – Mr. Barr agreed to have Ms. Moch update the Biological Assessment.
- Commission decision as to whether we need a third party wetland scientist to aid in our review – The Commission postponed making a decision on whether a third party wetland scientist was needed until Ms. Moch's updated report is submitted.;

- Staking of the lot corners and driveway location and approximate location of houses – Mr. Barr agreed to stake the corners of the lots, driveway locations and approximate center of the house location.

Ms. Mozian noted in this plan the house on Lot B is parallel to the contours rather than perpendicular as in the previous plan, which would have required greater excavation. The lots as presented could potentially meet the setbacks. However, the Commission can require a 100-foot setback because of the presence of steep slopes.

Glenn Major, Atty., stated there has been a shift in the developing of this subdivision. When the Commission saw this previously, a contract purchaser was involved with the application. The owner is now submitting it.

- Submission of a Construction Phasing Plan – Mr. Barr agreed to submit a plan.
- Submission of a Detailed Erosion and Sediment Control Plan – Mr. Barr agreed to submit a plan.
- Approximate height of proposed retaining walls along the driveways – Rich Bennet, PE stated this currently is unknown. The plans show top of wall. They do not know how much ledge they will encounter and will be building the walls on top of the ledge. Currently, he believes there is enough information with giving top of wall elevation.
- Consideration of Conservation Easement on areas of steep slopes;
- Consideration of adding Low Impact Development features into the design such as permeable surfaces where able based on ledge conditions and/or raingardens and bioswales. – Mr. Barr stated he did not want to constrain a potential builder when they come in to build a property.

Ms. Mozian stated the subdivision is a blueprint for the development. It gives guidelines for how the Commission wants the properties developed.

- Submission of a landscape plan to replace a portion of the mature trees (>8") to be lost – Mr. Barr agreed to a reasonable landscape plan. He asked for guidance. He noted staff's recommendation of 1:1 was unreasonable as there would be no room for development.

Atty. Major noted that in the prior application, the ZBA denied a waiver for 5:1 slope requirements. He acknowledged the site is heavily wooded and there will be a lot of trees removed.

- A plan showing Feasible and Prudent Alternatives to the proposed layout – Mr. Barr stated there is no alternative written or discussed.

Ms. Mozian submitted a 2-lot plan the applicant submitted as a proposal in lieu of the groundwater testing.

- Revision to the January 19, 2016 letter from Barr Associates answering the questions outlined in a December 21, 2015 letter to them from Alicia Mozian Conservation Director. – Mr. Barr agreed to update his response.

Bill Weeks, 11 Fresenius Road, noted he was astounded that more people were not present to discuss this application.

Ms. Mozian stated she had spoken with another neighbor, who had said he was the spokesperson, and had reassured him that the application would be continued to October 17, 2018.

Ms. Weeks questioned the coverage of the proposal.

Ms. Rycenga stated the coverage is in the plans and he could go to the office and review the plans.

Mr. Weeks asked if the galleries would be sufficient. As seen during the day's rain, Fresenius Road does get flooding.

Ms. Mozian stated the Flood & Erosion Control Board would be reviewing this at its October 3, 2018 meeting.

Mr. Weeks assumes there will be full basements, which means there will be blasting or drilling. He questioned the construction timeline and what impact it would have on the neighborhood for the duration of the construction. He strongly opposes the project. He stated the consensus in the area is they would prefer 2 lots to 3 lots and a 100-foot setback.

Thomas Schmidt of 19 Long Lots Road noted that all of the calculations are hypothetical. He questioned how those calculations can be made. He stated everyone is concerned with how the drainage will work. The driveways will have retaining walls that will create channels that will direct the runoff.

Mr. Lobdell left at 11:25 p.m.

With no further comment from the public, motion to continue to October 17, 2018 for receipt of additional information.

Motion: Rycenga **Second:** Davis
Ayes: Rycenga, Davis, Bancroft, Corroon, Perlman
Nayes: None **Abstentions:** None **Vote:** 5:0:0

The September 25, 2018 Special Meeting of the Westport Conservation Commission adjourned at 11:29 p.m.

Motion: Rycenga **Second:** Davis
Ayes: Rycenga, Davis, Bancroft, Corroon, Perlman
Nayes: None **Abstentions:** None **Vote:** 5:0:0

**MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 17, 2018**

The October 17, 2018 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Vice-Chair
Paul Davis, Secretary
Donald Bancroft
Mark Perlman
Thomas Carey, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the October 17, 2018 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda. - NONE

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

1. Receipt of Applications

Ms. Mozian reported there was one application to receive:

- **20 & 26 Morningside Drive South:** Application #IWW,WPL/E-10699-18 by Barr Associates LLC on behalf of Greens Farms Developers LLC & Morningside Drive Homes LLC for a set-aside development pursuant to CGS §8-30g of 19 townhouse style condominiums, 6 of which will be income restricted in the manner prescribed by §8-30g and related site improvements. Portions of the work are within the upland review area of Muddy Brook.

Ms. Mozian recommended the Commission retain an outside expert to assist in the review of the project.

Motion to secure the services of an outside expert.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Perlman, Carey		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

Staff will develop a scope of services and send out for bid. A fee must be paid by the applicant. The application will be tentatively scheduled for the December 12, 2018 Public Hearing to allow time to get the fee and allow the expert time for review.

Ms. Mozian noted there are two other possible applications for the December 12, 2018 Public Hearing. **25 Oak Ridge Park** will be returning to the Commission on November 17, 2018 for the bulkhead but that is a WPLO application, which does not need to be received.

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

Mr. Kelly reported there is no new report but he is working on resolving some possible issues.

Ms. Mozian noted Gillian Carroll has started as the new Compliance Officer.

3. Approval of September 12, 2018 meeting minutes.

Ms. Mozian reported Susan Voris received corrections from Ms. Rycenga and has made them. With reference to **14 Sunny Lane**, Condition 23, staff reviewed the tape and rewrote the condition to reflect what was said at the meeting. The resolution needs to be re-clocked and resent to the applicant.

Mr. Davis noted the Assessor's Map and Lot # of properties be added to the Conditions of Approval.

Ms. Mozian stated she would make the changes.

Motion to approve the minutes with corrections including adopting correction to Condition 23 of Resolution for **14 Sunny Lane**.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Perlman		
Nayes:	None	Abstentions:	Carey
		Vote:	4:0:1

4. Approval of September 21, 2018 field trip minutes.

Mr. Davis stated he had a correction to **2 Pierway Landing** concerning the note about the pipe and had removed this statement.

Motion to adopt the minutes with corrections to **2 Pierway Landing** about the pipe.

Motion:	Bancroft	Second:	Perlman
Ayes:	Bancroft, Perlman, Davis, Rycenga		
Nayes:	None	Abstentions:	Carey
			Vote: 4:0:1

5. Approval of September 25, 2018 Special Meeting minutes.

Motion to approve as submitted.

Motion:	Bancroft	Second:	Davis
Ayes:	Bancroft, Davis, Perlman, Rycenga		
Nayes:	None	Abstentions:	Carey
			Vote: 4:0:0

6. **2 Pierway Landing:** Request for bond release for plantings and sediment and erosion controls as required as a condition of Permit #WPL-9657-13

This agenda item was tabled to a later date.

7. **Other Business – NONE**

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

1. **259 Saugatuck Avenue & 1 Charmers Landing:** Application #WPL-10663-18 by Pete Romano of LandTech on behalf of Charmers Landing Property LLC to construct a single family dwelling, driveway, pool and associated site improvements. Portions of the work are within the WPLO area of the Saugatuck River.

Pete Romano of LandTech and Michael Greenberg were present on behalf of the application.

Mr. Romano displayed a plan and spoke about the original subdivision in the Res A zone. It is a non-conforming lot over time due to erosion of the shoreline. Access is off Charmers Landing. There is some activity in the WPLO. The property has been subject to a couple of violations in the past few years including the removal of a vegetative buffer within the existing conservation easement that was established when the subdivision was approved. Michael Greenberg did restoration planting in the conservation easement when he purchased the property. They are proposing a 7,200 s.f. house that conforms to the Zoning regulations with minimal grading. The original contours are close to the planted easement.

Ms. Mozian and Mr. Romano discussed the pool fence in and through the conservation easement. It was noted the owner would like to be able to see over the fence. A fence around the pool is also an option.

Ms. Mozian stated a fence in the VE flood zone needs to be specifically designed to meet FEMA standards.

Mr. Romano stated planting within the fenced area would be well established and meet the Building Department requirements as well as the Conservation requirements. They are agreeable to other building materials for the driveway. He spoke of using pervious paving. He stated they would be

happy not to put in curbing but noted they do need to satisfy the drainage requirements. Use of pervious pavement or paving bricks could have a swale to collect the runoff and then go to drainage.

Mr. Perlman noted he saw a boring machine on the property earlier in the day.

Mr. Romano stated this was not authorized by the owner.

Ms. Rycenga noted they are asking for a fence in the conservation easement.

Mr. Romano stated the owner wants to be able to see over the fence. The type of fence to meet the FEMA requirements has not been finalized. He suggested that they can work with staff on the design.

Ms. Rycenga expressed concern that there are plantings on both sides of the fence and how will they be protected.

Mr. Romano stated they will be within the jurisdiction of the conservation easement.

Mr. Bancroft asked if the pool fence is for safety reasons.

Mr. Romano agreed. He stated an electric cover, a wall or the house limit is a barrier for the pool. There is not one in this case. If they do not get approval for this fence, they will pull it out of the easement but they wanted to bring it to the Commission for its consideration.

Mr. Davis asked what is the pool elevation.

Mr. Romano stated the pool is at 12.6 msl and the proposed fence is at 5.6 msl.

Mr. Davis noted that the view is obstructed only when lying down.

Mr. Romano agreed. The idea is to hide the fence. The plants already block some of the view. He stated they do have an alternative but this is their preferred location.

Mr. Carey asked what the elevation difference when the fence is pulled out of the conservation easement.

Mr. Romano stated the fence would be located near elevation 8 msl.

Mr. Davis noted that in order to protect the conservation easement you would need a barrier, so they could have two fences.

Mr. Romano replied that they could use boulders to delineate the conservation easement with the fence.

Ms. Mozian expressed that she was in favor of the fence outside the conservations easement and she did not want the fence within the tidal wetlands. She asked how the fence would be maintained.

Mr. Romano stated there would be an opening for access to a future proposed dock.

Ms. Mozian noted the fence gate would be for the dock. She also inquired what would go on 1 Charmers Landing.

Mr. Romano stated it would be kept there as a lawn area.

Ms. Mozian noted it is well covered area of weeds. She asked if they plan to expose more than 1 acre of soil during construction.

Mr. Romano stated they would define the construction area and limit of disturbance with 2 rows of silt fence.

Ms. Mozian asked about the construction sequence.

Mr. Romano stated it is inside an encapsulated area.

Ms. Rycenga clarified that they will be keeping the silt fence as the limit of disturbance.

Mr. Davis asked which access would they use.

Mr. Romano stated Charmers Landing is safer. They would try to preserve trees on Saugatuck Avenue side. He added they could put a construction sequence together. He noted Michael Greenberg has been building in town for 35 years.

Mr. Perlman asked about the monument found.

Mr. Romano explained that it was by a surveyor along the highway or road.

Mr. Bancroft asked what the section of green is seen in the field.

Mr. Romano stated that area would be the proposed garage.

Ms. Rycenga noted she would like to leave the fence as proposed and use boulders to delineate the conservation easement. She would like the driveway to remain impervious.

Mr. Romano stated they are committed to put in pervious.

Ms. Mozian asked what the patio material would be.

Mr. Romano stated the homeowner wants lawn to pool edge.

Michael Greenberg stated there is grass up to the coping and patio is only to the house.

Mr. Bancroft asked if the patio is pervious or impervious.

Mr. Romano stated that pervious patio right next to the house is not a great idea. They will be picking up all the roof leaders. They are asking that the Commission not require this patio to be permeable.

Ms. Mozian noted they would normally have Health Department approval prior to the meeting for the pool and spa.

Mr. Romano stated they will have it before Zoning but it is premature to apply for it at this time.

Ms. Mozian stated the application received Flood and Erosion Control Board approval at the October 3, 2018 meeting.

Mr. Davis asked about pool chemical storage.

Mr. Romano stated a pool company will service the pool and that no pool chemicals would be stored on-site.

Mr. Mozian replied to comment about runoff treatment for water quality and its pretreatment. She surmised the caliber of the building will most likely have extensive landscaping to treat the runoff near the driveway. She noted a pervious patio is generally asked for by the Commission.

Mr. Greenberg pointed out the planting beds on the plan that surround the patio.

Ms. Rycenga noted the planting boxes are marked as lawn.

Mr. Greenberg indicated these areas are mislabeled.

Mr. Bancroft asked why the pool fence is located where it is.

Mr. Romano explained the Building code.

Ms. Rycenga noted that there needs to be a barrier all the way around the pool. She asked Ms. Mozian note for the planting beds adjacent to the patio have been clarified and if she had any comments.

Ms. Mozian stated this was better.

The Commission discussed the fence location.

Ms. Rycenga was not in favor of the fence in the easement area.

Mr. Davis stated he did not want the fence in the easement area.

Mr. Bancroft and Mr. Carey agreed.

Mr. Perlman was comfortable with the planting beds instead of requiring a permeable patio.

Mr. Davis indicated he would be okay with an asphalt drive without curbs or with a swale.

Ms. Mozian asked for clarification of the swale.

Mr. Davis stated staff can clarify the swale.

Mr. Romano stated they will get Health Department approval prior to Zoning Department.

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

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Davis, Perlman, Carey		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

Findings
259 Saugatuck Avenue, 1 Charmer's Landing
Application #WPL-10663-18
Public Hearing: October 17, 2018

1. **Application Request:** Applicant is proposing to construct a single-family dwelling, pool and associated site improvements. Portions of the work are within the WPLO area of the Saugatuck River.
2. **Plans reviewed:**
 - a. "Lot "6" and Lot "7" Plot Plan" Prepared for Charmers Landing Property LLC, 259 Saugatuck Avenue and 1 Charmers Landing, Westport, Connecticut, Scale 1" = 20', Dated October 7, 2016 and last updated to July 12, 2018, prepared by Leonard Surveyors, LLC.
 - b. "Site Improvements for a Proposed Single Family Residence, Site Plan", Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Scale 1" = 20', dated August 7, 2018, Sheet C-1, Prepared by LandTech.

- c. "Proposed Grading Plan", Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Scale – NTS, dated August 7, 2018, Sheet C-2, Prepared by LandTech.
- d. "First Floor Plan", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-1.0, Prepared by Michael Greenberg & Associates.
- e. "Second Floor Plan", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-1.1, Prepared by Michael Greenberg & Associates.
- f. "Elevations and Section", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-2.1, Prepared by Michael Greenberg & Associates.
- g. "Side Elevations", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-2.2, Prepared by Michael Greenberg & Associates.

3. Property Description:

- **Location of 25-year Flood Boundary:** the 9 ft. contour interval.
- **Location of WPLO boundary:** 15 ft. landward of the 9 ft. contour.
- **Property contains Flood Zones AE (el. 13'), Limit of Moderate Wave Action line, and VE (el. 14')** as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.
- **Proposed first floor elevation:** 16.5 ft.
- **Proposed garage floor elevation:** 15.5 ft.
- **Existing site coverage: 0.0%;** each lot is currently vacant
- **Proposed site coverage: 24.7%** for 259 Saugatuck Avenue and **7.8%** for 1 Charmers Landing
- **Sewer Line:** The proposed new residence will be serviced by municipal sewer located in Saugatuck Avenue.
- **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's Aquifer Protection Overlay Zone.
- **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.
- **Proposed Storm Water Treatment:** Storm water runoff from the roof and driveway is proposed to be discharged to Cultech R-330XL HD units. The Engineering Department has reviewed and approved this drainage proposal. The design engineer states that the entire property drains to the Saugatuck River. Based on this they are only proposing drainage to treat water quality and based the sizing to manage the Water Quality volume (WQv). The 259 Saugatuck Ave parcel requires **1,057.84** cu. ft. of storage and they will provide **1,125.40** cu. ft. of storage. The 1 Charmers Landing parcel requires **431.93** cu. ft. of storage and they will provide **588.80** cu. ft. of storage.

4. Previous Permits issued and Violation:

- a. WPL-4690-92 5 Lot Subdivision – 259-269 Saugatuck Avenue
- b. WPL-4719-93 5 Lot Subdivision – 259-269 Saugatuck Avenue
- c. Notice of Violation issued 3/3/06 for clearing in Conservation Easement. Violation removed 7/12/18.

The Flood and Erosion Control Board approved the application with conditions on October 3, 2018. The drainage proposal is acceptable to the Engineering Department.

Discussion: 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.”

A portion of the property falls within the WPL boundary of the Saugatuck River. The application proposes to construct a new FEMA compliant residence, pool, spa, patio, driveway, drainage, and fencing. A portion of the pool and associated grading are proposed within the WPL. All other site improvements associated with the house construction are proposed outside of the boundary.

The house will be built to conform to FEMA standards with the first habitable floor at 16.5' which is constructed above the 100-year base flood elevation of 13.0'. The stormwater runoff from the driveway (5,659 sq. ft.) will drain towards the proposed entrance leading from Charmer's Landing at the southern end of the site. It will be directed into the proposed Cultec units by way of a catch basin located in the driveway at the property line. The stormwater runoff from the 7,266 sq. ft. footprint of the dwelling will drain to roof leaders and into the Cultec units located on the eastern side of the proposed residence.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterway should focus on stormwater quality impacts and construction management of sediment and erosion controls. The proposed site coverage is to be **24.7%** for 259 Saugatuck Avenue and **7.8%** for 1 Charmers Landing respectively. If the parcels were treated as one, the combined value for the proposed coverage would be **16.2% for a 1.95± acre parcel**. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. The Commission finds that installing the driveway and parking courtyard as permeable will help absorb and treat stormwater runoff.

A previous violation from 2006 (noted above as: *Notice of Violation issued 3/3/06 for clearing in Conservation Easement*) required restoration plantings to be planted within the 35' Conservation Easement along the Saugatuck River embankment. This planting was completed under the direction of Conservation Department staff following the proposed restoration plan by Eckerson Design Associates. The work was completed in July, 2018. The restoration plants were selected to directly address water quality and flood control along the river's embankment. They will also help to treat any stormwater runoff from the proposed rear lawn and pool area. The Commission finds that this vegetative buffer shall remain in place in perpetuity in order to help maintain and enhance water quality.

A pool fence is proposed within the VE flood zone and the Conservation Easement Area. The Town Engineer has previously approved compliant fencing within this zone dependent on design. The applicant has not shown a detail of the pool fence at this time. FEMA has determined that “open fences (e.g. wood/plastic/metal slat fencing with generous openings, etc.)” will not lead to harmful diversion of floodwaters. The Commission finds that the applicant should relocate the fence outside the tidal wetlands and Conservation Easement Area and submit a detail of the fence type that is proposed within the VE flood zone in order for staff to verify that it meets FEMA requirements.

The property will be connected to the municipal sewer service.

The Westport Weston Health District approval is required for the approval of the pool and spa. The Commission finds that the applicant should secure this approval prior to obtaining a zoning permit.

Sediment and erosion controls are shown being installed around the perimeter of the property. Construction access and material stockpiles areas are shown. The site should provide adequate area for soil and material stockpiling on the 1 Charmers Landing parcel if needed. Routine maintenance of controls should provide adequate management of the sediments onsite. The Commission finds that the applicant should take steps to limit the amount of exposed soil during the construction process.

The Commission finds that the activity as proposed, with added safeguards, should not adversely impact the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL-10663-18
Street Address: 259 Saugatuck Avenue, 1 Charmer's Landing
Assessor's: Map B4, Lot 027 & 028
Date of Resolution: October 17, 2018

Project Description: Construction of a single family residence, in-ground pool and spa, fence, patio, driveway and parking courtyard with related drainage appurtenances and grading. A portion of the project lies within the boundaries of the Waterway Protection Line of the Saugatuck River.

Owner of Record: Charmer's Landing Property, LLC
Applicant: LANDTECH

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-10663-18** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. Conformance to the October 3, 2018 Conditions of Approval of the Flood and Erosion Control Board.

16. Special Pool Conditions:

- 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. Pool equipment should be located at or above the 100 year flood elevation.
- c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should 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 long periods of time, i.e 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

17. Conformance to the plans entitled:

- a. "Lot "6" and Lot "7" Plot Plan" Prepared for Charmers Landing Property LLC, 259 Saugatuck Avenue and 1 Charmers Landing, Westport, Connecticut, Scale 1" = 20', Dated October 7, 2016 and last updated to July 12, 2018, prepared by Leonard Surveyors, LLC.
 - b. "Site Improvements for a Proposed Single Family Residence, Site Plan", Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Scale 1" = 20', dated August 7, 2018, Sheet C-1, Prepared by LandTech.. **Said plan shall be further revised to show area immediately east of patio will be a planting bed rather than lawn.**
 - c. "Proposed Grading Plan", Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Scale – NTS, dated August 7, 2018, Sheet C-2, Prepared by LandTech.
 - d. "First Floor Plan", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-1.0, Prepared by Michael Greenberg & Associates.
 - e. "Second Floor Plan", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-1.1, Prepared by Michael Greenberg & Associates.
 - f. "Elevations and Section", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-2.1, Prepared by Michael Greenberg & Associates.
 - g. "Side Elevations", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-2.2, Prepared by Michael Greenberg & Associates.
18. The pool fence shall be relocated out of the tidal wetlands and Conservation Easement Area.
 19. A pool fence detail shall be submitted for review and approval by the Conservation Department prior to the issuance of a Zoning permit to ensure compliance with FEMA requirements for fences in high velocity V Zones.
 20. Westport Weston Health District approval for the pool and spa shall be submitted prior to the issuance of a Zoning Permit.
 21. A detail of the proposed driveway and parking courtyard showing it shall be constructed as permeable shall be submitted prior to issuance of a zoning permit.
 22. The design engineer shall certify that the driveway and parking courtyard were installed as permeable with said certification submitted to the Conservation Department prior to issuance of a Conservation Certificate of Compliance.
 23. The driveway and parking courtyard shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.

24. Efforts to minimize the amount of exposed soil during the construction of the house and pool shall be made to reduce erosion and ensure soil stabilization.
25. The terms and conditions of the existing Conservation Easement shall remain in effect.
26. The newly installed plantings shall remain in place with additional native plantings allowed within the Easement Area with Conservation Department staff approval.

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: Perlman Second: Carey
Ayes: Perlman, Carey, Rycenga, Davis, Bancroft
Nayes: none Abstentions: none Vote: 5:0:0

2. **28, 36, 38, 39, 41, 42, 43, 44, 45, 47, Parcel A05 Lot 4 and Parcel A05 Lot 5 Hiawatha Lane:**
Continued Application #IWW-10619-18 and WPL-10659-18 by Summit Saugatuck LLC on behalf of Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy for a proposed 187-unit multi-family rental development presented in five buildings with associated site improvements.

Mr. Carey recused himself as he had not participated in the previous hearings.

Tim Hollister, atty., representing the applicant, noted the hearing was left open to receive revised plans and additional comments from Engineering. The applicant's expert Bill Kenny, soil scientist and the Town's expert, Stuart Manley of GHD agreed the project will have no impact. A memo of Monday, October 15, 2018 from Amrik Matharu of the Town's Engineering Department confirms the plan revisions meet the Town's requirements.

Ms. Mozian noted new materials in the record including :

- Amrik Matharu's report of October 15, 2015;
- E-mails from Stuart Manley dated October 10, 2018 and October 15, 2018; and
- New plans received from the applicant on October 1, 2018.

Ms. Rycenga opened the hearing to public comment.

Carol Ann Curry of 29 Hiawatha Lane submitted photos taken during the September 25, 2018 storm and a May 1, 2006 storm. She sees similarities between the storms. She acknowledged that the neighbors contend with the water in the roads and basements and this area is a wet area. She read a letter from Ralph DeMattio of 35B Hiawatha Lane and submitted it into the record. She is very concerned that this project will exacerbate their situation.

Leslie Ogilvy of 27 Hiawatha Lane Extension pointed out her house. She is the first after the Indian Brook culvert on the left. She has lived there since 2004 and in the neighborhood since 1995. She keeps sandbags in her garage and uses them to keep water out of her basement. The September 25, 2018 storm caused water in the basement. She is regularly seeing water. She missed the September 25, 2018 meeting because she was deploying sand bags. She stated the situation seems to be getting worse.

Chris Gazelli of 37 Hiawatha Lane submitted a letter and disc of images from October 2, 2018. The flow of runoff is from Norwalk to Westport. It is a combination of Indian Brook and Norwalk water. The neighborhood now consists of 21 properties. He questions the safety of added people into the

neighborhood. The applicant is talking about pumping to discharge water. The neighbors do not currently use anything. He sees this as an irrational idea to handle the water volume. The neighborhood is a designated flood zone over wetland. The development should be on Main Street but not here. They are displacing groundwater with concrete construction. An October 17, 2018 photo shows water still has not dissipated from the basin on his property from the last storm.

Gloria Gouveia, Land Use Consultant representing Save Old Saugatuck, noted that Ms. Curry was told by neighbors about the existence of a pond. She has found documentation related to the pond. Town Clerk Maps 3802 and Town Clerk Map 3102 were already submitted into the record. She submitted Town Clerk Map 4388 into the record from 1957, which shows the pond primarily on the property at 39 Hiawatha Lane. She does not know when the pond went away. However, the high water table is evident from the neighbor's testimony. Mr. Gazelli has provided a statement that the groundwater is running in two directions.

Ms. Rycenga asked where this pond is on the plan and what Building is it.

Ms. Gouveia pointed to the area and noted two issues for the Commission to review. The floor drains will go into the sanitary sewer system. She stated the Town of Westport does not allow this. The DEEP has issues with building within the groundwater. This should be considered now instead of in the future. She had questions for Atty. Hollister. He stated the flooding is not Summit's problem but it is Summit's road. Whose problem is it. The drainage under the railroad is not Summit's problem, then whose problem is it? She submitted Green Day Event flyer highlighting community projects including Indian Brook for cleanup projects.

Mr. Perlman added to the point that the applicant's report does mention Metro North would be requested to clean the culvert. He mentioned this and asked how sure this would be done.

Ms. Gouveia stated that based on her knowledge, in the last 20 years Conservation staff and DEEP has never seen a resolution to the culvert cleaning.

Ms. Rycenga asked if Ms. Gouveia was suggesting that the applicant do work offsite.

Ms. Gouveia suggests that Summit volunteer. A feasible and prudent alternative is the building should not be below the water table. There is not enough information in the record about the water table and the impact. She said the reason she heard for the design was from Mr. Kenny, who stated that it had more to do with the roof pitch for ADA compliance. She questioned whether that applicant provided the Commission with enough facts to make an informed decision.

Ms. Rycenga noted that it were approved, the permit is not transferable. It is in the regulation.

Ms. Curry spoke on behalf of Matt Mandell. She stated he wanted to remind the Commission that this application is erroneous because the applicant does not have sewer connection approval yet and that they can deny without prejudice or deny.

Ms. Mozian noted the e-mail from the town attorney that indicates the Commission cannot refuse to consider and act upon the application while the sewer application is pending.

Ms. Rycenga opened the discussion to Commission questions.

Mr. Perlman asked about the backup system.

Mark Shogrin, PE, notes there are underdrains to a sump with a pump that discharges to a system in the parking lot. In the case of an extended power outage, a gravity drain will take and discharge water over a solid pipe to a basin.

Mr. Perlman asked how big the pipe is.

Mr. Shogrin stated the pipe is 6 inch diameter.

Ms. Mozian asked about the revised plans and report. She asked him to address the concerns on groundwater.

Mr. Shogrin stated Building A & B showing drainage for the sump pump. The effects on groundwater level range from 17 feet down to 11 feet. The building is proposed at 14 to 15 feet. The perc tests show soils. There is a gradient for groundwater elevations across the building area. It continues to drop as it moves toward the wetland.

Mr. Bancroft asked about the catchbasin on Building E.

Mr. Shogrin stated they are not planning to increase it.

Mr. Bancroft asked if this catchbasin will handle the runoff.

Mr. Shogrin stated the Engineering Department requires the applicant assume an existing condition as a meadow when calculating runoff discharge.

Ms. Mozian noted comment #7 discussing oil and grit separators going to the sanitary sewer. While she is not sure if this is a Building Code, Town Code, or DEEP Code, she would like to add this to the Commission's conditions of approval, if it is approved.

Ms. Rycenga asked for clarification of comment #7 on the Engineering Department's September 7, 2018 memo.

Mr. Shogrin stated they would treat the interior drains as the inside of the building as plumbing. This is an acceptable practice.

Mr. Bancroft asked about connecting the sump pump to the standby generator.

Mr. Shogrin stated this is physically possible but they found a gravity solution instead. They are not filling through the parking lot. It is below level.

Mr. Davis noted there has been a lot of discussion about flooding conditions. He questioned whether it is within the Commission's purview.

Ms. Rycenga stated the Flood & Erosion Control Board approved on July 11, 2018. The drainage complies with the engineering standards. The Commission has a memo that the drainage complies.

Ms. Mozian noted Section 6 of the IWW Regulations does include consideration of discusses discharge and runoff.

Ms. Rycenga clarified this relates to how it affects the wetlands.

Mr. Shogrin reviewed the plan and the 100 year floodplain.

Ms. Mozian noted that none of the buildings are in the 100-year floodplain. She asked Atty. Hollister if he wanted to comment on the Indian Brook culvert.

Mr. Bancroft noted the floods that the neighbors are getting could be improved if the applicant helps out and addresses the residents concerns and improve the situation and help them solve their problems.

Ms. Rycenga noted based on calculations from the Town Engineer mentioned by staff earlier in tonight's meeting, the recent storms were 150 year and 100 year storms. Ms. Gouveia mentioned history and residents previous experience. We have expert testimony. If we regulate surface water, we must make a connection to the wetland and it must be within our purview. She had concerns about Map 4388.

Bill Kenny, soil scientist, wetland scientist and landscape architect, discussed the pond. He said he regularly sees ponds such as this one in the area of the conservation easement. It is a filled wetland with sediment. He submitted pictures from the spring. It shows up on the Town's GIS Map.

Ms. Rycenga noted the Commission hired a peer review for the application. The application met all the questions and comments. The applicant's experts submitted testimony about the impact of the project. The public was heard and told to submit their expert at the last hearing but they did not. Her opinion was to approve based on this. The Commission has seen the flooding in two storm events. They must connect the dots for surface water to the wetland.

Mr. Davis would like comment on the culvert at Indian Brook.

Ms. Rycenga stated the Commission has been told that if something happens to the culvert, they will take care of it.

The Commission discussed the culvert and the road.

Ms. Mozian noted the applicant acknowledged they own the culvert and the road. She believes the Commission is leaning towards wanting to see any upgrades to the road and culvert sooner rather than later.

Mr. Perlman stated his concern is with the culvert and Metro North. His other concern was with the sump pumps but that has been addressed.

Ms. Rycenga expressed concern with the oil and grit separator and discharge into the town's sewer system. She asked the applicant to address.

Mr. Gazelli questioned the purpose of the Flood & Erosion Control Board meeting.

Ms. Mozian showed the map of the WPLO area. When the Flood Board did their review, they concentrated on the Indian Brook crossing. The Town Engineer reviewed for FEMA, drainage standards and sediment and erosion controls. The Town Engineer followed up with an updated memo indicating the project met town standards.

Mr. Gazelli stated drainage was not relevant at Flood Board and flooding was relevant. He wants to know why it was not relevant.

Ms. Mozian stated the Flood Board looked narrowly at the work proposed within the WPLO area only. When it gets to Planning & Zoning, if it gets to Planning & Zoning, there is a broader review. They may look into this and this Commission could recommend this to the Planning & Zoning Commission.

Mr. Gazelli stated they were told not to address drainage. There are two issues; drainage and flooding.

Ms. Rycenga turned the hearing over to the applicant for final comment.

Atty. Hollister noted the application was submitted in May. He reviewed the application. Wetland will be improved as part of the project.

Mr. Bancroft noted that at the site visit, the applicant took no responsibility for the culvert and road.

Atty. Hollister noted that at the September 25, 2018 meeting, they acknowledged the culvert is their responsibility and agree to clean up the debris blocking the area. He stated Mr. Mandel reiterated condition went to the 8-24 referral and he should have repealed that to the RTM. Atty. Pete Gelderman approved moving forward with this application. He noted the jurisdiction of the Commission is whether there is an adverse impact to the wetland. On July 18, 2018 and September 12, 2018, they discussed neighbor complaints about flooding. They are okay with the flooding issues but do not want any more building to occur. This project is not happening within the 100 year floodplain. The applicant has been working with Engineering and the staff for five months. The applicant will go to Metro North to unclog the culverts. Mr. Gazelli states all water comes from Norwalk to say that it goes uniformly goes downhill onto Hiawatha Lane. The applicant's obligation is to not make the runoff worse. This proposal will decrease the discharge in every storm. The development plan will improve drainage in this area. It is not accurate that the buildings are below the water table. A solution has been given to the Town Engineer and reviewed. The Town Engineer is satisfied with the drainage.

Mr. Perlman asked about getting permission from Metro North about cleaning the culverts.

Atty. Hollister stated Metro North was contacted two weeks ago. He was told to come back to them once an approval for the project was secured. He indicated to put it on the record and make it a condition of approval.

Ms. Mozian clarified if this should be the Commission's requirement or Planning & Zoning's requirement.

Atty. Hollister indicated both. A permit to construct would be required. He added that the applicant will accept a condition of approval that they will inspect and make sure the culvert at Davenport Road and Hiawatha Lane is loadbearing and seek a permit, if needed, to repair. He submitted a synopsis as an aid for the Commission showing where they have complied with the requirements.

Ms. Rycenga noted the Commission was closing the hearing. She questioned when they would finish the hearing.

Ms. Mozian stated the decision must be made by November 1, 2018. A Special Meeting is scheduled for October 26, 2018 at 9:00 a.m.

Ms. Rycenga stated the Commission needs to give the staff direction. She recommends approval.

Mr. Bancroft would agree and recommend dealing with the culvert cleaning and improvement of flow. He sees the project as a workable solution.

Mr. Davis agreed. As a special condition on the culvert have a weekly check. He thinks the drainage should improve the condition. Flood issues do not have an impact on whether the Commission takes action. He is sympathetic to the neighbors, but it is not a wetland issue.

Mr. Perlman stated the sewer issue is a moot point per the Town Attorney. His concerns with Metro North and the responsibility should be a condition of approval. He is satisfied with the backup plan for the sump pumps.

Ms. Rycenga questioned the plan for Metro North or Summit to clean culverts.

Mr. Perlman stated it must be in writing.

Mr. Rycenga stated we should obtain a plan. She agreed with Mr. Gazelli about recommending to Planning & Zoning that flooding concerns be addressed.

Mr. Bennett stated it is part of the design. They are following the existing dirt pathway as much as possible in order to try to keep all grading without disturbing the steep slope. There is minor grading to avoid disturbing the steep slope. All water is pitched away from the steep slope. They are tying in quickly with the grades. It is a shallow cut.

Mr. Perlman noted concern with driving off the driveway down the steep slope.

Mr. Bennett stated they could look into guide rails.

Ms. Rycenga asked for an explanation of the slope easements.

Mr. Bennett stated the slope easements would be undisturbed in perpetuity and left in their natural state.

Ms. Mozian expressed concern with the drainage galleries for the driveway runoff as they are proposed in an area of steep incline.

Mr. Bennett stated they will be installed in existing grade. The area will be disturbed and restored.

Ms. Mozian asked about the distance to the wetland.

Mr. Bennett stated it is about 27 feet.

Ms. Mozian questioned whether this is the only place for the drainage. She noted the number of trees that will be lost.

Mr. Bennett stated it must be at a lower level.

Ms. Mozian asked if this is the only suitable soil for the drainage.

Mr. Bennett stated it was chosen to pick up the driveway runoff.

Ms. Mozian asked if they could mark the ends of the drainage in the field.

Mr. Bennett stated they could. The drainage for Lot B& C will be in this location but the location for Lot A could change.

Ms. Rycenga noted this is an improvement from the previous application. She would like to see it marked in the field.

Mr. Bennett stated this would be an approximate marking. He noted there are a lot of ways to design drainage.

Ms. Mozian stated the Commission needs to have a plan for equipment and work near that slope that is the main capture for that part of the driveway. She noted the goal is to not exacerbate the flooding in the street and to analyze the impact of installing the gallery to the nearby wetland.

Mr. Bennett stated they would mark out the area by the end of the street.

Ms. Mozian noted that it would be a good time to discuss the watershed map.

Mr. Bennett explained the watershed map. To the west, there are approximately 80 acres. On the eastern side, there are 18 acres. In the approximately 100 acre watershed, it drops down towards Fresenius. He noted the flooding experienced during recent storms.

Ms. Mozian showed the location of a pinch point of the watercourse and the watershed, which is a culvert on Long Lots Road.

Mr. Davis clarified that water backs up based on the limited size of that culvert.

Ms. Mozian agreed.

Mr. Bennett believes the culvert is undersized and overwhelmed during storm events.

Mr. Barr noted the pinch points are offsite and downstream of the property.

Aleksandra Moch stated she has prepared two reports; one on January 30, 2017 and one on November 10, 2018. She discussed the physical characteristics of the wetlands to the north and south. The development is on the ridge in between the two areas of wetlands. There is no wetland crossing proposed. The wetland function is for groundwater recharge. The pond level is lower in the past few years but has a large holding capacity. The southern pond dries up. Sediment is holding well in both. Water and vegetation can filter sediment.

Ms. Rycenga asked about the depth of the ponds.

Ms. Moch stated the southern pond is about 8 inches. The northern pond is unknown but indicated you can see the bottom. The wooded area stabilizes the soil. It is a high quality wetland for habitat value but a larger portion is a disturbed area and has heavy deer browse with single family residences surrounding the whole area. With regard to habitat value, there are fish, aquatic organisms, deer and diverse mammals. This is a red maple swamp. There are trees down. It is not park like. They are currently proposing lot line and a conceptual plan only. The plans may change. The proposal has changed from three driveways to two driveways. The end of driveway may be fixed. The short term impacts are soil, tree and rock removal. The geologists reports agree that the rock removal will not impact the wetland. Proper sediment and erosion controls must be detailed. Long term impacts include the stormwater runoff and the detention system. The water quality will be treated by a grassed swale. The roof top runoff to be clean. The infiltration system will be clean. They will preserve buffers by adding to a permanent easement. The trees in the area will be added protection. She stated the conceptual plan can support a house. The drainage measure will improve from present conditions. They will preserve the buffer and have an easement for the entire northern corridor as open space. There are no direct impacts to the wetlands.

Mr. Davis asked about winter snow removal.

Ms. Moch stated there is a shoulder along the driveway.

Mr. Bennett noted there is a 3 to 4 foot shoulder wall is 5 feet off the driveway.

Mr. Davis indicated that the Commission would not want the snow pushed into the pond.

Ms. Rycenga suggested the Commission could recommend a snow shelf as a condition.

Mr. Bennett indicated that could be done.

Mr. Bancroft noted there will be a cul-tech. He questioned whether there was enough height to not be in groundwater.

Mr. Bennett stated there will be enough elevation. They need to be 2 feet above the ledge and 1 foot above groundwater.

Ms. Rycenga asked about the test pits for Engineering.

Mr. Bennett stated they have done 20 test pits with Engineering witnessing.

Mr. Carey asked if you develop one lot at a time, which element must be done.

Mr. Bennett stated that Lots B& C work together and Lot A has drainage required.

Mr. Barr asked about the peer review.

Ms. Rycenga stated she would like a peer review of the wetland survey.

Ms. Mozian stated the hydrogeologist was present. She clarified that the Commission wanted another wetland biologist for a peer review similar to Ms. Moch's review.

Mr. Perlman stated he wanted to hear from another wetland biologist.

Robert Simmons, HRP, Chief Hydrogeologist, consultant to the Commission, noted he was retained by the Commission on the previous application on August 21, 2017. His report did not see significant discharge to groundwater due to depth of groundwater on the site.

Ms. Mozian asked for a review of the groundwater monitoring wells.

Mr. Simmons noted that three groundwater monitoring wells were installed. Two wells were located on the crest and one near the pond. These were installed in March 2018. Monitoring occurred between April and June 2018. The readings were converted to elevations and compared to proposed house elevations. Only in one case was there a basement impingement. He does not remember which one it was. It was the conclusion that the groundwater runoff would be minimal. Water goes back into the ground. The net result was there would not be a significant impact to the wetland. He was retained to review the new application with the driveway, footprint and elevation changes. There is no significant difference. The net result of impervious coverage is the same. The basement elevation is the same on two and had been raised on the third. The conclusion is the same as before. He noted the size of the cul-tech has changed and was addressed in his memo. He addressed the two questions by Ms. Mozian. With regard to limit on the method of ledge removal, he noted the rock is relatively fractured. Its removal can be accomplished mostly by ripping and ram. He does not see the need for blasting.

Mr. Perlman asked for clarification of ripping.

Mr. Simmons stated it is using teeth on the rock and pulling, a hoe ram or large jackhammer on an excavator. The basement depth is about 10 feet. The proposed elevations do not impinge on groundwater.

Justin Lot of 11 Valley Field Road noted the drainage is expected to meet the criteria of a certain level of the 25 year storm. He questioned whether this project can handle the past storms. The total accumulation should be looked at daily and hourly and the intensity. He feels like the storm was bigger than it was. The Flood and Erosion Control Board hearing only requires the 25 year storm specification. These storms are larger than that design. 3 hour intervals reviewed back to 1946 for the brook. The frequency of these type of storms is greater now. The project needs to adapt to these standards.

Ms. Rycenga stated Mr. Bancroft mentioned this earlier in the evening.

Mr. Lot asked for an explanation of the slope easement.

Ms. Rycenga stated if approved, the slope easement would remain untouched and filed on the Land Records.

Mr. Lot clarified that the area does not meet the 5:1 slope requirements.

Mr. Davis agreed. He stated it remains natural.

Mr. Lot added an anecdote about the deer eating plants they are not supposed to. He noted deer are stressed for food and removal of their food source is adding to the stress.

Andrash Marr of 10 Fresenius Road and neighbor to the pond noted that the pond does dry up in the summer. Ducks and egrets frequent the pond. They dive in the pond so he would assume it is about 8 inches deep. There is a pipe discharging at Fresenius Road that controls flow and he sees it backup across the street. There is water in the drainage area that bubbles up and creates flooding on the street.

Thomas Schmidt of 19 Long Lots Road commented on the Flood Board. He noted that the assumption of Engineering is that 100% of the runoff will be caught by the drainage. Debris clogs the drainage. Engineering approves the best case scenario. The Town Engineer confirms that everything is caught. Runoff from the driveway will be dirty. They plan to install filters and he questioned who will do this.

Mr. Barr stated the owner will.

Matt O'Gorman of 5 Fresenius Road noted that most of the time his sump pump works and his crawlspace is generally dry. He has now upgraded his sump pumps after the September 25, 2018 storm. He spoke with the town. The culverts are not blocked. There was more water than in the past 10 years. It is coming up from underneath. His wife sent in several e-mails. He stated they are in a fragile situation. They have several concerns with other properties such as the carwash and Bertucci's. He showed the location of his property.

Mr. Davis noted it is closer to the pinch point.

Mr. O'Gorman agreed.

Mr. Marr stated the drainage to that area is behind his house. Water flows out of the drain.

Andy Weeks spoke on behalf of his father who lives at 11 Fresenius Road. He stated this is a very emotional issue for his father. Westport per Bruce Lindsay, Tree Warden, is developer friendly. He wanted to clarify that the slope leading down to the pond is protected from tree cutting. He asked if the neighbors can pay for their own environmental impact assessment.

Ms. Rycenga stated yes but they must have permission to access the property. They can send questions to the staff and they will be submitted to the applicant.

Andrew Hyatt of 9 Valley Field Road stated he backs up to this property. He stated he does want to keep the trees. It appears that they are trying to thread this project into a tight area. He questioned whether this is a difficult project.

Ms. Rycenga stated each site is different. It is hard to respond. The Commission uses experts to help in the evaluation.

Mr. Perlman stated his opinion is that it is a little more complex. The Commission does not usually get as much turnout.

Anna Fable of 3 Fresenius Road noted they are at the bottom of the road. She asked that the proposal be looked at carefully.

Mr. Marr noted that in the past week, they lost a lot of personal mementos. He stated that the Commission must be aware of the area's history and what is there now. People's homes are at stake.

Ms. Rycenga asked if Mr. Carey was able to review the previous record.

Mr. Carey stated he believes the Commission should hire it's own expert to explore and understand the southern wetland.

Mr. Bancroft stated this is similar to the Hiawatha project. There have been huge storms and more frequency. He is not sure of the total impact yet wants more information from another party. The question is, is it beyond the scope of the Commission to extend west of the property.

Mr. Davis expressed concern with the southern wetland area. He questioned would development adversely impact this area and the downstream neighbors. He believes that an expert may be needed.

Mr. Perlman stated that based on the prudent and feasible alternatives and the views expressed by the public, the Commission should hire an outside expert.

Ms. Rycenga reviewed Ms. Moch's report.

Ms. Mozian noted Ms. Moch is a wetland scientist but most of the concern is flooding. She questioned whether the Commission is asking for an engineer.

Mr. Bancroft stated the Commission has one, the Town Engineer.

Ms. Mozian asked the Commission to define what it is that they need from an outside expert.

Mr. Simmons cautioned that the Commission was going into the engineering realm.

Mr. Barr noted the Commission has three engineers that are in agreement.

Ms. Rycenga asked if the Commission would like to have a P.E. review the flooding and runoff.

Mr. Perlman and Mr. Davis indicated yes.

Mr. Bancroft stated we have the Town Engineer.

Mr. Barr stated the Commission has the Flood Board approval and the Town Engineer's report. He questioned whether the Commission was overstepping its boundaries.

Ms. Rycenga indicated agreement with Mr. Barr's assumption.

Public comment noted they would not be able to get their own expert.

Ms. Rycenga stated they would be able to.

Mr. Barr stated the Commission needs to answer whether or not to hire an outside expert.

Ms. Rycenga stated this is a large and complex application. She asked whether the Commission wants another soil scientist. She is satisfied with the Town Engineer's report but does not want to preclude the public.

Mr. Barr clarified there was no requirement for a second peer review. He asked if there were additional questions for the applicant to answer.

Ms. Rycenga asked the public comments be addressed.

Mr. Bancroft asked for a review of the second drainage basin and depth of the wetland.

Ms. Moch stated she would need permission to access.

Mr. Barr granted access to his property.

Ms. Mozian stated the Town Attorney has not responded to her request for clarification about recommendations to Planning & Zoning but she does want his confirmation. The Commission has the Flood Board minutes. The specific requirements are included.

Mr. Barr stated those are contingent upon permitting. He asked procedural question related to date of next meeting.

Ms. Mozian stated she would need a 28 day extension.

Mr. Barr verbally gave the 28 day extension.

Ms. Mozian stated it was likely the hearing would close at the next meeting and be decided in December.

Mr. Perlman asked if the expert report would be concluded by the next hearing.

Ms. Rycenga stated it is required by that date.

Mr. Weeks asked about not hiring a second peer review and what that means.

Ms. Rycenga stated the Commission is not hiring an engineer or soil scientist.

Mr. Davis stated the Commission is utilizing in house staff.

Ms. Mozian noted the applicant will respond to public comment. The Commission has heard from HRP as a third party review.

Ms. Rycenga stated that the review is connected to the wetlands only.

Ms. Mozian noted protecting the steep slopes is important. If the slopes are modified, there would be impacts to the wetlands. The Commission's role is to protect the wetlands.

Motion to continue the hearing to the November 14, 2018 Public Hearing.

Motion:	Rycenga	Second:	Perlman
Ayes:	Rycenga, Perlman, Bancroft, Davis, Carey		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

The applicant gave a verbal time extension.

Work Session II:

1. Other business.- **NONE**

The November 17, 2018 Public Hearing of the Westport Conservation Commission adjourned at 12:05 a.m.

Motion:	Rycenga	Second:	Bancroft
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Ayes: Rycenga, Bancroft, Davis, Perlman, Carey
Nays: None **Abstentions:** None **Vote:** 5:0:0

**MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 26, 2018**

The October 26, 2018 Special Meeting of the Westport Conservation Commission was called to order at 9:25 a.m. in Room 309 of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Acting Chair
Paul Davis, Secretary
Donald Bancroft
Robert Corroon
Mark Perlman
Ralph Field, Alternate for 107 Old Road

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst
Susan Voris, Recording Secretary

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 business days of the October 26, 2018 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Work Session I: 9:25 a.m., Room 309

1. RECEIPT OF APPLICATION:

20 & 26 Morningside Drive South: Application #IWW,WPL/E-10699-18 by Barr Associates LLC on behalf of Greens Farms Developers LLC & Morningside Drive Homes LLC for a set-aside development pursuant to CGS §8-30g of 19 townhouse style condominiums, 6 of which will be income restricted in the manner prescribed by §8-30g and related site improvements. Portions of the work are within the upland review area of Muddy Brook.

Ms. Mozian stated this was a formality. The Commission voted to hire an outside expert to assist in the review of the project at its October 17, 2018 meeting but failed to officially vote to receive the application

Motion to receive the application with the receive date of October 17, 2018.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Corroon		
Nayes:	None	Abstentions:	None
		Vote:	4:0:0

- 2. 28, 36, 38, 39, 41, 42, 43, 44, 45, 47, Parcel A05 Lot 4 and Parcel A05 Lot 5 Hiawatha Lane:** #IWW-10619-18 and WPL-10659-18 by Summit Saugatuck LLC on behalf of Saugatuck Summit LLC, Anne M. Mantia, Estate of Crystal Christensen, Hannelore Walsh, Frank P Bottone and David H Ogilvy for a proposed 187-unit multi-family rental development presented in five buildings with associated site improvements.

Mr. Corroon stated for the record that he has familiarized himself with the tape of the last meeting and materials.

All members were given a copy of the draft findings and resolution.

The Commission went into recess at 9:30 a.m.

Mr. Perlman arrived at 9:40 a.m.

Mr. Corroon participated in the hearing via speakerphone.

The Commission reviewed the findings and potential changes.

Ms. Rycenga submitted a colored copy of her suggested revisions to the draft resolution for review.

Ms. Mozian noted a comment about the buildings being outside the 75-foot upland review area and the parking areas are outside the 30-foot upland review areas.

Ms. Rycenga stated on page 2 of 13 of the findings, the dates need to be changed for uniformity with the resolution.

Ms. Mozian noted that if the Commission makes a recommendation to the Planning & Zoning Commission for a Phase I study, comments related to this can go under Water Quality. She also noted the testimony by the public about the flooding. The Flood and Erosion Control Board looked at the application very narrowly at only work within the WPLO. If the Commission chooses, they can make a recommendation to the Planning & Zoning Commission to send back to the Flood Board to hear about the flooding and drainage in a broader context.

Ms. Rycenga noted the Commission has the right to consider history of an area but must tie it into the wetland or watercourse. She is in agreement with making a recommendation to the Planning &

Zoning Commission to resend to Flood Board for a more thorough review of the flooding problems in the neighborhood including examining the culvert size carrying Indian Brook.

Mr. Bancroft, Mr. Corroon, Mr. Davis and Mr. Perlman agreed.

Mr. Corroon asked for clarification of whether the floor drains would go into the storm drains or the sewer system.

Ms. Mozian clarified that floor drains with the oil and grit separators must connect to the sewer system with the permission of the Engineering Department per memo from Amrik Matharu of October 15, 2018.

FINDINGS

Application #IWW-10619-18

#WPL-10659-18

Lot A5/4, Lot A5/5, 28,36,38,39,41,42,43,44,45,47 Hiawatha Lane

Public Hearings: July 18, 2018, September 12, 2018, September 25, 2018, October 17, 2018

Receipt Date: IWW Application: May 16, 2018

Application Classification: Plenary

Application Request:

Applicant is proposing to redevelop several existing residential lots to build a 187 unit 8-30 g affordable housing project. The existing site includes 10 single family homes and two vacant lots. These homes will be demolished. Two lots to the north will be combined to form a new .75 acre parcel. The remaining eight house lots and two vacant lots to the south will be combined to form an 8.07 acre parcel. The north lot will have a three story, multi-family residential building with below ground and at-grade parking. The south lot will have three, three story multi-family buildings and one, four-story building with a connecting underground parking garage and at-grade parking. Related appurtenances include a playground and recreation area, a courtyard, walkways, paved drives and a stormwater management system.

The project is proposed to be served by public water and connection to a new sanitary sewer line with sanitary manholes and other related improvements along approximately 1,600 linear feet of Hiawatha Lane and Davenport Avenue within the road right-of-way.

The on-site impervious coverage will increase from 1.1 acres to 3.9 acres.

Regulated Activities:

- a. Southern Wetland System: There are four buildings proposed in the southwest portion of the site (Buildings A, B, C and D.) Of the four, two are located adjacent to a large wetland system that measures approximately 2.89 acres in size, (Buildings A and B.) All four buildings would be located outside the 75 ft. upland review area and the at-grade parking and driveway shoulders would be located outside the 30 ft. upland review area as well. No work is proposed within the wetland. The only work proposed is within the 20 ft. upland review area and is referenced by the applicant as an "Ecological Enhancement Zone" where invasive shrubs, vines and other vegetation would be removed and or controlled using herbicide applications. New, native trees, shrubs and ground cover planting would be installed. The wetland itself would be placed within the Conservation Easement Area which would be permanently demarcated with wood posts positioned 50 ft. on-center along the wetland boundary.
- b. Northern Wetland System: There is another building (Building E) with both underground and at-grade parking proposed in the northern portion of the property. All are located more than 75 ft from on-site wetlands.
- c. Eastern Wetland/Brook System: The regulated area in this portion of the project is restricted to that which is directly next to Indian Brook and is located in a confined channel which mimics the

top of the stream's embankment. The proposed regulated activity in this area is the Sewer Line Connection. The sewer line connection is proposed to cross Indian Brook. Work is proposed to take place in the street with the new sewer line to be installed beneath the brook. The work is located within the 20 ft upland review area and the WPLO area of Indian Brook.

Plans Reviewed:

"The Village at Saugatuck, Town of Westport," prepared for Summit Saugatuck, LLC

1. Plans prepared by Divney, Tung, Schwalbe, LLP
 - a. Key Plan, SP-0.1, Scale 1" = 50', dated May 7, 2018, revised to 7/27/18
 - b. Layout Plan (North), Sheet SP-1.1, Scale 1" = 30', dated May 7, 2018 and June 29, 2018 revised to 9/28/18
 - c. Layout Plan (South), Sheet SP-1.2, Scale 1" = 30', dated May 7, 2018 and June 29, 2018 revised to 9/28/18
 - d. Grading and Utility Plan (North), Sheet SP-2.1, Scale 1" = 30', dated May 7, 2018 and June 29, 2018 revised to 9/28/18
 - e. Grading and Utility Plan (South), Sheet SP-2.2, Scale 1" = 30', dated May 7, 2018 and June 29, 2018, revised to 9/28/18
 - f. Landscape Plan (North), Sheet SP-3.1, Scale 1" = 30', dated May 7, 2018 and June 29, 2018 revised to 7/27/18
 - g. Landscape Plan (South), Sheet SP-3.2, Scale 1" = 30', dated May 7, 2018 and June 29, 2018, revised to 7/27/18
 - h. Erosion Control Plan, Sheet SP-4.1, Scale 1" = 50', dated May 7, 2018 and June 29, 2018, revised to 7/27/18
 - i. Erosion Control Phasing Plan, Sheet SP-4.2, Scale 1" = 80', May 7, 2018 and June 29, 2018, revised to 7/27/18
 - j. Erosion Control Details, Sheet SP-4.3, Scale As Shown, dated May 7, 2018 and June 29, 2018 revised to 7/27/18
 - k. Site Details, Sheet SP-5.1, Scale As Shown, dated May 7, 2018, revised to 7/27/18
 - l. Site Details, Sheet SP-5.2, Scale As Shown, dated May 7, 2018, revised to 7/27/18
 - m. Site Details, Sheet SP-5.3, Scale As Shown, dated May 7, 2018, revised to 7/27/18
 - n. Site Details, Sheet SP-5.4, Scale As Shown, dated May 7, 2018, revised to 9/28/18
 - o. Site Details, Sheet SP-5.5, Scale As Shown, dated 6/29/18 revised to 7/27/18
 - p. "Operations and Maintenance Plan", Sheet OM-1, dated 8/17/18, revised to 7/27/18
 - q. "Proposed Stormwater Management Measures, Sheet SP-6.0, Scale 1"=50' dated 6/29/18
 - r. "Proposed Conservation Easement", Sheet CE-1, Scale 1"=30'dated 5/7/18
 - s. "Wetland (Upland) Review Area Diagram, Sheet WE-1.2 Scale 1"=30' dated 6/29/18
 - t. "Wetland (Upland) Review Area Diagram, Sheet WE-1.3 Scale 1"=30'dated 6/29/18
 - u. "Conservation Easement & Ecological Enhancement Zone Management Site Plan, The Village at Saugatuck" Hiawatha Lane Westport, CT prepared by William Kenny Associates dated September 25, 2018 and accompanying document entitled: "The Village at Saugatuck Hiawatha Lane Westport, Connecticut "Conservation Easement & Ecological Enhancement Zone Management Plan" prepared by William Kenny Associates, LLC dated September 25, 2018.
2. Plans prepared by Redniss & Mead
 - a. Site Development Plan Depicting Hiawatha Lane Sanitary, Sheet SE-1, Scale 1' = 30', dated May 7, 2018
 - b. Details Depicting Hiawatha Lane Sanitary, Sheet SE-2, Scale NTS, dated May 7, 2018
 - c. Pump Station Details Depicting Hiawatha Lane Sanitary, Sheet SE-3, Scale NTS, dated May 7, 2018
 - d. Cross Sections Depicting Hiawatha Lane Sanitary, Sheet SE-4, Scale As Noted, dated May 7, 2018
3. Plans prepared by Lewis Associates Land Surveying and Civil Engineering
 - a. Existing Conditions Plan Topographic Survey of Properties Located on Hiawatha Lane, Westport, Connecticut, Sheet 1 of 3, Dated March 17, 2016 and last revised to January 3, 2018.

- b. Existing Conditions Plan Topographic Survey of Properties Located on Hiawatha Lane, Westport, Connecticut, Sheet 2 of 3, Dated March 17, 2016 and last revised to January 3, 2018
- c. Existing Conditions Plan Topographic Survey of Properties Located on Hiawatha Lane, Westport, Connecticut, Sheet 3 of 3, Dated March 17, 2016 and last revised to January 3, 2018

Permits/Applications filed:

1. February 21, 2018, Conservation Commission approved Application #IWW/M-10540-18 for Amendment of Wetland Boundary Map A5 and B5.
2. Application #IWW,WPL-10619-18 of Summit Saugatuck for 187 Unit 8-30g affordable housing project was submitted May 14, 2018. The WPLO portion of the application was withdrawn July 23, 2018 in order to allow more time to review the application and was resubmitted on August 8, 2018. The contents of the previous WPLO application was incorporated into the current application #WPL-10659-18.

WPLO: There are two watercourses on the property. Indian Brook is located in the vicinity of the sewer crossing in the eastern portion of the project. An unnamed tributary to Indian Brook flows in the southern portion of the lot. The WPLO boundary is established 15 ft. from the wetland boundary associated with both the brook and the tributary.

The only regulated activity pursuant to the WPLO is the sewer connection taking place within Hiawatha Lane. The proposed sewer line would be placed beneath the brook which exists within a culvert beneath the street.

IWW Defined Resource (wetland or watercourse)

Wetlands and Watercourses occur on the subject property to the south and east. The wetlands were flagged and the boundary was adopted by the Conservation Commission at its February 21, 2018 hearing of Application #IWW/M-10540-18. The boundary was initially flagged by Soil Scientist, Thomas Pietras, then confirmed by William Kenny. The Commission also retained the services of soil scientist, Eric Davison, who verified the flaggings by Mr. Pietras and Mr. Kenny.

Property Description: The ten existing, single family properties range in size from 0.35 to 0.81 acres, while the two undeveloped parcels are 0.16 and 2.85 acres in size. Most of the lands surrounding the single family houses are maintained in grassed lawns with scattered trees and shrubs. The southern portions of House #38, 32 & 44 plus a large portion of Parcel 4 are wooded. A State of CT-owned property is situated to the north of House # 38, 32 & 44 and to the west of House #36. Formerly, this State property contained buildings and asphalt parking associated with the I-95 toll booths. The toll booths were taken out in the late 1980's. These state lands are presently vacant and covered with a mix of grass fields with grades falling generally to the south. Elevations range from 32 feet at the northeastern corner of 28 Hiawatha Lane to just below 10 feet in the broad flatlands on Parcel 4.

In addition:

- a. The property is serviced by public water and on-site septic systems for the existing residences. A sewer line extension is proposed for the new proposed project.
- b. The property is not located within the Aquifer Protection Zone nor a groundwater recharge area.
- c. Property is outside the Coastal Area Management zone.
- d. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a streamside floodplain with a wooded swamp and watercourse. A portion of the perimeter of this wetland system does contain tidal marsh vegetation. The perimeter of the wetland is developed residentially. There is evidence of water ponds temporarily within the wetland system.
- e. The WPLO boundary is 15' from the wetland boundary. The outlet of this wetland system is Indian Brook.
- f. The 100 year floodplain as designated by FEMA is set at elevation 10 ft. on this property. No work is proposed within this area. This floodplain is located within the southern wetland system.
- g. Landscape position is a backslope. Land surface shape is linear/linear.

Wetlands Description: Wetland soils are present on the southern portions of House #'s 39, 41 and 43 plus a large portion of Parcel 4.

A soil report summary was prepared by Tom Pietras on March 11, 2016 based on his inspection of the property on March 8, 2016. He describes the following wetland soils occurring on the property:

Raypol silt loam (12): The Raypol silt loam is a deep, poorly drained, friable loamy textured soil that developed over sandy and gravelly, glacial outwash. A water table is typically present within a foot of the surface from late fall through mid-spring.

Scarboro muck (15): this soil is a deep, very poorly drained soil with a thin (less than 15 inches) mucky surface that is underlain by sandy and gravelly, glacial outwash. This soil is subject to shallow (0 to 6 inches) seasonal ponding. The seasonal water table typically remains within six inches of the surface. On March 8, 2016, much of the Scarboro soil map unit identified on Parcel 4 contained shallow inundation that in places exceeded a foot deep. The wetlands on Parcel 4 may contain areas of deeper muck. An intermittent watercourse discharges into the wetlands from a culvert which is located on the eastern side of 39 Hiawatha Lane. The watercourse flows in a southwesterly to westerly direction through the wetlands which are located on the southern portions of 39, 41 and 43 Hiawatha Lane and eventually into the broad wetlands on Parcel 4. A second intermittent watercourse channel is located in the far southern portion of 39 Hiawatha Lane and intersects with the first intermittent watercourse. The second watercourse extends onto property at 37 Hiawatha Lane where it connects with a larger brook. The Town of Westport GIS map shows a small pond, or inundated area, in the southern portion of 39 Hiawatha Lane within the delineated wetlands. There is evidence of a former, very shallow pond which has been silted-in. The intermittent watercourse which discharges from the culvert at 39 Hiawatha Lane passes through the former pond which presently supports young forested swamp vegetation.

The wetland area in the vicinity of the sewer crossing was flagged by soil scientist, William Kenny. He determined the soils in that area to be comprised of Udorthents which are soils that have been filled or excavated to a depth greater than 2 ft. and are well drained to somewhat poorly drained.

According to the State of Connecticut Surficial Materials Map, the project area contains glacial meltwater deposits that were mapped as containing sand and gravel. Glacial meltwater deposits consist of layers of well-sorted to poorly sorted gravel, sand, silt and clay laid down by flowing meltwater in glacial streams and lakes which occupied the valleys and lowlands of Connecticut during the retreat of the last glacial ice sheet. The sand and gravel map unit is composed of mixtures of gravel and sand within individual layers and as alternating layers. Sand and gravel layers generally range from 25 to 50 percent particles and 50 to 75 percent sand particles.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

6.1 GENERAL STANDARDS

- 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

Findings: The proposed multi-family units are outside the 75 ft upland review area. The proposed surface parking lot is outside the 30 ft. upland review area.

In a report dated May 10, 2018 by William Kenny of William Kenny Associates, to the applicant, he summarizes that the proposed residential redevelopment is not expected to have adverse impacts to wetlands or watercourses on or off the site. The proposed project has been designed to avoid direct and

indirect adverse impact to wetlands and watercourses. Direct adverse impact will be avoided as no wetlands or watercourse areas will be eliminated or degraded.

Mr. Kenny writes that indirect adverse impacts will be avoided by managing the quality and quantity of stormwater runoff before it enters wetlands and watercourse on and off the property. The applicant proposes to enhance wetlands through the removal of construction debris and other residential bulky waste, the control of invasive vegetation and the installation of native vegetation. In addition, the proposed ornamental landscape will be managed in accordance with Northeast Organic Farmers Association standards.

The Conservation Commission has retained the services of GHD to aid in its review of the application and what, if any, impact there will be to wetlands and watercourses as defined by the "Inland Wetland and Watercourse Regulations of the Town of Westport" and the Town's "Waterway Protection Line Ordinance." GHD's analysis of proposed impacts is summarized in its memo to the Commission dated July 11, 2018.

Based on the documents provided to GHD, it found that:

- The applicant is not proposing any direct impact to wetlands or waterways on or adjoining the site;
- The applicant has identified that potential secondary impact to wetlands and watercourse related to construction (short-term) and increased impervious surfaces and stormwater run-off (long-term) could occur, if unmitigated.
- The applicant has provided an analysis and discussion of proposed mitigation measures to address potential short-term and long-term adverse impacts on the wetland and watercourse as a result of the project. The proposed mitigation measures include an erosion and sedimentation control plan to address potential short-term impacts due to construction activities and a comprehensive stormwater management plan to address potential long-term adverse impacts to the wetlands and watercourse.
- In all, GHD listed 22 action items that were to be addressed that would better protect the wetlands and watercourses.
- In response, a document entitled, "Response Document to July 11, 2018 memo of GHD" dated July 30, 2018 was prepared by Divney, Tung, Schwalbe. A second memo was submitted by Summit Saugatuck, LLC dated August 24, 2018 to the Westport Conservation Commission entitled "Response to July 11, 2018 Peer Review Memo of GHD" in which each of the GHD comments were addressed.
- A response document dated September 6, 2018 from GHD noted that the responses made to their initial July comments adequately addressed their concerns. In some instances, the plans were further amended with revisions submitted on October 1st noting a September 28, 2018 revision date.
- The plans were also revised to reflect comments from the Engineering Department's September 7, 2018 memo to Conservation Director, Alicia Mozian. The September 28, 2018 plans were further reviewed by the Engineering Department, revisions made and a final memo from the Engineering Department, dated October 15, 2018 concludes that the "office is satisfied with the revisions made to the project. Per this review, the application is substantially complete and requires no further resubmission. While the granting of this approval is at the discretion of the Commission, we find no issues in my review that would preclude such action."

6.2 WATER QUALITY

- 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

Findings: The proposed development will increase the on-site impervious surface coverage by approximately 2.8 acres. Stormwater runoff will be installed and maintained to meet the Town's drainage design standards for water quality which includes treating the first inch of runoff from added impervious surfaces. The treatment train proposed will drain stormwater flowing from impervious surfaces into hooded deep sump catch basins, which will help remove oil and grease and sediment. The parking garage(s) will have an oil and grease separator(s) that will drain to the Town's sewer system. Runoff will then drain into recharge chambers that will infiltrate the stormwater into the surrounding soils or water quality basin, which will further remove pollutants from runoff. Runoff from the remaining impervious surfaces will flow to the stormwater basins and raingardens and treated via infiltration in the surrounding soils. Rainwater that lands on the proposed parking garage's 11,000 sq.ft. green roof will be treated and detained by passing through the green roof vegetated medium into a roof drain system. Excess stormwater from the green roof will flow to either the subsurface recharge chamber to the north or the stormwater basin to the south for infiltration and further treatment. The Commission finds that the maintenance of the green roof is an integral part of the treatment train and as such provisions for its upkeep must be added to the overall Operations and Maintenance Plan for the property.

In addition, the applicant will be cleaning the existing Indian Brook culvert and existing wetland area of debris. The Commission further finds that every attempt to secure permission from the State of Connecticut to allow cleaning of the culvert under the railroad will further improve the water quality of the brook leading into the Saugatuck River.

Moreover, the 2.89 acre Conservation Easement Area which encompasses the vast majority of the on-site wetland will be left undisturbed. A 20 ft.- 50 ft. wide vegetated buffer will be enhanced with native plantings that will act as additional on-site filtering of any overland flow. The Commission finds that the proposed "Ecological Enhancement Zone" once established, should be included in the Conservation Easement Area.

Snow stockpile areas have been designated on the plans to ensure snow is not dumped into the Conservation Easement area. When deicing is required, Calcium Magnesium Acetate or other non-sodium based products will be used. This requirement will be added to the Operations and Maintenance Plan for the property.

The proposed development is slated to be served by city water and sewer, though the Town's approval to connect to the sewer has not yet been granted. The Commission finds that failure to secure the sewer approval would render this approval null and void since the design is predicated on receiving this approval.

The buildings would be heated by natural gas. Any existing underground oil tanks now servicing the existing homes would be removed. The applicant purports that above-ground oil tanks from six of the 10 existing homes have already been removed. In addition, since the past use of the property has been historically residential, the applicant believes a Phase I site assessment is not warranted.

However, in the May 14, 2018 letter to Patricia Shea, Chair of the Conservation Commission, Timothy Hollister, attorney for the applicant states that: "one parcel adjacent to the proposed redevelopment, a lot still owned by the Connecticut Department of Transportation, was used until the 1980's as a paved support area for I-95 toll booths." In his June 12, 2016 report to Summit Development, LLC, Soil Scientist, Thomas Pietras further defines this area located to the north of houses 38, 32, 44 and to the west of house 36. The Commission finds that since the parcels under review now are in such close proximity to the state owned land that once generated possible contaminants by its use as a toll booth location, at

minimum, a Phase I study should be conducted by the applicant. However, the Commission has opted to make this a recommendation to the Planning and Zoning Commission as the concern relates more closely to its purview in reviewing the public health and safety aspect of the proposal.

6.3 EROSION AND SEDIMENT

- 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.

Findings: The erosion and sediment controls are probably one of the most significant considerations of this particular design due to the amount of proposed cutting and the proximity to the wetland. The site measures 8.8 acres total, 8.1 acres in the southern most section of the property where Buildings A,B, C and D are located. Building E is located in the northern section on .75 acres. All buildings will be served by both at-grade parking spaces and underground parking garages.

The property slopes from north to south with some steep slopes located to the north. The applicant has stated that there will be net cutting of the property with an estimated 25,725 cubic yards of fill being removed from the site. For perspective, assuming a typical dump trucks has a capacity of 20 yards, that equates to 1,286 dump truck loads of fill being hauled off the property.

The applicant has testified that the total site disturbance is estimated at 5.8 +/-acres with only 5 acres of land being cleared at a time and that the sediment and erosion control plan, is meant to also serve as the construction phasing plan, Sheet SP-4.2. The Conservation Easement Area measures 2.9 acres. This, plus the area to be developed equals the total 8.8 acres. The State of Connecticut requires that if the site disturbance is greater than 5 acres, registration of the site with the CT DEEP is required. The applicant agrees that they do plan on registering their plan for stormwater and sediment and erosion control with the State.

The applicant is proposing the use of double-rows of silt fencing, sediment traps, stockpiles with silt fence placed at a minimum of 55 ft. from any wetlands, wheel wash areas, dewatering pits, coir logs, catch basin inserts, mud-tracking pads. In addition, the Erosion Control Plan, Sheet SP-4.1 states that a Site Monitor will be employed that will report to the Conservation Department on a weekly basis and after a rainfall event of .5 inches or greater. Reporting will take place during the initial clearing, excavation, foundation construction, installation of sedimentation controls and time of final site stabilization.

The sediment traps will be converted to stormwater infiltration basins at the end of construction. Stockpile areas are located throughout the project, one being in the far southwest corner of the developed area adjacent to the wetland in the location of the proposed playground. These piles will be hydro-seeded. In addition, any areas not worked for more than seven days are to be hydro-seeded.

The Commission's consultant, GHD, reviewed the erosion and sedimentation control plan and determined that the plans are adequate and meet the goal of trapping particulates at the source by promptly stabilizing disturbed areas, avoiding concentration of runoff, avoiding contamination of existing storm drains and maintenance of controls on a weekly basis and after storm events.

6.4 NATURAL HABITAT STANDARDS

- 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.
- g) Planting plan included with application as mitigation for the proposed activities

Findings: The wetland areas on the site were evaluated for their ability to provide wildlife habitat by two soil and wetland scientists, Thomas Pietras and William Kenny. They describe the wetlands as being grouped into three areas: a forested swamp in the southeastern portion of the site primarily behind 39, 41 and 43 Hiawatha Lane, a shrub-sapling swamp/forested swamp complex in the southwestern portion primarily behind 43, 45 and 47 Hiawatha Lane, and Indian Brook and its fringe wetland.

In his June 12, 2016 report, Mr. Pietras states that on May 16, 2016 the inundated portion of the swamp area was investigated for amphibians and reptiles. A dip net was used to sample the waters and identify any species. No obligate vernal pool species were found. An American toad, green frog, several waterfowl and song bird species were sighted.

Mr. Pietras found that the forested swamp, intermittent watercourse, patches of upland forest and the dense woody understory and herbaceous layer provide food, cover and nesting sites for wildlife. However, the presence of a residential neighborhood to the north and the railroad to the south reduce the overall wildlife habitat value. Therefore, in general the forested swamp wetlands was determined to provide moderate wildlife habitat.

The shrub-sapling swamp and forested swamp are situated primarily within the vacant lot behind #43, 45 and 47 Hiawatha Lane. Mr. Pietras rated this area as moderate-high quality wildlife habitat for a range of species including reptile, amphibian, waterfowl, avian species and mammals.

Mr. Kenny re-investigated the site in April and September of 2017. In his May 10, 2018 report to the applicant, he also includes the evaluation of Indian Brook and its fringe wetlands. They were evaluated as having moderate wildlife habitat.

Mr. Kenny finds that the on-site wetlands will remain unchanged and or be slightly improved. The capacity of the wetlands and watercourses to provide wildlife habitat will be slightly improved as the wetland buffer areas will be cleaned of debris and vegetated with native plantings that will benefit wildlife using the wetlands.

A consultation of the CT DEEP Natural Diversity Data Base map for Westport was reviewed and no state or federal listed species and significant natural communities were identified in the forested swamp or in any portion of the of the project area.

Both of these wetland areas are proposed to be protected within a conservation easement area.

6.5 DISCHARGE AND RUNOFF

- 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

Findings: Discharge and runoff and water quality are linked very closely in this design proposal. As no direct impact to the wetland is anticipated, the indirect impact may come from how effective the

stormwater runoff is treated before it is discharged to the ground or the wetlands. The treatment train for handling stormwater runoff is reviewed more thoroughly in the "Water Quality" analysis above.

- Initially, the Commission's consultant, GHD, listed 22 action items that were to be addressed that would better protect the wetlands and watercourses. They concluded that, if done and found acceptable, would "appear to be adequate to mitigate potential long-term adverse impacts to the wetlands and waterways."
- In response, a document entitled, "Response Document to July 11, 2018 memo of GHD" dated July 30, 2018 was prepared by Divney, Tung, Schwalbe. Also, a memo was submitted by Summit Saugatuck, LLC dated August 24, 2018 to the Westport Conservation Commission entitled "Response to July 11, 2018 Peer Review Memo of GHD" in which each of the GHD comments were addressed.
- A response document dated September 6, 2018 from GHD noted that the responses made to their initial July comments adequately addressed their concerns. In some instances, the plans were further amended with revisions submitted on October 1st noting a September 28, 2018 revision date.
- The plans were also revised to reflect comments from the Engineering Department's September 7, 2018 memo to Conservation Director, Alicia Mozian. The September 28, 2018 plans were further reviewed by the Engineering Department, revisions made and a final memo from the Engineering Department, dated October 15, 2018 concludes that the "office is satisfied with the revisions made to the project. Per this review, the application is substantially complete and requires no further resubmission. While the granting of this approval is at the discretion of the Commission, we find no issues in my review that would preclude such action."
- The Flood and Erosion Control Board reviewed and approved the application at its July 11, 2018 meeting.

However, as with any stormwater management plan, it is only as effective as it is maintained. This requires routine inspection and maintenance for the entire life of the project. The applicant has submitted an Operations and Maintenance Plan (Sheet OM-1) outlining how the stormwater features, including the green roof will be maintained over the life of the project. The Commission finds that this should be a stand-alone document with routine maintenance compliance recorded and available for inspection by Town representatives at any time.

The Commission further finds that in response to the testimony received by the neighbors about the flooding conditions in the area and due to the limited scope of the review by the Flood and Erosion Control Board at its July 18, 2018 review pursuant to the WPL Ordinance only, the Commission will be recommending to the Planning and Zoning Commission that, if and when the proposal is reviewed by them, they refer it again to the Flood and Erosion Control in order to provide the opportunity to consider the flooding conditions in the area on a watershed basis.

6.6 RECREATIONAL AND PUBLIC USES

- 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.

Discussion: A playground recreation area is proposed in the southwest corner of the project area behind Building B. This is located outside the WPLO area and approximately 60 ft. at minimum from the wetland boundary in that area. There is also an area between Buildings A and B described as "Hiawatha Green." This area sits above the below ground parking garage. The current application will not have a significant impact on recreational and public uses.

WPLO Findings

Application #WPL-10659-18

Section 30-93 of the Waterway Protection Line Ordinance states that an applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to, impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

There are two watercourses on the property. Indian Brook is located in the vicinity of the sewer crossing in the eastern portion of the project. An unnamed tributary to Indian Brook flows in the southern portion of the lot. The WPLO boundary is established 15 ft. from the wetland boundary associated with both the brook and the tributary.

The only regulated activity pursuant to the WPLO is the sewer connection taking place within Hiawatha Lane. The proposed sewer line would be placed beneath the brook which exists within a culvert beneath the street.

- The Flood and Erosion Control Board approved the application on July 11, 2018.
- The Engineering Department gave a favorable review of the proposal after several plan changes and additions in its October 15, 2018 memo to Conservation Director, Alicia Mozian.
- The Commission's consultant found, that after several plan changes and additions, they found the project acceptable with certain conditions that would ensure the stormwater collection and treatment components of the plan would be maintained over the life of the development.
- The project development is located outside the 100 year floodplain.
- Soil and wetland scientists Thomas Pietras and William Kenny found no adverse impact to plant and aquatic life or habitat diversity since the entire wetland area would be protected in a Conservation Easement Area.
- No threatened or endangered species are found on the property.

The Conservation Commission finds that, with further conditions imposed to ensure design measures are implemented and maintained as proposed, the resources on the property as regulated by the Inland Wetland and Watercourse Regulations for the Town of Westport and the Waterway Protection Line Ordinance will not be adversely impacted by the proposed development.

Conservation Commission

TOWN OF WESTPORT

Conditions of Approval

Application #IWW-10619-18 and #WPL-10659-18

Street Address: 26, 36, 38,39, 41, 42, 43, 44, 45, 47 Hiawatha Lane

and Parcel A5, Lot 4 and Parcel A5, Lot 5 Hiawatha Lane

Date of Resolution: October 26, 2018

Project Description: Demolition of 10 single-family residences and construction of a 187-unit multi-family rental development housed within five separate buildings with underground and surface parking and driveways, playground area and associated grading and drainage.

Owner of Record: Summit Saugatuck, LLC; Anne M. Mantia; Estate of Crystal Christensen; Hannelore Walsh; Frank P. Bottone; and, David H. Ogilvy

Applicant: Summit Saugatuck, LLC

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW-10619-18 and #WPL 10659-18** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. Conformance to the Conditions of Approval of the Flood and Erosion Control Board hearing of July 11, 2018.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:

“The Village at Saugatuck, Town of Westport,” prepared for Summit Saugatuck, LLC

1. Plans prepared by Divney, Tung, Schwalbe, LLP
 - a. Key Plan, Sheet SP-0.1, Scale 1" = 60', dated May 7, 2018 and June 29, 2018 revised to 7/27/18
 - b. Layout Plan (North), Sheet SP-1.1, Scale 1" = 30', dated May 7, 2018 and June 29, 2018 revised to 9/28/18
 - c. Layout Plan (South), Sheet SP-1.2, Scale 1" = 30', dated May 7, 2018 and June 29, 2018, revised to 9/28/18
 - d. Grading and Utility Plan (North), Sheet SP-2.1, Scale 1" = 30', dated May 7, 2018 and June 29, 2018 revised to 9/28/18
 - e. Grading and Utility Plan (South), Sheet SP-2.2, Scale 1" = 30', dated May 7, 2018 and June 29, 2018, revised to 9/28/18
 - f. Landscape Plan (North), Sheet SP-3.1, Scale 1" = 30', dated May 7, 2018 and June 29, 2018, revised to 7/27/18

cutting, clearing, grading or building is allowed within the Easement Area without prior authorization from the Conservation Commission.

23. Said Conservation Easement Area shall be managed in accordance with the document entitled, "The Village at Saugatuck Hiawatha Lane Westport, Connecticut "Conservation Easement & Ecological Enhancement Zone Management Plan" prepared by William Kenny Associates, LLC dated September 25, 2018. The management document shall be amended to include the placing and location of the signage as noted in Condition 21.
24. William Kenny, Wetland Scientist, Soil Scientist and Landscape Architect, or an expert of the same qualifying credentials, shall be retained by the applicant to ensure compliance with the management plan. Yearly progress reports shall be submitted by Mr. Kenny, or the selected expert, to the Conservation Department for three years commencing from the date the initial enhancement work is completed.
25. A detailed planting plan shall be submitted for all the raingardens, the Ecological Enhancement Zone and native plantings within the Conservation Easement area for review and approval prior to issuance of a Zoning permit.
26. A separate maintenance plan for the green roof shall be submitted for review and approval by the Conservation Department prior to issuance of a Conservation Certificate of Compliance.
27. A bond to cover the cost of sediment and erosion controls, raingarden plantings, native planting installation and invasive plant removal and three years of monitoring shall be submitted prior to issuance of a Zoning permit.
28. A final stormwater operations and maintenance plan shall be submitted for review and approval by the Conservation and Engineering Departments prior to issuance of a Conservation Certificate of Compliance.
29. A stand-alone copy of the stormwater operation and maintenance plan schedule, including maintenance of the green roof, shall be kept on the premises at all times. A logbook shall be maintained on the premises indicating the schedule for routine maintenance of the stormwater management and treatment components of the plan.
30. The structural integrity of the culvert at the intersection of Davenport Avenue and Hiawatha Lane conveying Indian Brook is unknown. The applicant has agreed to and shall inspect the culvert prior to the start of construction and conduct a load-bearing analysis as to whether it can withstand the weight of heavy truck traffic hauling excess earth materials. A written report shall be submitted to the Conservation and Engineering Departments prior to issuance of a Zoning permit. Depending on the findings of the analysis, it shall be the responsibility of the applicant to secure all proper permits to repair or replace the culvert prior to the start of residential construction.
31. Once construction has commenced, the applicant shall conduct routine inspections of the culvert and make every effort to keep it clear of blockages and protect it during the construction process. Should it be damaged during the construction process, it shall be the responsibility of the applicant to secure all proper permits to repair or replace the culvert immediately upon discovery of damage.
32. Proof shall be submitted to the Conservation Department that the applicant and or its representative(s) has made a "good faith" serious effort to secure permission and approval from Metro-North Railroad and the Connecticut Department of Transportation to clean the culvert under the railroad tracks. If permission is granted, the applicant shall submit a copy of the letter granting permission to clean the culvert prior to issuance of a Conservation Certificate of Compliance. Said culvert is the eastern-most culvert shown in the binder dated May 14, 2018 as Figure 4, Tab 6 in the letter dated June 12, 2106 by Pietras Environmental Group, LLC to Summit Development, LLC.
33. Written confirmation from the Engineering Department that the applicant has met the conditions of the July 11, 2018 Flood and Erosion Control Board's conditions of approval and the Town's Stormwater Management Drainage Design Standards shall be submitted prior to issuance of a Conservation Certificate of Compliance.
34. Once the houses at #28 and #36 Hiawatha Lane are demolished, an additional deep hole test shall be conducted for the drainage galleries for Building E. If the restrictive layer is higher than currently designed for, the entire infiltration system shall be adjusted accordingly so it is above the restricted layer. Said test pit results and any necessary adjustments shall be submitted for review and approval by the Conservation and Engineering Departments prior to start of construction for Building E.
35. A site monitor shall be retained for the duration of this project's construction and completion. Said selection shall be approved by the Conservation Department. Said monitor shall ensure compliance

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Davis, Perlman, Field		
Nays:	None	Abstentions:	None Vote: 5:0:0

- 107 Old Road:** The Commission will vote to go into Executive Session for the purpose of discussing the case of Amy L.Y. Day, Executrix of the Estate of Catherine D. Fleming vs. the Westport Conservation Commission of the Town of Westport, as it relates to the denial of Application #IWW-10450-17 and #WPL-10488-17 for a four (4) lot open space subdivision at 107 Old Rd.

The Commission met to discuss pending litigation for 107 Old Road.

Mr. Perlman left at 11:50 a.m.

Motion to exit Executive Session.

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Davis, Field		
Nays:	None	Abstentions:	None Vote: 4:0:0

The October 26, 2018 Special Meeting and Executive Session adjourned at 12:08 p.m.

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Davis, Field		
Nays:	None	Abstentions:	None Vote: 4:0:0