

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

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

ATTENDANCE

Commission Members:

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

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

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

Alicia Mozian
Conservation Department Director

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

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

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

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

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

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

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

1. Receipt of Applications

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

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

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

Motion to receive 9 Fresenius Road.

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

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

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

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

3. Approval of July 18, 2018 meeting minutes.

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

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

4. Other Business

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

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

Motion to release the bond.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Kelly asked about the egress.

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

Mr. Davis noted there are no plantings proposed.

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

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

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

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

Mr. Barr stated yes.

All members present attended the site walk.

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

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

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

Findings
52 Harbor Road
#WPL 10664-18

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

- c. "Drainage Prepared for Josh Frank, 52 Harbor Road, Westport, Connecticut", Scale 1" = 1'0", dated August 24, 2018, prepared by Connecticut Consulting Engineers LLC
 - d. Architectural Plans (Sheets A-1 through S-3; 13 pgs.) entitled: Additions & Renovations to The Frank Residence 52 Harbor Road, Westport, CT", Scale: 1/4" = 1-0', prepared by Jim Denno Design, Dated 6/18/18
3. **Property Description and Facts Relative to this application:**
- **WPLO** Waterway Protection Line is located 15 feet from the 9' contour interval. This property is located entirely within the WPLO boundary.
 - **Property is situated in Flood Zones AE (el. 13') and Limit of Moderate Wave Action (LiMWA)** as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.
 - **Proposed First Floor Elevation:** 16.4 ft.
 - **Proposed garage floor elevation:** 7.58 ft.
 - **Existing Site Coverage:** 75.32%
 - **Proposed Site Coverage:** 58.03%
 - **Previous Permit Issued:**
 - WPL 565-82: 6' Deck to replace stoop
 - WPL 9268-12: Repair deck damaged by storm and interior renovations
 - The property is served and sewer and propane tank.
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
6. The Flood & Erosion Control Board (F&ECB) reviewed and approved this application on September 5, 2018 with conditions.
7. Section 30- 93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that **such activity will not cause water pollution**, erosion and/or environmentally related hazards to life and property and **will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway**, including but not limited to **impact on ground and surface water, aquifers**, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS OF APPROVAL

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

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

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

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

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

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

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

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

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

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

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

Ms. Shea asked how that will be enforced.

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

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

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

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

Findings
15 Old Mill Road
#WPL 10649-18

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

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

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

- d. **Existing Site Coverage: 57.51% Proposed Site Coverage: 50.2%**
- e. **Permits/Applications filed:**
 - i. WPL/E-10641-18 for lifting of rear cottage
 - ii. CAM/E 4707-93 storm damage repair
- f. The property is served by sewer and natural gas.
- 4. **Aquifer:** Property underlain by the Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. V-zones are subject to direct action by waves three feet or more in height. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
- 6. The Flood & Erosion Control Board (F&ECB) reviewed and approved this application on September 5, 2018 with conditions.
- 7. Section 30- 93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that **such activity will not cause water pollution**, erosion and/or environmentally related hazards to life and property and **will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway**, including but not limited to **impact on ground and surface water, aquifers**, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

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

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

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

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

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

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

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval

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

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL-10649-18** by Barr Assoc. LLC. On behalf of Deer Lake LLC. for the demolition of the existing main dwelling and to construct a new FEMA compliant main dwelling with a driveway modification with the following conditions:

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

SPECIAL CONDITIONS OF APPROVAL

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

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

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

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

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

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

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

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

Mr. Davis asked about the erosion on the slope.

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

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

Mr. Bancroft asked about the wood for the boardwalk.

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

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

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

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

Mr. Pryor stated it will be from the bridge.

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

Mr. Fallon agreed.

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

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

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

Mr. Graniss agreed.

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

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

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

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

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

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

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

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

Mr. Graniss agreed to follow the established Maintenance Plan.

Ms. Mozian suggested adding haybales to the silt fence.

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

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

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

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

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

1. **Receipt Date:** **September 12, 2018**
2. **Application Classification:** **Plenary**
3. **Application Request:** To demolish the house and shed at 8 Allen Raymond Lane, replace the amphitheater stage and seating and construct a new amphitheater pavilion and storage shed, replace a section of boardwalk and construct a waterfront overlook platform with canoe storage rack and repair of existing steps leading down to the river. Work is within the upland review area and the WPLO area of Poplar Plains Brook and the Saugatuck River. Replacement of the existing dock is NOT proposed at this time.
4. **Plans and supplemental material reviewed for this application include the following:**
"Campus Improvements" Prepared for Westport Weston Family YMCA, 14 Allen Raymond Lane, Westport, CT
 1. "Existing Conditions North", Sheet C-001, prepared by SLAM scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 2. "Existing Conditions South", Sheet C-002, prepared by SLAM, scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 3. "General Site Information", Sheet L-001, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 4. "Overall Site Demolition and Preparation", Sheet L-100, prepared by The SLAM Collaborative, Scale 1" = 60', dated July 13, 2018 and revised to August 8, 2018.
 5. "Site Demolition Enlargements", Sheet L-101, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 6. "Overall Site Layout", Sheet L200, prepared by The SLAM Collaborative, Scale 1" = 80', dated July 13, 2018 and revised to August 8, 2018.
 7. "Site Plan Enlargements", Sheet L-201, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 8. "Overall Site Grading", Sheet L-300, prepared by The SLAM Collaborative, Scale 1"= 80', dated July 13, 2018 and revised to August 8, 2018.
 9. "Site Grading Enlargements", Sheet L-301, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 10. "Site Details", Sheet L-501, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 11. "Drainage/Utility Plan North", Sheet C-201, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 12. "Drainage/Utility Plan South", Sheet C-202, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 13. "Erosion and Sediment Control Plan North", Sheet C-203, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 14. "Erosion and Sediment Control Plan South", Sheet C-204, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 15. "Notes and Details", Sheet C-205, prepared by LandTech, Scale As Shown, dated June 12, 2018 and revised to August 8, 2018.
 16. "Notes and Details", Sheet C-206, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 17. "Cross Sections", Sheet C-207, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 18. "North Parking Lot Cross Sections", Sheet C-208, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 19. "Improvement Location Survey depicting YMCA-Mahackeno Site Allen Raymond Lane (formerly Sunny Lane) Westport, CT Westport Weston Family Y dated 8/15/2014 by Redniss & Mead.
 20. "Stormwater Management Report prepared for Westport Weston Family YMCA Campus Improvements Phase 2" 14 Allen Raymond Lane Westport, Connecticut dated August 8, 2108 by Land Tech.

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

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

5. Permits/Applications filed:

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

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

6. Facts Relative to this application:

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

Regulated Activities:

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

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

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

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

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

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

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

6.1 GENERAL STANDARDS

- a) disturbance and pollution are minimized;
- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

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

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

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

6.2 WATER QUALITY

- a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- b) water stagnation will neither be contributed nor caused;
- c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
- d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- e) all applicable state and local health codes shall be met;

- f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
- g) prevents pollution of surface water

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

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

6.3 EROSION AND SEDIMENT

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

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

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

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

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

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

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

6.4 NATURAL HABITAT STANDARDS

- a) critical habitats areas,
- b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
- c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
- d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
- e) periods of seasonal fish runs and bird migrations shall not be impeded;
- f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

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

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

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

6.5 DISCHARGE AND RUNOFF

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d) flooding upstream or downstream of the location site will not be significantly increased;
- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

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

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

6.6 RECREATIONAL AND PUBLIC USES

- a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;

- b) navigable channels and or small craft navigation will not be obstructed;
- c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
- d) wetlands and watercourses held in public trust will not be adversely affected.

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

CRITERIA TO BE CONSIDERED BY THE COMMISSION

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

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

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

Waterway Protection Line Ordinance

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

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

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

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

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

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

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

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30- 93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW, WPL 10660-18** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. Conformance to the Flood and Erosion Control Board Conditions of Approval of September 5, 2018.
7. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
8. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
9. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
11. All plants proposed in regulated areas must be non-invasive and native to North America.

12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
14. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
15. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
16. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
"Campus Improvements" Prepared for Westport Weston Family YMCA, 14 Allen Raymond Lane, Westport, CT:
 - a. "Existing Conditions North", Sheet C-001, prepared by SLAM scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - b. "Existing Conditions South", Sheet C-002, prepared by SLAM, scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - c. "General Site Information", Sheet L-001, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 - d. "Overall Site Demolition and Preparation", Sheet L-100, prepared by The SLAM Collaborative, Scale 1" = 60', dated July 13, 2018 and revised to August 8, 2018.
 - e. "Site Demolition Enlargements", Sheet L-101, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 - f. "Overall Site Layout", Sheet L200, prepared by The SLAM Collaborative, Scale 1" = 80', dated July 13, 2018 and revised to August 8, 2018.
 - g. "Site Plan Enlargements", Sheet L-201, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 - h. "Overall Site Grading", Sheet L-300, prepared by The SLAM Collaborative, Scale 1" = 80', dated July 13, 2018 and revised to August 8, 2018.
 - i. "Site Grading Enlargements", Sheet L-301, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 - j. "Site Details", Sheet L-501, prepared by The SLAM Collaborative, Scale as Shown, dated July 13, 2018 and revised to August 8, 2018.
 - k. "Drainage/Utility Plan North", Sheet C-201, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - l. "Drainage/Utility Plan South", Sheet C-202, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - m. "Erosion and Sediment Control Plan North", Sheet C-203, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - n. "Erosion and Sediment Control Plan South", Sheet C-204, prepared by LandTech, Scale 1" = 40', dated June 12, 2018 and revised to August 8, 2018.
 - o. "Notes and Details", Sheet C-205, prepared by LandTech, Scale As Shown, dated June 12, 2018 and revised to August 8, 2018.
 - p. "Notes and Details", Sheet C-206, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 - q. "Cross Sections", Sheet C-207, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
 - r. "North Parking Lot Cross Sections", Sheet C-208, prepared by LandTech, Scale as Shown, dated June 12, 2018 and revised to August 8, 2018.
18. Haybales shall be added to silt fencing along Poplar Plains Brook.
19. Proof of proper abandonment of the fuel tank and septic systems currently serving 8 Allen Raymond Lane shall be provided prior to issuance of a Certificate of Compliance.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Shogrin stated yes.

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

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

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

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

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

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

Mr. Bancroft asked about deicing.

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

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

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

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

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

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

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

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

Mr. Davis asked if there is culvert enhancement planned.

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

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

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

Mr. Shogrin stated there are 325.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Rycenga stated a wash rack is also needed.

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

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

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

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

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

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

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

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

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

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

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

