

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
JULY 20, 2011**

The July 20, 2011 of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

**ATTENDANCE**

**Commission Members:**

W. Fergus Porter, Chair  
Jennifer Tooker, Vice-Chair  
Jeffress Gouverneur, Sergeant at Arms  
Pat Shea, Esq., Secretary  
Ralph Field

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Lynne Krynicky, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the July 20, 2011 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director

**Work Session I: 7:00 p.m., Auditorium**

Motion to move into Work Session I.

**Motion:**        **Gouverneur**                      **Second:**        **Shea**  
**Ayes:**         **Gouverneur, Shea, Field, Porter, Tooker**  
**Nayes:**        **None**                      **Abstentions:**   **None**                      **Vote: 5:0:0**

**1. Receipt of Applications**

Ms. Mozian reported there were no applications to receive but noted staff anticipates at least three applications to be submitted for the September agenda.

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

Ms. Mozian indicated there was no enforcement report; however, she stated staff is anticipating that the property owners of 15 Sycamore Drive will be receiving a fine for lack of sediment and erosion controls. Ms. Mozian added that the owners have already received a Notice of Violation for this violation.

**3. 3 Great Marsh Rd.: Request by James Jamieson, AIA on behalf of Bryan Birch for modification of permit #WPL-8616-10 to reduce new house footprint, relocate pool and shed and overall impervious area.**

Ms. Mozian stated this request was withdrawn as they are still working on plans but will return with this request later.

**4. 61 Maple Avenue South: Request for partial bond release for erosion and sediment control blanket installation required as a condition of revised Cease and Correct Order of December 8, 2010.**

Ms. Mozian reviewed a request for a partial bond release for the sediment and erosion control blanket installation.

Motion to release \$3,835 of the bond required as a condition of the revised Cease and Correct order of December 8, 2010 for the sediment and erosion control blanket installation and retain \$9,905.48 for the plantings.

**Motion:**        **Shea**                                      **Second:**        **Gouverneur**  
**Ayes:**         **Shea, Gouverneur, Field, Porter, Tooker**  
**Nayes:**        **None**                      **Abstentions:**   **None**                      **Vote: 5:0:0**

**5. Approval of June 15, 2011 meeting minutes.**

The June 15, 2011 meeting minutes were approved with corrections.

**Motion:**        **Porter**                                      **Second:**        **Shea**  
**Ayes:**         **Porter, Shea, Field, Gouverneur, Tooker**  
**Nayes:**        **None**                      **Abstentions:**   **None**                      **Vote: 5:00**

- 5 Apple Tree Trail:** Request for staff to issue a WPL/E for a new patio and renovations to the existing patio.

Ms. Krynicki presented a request for staff to issue a WPL/E for a new patio set in grass and renovations to the existing patio set in sand and sod.

Mr. Porter and Ms. Shea indicated they had visited the site.

Motion to allow staff to issue a WPL/E for a new patio and renovations to the existing patio.

**Motion:** Field                                  **Second:**          **Gouverneur**  
**Ayes:**    **Field, Gouverneur, Porter, Shea, Tooker**  
**Nayes:**    **None**                          **Abstentions:** **None**                          **Vote: 5:0:0**

Motion to close Work Session I and move into the Public Hearing.

**Motion:**          **Shea**                                  **Second:**          **Gouverneur**  
**Ayes:**          **Shea, Gouverneur, Field, Porter, Tooker**  
**Nayes:**          **None**                          **Abstentions:** **None**                          **Vote: 5:0:0**

**Public Hearing: Auditorium.**

- 25 Ford Road:** Application #IWW/M 8862-11 by Peter Romano of Land-Tech Consultants, Inc. on behalf of 25 Ford Road, LLC to amend wetland boundary map #C15.

Chris Allen, soil scientist with Land-Tech Consultants, presented the application on behalf of the property owner. He noted that Tom Pietras, soil scientist retained by the town, met on site with him to review the wetland flagging.

Ms. Krynicki reviewed the staff report. The site is at the confluence of the West Branch of the Saugatuck River and the Aspetuck River. She stated staff has received a corrected survey showing the line agreed upon by both soil scientists as jointly determined in the field. Both soil scientists reviewed the survey and agreed the line is correctly shown.

With no comment from the public the hearing was closed.

**Motion:**          **Gouverneur**                          **Second:**          **Tooker**  
**Ayes:**          **Gouverneur, Tooker, Field, Porter, Shea**  
**Nayes:**          **None**                          **Abstentions:** **None**                          **Vote: 5:0:0**

**Findings**  
**25 Ford Road**  
**#IWW/M 8862-11**

- Application Request:** Applicant is requesting an amendment for wetland boundary map #C15.
- Soil Scientist for Applicant:** Chris Allan of Land-Tech Consultants, Inc.
- Soil Scientist for the Town of Westport:** Thomas Pietras of Soil Science and Environmental Service
- Plan reviewed:** "Existing Conditions Prepared for 25 Ford Road, LLC", Scale: 1' = 40', dated June 14, 2011 and last revised to July 13, 2011, prepared by L. Edwards Associates, LLC.
- Wetlands Description**

Soil report Summary- prepared by Chris Allan dated June 17, 2011 describes the following wetland soils occurring on the property:

The wetland soils associated with dammed impoundment northeast of the buildings are identified as **Saco silt loam**. The Saco series consists of very deep, very poorly drained soils formed in silty alluvial deposits. These are nearly level soils on flood plains, subject to frequent flooding.

The wetlands along the West Branch of the Saugatuck River and portions of the Saugatuck River are developed in moderately well drained and poorly drained alluvial deposits. These alluvial soils are identified as **Pootatuck fine sandy loam and Rippowam fine sandy loam**.

The **Pootatuck** soils consist of very deep, moderately well drained loamy soils formed in alluvial sediments on floodplains subject to common flooding.

The **Rippowam** soils consist of very deep, poorly drained soils formed in alluvial sediments on flood plains subject to frequent flooding.

6. Mr. Allan describes the non-wetland soils as the following:

The majority of the site's soils have developed in or above water laid glaciofluvial deposits of sand and gravel. The site's upland soils are identified as Agawam fine sandy loam and Hinckley gravelly sandy loam and Udorthents.

The **Agawam** soils consist of very deep, well drained soils formed in sandy, water deposited materials on outwash plains and high stream terraces. The Agawam soils are typically found on the undeveloped, gently sloped uplands north of the existing buildings.

The **Hinckley** soils consist of very deep, excessively drained soils formed in glaciofluvial materials on terraces, outwash plains, kames and eskers. Hinckley soils are typically found along the steep terrace escarpment between the West Branch of the Saugatuck River and the gently sloped uplands.

**Udorthents** are soils that have been modified through filling, excavation, or mixing. These soils are typically associated with the developed portions of the site including the buildings, parking areas and accessways.

7. **Property Description and Facts Relative to the Map Amendment application:**

- a. The property is developed with a complex of one office building and associated parking areas and driveways.
- b. The Saugatuck River flows through the property from north to south. A driveway bridge and foot bridge cross the river in the southwest portion of the site. A dam is located on the Saugatuck River near the office buildings, creating a large impoundment on the north side of the property. The shallow, in-filled impoundment has resulted in the formation of a large wetland system bounded by the buildings, Glendinning Place, Weston Road and Ford Road.
- c. The property is serviced by public water and an on-site septic system.
- d. A portion of the property is within the aquifer protection zone and the primary groundwater recharge areas.
- e. Property is outside the Coastal Area Management zones.
- f. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a streamside floodplain with wooded a wooded swamp complex. There is an associated floodplain, open water, a wooded swamp and a

meadow. The perimeter of this wetland system is developed commercially. The outlet of this system is the Aspetuck and the Saugatuck Rivers.

- g.** The WPLO boundary will be 15' from the 25 year floodplain of the Saugatuck River.
  - h.** Landscape position is a footslope. Land surface shape is linear/linear.
- 8.** The Town of Westport retained the services of Thomas Pietras of Soil Science and Environmental Services to review the proposed wetland boundary. A joint inspection by the two soil scientists was required as there was not initial agreement in the delineated wetland boundary. This joint inspection took place on June 30, 2011. The wetland boundary was adjusted in the field and the two soil scientists concurred. It was noted by Tom Pietras that the watercourses were not clearly identified on the existing conditions map.

**Resolution**  
**Application #IWW/M-8862-11**  
**25 Ford Road**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-8862-11 by 25 Ford Road, LLC to amend the wetland boundary on Map #C-15 on the property located at 25 Ford Road with the following conditions:

1. Conformance to the plan entitled: "Existing Conditions Prepared for 25 Ford Road, LLC", Scale: 1' = 40', dated June 14, 2011 and last revised to July 13, 2011, prepared by L. Edwards Associates, LLC.
2. An electronic file of the above referenced plan in a format acceptable to The Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. 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.

**Motion:** Shea

**Second:** Gouverneur

**Ayes:** Shea, Tooker, Porter, Gouverneur, Field

**Nays:** 0

**Abstentions:** 0

**Vote:** 5:0:0

2. **1 Glendinning Place:** Application #IWW/M 8863-11 by Peter Romano of Land-Tech Consultants, Inc. on behalf of 1 Glendinning Place, LLC to amend wetland boundary map #C15.

Chris Allen, soil scientist with Land-Tech Consultants, presented the application on behalf of the property owner. He noted that Tom Pietras, soil scientist retained by the town, met on site with him to review the wetland flagging.

Ms. Krynicki reviewed the staff report. The site is at the confluence of the West Branch of the Saugatuck River and the Aspetuck River. She stated staff has received a corrected survey showing the line agreed upon by both soil scientists as jointly determined in the field. Both soil scientists reviewed the survey and agreed the line is correctly shown. Ms. Krynicki added Lizard Tail, an Endangered Plant Species, was found on the site.

Mr. Allen stated the DEP was notified so that it could be documented in its database but they were already aware of the presence of Lizard Tail in this area.

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

**Motion:**    **Shea**                                      **Second:**        **Gouverneur**  
**Ayes:**      **Shea, Gouverneur, Field, Porter, Tooker**  
**Nayes:**      **None**                                      **Abstentions:**    **None**                                      **Vote:**    **5:0:0**

**Findings**  
**1 Glendinning Place**  
**#IWW/M 8863-11**

1. **Application Request:** Applicant is requesting an amendment for wetland boundary map #C 15.
2. **Soil Scientist for Applicant:** Chris Allan of Land-Tech Consultants, Inc.
3. **Soil Scientist for the Town of Westport:** Thomas Pietras of Soil Science and Environmental Service
4. **Plan reviewed:** "Existing Conditions Survey Prepared for 1 Glendinning Place, LLC, 1 Glendinning Place, Westport, Connecticut", Scale: 1' = 50', dated June 17, 2011, and last revised to July 12, 2011, prepared by L. Edwards Associates, LLC.
5. **Wetlands Description**  
Soil report Summary- prepared by Chris Allan dated June 17, 2011 describes the following wetland soils occurring on the property:

The wetland soils associated with dammed impoundment northeast of the buildings are identified as **Saco silt loam**. The Saco series consists of very deep, very poorly drained soils formed in silty alluvial deposits. These are nearly level soils on flood plains, subject to frequent flooding.

The wetlands along the West Branch of the Saugatuck River and portions of the Saugatuck River are developed in moderately well drained and poorly drained alluvial deposits. These alluvial soils are identified as **Pootatuck fine sandy loam** and **Rippowam fine sandy loam**.

The **Pootatuck** soils consist of very deep, moderately well drained loamy soils formed in alluvial sediments on floodplains subject to common flooding.  
The **Rippowam** soils consist of very deep, poorly drained soils formed in alluvial sediments on flood plains subject to frequent flooding.

6. Mr. Allan describes the non-wetland soils as the following:  
The majority of the site's soils have developed in or above water laid glaciofluvial deposits of sand and gravel. The site's upland soils are identified as Agawam fine sandy loam and Hinckley gravelly sandy loam and Udorthents.

The **Agawam** soils consist of very deep, well drained soils formed in sandy, water deposited materials on outwash plains and high stream terraces. The Agawam soils are typically found on the undeveloped, gently sloped uplands north of the existing buildings.

The **Hinckley** soils consist of very deep, excessively drained soils formed in glaciofluvial materials on terraces, outwash plains, kames and eskers. Hinckley soils are typically found along the steep terrace escarpment between the West Branch of the Saugatuck River and the gently sloped uplands.

**Udorthents** are soils that have been modified through filling, excavation, or mixing. These soils are typically associated with the developed portions of the site including the buildings, parking areas and accessways.

- 7. Property Description and Facts Relative to the Map Amendment application:**
- a. The property is developed with a complex of three office buildings and associated parking areas and driveways.
  - b. The Saugatuck River flows through the property from north to south. A driveway bridge and foot bridge cross the river in the southwest portion of the site. A dam is located on the Saugatuck River near the office buildings, creating a large impoundment on the north side of the property. The shallow, in-filled impoundment has resulted in the formation of a large wetland system bounded by the buildings, Glendinning Place, Weston Road and Ford Road.
  - c. The property is serviced by public water and an on-site septic system.
  - d. A portion of the property is within the aquifer protection zone and the primary groundwater recharge areas.
  - e. Property is outside the Coastal Area Management zones.
  - f. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a streamside floodplain with wooded a wooded swamp complex. There is an associated floodplain, open water, a wooded swamp and a meadow. The perimeter of this wetland system is developed commercially. The outlet of this system is the Aspetuck and the Saugatuck Rivers.
  - g. The WPLO boundary will be 15' from the 25 year floodplain of the Saugatuck River.
  - h. Landscape position is a footslope. Land surface shape is linear/linear.
8. The Town of Westport retained the services of Thomas Pietras of Soil Science and Environmental Services to review the proposed wetland boundary. A joint inspection by the two soil scientists was required as there was not initial agreement in the delineated wetland boundary. This joint inspection took place on June 30, 2011. The wetland boundary was adjusted in the field and the two soil scientists concurred. It was noted by Tom Pietras that the watercourses were not clearly identified on the existing conditions map.

**RESOLUTION**  
**Application # IWW/M 8863-11**  
**1 Glendinning Place**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M 8863-11 by 1 Glendinning Place LLC to amend wetland boundary maps #C 15 on the property located at 1 Glendinning Place with the following conditions:

- 1. Conformance to the plan entitled: "Existing Conditions Survey Prepared for 1 Glendinning Place, LLC, 1 Glendinning Place, Westport, Connecticut", Scale: 1' = 50', dated June 17, 2011, and last revised to July 12, 2011, prepared by L. Edwards Associates, LLC.
- 2. An electronic file in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
- 3. 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.

**Motion:** Field

**Second:** Gouverneur

**Ayes:** Field, Gouverneur, Tooker, Shea, Porter

**Nayes:** 0

**Abstentions:** 0

**Votes:** 5:0:0

- 3. 117 Harbor Road:** Application #WPL-8859-11 by Barr Associates on behalf of William Cohen for reconstruction of an existing residence for FEMA compliance including construction of a new second story and new entryways. The outdoor shower is to be replaced, new air conditioner units are to be installed and the patio and driveway configuration will be modified. Work is within the WPLO of the Saugatuck River.

Mel Barr, Planning Consultant, presented the application on behalf of the property owner, William Cohen. He stated the lot is fully developed with the house built in the 1950's and the dock built in the 1960's. The house is a one-story concrete block ranch home that is below the base flood elevation. The owner wants to retrofit the house to meet the FEMA regulations within the existing footprint. The new house will not have eaves. The driveway will be reduced by approximately 40% and the large patio in the rear will be reduced. The new driveway will be gravel and the patio will remain permeable. The house will be connected to the sewer. The plans include new planting beds around the sides of the property where the roof leaders will discharge. A new flagstone walkway will be set in sand. The existing coverage is 80% and the proposed coverage is 63%, not 83% as indicated in the staff report, which is about a 30% decrease. The house will be heated by a below-ground, anchored propane tank. He stated they agree with the recommendations in the staff report. The soil will be brought in through the garage doors and other doors either by wheel barrow or pump. He noted that sediment and erosion controls are needed in the rear by the Saugatuck River. The septic system will be abandoned. The Flood and Erosion Control Board approved the application with conditions on July 6, 2011.

Ms. Krynicky endorsed the project as an improvement from existing conditions. She stated the site is snug; therefore, sediment and erosion controls are important.

Ms. Mozian noted there would be no grade changes. In order to be FEMA compliant, the first floor elevation will have to be raised 2.5 feet. In order to do that, they will be bringing in soil to the first floor, compacting it, then capping it with stone, a vapor barrier, wire mesh and 4" of concrete. She noted the existing concrete walls will then be built up to create the second floor.

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

<b>Motion:</b>	<b>Gouverneur</b>	<b>Second:</b>	<b>Shea</b>
<b>Ayes:</b>	<b>Gouverneur, Shea, Field, Porter, Tooker</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>5:0:0</b>

**FINDINGS**  
**Application #WPL-8859-11**  
**117 Harbor Road**

- 1. Application Request:** Applicant is proposing to renovate the existing home and to modify portions of the existing landscape. The new residence will become FEMA compliant. The renovations include a new second story, new entry ways, an outdoor shower replacement and new air conditioning units. The existing patio and walkway areas will be reduced in size. The driveway will be modified. The goal of this project is to not change the existing building footprint and to add water quality for the storm water runoff that is currently generated by this building footprint. The property lies wholly within the boundaries of the Waterway Protection Line Ordinance.
- 2. Plans reviewed:**



- a. "Site Improvement Plan, William Cohen, 117 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated June 6, 2011, prepared by Grummond Engineering LLC
  - b. "Property Survey of Property Located at 117 Harbor Road, Westport, Connecticut prepared for Abigayil Shaw, LLC", Scale: 1" = 20', dated May 27, 2011, prepared by Laferriere Associates
  - c. Architectural Plans for William Cohen, 117 Harbor Road, Westport, CT", Five sheets, dated June 15, 2011, received by the Conservation Department on June 16, 2011.
3. **Property Description:**
- **Location of 25 year flood boundary:** 9 ft. contour interval. Currently, property is located entirely within the WPLO boundary.
  - **100 year flood boundary** is elevation 11 ft.
  - **Proposed First Floor Elevation:** 11.00 ft.
  - **Proposed garage floor elevation:** 8.2 ft.
  - **Existing Site Coverage with patio: 80%**
  - **Proposed Site Coverage with patio: 62.7%**
  - **Sewer Line:** The proposed new residence will be connecting to the sewer line.
  - **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within either of the Town's wellfield protection zones.
  - **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.
  - **Existing Vegetation:** Due to the size constraints of the property, landscaping consists of ornamental foundation plantings. One existing 20" Sycamore tree is proposed to be removed.
  - **Proposed Storm water treatment:** Storm water runoff from the roof is proposed to be discharged to a planting bed adjacent to the house foundation. No subsurface infiltration is proposed.
  - **Previous Permits issued:** There are no previous permits on file.
  - The Flood and Erosion Control Board approved the application with conditions on July 6, 2011.
4. 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."

FEMA compliance for the existing residence will be accomplished by filling with earth and capping with a concrete slab at elevation 11.0' which is approximately 3'. The activity will take place within the existing foundation walls. The existing foundation walls will then be raised with additional concrete block to the height necessary for a two story residence.

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 storm water quality impacts and percentage of impervious area.

Brian L. Howes, manager of the Coastal Systems Program, School of Marine Science and Technology at U Mass, Dartmouth (January 2006) states that increased levels of nitrogen in estuaries is resulting in the loss of fisheries habitat, submerged aquatic vegetation and a general disruption of benthic communities and the food chain all along the Eastern Seaboard. At high levels, nitrogen causes aesthetic degradation and even inhibits recreational uses of coastal waters.

The application proposes to reconstruct and renovate the existing structure and to modify as necessary to be FEMA compliant. The driveway, patios and walkways are to be reconfigured. The purpose of which is to attempt to reduce environmental impacts. Proposed site coverage is to be 62.7% % which is significantly greater than the percentage that will impact water quality. Storm water surface runoff from the property flows to the north and west and enters the Saugatuck harbor directly adjacent to this property. There is little to no opportunity for surface infiltration on this site. The 2004 Connecticut Stormwater Manuel provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck Shores is 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, 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.

There are roof leaders proposed for this project. Storm water is proposed to be discharged at the surface into a surface planting bed. The Commission finds this measure provides the best opportunity for water quality treatment on this parcel.

The property will be connected to the municipal sewer service.

The permeability of the driveway surface on this intensely developed site is important as porous surfaces detain stormwater and allows it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. The design should incorporate a sufficient base and storage capacity for the required rainfall capacity. Water that is slowly recharging groundwater sustains base flow for streams, wetlands and rivers. The constant flow of water they receive sustains water levels and contributes to the health of the aqua

The entire property lies within the WPLO boundary. The house will be rebuilt to conform to FEMA standards with the first habitable floor constructed at the 100 year base flood elevation. New flood openings are proposed for the garage doors.

The Commission finds that sediment and erosion controls are not shown on the site plan, but will be provided at the small opening on the north easterly property line. As well, an anti-tracking bed will be installed in the location of the existing drive. Construction access appears limited. A soil stockpile may not be required for this project as no excavation or grading is proposed.

The heating fuel source was identified by the applicant. The subsurface ground propane tanks shall be properly anchored.

**Application # WPL 8859-11**  
**Street Address: 117 Harbor Road**  
**Assessor's: Map B 02 Lot 144**  
**Date of Resolution: July 20, 2011**

**Project Description:** The reconstruction of an existing residence for FEMA compliance including construction of a new second story and new entryways. The outdoor shower is to be replaced, new air conditioner units are to be installed and the patio and driveway configuration will be modified. The work is within the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

**Owner of Record:** William Cohen

**Applicant:** Barr Associates LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 8859-11** 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 6, 2011.

**SPECIAL CONDITIONS OF APPROVAL**

15. Conformance to the plans entitled:
  - a. "Property Survey of Property Located at 117 Harbor Road, Westport, Connecticut Prepared For Abigayil Shaw, LLC", Scale: 1" = 20', dated May 27, 2011, prepared by Laferriere Associates Land Surveying-Land Planning
  - b. "Site Improvement Plan Prepared for William Cohen, 117 Harbor Road, Westport, Connecticut", Scale: 1" = 10', dated June 6, 2011, prepared by Grummond Engineering
  - c. Architectural Plans " William Cohen, 117 Harbor Road, Westport, CT", (5 sheets) A101, A102, A-201, A-202 and A-301, dated June 15, 2011
16. Driveway and terraces shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
17. A detailed landscape plan for the proposed plantings shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
18. A bond to cover the cost of the plantings shall be submitted to the Conservation Department prior to issuance of a zoning permit.
19. The proposed propane tank shall be installed in conformance with all floodplain regulations and state building code requirements.
20. Sediment and erosion control fencing must be placed around the open area on the northerly property boundary prior to work commencement and must remain in place until site is fully stabilized.

**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:** Gouverneur

**Second:** Field

**Ayes:** Gouverneur, Field, Tooker, Porter, Shea

**Nayes:** 0

**Abstentions:** 0

**Vote:** 5:0:0

4. **4 Tanglewood Lane:** Request by Pamela Davis for a modification to the approved landscape plan as required by condition 16 of Permit #IWW/WPL/E-8229-07 issued for a pool, patio and fence within the upland review area.

Pam Davis, property owner, presented the application. She stated Frances Reed, Master Gardener, was also present. Ms. Davis submitted two photos showing an expanded area from that shown on the plan that was submitted on July 6, 2011. She stated she has tried planting plants in this expanded area but indicated that it was difficult. She stated Ms. Reed was working with her.

Staff suggested that seeding or a groundcover might work in this area instead.

Ms. Mozian described the additional changes made since the plan was submitted on July 6, 2011 based on the field trip observations. In addition, the original approved plan was compared to the new plan. The discussion focused on the area around the pool, which is in the wetland setback and whether this area was supposed to be planted or not. The staff contends that it should have been but the owner believes it was no longer a requirement.

Motion to continue the discussion to the September meeting in order to allow for submission of a revised plan. No additional plantings directly around the pool were required.

**Motion:   Gouverneur                    Second:**

There was no second; therefore, the motion failed.

The discussion continued and the Commission agreed to approve the revised plan received July 6, 2011 with an expanded planting area near the shed and the south end of the wetland area.

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

**Motion:   Porter                            Second:    Gouverneur**  
**Ayes:     Porter, Gouverneur, Field, Shea, Tooker**  
**Nayes:    None                           Abstentions:   None                           Vote:   5:0:0**

**FINDINGS**  
**4 Tanglewood Lane**  
**Public Hearing: July 20, 2011**

Whereas, Pamela Davis was granted Permit #IWW,WPL/E-8229-07 for a pool, patio and fence within the upland review area on March 19, 2008; and

Whereas, condition 16 of the permit required that a detailed landscape plan for the additional wetland plantings be submitted to the Conservation Department staff prior to the issuance of a zoning permit; and

Whereas said plan was submitted and approved on June 25, 2008; and

Whereas said plan was modified in the field, a request for official modification of Condition 16 was made with said modification shown on a plan entitled, "Pam Davis Property, 4 Tanglewood Lane, Westport, Modification" submitted by Frances. L. Reed on July 6, 2011; and

Whereas, the Conservation Commission finds that said modified plan as proposed and amended in the field on July 18, 2011 shall serve as sufficient mitigation for construction of a pool within the upland review area, the Conservation Commission adopts the following resolution:

**Conservation Commission**  
**Town of Westport**  
**Request for Permit Modification**  
**Application #IWW,WPL/E-8229-07**  
**Conditions of Approval**  
**4 Tanglewood Lane**

In accordance with Section 6 of the "Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, CT" 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 the request by Pamela Davis to modify Condition 16 of Permit #IWW.WPL/E-8229-07 with the following conditions:



Ms. Mozian asked if every property need to be investigated.

Mr. Pietras stated all properties where wetlands are shown on the town wetland maps should be investigated.

Mr. Gouverneur stated septic systems should be included as one of the requirements of map amendment investigations.

Ms. Shea indicated stakeholders should be included in the discussion.

Mr. Pietras stated that the discussion would begin with all properties that have wetlands on the town map and then those properties where staff goes out and finds them or suspects them.

Ms. Mozian asked if the applicant's soil scientist's line should be verified.

Mr. Pietras stated he believed they should.

Mr. Gouverneur indicated he likes the idea of bundling the map amendments so they can all be heard at one or two public hearings per year. .

Ms. Tooker stated she likes the verification of the mapped line by a second soil scientist.

Mr. Field asked if it is possible that significant wetlands were missed in the 1983 survey.

Mr. Pietras stated the obvious wetlands were picked up but the disturbed areas may have been missed.

Staff was instructed to come to the Commission with a proposal. Issues to keep in mind include: a) the extra burden placed on staff; b) avoidance of randomness; c) reasonableness; and d) making the process clear to the property owners. The Commission would develop a consensus first; then, invite the stakeholders.

The meeting was adjourned at 9:20 p.m.

<b>Motion:</b>	<b>Porter</b>	<b>Second:</b>	<b>Shea</b>	
<b>Ayes:</b>	<b>Porter, Shea, Field, Gouverneur, Tooker</b>			
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>	<b>Vote: 5:0:0</b>