

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

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

ATTENDANCE

Commission Members:

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

Staff Members:

Alicia Mozian, Conservation Department Director
Susan Voris, Recording Secretary

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

Alicia Mozian
Conservation Department Director

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

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

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

Motion to add items to Work Session I.

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

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

Ms. Mozian stated there were enforcement issues to discuss:

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

3. Approval of June 20, 2018 meeting minutes.

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

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

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

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

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

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

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

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

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

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

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

5. Other Business:

- a. Update on WPLO proposed ordinance change

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

- b. Scheduling of upcoming meetings.

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

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

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

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

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

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

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

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

Motion to release the bond.

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Rycenga asked about the maintenance of the raingarden.

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

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

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

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

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

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

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

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

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

Findings
Application #WPL-10621-18
111 Harbor Road

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

1. Plans reviewed:

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

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

2. Property Description:

- **Location of 25 year flood boundary:** 9 ft. contour interval. WPLO boundary is located 15 ft. landward from the 9 ft. contour. Average existing grade is elevation 8 ft. +/-.
- **Property is situated in Flood Zones AE (el. 13’) and VE (el. 14’)** as shown on F.I.R.M. Panel 09001C0661G Map revised to July 8, 2013.
- **Tidal Wetlands:** A growth of Spartina is present along the eastern side of the seawall.
- **Proposed First Floor Elevation:** 16.5 ft. **Proposed garage floor elevation:** 7.7 ft.
- **Existing Site Coverage: 55.3%** **Proposed Site Coverage: 30.9%**
- **Sewer Line:** The proposed new residence will be serviced by municipal sewer.
- **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town’s wellfield protection zone.
- **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during “100-year” flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

3. Previous Permits issued:

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

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

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

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

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

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

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

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

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

The Commission finds that in order to compensate or mitigate for the impervious coverage, biofiltration is recommended. Organic matter, plant roots and biologically active soil help remove nutrients and pollutants at the surface or in the upper biologically active soil horizons prior to discharge to the inert parent material and eventually ground and surface waters. The Commission finds this is being accomplished by the applicant through permeable driveway and walkway surfaces and a large rain garden area adjacent to the seawall. In addition, a large area of existing patio will be removed and replaced with lawn. Overall coverage will be reduced from 55.3% to 30.9%. The Zoning Board of Appeals granted a variance for the coverage as it is still beyond the allowable 25%.

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

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

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

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

Owner of Record: Richard and Karen Leever

Applicant: Richard Benson of RB Benson & Co. Inc.

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 10621-18** with the following conditions:

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

15. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
- a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
 - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
 - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
 - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
 - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

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

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

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

5. Waterway Protection Line Ordinance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 10626-18** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the conditions of the Flood and Erosion Control Board of July 11, 2018.
15. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
 - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
 - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
 - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
 - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
 - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "Plot Plan Prepared for SIR Development, 15 Roosevelt Road, Westport, Connecticut, Scale 1"=10'-0", dated August 21, 2017 and last revised to May 21, 2018, prepared by Leonard Surveyors LLC
 - b. Site Plan Details & Notes, SIR Development, LLC, 15 Roosevelt Road, Westport, Connecticut, Sheet 1 of 1, Scale 1"=10'-0", dated July 3, 2018 prepared by Richard Bennett & Associates, LLC.
 - c. Architectural Plans entitled: SIR Development, 15 Roosevelt Road, Westport, CT, Sheets A0 through A-9 dated May 11, 2018, prepared by BCRD, LLC.
17. A permeable driveway and patio detail shall be submitted to the Conservation Department for review and approval prior to the issuance of a zoning permit.
18. Driveway, patios and walkway shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
19. A detailed landscape plan for the proposed delineation of the bioswale using plantings or boulders shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
20. A bond to cover the cost of the plantings and sediment and erosion controls shall be submitted to the Conservation Department prior to issuance of a zoning permit. Bond monies shall be held for one year following the date of planting.
21. All proposed mechanical equipment shall be installed in conformance with all floodplain regulations and state building code requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Findings
Application # WPL 10627-18
286 Compo Road South

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

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

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

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

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

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

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

Tidal Wetland Determination:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Drainage Design:

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

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

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

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

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

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

Sediment and Erosion Controls:

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

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

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

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

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 10627-18** with the following conditions:

Standard Conditions:

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

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

SPECIAL CONDITIONS OF APPROVAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Rycenga asked about the efficiency of level spreaders.

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

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

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

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

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

Ms. Rycenga stated she would like something more detailed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Mozian questioned why they are proposing 187 units.

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

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

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

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

Motion to continue the hearing.

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

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

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

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

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

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

The July 18, 2018 Public Hearing of the Westport Conservation Commission adjourned at 11:04 p.m.

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