MINUTES
WESTPORT CONSERVATION COMMISSION
MARCH 11, 2019

The March 11, 2019 Special Meeting of the Westport Conservation Commission was called to order at 6:30 p.m. in Room 307/309 of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair
Donald Bancroft, Secretary
Robert Corroon, Sergeant-at-Arms
Tom Carey
Paul Lobdell
Mark Perlman

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 business days of the March 11, 2019 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

_____
Alicia Mozian
Conservation Department Director

Executive Session: 6:30 p.m., Room 307/309 The Executive Session is not a public hearing and will not be open to the public.

Mr. Carey was not present for the Executive Session.

Motion to enter into Executive Session.

Motion: **Rycenga** **Second:** **Lobdell**
Ayes: **Rycenga, Lobdell, Bancroft, Corroon, Perlman**
Nayes: **None** **Abstentions:** **None** **Vote:** **5:0:0**

107 Old Rd. The Commission will vote to go into Executive Session for the purpose of discussing the case of Amy L.Y. Day, Executrix of the Estate of Catherine D. Fleming vs. The Westport Conservation Commission as it relates to the denial of Application #IWW-10450-17 and #WPL-10488-17 for a four (4) lot open space subdivision.

The Commission discussed pending litigation related to 107 Old Road.

Motion to come out of Executive Session at 7:07 p.m.

Motion: **Rycenga** **Second:** **Bancroft**
Ayes: **Rycenga, Bancroft, Corroon, Lobdell, Perlman**
Nayes: **None** **Abstentions:** **None** **Vote:** **5:0:0**

Special Meeting: 7:08 p.m., Room 307/309.

Mr. Carey arrived at 7:08 p.m.

1. **131 Beachside Avenue:** Application #IWW,WPL-10765-19 by Robert Marx of Roger Ferris Architects & Partners on behalf of Andrew Bentley to demolish the existing and rebuild a new single family residence, garage, and associated driveway, walks, terraces and decks. All habitable spaces and mechanical equipment will be located above the base flood elevation. Work is within the WPLO area of a tributary to Sasco Brook.

   Robert Marx, AIA of Roger Ferris Architects, presented the application on behalf of the property owner. The lot is non-conforming. The existing house is nonconforming due to setbacks, height and coverage. The new house will be conforming. The inland wetlands have been flagged. The upland review area extends onto the property. The WPLO boundary is almost consistently located with the 50-foot upland review area. Currently, the lot is 52% paved. Mr. Marx showed photos of the existing site conditions. He discussed the existing and proposed site conditions.

	Existing	Proposed
House	4800 s.f.	3050 s.f.
Driveway	9020 s.f.	2690 s.f.

   Mr. Marx also noted that the asphalt that extends onto the property belonging to the owner of 5 Hedley Farms Road will be eliminated. This area will become plantings by virtue of an existing easement.

   Mr. Marx explained the septic system is proposed in the high ground in front of the house. The limit of disturbance is established by the silt fence.

   Kate Throckmorton, LA, of Environmental Land Solutions prepared the planting plan, which consists of buffer plants and limiting the amount of lawn. It also includes an invasive plant control schedule. The house would be elevated to meet FEMA regulations. The first floor will be at elevation 18 msl. The lowest floor will be at 8 msl but has flood vents. It will be used for storage and a garage. There is

a staircase to the first floor. They will hang the mechanicals so they are above the base flood elevation. They have received Health Department approval for the house and Flood and Erosion Control Board approval. They have not yet secured a Health Department approval for the pool.

Ms. Rycenga noted the location of the temporary stockpile area, which is beyond the chainlink fence area. She questioned whether the applicant could get temporary access from the neighbor to the west. She noted they are bringing in 675 s.f. of fill.

Mr. Marx stated they may not need it. They are using the paved driveway on that side of the property for truck access. It is not practical to come in from the neighbor's property as it is too low.

Mr. Perlman noted the coverage is reduced by more than half.

Mr. Marx also noted the drainage system is designed to handle the 25 year storm not just the first inch of runoff.

Mr. Bancroft asked for clarification of the planting plan.

Mr. Marx stated the proposed plantings are native. Also, Porcelain Berry will be removed. The meadow beyond the chainlink fence will be left alone.

Mr. Bancroft indicated concern with the use of Glyphosate to remove the invasives.

Mr. Kelly noted the plan appears to show that they will hand pull as much as possible and they are planting heavily with native species.

Mr. Carey asked what requirement there are for the pool.

Mr. Marx stated the intent is to construct it so the bottom is above groundwater. The depth is 6 feet deep to be above groundwater.

Mr. Kelly noted the soils report does confirm the inland wetland flagging. Staff, in general, is in support of the project due to the significant reduction in coverage and extensive planting buffer. Staff recommends a bond for the plantings and inspection of the invasive plant removal. The planting plan on the slope surrounding the pool should be laid down with matting, waffles or coir logs. He indicated that surfaces of hardscapes should be permeable including driveways, patios and walkways. For example, the driveway is not proposed to be permeable. However, there is a significant reduction in impervious coverage already, so this may not be necessary in this case. Mr. Kelly noted Health approval has not been obtained for the pool.

Mr. Bancroft noted the leaky underground oil tank.

Mr. Marx stated the oil tank has been removed as well as the asbestos. The proposed new house will be fueled by natural gas.

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

Motion: Rycenga Second: Lobdell
Ayes: Rycenga, Lobdell, Bancroft, Carey, Corroon, Perlman
Nayes: None Abstentions: None Vote: 6:0:0

Findings
131 Beachside Avenue
Application #IWW,WPL-10765-19
Public Hearing: March 11, 2019

1. **Receipt Date:** **April 20, 2016**
2. **Application Classification:** **Summary**
3. **Application Request:** The applicant proposes to demolish the existing residence and to construct a new single-family residence, driveway, walks, decks, pool, and associated site work. The residence will be served by a septic system and heated by natural gas. Fill will be brought in to raise the grade 1' – 3' around the proposed pool. Portions of the work are located within the upland review area from the wetlands and within the boundary of the Waterway Protection Line Ordinance.
4. **Plans Reviewed:**
   a) "Site Plan Details & Notes Andrew Bentley 131 Beachside Avenue Westport, CT", dated February 5, 2019, Scale as-noted, Prepared by Chappa Site Consulting, LLC, Sheet 1 of 1.
   b) "Drainage Computations for the Proposed Single Family Dwelling and Site Improvements at 131 Beachside Avenue Westport, CT", dated February 5, 2019, Prepared by Chappa Site Consulting, LLC.
   c) "Wetland Buffer Plan New Residence 131 Beachside Avenue Westport, CT", dated February 8, 2019, Scale 1"=20', Prepared by Environmental Land Solutions, LLC Sheet LP.1
   d) "Coastal Site Plan and Conservation Commission Review 131 Beachside Avenue Westport, CT" Letter, dated February 8, 2019, Prepared by Environmental Land Solutions, LLC, 7 pgs.
   e) "Residence 131 Beachside", dated February 8, 2019, Scale 1/8"=1'0", Prepared by Roger Ferris + Partners, Sheet A3.1.
   f) "Existing Conditions Plot Plan Prepared for Daniel L. Tirenno & Sarah Weiss 131 Beachside Avenue Westport, CT", dated March 1, 2017 and last revised to June 27, 2018, Prepared by Leonard Surveyors.
   g) "Easement" Recorded in Westport Land Records: Book 2816, Page 152.

Background Information:
No previous permit on file.

WPLO
Waterway Protection Line is located 15' from the twenty five year floodplain or Elevation 9' onsite.

IWW Defined Resource (wetland or watercourse)
Wetlands and Watercourses occur on the subject property. A soil investigation was conducted by Otto Theall of Soil & Wetland Science, LLC on July 20, 2018. The soil report stated that he is in agreement with the wetland line previously identified for the property at #5 Hedley Farms Road. Specifically, he is in agreement with Wetland Flag #35-37 which crossed onto the #131 Beachside Avenue property from the July 21, 2011 report.

Wetland Soils
Westbrook mucky peat, low salt (99): This very poorly drained soil is in tidal marshes and estuaries. Though the areas have been diked from tidal flooding, most are subject to inundation by storm tides. The permeability of this Westbrook soil is moderate to rapid in the surface and subsurface layers and moderate in the substratum. Available water capacity is high. Runoff is slow, and water is ponded on the surface of some areas. Tidal flooding, the high water table, and the instability of the surface and subsurface layers make the soil unsuitable for most uses.

The non-wetlands soils have been identified as:

Udorthents-Urban land complex (306): This component occurs on cut (road, railroad, etc.), railroad bed, road bed, spoil pile, urban land, fill, and spoil pile landforms. The depth to a restrictive feature varies, but is commonly greater than 60 inches. The drainage class is typically well drained.

Udorthents, Smoothed (306): This component occurs on leveled land and fill landforms. The slope ranges from 0 to 35 percent and the runoff class is medium. The depth to a restrictive feature varies, but is commonly greater than 60 inches. The drainage class is typically well drained.

Facts Relative to this application:

1. Property is outside Aquifer Protection Overlay Zone but it is underlain by a coarse grained stratified drift aquifer (Sherwood Island Aquifer).
2. Property is within the Coastal Area Management zone identified as a "Coastal Flood Hazard".
3. Most of the property lies within the 100 year base flood designated by FEMA as AE (El. 13), this is where most of the work is proposed. A portion of the eastern edge of the property lies within the V Zone (El. 14); no work is proposed in this area.
4. The new 4-bedroom house will be served by a "Green Leach" septic system. The Health District has approved the house plan on February 27, 2019. We are still awaiting Health District approval for the pool.

The existing site is 26,511 Sq. Ft. (0.609 Acres) in size. The existing coverage calculation is 52.90% which includes a building area of 4,850 Sq. Ft., a driveway area of 9,020 Sq. Ft. and a wetland area of 140 Sq. Ft. There is a pond located offsite, approximately 90' to the north. Vegetation on site is minimal and generally maintained as lawn around the existing residence. A managed meadow is located easterly beyond the chain link fence.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

6.1 GENERAL STANDARDS

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

Discussion:

The application consists of a single family 4-bedroom residence served by a septic system that consists of a 1250-gallon septic tank and a Green Leach filter. Additionally, they have proposed a driveway of ~2,500 Sq. Ft., a pool, a drainage, and associated grading. The proposed overall coverage for the site is 6,148 Sq. Ft. or **23.3% coverage**. This equals an overall reduction in coverage of: 52.9% - 23.3% = **29.6% reduction**

The proposed house and septic system are located outside of the WPLO and beyond the 50' upland review area from the flagged wetland line. A small portion of the driveway (~20 Sq. Ft.), 80' of precast storm water gallery, a portion of the pervious terrace (~50 Sq. Ft.), a 453 Sq. Ft. pool, and grading are proposed within the Limits of the Waterway Protection Line and within 50' Review Area Setback. The pool is proposed to be 25' from the wetland line rather than the 35' Review Area Setback, and the drainage gallery is proposed to be 20' from the wetland line at its closest point. Areas of site grading are proposed to go up to and adjacent to the wetland line. These are areas where it is currently paved. A portion of the driveway and terrace are located within the 30' upland review area.

A "Wetland Buffer Plan" is proposed for the property. It consists of an assortment of trees, shrubs, grasses and perennials to be planted in areas of the existing pavement and disturbed areas onsite. The purpose of the proposed buffer is to create a separation of the dwelling and managed lawn area from the

wetland area onsite and will provide a stabilizing cover for the proposed grading/sloped areas on the parcel. The plan also incorporates invasive species controls upon commencement of site activities.

The Commission finds the removal of the asphalt areas from the review area setback and WPLO as an overall benefit for the property. The reduction in overall coverage will result in less stormwater runoff discharging to the adjacent wetland. The plantings consist of **1375** perennials and **82** trees and shrubs. They will provide biofiltration of the sheetflow runoff and naturalization of ~6,000 Sq. Ft. of area on the property and "Easement Parcel A" shown on the northern and eastern portions of the property. The Commission finds the need for a bond for the proposed planting to ensure the success of the buffer installation plantings. The Commission may also consider a multi-year monitoring program for invasive control within the area of the plantings to ensure long-term success of the plant installation and of invasive control on the property.

6.2 WATER QUALITY

a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
b) water stagnation will neither be contributed nor caused;
c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
e) all applicable state and local health codes shall be met;
f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
g) prevents pollution of surface water

Discussion:

The site generally drains from the highpoint of the driveway entrance to the low areas in the rear of the lot. The adjacent pond located to the north ultimately receives water from the property and it drains into the lowest reaches of Sasco Brook and its confluence with Long Island Sound. The pond discharge is restricted by a pipe near Sasco Creek Road. The pond shows signs of minimal tidal influence during extreme weather events. This portion of Sasco Brook is on the list of the EPA's 303(d) Listed Impaired Waters from the 2016 Waterbody Report. It is listed for exceeding its TMDL (*Total Maximum Daily Load = A TMDL establishes the maximum amount of a pollutant allowed in a waterbody and serves as the starting point or planning tool for restoring water quality*.), historically associated with "Nonpoint Source and Urban-Related Runoff/Stormwater" along with Septic Systems.

When the impervious surface within a watershed exceeds 10% of the watershed area, water quality is degraded. This increase in impervious cover results in aquatic systems receiving more runoff and non-point source pollution. Vegetative buffers are one of the best BMPs(Best Management Practice) to treat runoff before it enters surface waters. Therefore, the success of the buffer installation and establishment of the plants will be key to the project.

The driveway is shown as ~2,500 Sq. Ft. of coverage. The Conservation Department has aggressively promoted the use of pervious materials on properties to reduce the effective impervious coverage area, especially in the lower reaches of a watershed, as an additional BMP for site design. The current driveway is assumed to be a conventional impervious design. The Commission finds the applicant must install a pervious material for the driveway or perhaps the portions of the drive that are relatively level for the parking areas. A proposed pervious terrace is already proposed by the applicant and the drive could possibly be done with the same design material.

Use of pesticides, herbicides and fertilizers is discouraged as it will have a negative impact. Organic landscaping practices are recommended.

In 2017 an underground oil tank failed and was removed. The heat for the new house will be provided by natural gas service located in the street.

6.3 EROSION AND SEDIMENT

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

Discussion:

The location of the proposed silt fence is also the limit of disturbance for construction. An anti-tracking mud tracking bed is proposed to be in the area of the existing driveway entrance. Additional maintenance of the silt fence and pad, and routine sweeping of the road may be required depending on site traffic during construction. Erosion and sediment issues within a flood zone could prove extremely problematic until such time as the site is fully stabilized. The Commission finds that the planting plan shall be amended to include additional sediment and erosion controls such as erosion control matting, straw wattles, and/or coir logs to aid in final stabilization of the planted areas, especially within the proposed new sloped areas for the pool plantings. The Commission recommends the landscape plans are updated to highlight the area of slope and provide details for installation of erosion control matting and/or wattles prior to installation of plantings. The Commission finds that the chain-link fence onsite shall be established as the limit of disturbance and the stockpile be adjusted

6.4 NATURAL HABITAT STANDARDS

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

Discussion:

The outlet of this wetland system is Sasco Creek as stated above. The Flaherty Giavara Associates, P.C. study of 1983, commented during their wetland inspection that there is a high niche diversity. Existing conditions pond side and to the west supply an environment for wildlife habitat and diversity. Existing vegetation along edge of the watercourse help maintain a riparian zone and to attempt to increase biodiversity along this section of the pond. The Commission finds proposed plantings along the edge of the property will continue this trend.

6.5 DISCHARGE AND RUNOFF

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

Discussion:

Chappa Site Consulting LLC provided drainage computations which account for the stormwater quality treatment of the first 1.0" of rainfall as recommended in the 2004 Connecticut Storm Water Quality Manual. Additionally, the proposed onsite drainage system has been sized to handle the runoff from a 25-year storm through the use of concrete galleries. Additionally, an overall reduction in coverage 29.6% is proposed resulting in a proposed coverage of 23.3%.

The Commission finds that the driveway or a portion of the parking surfaces must be permeable to reduce the amount of impervious surface and to allow for infiltration of the stormwater runoff.

6.6 RECREATIONAL AND PUBLIC USES

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

Discussion:

The Commission finds that the proposed development will not impact recreational and public uses, navigable channels and or small craft navigation will not be obstructed.

Waterway Protection Line Ordinance

Section 30-93 of the WPLO ordinance states the following: 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 waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Waterway Protection Line boundary exists 15' from the 25-year floodplain (El. 9.0'). The Flood & Erosion Control Board approved this application on March 6, 2019.

The extent of disturbance for the proposed driveway, terrace, pool and grading is within areas that are currently paved or occupied by the existing building. The plantings proposed along the northerly side of the proposed activities are intended to treat any storm water runoff to improve water quality. Provided erosion controls are used to limit disturbance beyond that which is proposed, the Commission finds that the proposed activity will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL-10765-19
Street Address: 131 Beachside Avenue
Assessor's: Map I06 Lot 006
Date of Resolution: March 11, 2019

Project Description: To demolish the existing residence and to construct a new single-family residence, driveway, walks, decks, pool, and associated site work. Portions of the work are located within the

upland review area from the wetlands and within the boundary of the Waterway Protection Line Ordinance.

Owner of Record: Andrew Bentley
Applicant: Robert Marx, Roger Ferris Architects and Partners

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW, WPL-10765-19** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
16. 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

17. Conformance to the plans entitled:
a) "Site Plan Details & Notes Andrew Bentley 131 Beachside Avenue Westport, CT", dated February 5, 2019, Scale as-noted, Prepared by Chappa Site Consulting, LLC, Sheet 1 of 1.
b) "Drainage Computations for the Proposed Single Family Dwelling and Site Improvements at 131 Beachside Avenue Westport, CT", dated February 5, 2019, Prepared by Chappa Site Consulting, LLC.
c) "Wetland Buffer Plan New Residence 131 Beachside Avenue Westport, CT", dated February 8, 2019, Scale 1" =20', Prepared by Environmental Land Solutions, LLC Sheet LP.1
d) "Coastal Site Plan and Conservation Commission Review 131 Beachside Avenue Westport, CT" Letter, dated February 8, 2019, Prepared by Environmental Land Solutions, LLC, 7 pgs.
e) "Residence 131 Beachside", dated February 8, 2019, Scale 1/8" =1'0", Prepared by Roger Ferris + Partners, Sheet A3.1.
f) "Existing Conditions Plot Plan Prepared for Daniel L. Tirenno & Sarah Weiss 131 Beachside Avenue Westport, CT", dated March 1, 2017 and last revised to June 27, 2018, Prepared by Leonard Surveyors.
g) "Easement" Recorded in Westport Land Records: Book 2816, Page 152.

18. Submission of a performance bond to cover the cost of plantings, sediment and erosion controls, and 3-year invasive management monitoring program prior to the issuance of a Zoning Permit.
19. Submission of Westport-Weston Health District approval for pool construction prior to issuance of Zoning Permit.
20. Conformance to March 6, 2019 Flood & Erosion Control Board conditions of approval.
21. Submission of an updated "Wetland Buffer Plan" which includes details for installation of erosion control matting and/or wattles for the proposed planted areas along the slope for the pool prior to installation of plantings. Plan shall also designate the limit of site disturbance and relocate the soil stockpile area.
22. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
23. The applicant shall explore the use of an alternative to Glyphosate in the removal of the invasive species on the property.

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:** Bancroft
Ayes: Corroon, Bancroft, Carey, Rycenga, Perlman, Lobdell
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

2. 17 Owenoke Park: Application #WPL-10766-19 by William Achilles, AIA on behalf of 1720 Owenoke Park LLC for a new 2-story FEMA compliant single family residence with driveways, pool, walls, patios and proposed drainage system. Work is within the WPLO area of Gray's Creek.

William Achillies, AIA presented the application on behalf of the property owners. The project is to construct a new single family residence, driveways, pool, walls, patios and proposed drainage system. He reviewed an approval for a project at this site from 2015 that had greater coverage (33.5%). This current project has approval from the Flood & Erosion Control Board with conditions about floods vents and pervious pavers. He reviewed the property and project highlights. They are moving the existing stonewall, which is on Owenoke Park right of way, back onto the property itself. Access to property is by pervious driveway on the easterly side. There are pervious walkways and one pervious patio. There is one patio proposed as impervious. He discussed the installation of the pervious pavers and the driveway drainage. The drainage system does not include the driveway collection system in the calculations. There is a planting plan proposed along the seawall contains saltwater tolerant plantings. They have received Health Department approval. The pool will not go into groundwater. There are provisions including a dirtbag and a pump should they hit groundwater during excavation. The depth of the pool will be 8 feet. They are proposing a mudtracking pad and silt fencing. He reviewed the stockpile location. He discussed the accessway for the 1 car garage on the west side of the house.

Ms. Rycenga concerned that there is not area for excavated pool materials. She would like it to be removed from the site immediately.

Mr. Achilles agreed. All a/c and pool equipment will be raised above the FEMA flood elevation.

Ms. Rycenga recommended the dumpster should be covered at the end of the day near a watercourse or waterbody.

Mr. Kelly highlighted the staff report.

Mr. Achilles stated the heat source will be propane.

Meg Freeman asked a question as to whether pervious surfaces are rated and whether they will function.

Ms. Mozian stated it is normal to ask for a detail of the pervious surfaces and how they will be constructed. The Engineer will then certify that it is constructed as specified.

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

Motion: Rycenga Second: Carey
Ayes: Rycenga, Carey, Bancroft, Corroon, Lobdell, Perlman
Nayes: None Abstentions: None Vote: 6:0:0

Findings
17 Owenoke Park
Application #WPL-10766-19
Public Hearing: March 11, 2019

Application Request: to construct a new 2-story FEMA compliant single family residence with driveways, pool, walls, patios and proposed drainage system. Work is within the WPLO area of Gray's Creek.

Plans Reviewed for This Application:

a) "Existing Conditions Plot Plan Prepared for 1720 Owenoke Park LLC 17 Owenoke Park, Westport, Connecticut", Scale: 1" = 10', dated October 24, 2016 and last revised to August 8, 2018, prepared by Leonard Surveyors LLC
b) "Site Plan, Details & Notes 1720 Owenoke Park LLC 17 Owenoke Park, Westport, Connecticut", Scale: 1" = 10', dated February 13, 2019, prepared by Chappa Site Consulting, LLC, Sheet 1of 1
c) "Planting Plan, Armstrong Residence 17 Owenoke Park, Westport, Connecticut", Scale: As-shown, dated February 19, 2019, prepared by Stephen Stimson Associated Landscape Architects, Inc, Sheet L0.0
d) "Pool Section and Details, Armstrong Residence 17 Owenoke Park, Westport, Connecticut", Scale: As-shown, dated February 25, 2019, prepared by Stephen Stimson Associated Landscape Architects, Inc, Sheet L0.1
e) Architectural Plans entitled: "1720 Owenoke LLC 17 Owenoke Park, Westport, Connecticut", Scale: ¼" = 1'0", dated February 14, 2019, prepared by Hutker Architects, 6 Sheets
f) "Drainage Computations for the Proposed Single Family Dwelling and Site Improvements at 17 Owenoke Park; Westport, CT", dated February 13, 2019, prepared by Chappa Site Consulting, LLC
g) "Fiber Stabilized Lawn Soil, Armstrong Residence Application #WPL-10766-19", Scale: As-shown, dated March 1, 2019, prepared by Stephen Stimson Associated Landscape Architects, Inc, Sheet SKL-01.

Property Description:

Location of 25-year flood boundary: 9 ft. contour interval. WPLO boundary is established 15' upland from this contour.
Property is situated in Flood Zones AE (el. 13') and VE (el. 14') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
Proposed First Floor Elevation: 14.0 ft.
Proposed garage floor elevation: 11.55 ft. and 12.00 ft.
Existing Site Coverage: 13.73% Demolition of residence occurred in 2016, Property currently vacant with only a driveway.
Proposed Site Coverage: 24.81%
Sewer Line: The proposed new residence will be serviced by municipal sewer.

Aquifer: Property underlain by Sherwood 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 resources are "Coastal Flood Hazard Area", "Near Shore Waters" per the Coastal Resources Map of the Connecticut Department of Environmental Protection. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

Previous Permits issued: (the current lot is vacant)
a. WPL/E-9485-13: Inground pool with spa, terrace and walls
b. WPL/E-5391-96: Addition and driveway alteration
c. AA-2093-87: Garage and deck
d. CAM/E 2094-87: Deck

The Flood and Erosion Control Board approved the application March 6, 2019.
The drainage proposal is acceptable to the Engineering Department.

Discussion: The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application. Section 30-93 states:

" 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 house will be built to conform to FEMA standards (the base flood elevation is 13.0' in zone AE) with the first habitable floor constructed at elevation 14.0'. The main structure of the house will be constructed on a crawlspace foundation, which will be FEMA compliant with proposed smart vents throughout the foundation.

A proposed pervious drive detail is included on the site plan showing that the design will have stone pavers with a snowmelt system. This system consists of a stone base to function as a reservoir for water storage, a layer of insulation, a concrete layer with tubing and a cover material of pavers. The infiltration of stormwater for the driveway is achieved through the installation of 2" diameter weep holes located within and throughout the concrete layer which allows for water to pass through to the subbase. In addition to the driveway surface, the application includes proposed pervious patios adjacent to the pool. The walkways and two other patios on the property are **not** designated as pervious construction.

The Commission find that the applicant shall submit information on the design criteria for the driveway. This should address the permeability data and operations and management of the driveway. The Commission finds that the design engineer 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.

A single bay garage (noted as car storage) on the western side of the residence is accessed by a grass slope between two proposed retaining walls. This slope originates from the proposed parking area in the northwest corner of the property. The applicant provided a detail to show that the grass slope will be constructed with fiber reinforcement materials mixed within the top 1" of lawn soil. The Commission finds that the Landscape Architect or Site Engineer shall certify that the constructed slope allows for regular passage of a vehicle without causing rutting, erosion, or runoff from the slope into Owenoke Park.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and the percentage of impervious area. Proposed site coverage is to be 24.81% which is in a percentage range where impacts to water quality will occur *("Impervious cover has emerged as a measurable, integrating concept used to describe the overall health of a watershed. Numerous studies have documented the cumulative effects of urbanization on stream and watershed ecology (Schueler, 1994; Schueler, 1995; Booth and Reinelt, 1993, Brant, 1999; Shaver and Maxted ,1996) Research has shown that when impervious cover in a watershed reaches between 10 and 25 percent, ecological stress becomes clearly apparent. Beyond 25 percent stream stability is reduced, habitat is lost, water quality becomes degraded, and biological diversity decreases (NRDC, May 1999)".)*

The drainage from the residence roof leaders, patios, and driveway are proposed to be captured by 18" high concrete drainage galleries totaling 232 feet in length. The drainage is located in three general areas around the residence. The galleries consisting of the 128' combined length (Pond P3) and 32' combined length (Pond P2) will have the bottom elevation established at 7.0' and the galleries consisting of 72' combined length (Pond P1) will have the bottom elevation established at 6.0'. These will not interface with any groundwater per test pit data and will be above the 5.0' elevation standard the Engineering Department uses when near tidal waters.

The stormwater runoff from the impervious surfaces of the rear yard will sheet flow into two planting buffers to achieve biofiltration. The planting buffers will consist of grasses and herbaceous vegetation which are native, non-invasive species. The existing seawall (T.W. el. ~10.4') is above the existing grade across the rear of the property and blocks direct surface runoff to the Saugatuck River. The buffer planting in the vicinity of the sea wall will serve as an erosion control measure as this area is susceptible to erosion and periodic flooding during storm event or extreme tides. The Commission finds that the

applicant shall submit a bond to cover the cost of plantings onsite to ensure vitality for at least after construction completion/installation.

A portion of the property lies within the VE flood zone and is subject to wave action during storm events. A pool fence compliant with VE flood zone requirements is proposed although the plans note that they will seek a modification from the State Building Inspector to not install the fence if found to be acceptable.

The property will be connected to the municipal sewer service.
The Westport Weston Health District issued a permit for the pool construction on February 26, 2019.

The Commission finds that a perimeter silt fence and anti-mud tracking pad is proposed for use during construction and should provide adequate protection if it is properly maintained as excavation and grading activities are underway onsite and remain until fully stabilized. Construction access and material stockpile area appears limited. A small soil stockpile is depicted for this project and as little excavation for the foundation is required and final grade change is limited, this area should be adequate.

The Commission finds that, based on the information submitted and the additional safeguards and details requested, the proposed project will not have an adverse impact on the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-10766-19
Street Address: 17 Owenoke Park
Assessor's: Map D03 Lot 170
Date of Resolution: March 11, 2019

Project Description: To construct a new 2-story FEMA compliant single family residence with driveways, pool, walls, patios and proposed drainage system. Work is within the WPLO area of Gray's Creek.

Owner of Record: 1720 Owenoke Park LLC.
Applicant: William Achilles AIA, Achilles Architects

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 10766-19** 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 March 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) "Existing Conditions Plot Plan Prepared for 1720 Owenoke Park LLC 17 Owenoke Park, Westport, Connecticut", Scale: 1" = 10', dated October 24, 2016 and last revised to August 8, 2018, prepared by Leonard Surveyors LLC
    b) "Site Plan, Details & Notes 1720 Owenoke Park LLC 17 Owenoke Park, Westport, Connecticut", Scale: 1" = 10', dated February 13, 2019, prepared by Chappa Site Consulting, LLC, Sheet 1of 1
    c) "Planting Plan, Armstrong Residence 17 Owenoke Park, Westport, Connecticut", Scale: As-shown, dated February 19, 2019, prepared by Stephen Stimson Associated Landscape Architects, Inc, Sheet L0.0
    d) "Pool Section and Details, Armstrong Residence 17 Owenoke Park, Westport, Connecticut", Scale: As-shown, dated February 25, 2019, prepared by Stephen Stimson Associated Landscape Architects, Inc, Sheet L0.1
    e) Architectural Plans entitled: "1720 Owenoke LLC 17 Owenoke Park, Westport, Connecticut", Scale: ¼" = 1'0", dated February 14, 2019, prepared by Hutker Architects, 6 Sheets
    f) "Drainage Computations for the Proposed Single Family Dwelling and Site Improvements at 17 Owenoke Park; Westport, CT", dated February 13, 2019, prepared by Chappa Site Consulting, LLC
    g) "Fiber Stabilized Lawn Soil, Armstrong Residence Application #WPL-10766-19", Scale: As-shown, dated March 1, 2019, prepared by Stephen Stimson Associated Landscape Architects, Inc, Sheet SKL-01.

17. The design engineer shall witness and certify the construction of all permeable surfaces proposed for the site, and submit a report prior to the issuance of the Conservation Certificate of Compliance.
18. All proposed walkways, patios, and driveways must remain pervious in perpetuity with this requirement placed on the land records prior to issuance of a Conservation Certificate of Compliance.
19. A performance bond shall be submitted prior to the issuance of a Zoning Permit. The bond shall cover the cost of sediment and erosion controls and the plantings required for the proposed buffer. The bond shall be held for one full growing season after the installation of plants is completed.
20. Submit details of design criteria and permeability of main driveway prior to issuance of the Zoning permit.
21. Landscape Architect or Site Engineer will certify that the constructed grass slope with "fiber stabilized lawn soil" has been constructed appropriately and allows for regular passage of a vehicle, prior to the issuance of the CCC.
22. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
23. Excavated material from pool will be hauled offsite immediately, no stockpile of excess soil onsite.

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:** Carey
Ayes: Bancroft, Carey, Corroon, Rycenga, Perlman, Lobdell
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

24. **129 Harbor Road:** Application #WPL-10767-19 by Mark LaClair to convert the existing front port into an enclosed entry with stairs to upper floors, modify exterior stair and landing as needed, enclose portion of space under first floor. Work is within the WPLO area of the Saugatuck River.

    Mark LaClair, property owner, presented the application. The proposal is to convert some of the existing stairs to a covered entryway and interior stairs. Coverage will be reduced. They will also enclose the area beneath the house with walls to prevent freezing and to hide the oil tank and stuff stored under the house. The area is very cold under the house. This area will have flood vents. Flood & Erosion Control Board approved the application.

    Ms. Rycenga asked how the wall will be constructed.

    Mr. LaClair stated it will most likely be block with hand dug footings.

    Ms. Rycenga noted the bulkhead may need to be repaired. It should be looked at by a structural engineer.

    Mr. Kelly noted there are previously required planting beds next to the seawall. These need to be protected or replaced prior to issuance of the Conservation Certificate of Compliance. The stockpile location should be replaced with a waiting dumpster because most likely a lot of the work will be done by hand.

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

    Motion: Rycenga Second: Carey
    Ayes: Rycenga, Carey, Bancroft, Corroon, Lobdell, Perlman
    Nayes: None Abstentions: None Vote: 6:0:0

Findings
129 Harbor Road
Application #WPL-10767-19
Public Hearing: March 11, 2019

Application Request: Applicant is requesting to convert the existing front porch into an enclosed entry with stairs to upper floors, modify exterior stair and landing as needed, enclose portion of space under first floor. Work is within the WPLO area of the Saugatuck River.

Plans reviewed:
1. "Zoning Location Survey Lot Number 212 129 Harbor Road Prepared for Mark M. E. Laclair and J. Tanya Sprague Westport, CT", Scale: 1" = 10', dated January 23, 2019 and last revised to February 13, 2019, prepared by Ryan and Faulds Land Surveyors.
2. Architectural Plans entitled: "LaClair residence Addition 129 Harbor Road, Westport, Connecticut", Scale: ¼" = 1'0", dated January 11, 2019 last revised to February 25, 2019, prepared by John Jones Architect LLC, Sheets A1-A7

Property Description:

Location of 25 year flood boundary: 9 ft. contour interval. WPLO boundary is established 15' upland from this contour.
Property is situated in Flood Zones AE (el. 13') and VE (el. 14') as shown on F.I.R.M. Panel 090019 551G Map revised to July 8, 2013.
First Floor Elevation: 16.14 ft.
Existing Site Coverage: 65.9%
Proposed Site Coverage: 65.6%
Sewer Line: The residence is serviced by municipal sewer.

Aquifer: Property is located within groundwater recharge zones. Soils are characterized as coarse grained stratified drift.

Coastal Area Management: Property located within CAM zone. The coastal resources are "Coastal Flood Hazard Area".

Previous Permits issued:
a. WPL/E- 10756-19: Second floor additions over existing space.
b. WPL-9684-13: Lift existing house above the FEMA Flood Line
c. CAM/E 1999-87 Addition

The Flood and Erosion Control Board approved the application March 6, 2019.
The Engineering Department has reviewed the proposed project and will not require any drainage.

Discussion: The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application. Section 30-93 states:

> " 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 house was raised under approval of Permit # WPL-9684-13. A CCC was issued by staff on January 26, 2015. The first habitable floor is constructed at elevation 16.14'. The main structure of the house was constructed on a pier foundation which is FEMA compliant. A "Restrictive Covenant" is filed with the Town Clerk: **Book: 3662 Page: 164-165**; which stated that "the driveway and patio shall remain

pervious…" The onsite drainage for the existing property consists of directing the roof runoff to the rear of the property and into the vegetated buffer area identified as the "Garden" on the site plan. The remaining runoff from the front half of the property sheet flows overland into the pervious driveway.

Second floor additions, as shown on the site plan, were recently approved by staff since they did not include on-grade footprint expansion.

The Commission is now being asked to approve the proposed entry, deck, and steps represent an overall decrease in coverage from the existing condition. The existing covered entry and stairs will be removed. The coverage is proposed to be reduced from 2,955 Sq. Ft. to 2,940 Sq. Ft. for a total reduction of **15 Sq. Ft.** No drainage is proposed for this project as the proposed entry is located within the same general footprint of the current open porch entry and staircase.

The ground level plan shows proposed new foundations constructed between the existing piers with partition walls along the perimeter of the building. The walls will be constructed with smart vents and anchored to the foundation. Additionally, the applicant proposes to install a 4" thick concrete slab for a floor. The access for the area will be through the opening for the garage door. Commission noted the limited working space for this activity with minimum overhead movement allowed and swing restrictions. The Commission anticipates the applicant will use labor with hand tools or specialized equipment to accomplish the work.

A perimeter silt fence and stockpile is proposed for use during construction. The Commission finds that the silt fence should provide adequate protection if it is properly maintained as excavation and grading activities are underway onsite and remain until fully stabilized. Access for construction under the residence and material stockpile areas appears limited. The Commission finds that none of the material should be deposited anywhere northward of the building. A small soil stockpile is depicted for this project within the driveway. The material storage onsite is limited; The Commission finds that the applicant shall direct load excavated materials into an awaiting container for removal from the site as needed.

The Commission finds that the existing plantings identified in the "Garden" areas along the northern edge of the property should be protected. Staff previously commented about plantings with the application #WPL-9684-13: *As there is a seawall on the northerly property line, staff is supportive of the proposed plantings adjacent to this wall. Not only will the plantings provide biofiltration, the root structures will form structure within the soil matrix to help against erosion.* The Commission required these plantings and a performance bond as a condition of approval for this earlier permit. That bond has been released. The Commission finds that any plants that are not successful in the "Garden" area shall be replaced as a condition of issuance of a Certificate of Compliance for this work.

The Commission recommends the owner consider investing in the services of a structural engineer, in the future, to review the condition of the existing seawall and possibly make repairs or replace the wall, with appropriate permits.

The Commission finds that the activity as proposed, with added safeguards, should not adversely impact the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-10767-19
Street Address: 129 Harbor Road
Assessor's: Map B2 Lot 148
Date of Resolution: March 11, 2019

Project Description: To convert the existing front porch into an enclosed entry with stairs to upper floors, modify exterior stair and landing as needed, enclose portion of space under first floor. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Mark M. E. Laclair and J. Tanya Sprague
Applicant: Mark M. E. Laclair

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 10767-19** 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. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of March 6, 2019.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
    a. “Zoning Location Survey Lot Number 212 129 Harbor Road Prepared for Mark M. E. Laclair and J. Tanya Sprague Westport, CT”, Scale: 1” = 10’, dated January 23, 2019 and last revised to February 13, 2019, prepared by Ryan and Faulds Land Surveyors.
    b. Architectural Plans entitled: “LaClair residence Addition 129 Harbor Road, Westport, Connecticut”, Scale: ¼” = 1’0”, dated January 11, 2019 last revised to February 25, 2019, prepared by John Jones Architect LLC, Sheets A1-A7
17. No materials will be disturbed on the waterward side of the silt fence.
18. Submit details of material handling and direct loading of excess excavated materials to Staff for review and approval prior to issuance of a Zoning Permit.

19. All buffer plantings must be alive and healthy within the planted "Garden" areas. Replacement/installation of any plants that are not successful in this area must be completed prior to the issuance of a CCC.

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: Carey **Second:** Bancroft
Ayes: Carey, Bancroft, Rycenga, Perlman, Lobdell, Corroon
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

Work Session:

1. **Hiawatha Lane** – Ms. Mozian reported the staff has received a Phase I report and the Flood and Erosion Control Board reviewed the project in its entirety and approved it.
2. Ms. Mozian alerted the Commission to upcoming work by the RTM involving making changes to the WPLO and adopting a ban on Single Use Plastics, which would name the Conservation Department as the enforcer of the Ordinance.

The March 11, 2019 Special Meeting and Executive Session adjourned at 9:42 p.m.

Motion: Rycenga Second: Corroon
Ayes: Rycenga, Corroon, Bancroft, Carey, Lobdell, Perlman
Nayes: None Abstentions: None Vote: 6:0:0