

**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.

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

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

- 3. 16 Fresenius Road:** Continued 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.

Mr. Carey rejoined the Commission. He stated he had reviewed the September 25, 2018 tape and materials and had participated in the October 12, 2018 field trip.

Ms. Mozian submitted information into record since the last meeting including:

- Revised plans;
- Emails; and
- Flood and Erosion Control Board minutes.

Mel Barr was present on behalf of the applicant. He noted Aleksandra Moch, soil and wetland scientist; Richard Bennet, PE; and Glenn Major, Atty. were also present. The Flood Board approved the proposal. The Town Engineer approved the drainage plans. The questions raised by Mr. Simmons were answered by Mr. Bennett at the last meeting. Ms. Moch submitted an updated report. They have sediment and erosion control plans. The retaining walls are less than 4 feet tall. They may have a face of ledge with a small wall. They have proposed a slope easement on Lots A & C for the wooded hillside, which is closest to the adjacent wetlands. Bioswales are added. Other LID components may be considered with the actual design plans. This is a conceptual plan. The same with the landscaping. Alternatives have been submitted in the package.

Rich Bennett, PE reviewed the revisions to the plan since the last meeting based on the comments and the recommendations of the wetland consultant. The sediment and erosion controls will have two rows with haybales in between for an extended area. The alternatives for Biofiltration pitch the driveway without a curb toward the walls. Trench drains are added on the driveway end and keep the catchbasins on the recommendation of Amrik Matharu.

Mr. Bancroft asked if given the driveway length, if one trench drain and one catchbasin would be adequate for the downhill flooding.

Mr. Bennett stated they could excavate around the swale area to collect.

Ms. Mozian asked if this on the detail.

Mr. Bennett stated it is not. That it would be a construction detail.

Mr. Carey asked if the slope is more or less in each of the three lots.

Mr. Bennett stated that in general that the slope would be less when complying with the Zoning regulations.

Mr. Carey asked whether they are using the soil conditions onsite.

Mr. Bennett confirmed they are using the soils onsite.

Mr. Perlman noted during the field visit, the driveway for lots B & C, there is a drop down from the marker for the edge stake. He questioned whether anything is being done about the edge of the driveway.

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