

**MINUTES
WESTPORT CONSERVATION COMMISSION
FEBRUARY 20, 2019**

The February 20, 2019 Public Hearing 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, Chair
Paul Davis, Vice-Chair
Donald Bancroft, Secretary
Paul Lobdell
Tom Carey

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the February 20, 2019 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 was one item to add to the Work Session:

- Approval of the January 22, 2019 Show Cause Hearing minutes.

Ms. Mozian added Item 2 of the Public Hearing, **20-26 Morningside Drive South**, was being eliminated as the applicant had withdrawn the application and simultaneously resubmitted it.

Motion to amend the agenda.

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

Public Hearing: 7:00 p.m., 201/201A.

1. **286 Compo Road South:** Application #WPL-10742-18 by William Green & Linda Durakis to raze the existing house, to construct a new FEMA compliant house, swimming pool, and drainage. Work is within the WPLO area of Gray's Creek.

Bill Green, property owner, presented the application. He noted the previous work that was approved and has been done except the landscaping. They are now looking to build a new single family residence. They did explore renovation and lifting the existing residence but it was not cost-effective.

Brian Nysteriak, PE, presented the engineering details. He did a thorough investigation of the drainage in the area. The area in the front yard was acting as a detention basin. In lieu of that, they put in a drainage system. The driveway and courtyard pretty much remain the same as the last proposal the Commission reviewed but the turn into the house will be moved. The rear drainage system was enlarged slightly. The stone reservoir beneath the driveway is deeper. The raingarden proposed in the front along Compo Road South and the southeast side of the lot will take excess water from the drainage galleries. Rain events of 25 year storms or less will be absorbed. The raingardens will have well draining soil in them. Mr. Nysteriak noted that not all of the previously approved drainage has been installed as yet.

Ms. Rycenga asked about the proposed patio material

Mr. Green stated the patio is to be impermeable; bluestone set in concrete.

Mr. Green noted both the covered front porch and patio are to be impermeable. He stated overall, the permeable surfaces on the property will be increased since the courtyard will be permeable.

Mr. Nysteriak noted the staff report recommended permeable patio. However, on this site, the water stays in place and infiltrates onsite. He feels the patio being permeable is overkill for this site.

Mr. Carey noted the coping around the pool is minimal.

Linda Durakis, property owner, stated this is a noted trend.

Mr. Davis noted the patio is raised and surrounded by a wall and will really be a terrace.

Mr. Nysteriak noted that the plans show changes to the drainage requested by the Town Engineer and approved by the Flood & Erosion Control Board. The plans are revised to January 31, 2019. The Commission does not have these plans. The pool will be 7'6" deep at the most.

Ms. Mozian noted they will hit groundwater since it is influenced by the tide.

Mr. Kelly noted that when they dewater, they cannot pump into the storm drain.

Mr. Nysteriak stated they will create a stone reservoir for the dewatering to drain through. The house will be served by natural gas. A detail was added to the plan to show how runoff from 282 Compo Road South will continue to drain toward 286 Compo Road South.

Ms. Rycenga asked about the drainage pipe in the front yard.

Mr. Green stated they were careful not to disturb it. With the fill, it is now 6 to 7 feet below the surface.

Mr. Davis asked about construction access.

Mr. Green stated he will rope off the drainage easement and the newly installed drainage galleries to avoid disturbance.

Ms. Rycenga asked about the total cubic yards of material being brought onto the site.

Mr. Green stated 1300 cubic yards of fill was brought in as approved in the previous application. There is no new fill proposed as a part of this application. He noted the terrace is pitched so the runoff will flow toward the raingarden so there will be stormwater treatment.

Mr. Nysteriak agreed a permeable patio is not necessary in this setting.

Mr. Kelly recommended that if this is the case, then Mr. Nysteriak should certify the raingardens are installed as designed.

Ms. Durakis noted the owner in the rear is in favor of the project and there is a letter in the previous file from her.

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

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

Findings
Application # WPL 10742-18
286 Compo Road South
Public Hearing: February 20, 2019

- 1. Application Request:** Request to raze the existing house, to construct a new FEMA compliant house, swimming pool, and drainage. The property lies within the boundary of the Waterway Protection Line Ordinance area of Gray's Creek.
- 2. Plans reviewed:**
 - a.** "Site Development Plan of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 1 of 2, dated December 5, 2018 Scale: 1" =20', prepared by B & B Engineering
 - b.** "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
 - c.** "Stormwater Management Analysis for 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", dated December 5, 2018, prepared by B & B Engineering

d. "286 South Compo Road" Drawn by W.R. Green Construction, Inc., Sheet A-1 thru A-8, Dated 11/27/18 last revised to 1/30/19.

3. Property Description:

- **Location of 25-year flood boundary:** 9 ft. contour interval.
- **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.
- **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 outside the CAM zone.
- **Proposed First Floor Elevation:** 13.0 ft.
- **Proposed Garage Floor Elevation:** 10.2 ft.
- **Existing Site Coverage: 20.78%**
- **Proposed Site Coverage: 22.7%**
- **Proposed Vegetation:** Rain garden meadow and native shade trees on the northerly property line. Proposed vegetable garden and ornamental plantings associated with the new driveway configuration.
- **Previous Permits issued:**
- **WPL-10627-18:** For driveway improvements include drainage, underground utilities, parking and gardens including vegetable, flower garden and a rain garden for biofiltration of surface stormwater runoff.

The Flood and Erosion Control Board approved the application on February 6, 2019 with standard conditions.

4. Waterway Protection Line Ordinance:

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 dwelling, asphalt driveway, new drainage, and newly graded northern area of the property. The grading appears to follow the approved plans under permit #WPL-10627-18 and the drainage structures have been inspected by the Engineering Department as required.

The property is connected to sanitary sewer and water.

The applicant proposes to construct a new 3,160 sq. ft. single family house with an attached garage. The proposed first floor elevation is 13', constructed on a crawl space with FEMA compliant flood vents provided. A pool (18' x 38') is proposed at elevation 9.6" with a patio and associated mechanicals. The existing driveway is proposed to be removed and a new driveway is proposed to access the new residence and the residence located offsite to the

south. The proposed "Driveway Parking Area" for the new house is shown as porous asphalt pavement. The driveway is 1,994 sq. ft. of coverage with approximately 1,225 sq. ft. shown as previously mentioned porous asphalt. This portion of the driveway was approved in Permit #WPL-10627-18, and has a condition that:

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.*

The Commission finds that stormwater drainage for the driveway and residence will be collected and discharge to two main systems located on site. Additionally, the stormwater from the garage and "Driveway Parking Area" is proposed to be retained within the parking area substrate, and has been specifically sized to capture the runoff volume. The drainage on the northerly side of the residence was installed in association with the fill and rain garden construction activities in 2018. The design engineer states: "The existing watershed analysis shows that during the 25-year storm event, no water escapes the project site's limits." Additionally, the storage provided meets the water quality volume requirements recommended in the 2004 CT Stormwater Quality Manual. The two drainage detention systems propose the overflows to be directed to the rain garden onsite. This feature acts as the bioretention system for runoff treatment of nutrients and pollutant removal.

The Commission finds that the rear patio construction does not have a detail design provided and assumes that this feature is proposed as typical impervious construction. It would be a benefit to stormwater quality treatment if the patio were constructed as pervious material, similar to the driveway, and be integrated into the land restriction for the driveway as noted above.

The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways will also be associated with the construction activities onsite. Sediment and erosion controls will be provided including the stockpile area. A silt fence is installed at the perimeter of the parcel. This should provide for adequate protection against sedimentation and erosion for this project and a construction entrance is proposed to function as the anti-tracking pad for vehicle traffic.

The Commission finds that the excavation required for the residence will be for a crawl space slab on grade construction. However, the proposed pool will be (we assume at minimum) 8 feet deep and may be close to groundwater (el. ~1.9'). The Commission finds that information on the pool depth and how they plan on managing the discharge if they intercept ground water during construction is needed.

In summary, the Commission finds that the project as proposed on the plans submitted will not adversely impact the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10742-18
Street Address: 286 Compo Road South
Assessor's: Map D04 Lot 112
Date of Resolution: February 20, 2019

Project Description: For the demolition of the existing house, and construction of a new FEMA compliant house, swimming pool, and drainage. The proposed activity is within the WPL area of the Gray's Creek.

Owner of Record: William Green & 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 10742-18** 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 stormwater 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 February 6, 2019.
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. *"Site Development Plan of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 1 of 2, dated December 10, 2018 revised to January 31, 2019 Scale: 1" =20', prepared by B & B Engineering*
 - b. *"Construction Notes and Details of 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", Sheet 2 of 2, dated December 10, 2018 revised to January 31, 2019, Scale: 1" =20', prepared by B & B Engineering*
 - c. *"Stormwater Management Analysis for 286 Compo Road South, Westport, Connecticut Prepared for William Green & Linda Durakis", dated December 5, 2018, prepared by B & B Engineering*
 - d. *Architectural plans entitled, "286 South Compo Road" Drawn by W.R. Green Construction, Inc., Sheet A-1 thru A-8, Dated 11/27/18 last revised to 1/30/19.*
 - e. *"Stormwater Operational & Maintenance Plan" dated February 20, 2019 prepared by B&B Engineering, Bryan Nesteriak, PE*
- 17. A dewatering plan for the pool excavation shall be submitted to the Conservation Department prior to the issuance of a Zoning Permit
- 18. The raingarden and pervious driveway must be installed as designed and have certification from the Site Engineer of its functionality prior to issuance of a Conservation Certificate of Compliance.
- 19. A detailed Landscaping Plan shall be submitted to the Conservation Department for approval prior to installation of plantings. The installation of plantings shall be completed prior to the issuance of the 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: Davis Second: Carey
Ayes: Davis, Carey, Rycenga, Bancroft, Lobdell
Nays: 0 Abstentions: 0 Vote: 5:0:0

- 2. **20 & 26 Morningside Drive South:** Application #IWW,WPL/E-10699-18 by Morningside Drive Homes, LLC c/o David Hoopes, Esq. on behalf of Greens Farms Developers LLC & Morningside Drive Homes LLC for a set-aside development pursuant to CGS §8-30g for 19 townhouse style condominiums, 6 of which will be income restricted in the manner prescribed by CGS §8-30g and related site improvements. Portions of the work are within the upland review area of Muddy Brook.

This application was withdrawn and simultaneously resubmitted.

Work Session II:

1. Receipt of Applications

Ms. Mozian noted there were two applications to be officially received:

The February 20, 2019 Public Hearing of the Westport Conservation Commission adjourned at 9:20 p.m.

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