

**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		
Nays:	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

