

**MINUTES
WESTPORT CONSERVATION COMMISSION
APRIL 17, 2019**

The April 17, 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:

Paul Davis, Vice-Chair
Donald Bancroft, Secretary
Robert Corroon, Sergeant-at-Arms
Tom Carey
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 days of the April 17, 2019 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Public Meeting: 7:10 p.m., Room 309

107 Old Rd.: Discussion and possible vote on draft Stipulated Settlement Agreement of 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. Said settlement proposes two lots. **Although this is not a public hearing, the public is invited to attend and speak.**

This agenda item was postponed.

Public Hearing: Room 309

1. **300 Post Road West:** Application #IWW/M-10772-19 by Barr Associates on behalf of 300 PRW LLC to amend wetland boundary map #B8.

Mel Barr presented the application on behalf of the property owner. He explained the reason for the map amendment, which was a condition of the previous permit for the parking lot expansion.

Mr. Kelly stated Bill Kenny was retained by the staff to verify the wetland boundary mapped by Aleksandra Moch. Ms. Moch had flagged the wetland as part of the previous application for the parking lot expansion. Mr. Kenny confirmed the line.

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

Motion:	Davis	Second:	Bancroft
Ayes:	Davis, Bancroft, Carey, Corroon, Perlman		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

Findings
Application #IWW/M 10772-19
300 Post Road West
Public Hearing: April 17, 2019

1. **Application Request:** The applicant is requesting to amend wetland map #B08 on tax lot #040. Parcel owned by 300 PRW LLC
2. **Soil Scientist for Applicant:** Aleksandra Moch
3. **Soil Scientist for Town of Westport:** William Kenny, William Kenny Associates
4. **Plan reviewed:** "Plot Plan Prepared for 300 PRW LLC 300 Post Road West Westport, CT", Scale: 1" = 30', dated January 29, 2016 last revised to December 15, 2017, prepared by Leonard Surveyors, LLC
5. **Soils Description**
Wetland Delineation for the Property Located at: 300 Post Road West Westport, CT- prepared by Aleksandra Moch Soil & Wetland Scientist, dated December 9, 2017 describes the following wetland soils occurring on the property:

Leicester fine sandy loam (4) - This poorly drained soil occurs on drainage ways and depression landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss.

Canton and Charlton soils, 3 to 8 percent slopes (60B) - This soil occurs on upland hill landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss.
6. **Property Description and Facts Relative to the Map Amendment Application:**
 - The parcel contains an office building served by sewer constructed in 2000.
 - Current application #IWW,WPL/E-10509-17 (expansion of parking lot with new drainage) remains open. Special Condition #19 required a map amendment application be submitted prior to issuance of CCC.

Mr. Bancroft asked about the timing of the dock installation.

Michael Greenberg, contractor, stated they will be installing it in the fall. The dock could wait until after the dredging takes place.

Ms. Mozian gave the staff report. She clarified the Shellfish Commission's recommendations to DEEP about locating and moving shellstock. She also endorsed the shared dock.

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

Motion:	Davis	Second:	Carey
Ayes:	Davis, Carey, Bancroft, Corroon, Perlman		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

Findings
259 Saugatuck Avenue, 1 Charmer's Landing
Application #WPL-10663-18
Public Hearing: October 15, 2018

Application Request: Applicant is proposing to construct a single-family dwelling, pool and associated site improvements. Portions of the work are within the WPLO area of the Saugatuck River.

Plans reviewed:

1. "Lot "6" and Lot "7" Plot Plan" Prepared for Charmers Landing Property LLC, 259 Saugatuck Avenue and 1 Charmers Landing, Westport, Connecticut, Scale 1" = 20', Dated October 7, 2016 and last updated to July 12, 2018, prepared by Leonard Surveyors, LLC.
2. "Site Improvements for A Proposed Single Family Residence, Site Plan", Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Scale 1" = 20', dated August 7, 2018, Sheet C-1, Prepared by LandTech.
3. "Proposed Grading Plan", Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Scale – NTS, dated August 7, 2018, Sheet C-2, Prepared by LandTech.
4. "First Floor Plan", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-1.0, Prepared by Michael Greenberg & Associates.
5. "Second Floor Plan", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-1.1, Prepared by Michael Greenberg & Associates.
6. "Elevations and Section", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-2.1, Prepared by Michael Greenberg & Associates.
7. "Side Elevations", Prepared for Kaempfer Residence, 1 Charmers Landing, Westport, CT 06880, Scale 1/8" = 1'-0", Dated August 9, 2018, Sheet A-2.2, Prepared by Michael Greenberg & Associates.

Property Description:

Location of 25-year Flood Boundary: the 9 ft. contour interval.

Location of WPLO boundary: 15 ft. landward of the 9 ft. contour.

Property contains Flood Zones AE (el. 13'), Limit of Moderate Wave Action line, and VE (el. 14') as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.

Proposed first floor elevation: 16.5 ft.

Proposed garage floor elevation: 15.5 ft.

Existing site coverage: 0.0%; each lot is currently vacant

Proposed site coverage: 24.7% for 259 Saugatuck Avenue and 7.8% for 1 Charmers Landing

Sewer Line: The proposed new residence will be serviced by municipal sewer located in Saugatuck Avenue.

Aquifer: Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's Aquifer Protection Overlay Zone.

Coastal Area Management: Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm

events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.

Proposed Storm Water Treatment: Storm water runoff from the roof and driveway is proposed to be discharged to Cultech R-330XL HD units. The Engineering Department has reviewed and approved this drainage proposal. The design engineer states that the entire property drains to the Saugatuck River. Based on this they are only proposing drainage to treat water quality and based the sizing to manage the Water Quality volume (WQv). The 259 Saugatuck Ave parcel requires **1,057.84** cu. ft. of storage and they will provide **1,125.40** cu. ft. of storage. The 1 Charmers Landing parcel requires **431.93** cu. ft. of storage and they will provide **588.80** cu. ft. of storage.

Previous Permits issued and Violation:

- a. WPL-4690-92 5 Lot Subdivision – 259-269 Saugatuck Avenue
- b. WPL-4719-93 5 Lot Subdivision – 259-269 Saugatuck Avenue
- c. Notice of Violation issued 3/3/06 for clearing in Conservation Easement. Violation removed 7/12/18.

The Flood and Erosion Control Board approved the application with conditions on October 3, 2018. 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:

“ 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.”

A portion of the property falls within the WPL boundary of the Saugatuck River. The application proposes to construct a new FEMA compliant residence, pool, spa, patio, driveway, drainage, and fencing. A portion of the pool and associated grading are proposed within the WPL. All other site improvements associated with the house construction are proposed outside of the boundary.

The house will be built to conform to FEMA standards with the first habitable floor at 16.5' which is constructed above the 100-year base flood elevation of 13.0'. The stormwater runoff from the driveway (5,659 sq. ft.) will drain towards the proposed entrance leading from Charmer's Landing at the southern end of the site. It will be directed into the proposed Cultec units by way of a catch basin located in the driveway at the property line. The stormwater runoff from the 7,266 sq. ft. footprint of the dwelling will drain to roof leaders and into the Cultec units located on the eastern side of the proposed residence.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterway should focus on stormwater quality impacts and construction management of sediment and erosion controls. The proposed site coverage is to be **24.7%** for 259 Saugatuck Avenue and **7.8%** for 1 Charmers Landing respectively. If the parcels were treated as one, the combined value for the proposed coverage would be **16.2% for a 1.95± acre parcel**. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. The Commission may want to require that the patio and or some or all of the proposed driveway and parking courtyard be permeable.

A previous violation from 2006 (noted above as: *Notice of Violation issued 3/3/06 for clearing in Conservation Easement*) required restoration plantings to be planted within the 35' Conservation Easement along the Saugatuck River embankment. This planting was completed under the direction of Conservation Department staff following the proposed restoration plan by Eckerson Design Associates. The work was completed in July, 2018. The restoration plants were selected to directly address water quality and flood control along the river's embankment. They will also help to treat any stormwater runoff

from the proposed rear lawn and pool area. The Commission finds that this vegetative buffer shall remain in place in perpetuity in order to help maintain and enhance water quality.

A pool fence is proposed within the VE flood zone and the Conservation Easement Area. The Town Engineer has previously approved compliant fencing within this zone dependent on design. The applicant has not shown a detail of the pool fence at this time. FEMA has determined that "open fences (e.g. wood/plastic/metal slat fencing with generous openings, etc.)" will not lead to harmful diversion of floodwaters. The Commission finds that the applicant should submit a detail of the fence type that is proposed within the VE flood zone in order for staff to determine if it meets FEMA requirements.

The property will be connected to the municipal sewer service.

The Westport Weston Health District approval is required for the approval of the pool and spa. The Commission finds that the applicant should secure this approval prior to obtaining a zoning permit.

Sediment and erosion controls are shown being installed around the perimeter of the property.

Construction access and material stockpiles areas are shown. The site should provide adequate area for soil and material stockpiling on the 1 Charmers Landing parcel if needed. Routine maintenance of controls should provide adequate management of the sediments onsite. The Commission finds that the applicant should take steps to limit the amount of exposed soil during the construction process. 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-10775-19
Street Address: 259 Saugatuck Avenue, 1 Charmer's Landing
Assessor's: Map B4, Lot 027 & 028
Date of Resolution: April 17, 2019

Project Description: Applicant is proposing to construct a residential boat dock to be shared by both properties. The dock includes a 4' wide by 18' long timber ramp, a 4' wide by 40' long piling-supported pier, a 42" wide by 36' long aluminum ramp and an 8' by 25' float. The work is contained wholly within the WPLO area of the Saugatuck River.

Owner of Record: Charmer's Landing Property, LLC and 259 Saugatuck Avenue, LLC

Applicant: LANDTECH

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-10775-19** 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. Conformance to the **April 3, 2019** Conditions of Approval of the Flood and Erosion Control Board.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "Lot "6" and Lot "7" Plot Plan" Prepared for Charmers Landing Property LLC, 259 Saugatuck Avenue and 1 Charmers Landing, Westport, Connecticut, Scale 1" = 20', Dated October 7, 2016 and last updated to July 12, 2018, prepared by Leonard Surveyors, LLC.
 - b. "Site Improvements for a Proposed Single Family Residence and Residential Dock-Site Plan," Prepared for Michael Greenberg and Associates, 259 Saugatuck Avenue and 1 Charmers Landing, Westport, CT Scale 1" = 20', dated August 7, 2018, Sheet C-1, Prepared by LandTech.
 - c. "Existing General Plan View - Proposed Shared Boat Dock in the Saugatuck River at 1 Charmer's Landing and 259 Saugatuck Avenue, Westport, Fairfield County, CT" Application by Michael Greenberg dated 20 April 2018 Sheet 3 of 6 Revision 1, Dated 8/09/18.
 - d. "Proposed General Plan View - Proposed Shared Boat Dock in the Saugatuck River at 1 Charmer's Landing and 259 Saugatuck Avenue, Westport, Fairfield County, CT" Application by Michael Greenberg dated 20 April 2018 Sheet 4 of 6 Revision 1, Dated 8/09/18.
 - e. "Proposed Detail Plan View - Proposed Shared Boat Dock in the Saugatuck River at 1 Charmer's Landing and 259 Saugatuck Avenue, Westport, Fairfield County, CT" Application by Michael Greenberg dated 20 April 2018 Sheet 5 of 6 Revision 1, Dated 8/09/18.
 - f. "Proposed South Elevation- Proposed Shared Boat Dock in the Saugatuck River at 1 Charmer's Landing and 259 Saugatuck Avenue, Westport, Fairfield County, CT" Application by Michael Greenberg dated 20 April 2018 Sheet 6 of 6 Revision 1, Dated 8/09/18.
17. Conformance to the Conditions imposed by the Army Corps of Engineers permit #NAE-2018-01019, dated August 20, 2018
18. Conformance to the Conditions imposed by the Connecticut Department of Energy and Environmental Protection #2018-10230-SDF, dated December 5, 2018.
19. Shellfish shell and stock found within the area of the proposed pilings in the tidal wetland and 20 ft. on either side of the proposed dock, must be hand-picked and relocated along the tidal area of the shoreline. Oversight of said activity shall be conducted by an appointed person of the Shellfish Commission.

20. Dock installation must take place between December and April of any given year to avoid impact to the Diamondback Terrapins which is listed as a "Species of Special Concern" by the CT DEEP. However, if construction cannot be completed during the winter months then the installer must use specified BMPs to protect these animals during construction.
21. Float stops will be used to ensure that the lowermost part of the float shall be at least 18 inches above the substrate at all times.
22. The dock installation shall be done using equipment brought in primarily by barge.
23. No work, including access or staging of material, can take place within the tidal wetlands or in the Conservation Easement Area. Any plantings disturbed within the Conservation Easement Area shall be replaced prior to issuance of a Conservation Certificate of Compliance.
24. Ramp and float shall be removed prior to November 1st of any given year and not be re-installed until after April 1st of any given year.
25. Future dredging activity must receive a staff-level permit pursuant to the WPLO. Should the owner wish to conduct that activity after the dock is installed, the applicant will need to address how the dredging will be done so as not to interfere with the new dock.

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: Corroon

Ayes: Carey, Corroon, Davis, Bancroft, Perlman

Nays: 0

Abstentions: 0

Vote: 5:0:0

4. **54 Wilton Road:** Application #WPL-10783-19 by William Fitzpatrick on behalf of STC Green, LLC for site improvements including the construction of a three floor residential building. Work is within the WPLO area of the Saugatuck River.

William Fitzpatrick, attorney, presented the application for the property owner, David Waldman, who was also present. He gave a history of the approvals thus far. They are looking for a modification of the previously issued permit.

Jake Watkins, architect of Roger Ferris Architects, discussed the revisions to the building design. They reduced the unit count and the overall building coverage. Thereby reducing the mass along the river. There is now a mix of one and two bedroom units. The overall coverage increased by 800 s.f.

David Gagnon, Civil Engineer with Langan Engineering, noted this is a 2.6 acre lot. The site is wholly within the WPLO. When Save the Children was on the site, the coverage was 89%. The site improvements they are proposing are 72%. The view corridor of the River has increased from Wilton Road by 87 feet. There is a stonedust boardwalk introduced along the perimeter, which connects to the boardwalk on National Hall's property. He discussed the drainage system which includes 2 water quality units, porous asphalt, grass pavers and raingardens. He noted the modification to the building design from L-shape to square and drainage changes has resulted in the increase in the viewing access corridor.

Mr. Perlman indicated he noticed a 36-inch culvert on the northern property line. He asked whose property that culvert that is located on.

Mr. Gagnon indicated the culvert is located on the neighboring property to the north. They will not be touching it and it does not impact their project.

Findings
54 Wilton Road
Application #WPL 10783-19
Public Hearing April 17, 2019

Application Request: Applicant is proposing to construct a 3-floor residential building (**12 Residential Units**) with parking garage level below at ground level, on the northerly portion of the site with associated drainage system. Site improvements include a stone dust walking path with benches, and grass paved fire access along the boundary of the Saugatuck River and northern property line. The parcel and the proposed activity are below elevation 9.0' and within the WPLO of the Saugatuck River.

Plans reviewed:

- a) Cover Sheet entitled: "54 Wilton Road, Town of Westport, Conservation Commission, Flood & Erosion Control Board Application" (**Sheet CS001**), dated June 15, 2017, last revised to March 14, 2019, prepared by Langan
- b) "As-Built Survey, 54 Wilton Road, Westport, Connecticut", (**Sheet AB201**, dated June 26, 2108, prepared by Langan
- c) "General Notes & Legend, 54 Wilton Road, Westport, Connecticut", (**Sheet CS002**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- d) "Zoning Review Plan, 54 Wilton Road, Westport, Connecticut" (**Sheet CS003**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- e) "Site Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CS101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- f) "Site Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CS501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- g) "Site Details II, 54 Wilton Road, Westport, Connecticut", (**Sheet CS502**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- h) "Site Details III, 54 Wilton Road, Westport, Connecticut", (**Sheet CS503**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- i) "Grading and Drainage Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CG101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- j) "Grading and Drainage Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CG501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- k) "Utility Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CU101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- l) "Utility Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CU501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- m) "Utility Details II, 54 Wilton Road, Westport, Connecticut", (**Sheet CU502**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- n) "Soil Erosion & Sediment Control Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CE101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- o) "Soil Erosion & Sediment Control Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CE501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- p) "Landscape Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet LP 101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- q) "Landscape Details, 54 Wilton Road, Westport, Connecticut", (**Sheet LP 501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
- r) Architectural Plans entitled "54 Wilton Road Westport, CT" 3 sheets (**C100-A200**), dated March 14, 2019, prepared by Roger Ferris + Partners
- s) Architectural Renderings entitled "54 Wilton Road Westport, CT" 4 sheets, dated March 14, 2019, prepared by Roger Ferris + Partners
- t) "Stormwater Management Memorandum 54 Wilton Road Westport, CT", dated March 14, 2019, prepared by Langan

Property Description:

The parcel and the proposed activity are below elevation 9.0' and wholly within the WPLO of the Saugatuck River.

Location of 25-year flood boundary: 9 ft. contour interval.

Property is situated in Flood Zones AE (el. 10') as shown on F.I.R.M. Panel 09001C0413G Map revised to July 8, 2013.

Proposed first floor elevation: 19.5 ft.

Proposed garage floor elevation: 7.75 ft.

Lot size: 2.60 acres +/-

Previous Permits issued:

- a. **WPL/E 10403-17** For the proposed renovation of an existing office building on the south side of the property to include a new lobby, interior renovations, new second floor balcony and a revised parking spot
- b. **WPL 10528-17** For site improvements accompanying renovations of southerly portion of existing building, demolition of northerly portion of existing building and construction of residential housing. The permit also included the stonedust walking path and landscaping.

The Flood and Erosion Control Board reviewed the application as an amendment to their original approval of application #WPL-10528-17 from 2017 at its **April 3, 2019** work session. The changes to the drainage proposal associated with the redesign are found to be acceptable to the Engineering Department.

Discussion: Section 30-93 of 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.”

Tidal wetlands were identified and flagged by William Kenny of William Kenny Associates on June 13, 2017. One tidal wetland and watercourse system was identified and delineated. The landward boundary of the tidal wetland was marked at the site with flags numbered 1 to 29. No inland wetlands or watercourses were found at the property...

The upland soil was identified as Udorthents Urban Land Complex. Udorthents consist of excessively drained to moderately well drained soils that have been cut or filled. The areas have had more than 2 feet of the upper part of the original soil removed or have more than 2 feet of material in loamy glacial till and in sandy or gravelly till plains and outwash plains and terraces. Udorthents are on the landscape with excessively drained Hinckley soils, well drained Charlton, Paxton, and Agawam soils, moderately well drained Ninigret and Woodbridge soils, poorly drained Raypol, Ridgebury, and Walpole soils, very poorly drained Adrian, Saco, Scarboro, and Westbrook soils, and Urban land...

A ten foot wide storm drainage easement runs from east to west beneath the southern portion of the site. The drain line discharges to the Saugatuck River along the rock armored embankment east of the site...

Existing coverage includes 89% of impervious coverage and 11% of pervious coverage. The proposed coverage includes 76% of impervious coverage and 24% of pervious coverage. Groundwater was observed at depths ranging between 4 and 10.5 feet below grade. Groundwater should be expected to fluctuate with time as a result of tidal influences....

As determined by the Connecticut Department of Energy and Environmental Protection, the groundwater underlying the site is mapped as Class "GA". Class GA groundwater is presumed suitable for use as an existing private and potential public water supply without prior treatment...

An approved application is on file (**WPL 10528-17**) for a 17,600 sq. ft. residential building to be constructed onsite. This building consisted of 15 residential units within 3 stories with parking garage below. The location and orientation of the proposed building remain similar, however the structure and design of the building differ. The site plan has been updated accordingly to reflect the building design, driveway access, parking changes and drainage changes. As before, the site will incorporate a river walk walking path along the river's edge and fire access along the river and northern portion of the property, which remains the same from the previous application.

The "Stormwater Management Memorandum" by Langan states the overall **increase** in the residential building footprint will be **~800 square-feet** ($\pm 17,600$ to $\pm 18,400$). The proposed raingardens differ from the originally approved plans "to accommodate the updated building footprint" and to store the first flush for stormwater quality treatment. Roof leaders are directed to splash pads within the rain garden basins and are proposed to overflow into a yard drain structure that connects to the existing drain. The Commission finds this will create treatment of stormwater similar to the previously approved site plan, however it will be in two distinct raingardens that differ in size as noted on the plans.

The applicant has updated the Landscape Plan (Sheets LP101 + LP501) to address the updated raingarden design and structure. The rain garden will be planted as shown with grass species suitable for this use. The Commission finds that the plantings will provide biofiltration for the stormwater runoff from the raingarden as well as treatment from the stormwater quality unit in-line downstream in the drainage system, prior to discharge to the river.

Currently the site consists of the southern office building onsite, and the leveled area on the northern portion. The office building was permitted for renovations administratively, and received the Conservation Certificate of Compliance on February 28, 2019. The site work and parking were completed up to the interface with the northern portion of the lot, where they are proposed to continue.

The demolition of the pre-existing building has been completed and the site sits leveled with sediment and erosion controls in place. David Gagnon, of Langan, stated that no new environmental areas of concern have been uncovered during the demolition of the building. Additionally, Langan will continue to follow the Material Management Plan, dated November 15, 2017 as the residential development portion on the property continues.

The Commission Finds that the Special Conditions of Approval from Application #WPL 10528-17 numbers #17 through #27 be considered for the development associated with this application. A third party (HRP Associates) reviewed the previous application as an LEP to review Langan's plans. The Commission finds that this application and the general site characteristics have not changed drastically enough to necessitate further review by a third party and that previous information is still valid and applicable to this site. The Commission finds that Langan should be required to continue to oversee the environmental issues as required by the conditions noted above.

Conditions #24 through #27 from Application #WPL10528-17 reference plantings from Landscape Plan Sheet LP100, removals of invasive species, and replacements for tree removals. The Commission finds that the landscape plan submitted with this application fulfills the conditions stated above. The current status of the landscaping onsite has not drastically changed from the previous approval by the Conservation Commission.

The Commission finds that, based on the plan as designed, including incorporating the additional conditions imposed by the 2017 review, the project as proposed will not have an adverse impact on the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10783-19
Street Address: 54 Wilton Road
Assessor's: Map C10 Lot 073
Date of Resolution: April 17, 2019

Project Description: Construct a 3-floor residential building (**12 Residential Units**) with parking garage level below at ground level, on the northerly portion of the site with associated drainage system. Site improvements include a stone dust walking path with benches, and grass paved fire access along the boundary of the Saugatuck River and northern property line. The parcel and the proposed activity are below elevation 9.0' and within the WPLO of the Saugatuck River.

Owner of Record: STC Green, LLC

Applicant: William J. Fitzpatrick

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 10783-19** with the following conditions:

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.
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 April 3, 2019.

SPECIAL CONDITIONS OF APPROVAL

- 16.** Conformance to the following plans:
 - a.** Cover Sheet entitled: "54 Wilton Road, Town of Westport, Conservation Commission, Flood & Erosion Control Board Application" (**Sheet CS001**), dated June 15, 2017, last revised to March 14, 2019, prepared by Langan
 - b.** "As-Built Survey, 54 Wilton Road, Westport, Connecticut", (**Sheet AB201**, dated June 26, 2018, prepared by Langan
 - c.** "General Notes & Legend, 54 Wilton Road, Westport, Connecticut", (**Sheet CS002**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - d.** "Zoning Review Plan, 54 Wilton Road, Westport, Connecticut" (**Sheet CS003**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - e.** "Site Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CS101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - f.** "Site Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CS501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - g.** "Site Details II, 54 Wilton Road, Westport, Connecticut", (**Sheet CS502**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - h.** "Site Details III, 54 Wilton Road, Westport, Connecticut", (**Sheet CS503**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - i.** "Grading and Drainage Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CG101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - j.** "Grading and Drainage Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CG501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - k.** "Utility Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CU101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - l.** "Utility Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CU501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - m.** "Utility Details II, 54 Wilton Road, Westport, Connecticut", (**Sheet CU502**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - n.** "Soil Erosion & Sediment Control Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet CE101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - o.** "Soil Erosion & Sediment Control Details I, 54 Wilton Road, Westport, Connecticut", (**Sheet CE501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - p.** "Landscape Plan, 54 Wilton Road, Westport, Connecticut", (**Sheet LP 101**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - q.** "Landscape Details, 54 Wilton Road, Westport, Connecticut", (**Sheet LP 501**), dated March 31, 2017 and last revised to March 14, 2019, prepared by Langan
 - r.** Architectural Plans entitled "54 Wilton Road Westport, CT" 3 sheets (**C100-A200**), dated March 14, 2019, prepared by Roger Ferris + Partners
 - s.** Architectural Renderings entitled "54 Wilton Road Westport, CT" 4 sheets, dated March 14, 2019, prepared by Roger Ferris + Partners
 - t.** "Stormwater Management Memorandum 54 Wilton Road Westport, CT", dated March 14, 2019, prepared by Langan
- 17.** A Contractor Compliance Agreement shall be executed by the chosen contractor and a pre-construction meeting shall be held on site with all appropriate parties including the Conservation Department to review the plan and address contractor questions or concerns prior to the initiation of any activity.
- 18.** Conformance to the Material Management Plan dated November 15, 2017 prepared by Langan. This is the procedure for the handling, remediation and management of residually impacted soils and liquids for the proposed redevelopment project. All requirements in said plan shall be met.
- 19.** Langan shall continue to follow the procedures outlined in the investigation activity memo dated December 18, 2017. This plan shall also be recorded on the Land Records prior to the issuance of a Conservation Certificate of Compliance.

20. Langan shall provide oversight of the environmental investigation and remedial aspects of the project during redevelopment. As part of this oversight, Langan will visually assess the likely areas referenced above to document evidence of a release to the surface. If the visual assessment and/or analytical testing identify evidence of a release requiring action per state or federal regulations, remediation shall be performed in conjunction with redevelopment activities in accordance with the Remediation Standards Regulations. Reports of the release and the remediation protocol taken shall be submitted to the Conservation Department.
21. A permanent maintenance schedule for all drainage structures, including the hydrodynamic separators shall be prepared by the site engineer and submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. Said maintenance schedule shall be recorded on the Westport Land Records. A log book recording compliance with the maintenance schedule shall be held on site and made available for review by Town Officials.
22. Langan shall identify any potential sewerage pipes observed during redevelopment activities leaving the building and shall trace said pipes to their outfall locations to ensure that no additional drywells or similar structures are present at the site.
23. The design engineer shall certify that all drainage appurtenances have been installed to the engineer's specifications. Certification by the engineer for these installations shall be provided to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
24. Invasive plant removal along the riverbank shall be supervised by the Landscape designer and shall utilize only hand pulling and the select use of an herbicide. A 3-year management plan for the control of the invasive species shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning permit.
25. Existing native shrubs and trees along the riverbank shall remain. Coppicing shall be allowed on the mature vegetation for view corridor purposes under the supervision of the landscape designer. Installation of proposed plantings as indicated on the landscape plan by Langan (Sheet LP101) shall be completed prior to the issuance of a Conservation Certificate of Compliance.
26. Replacement trees shall be required for those trees removed for the installation of the Stonedust boardwalk. A revised landscape plan shall identify those trees to be removed and the species location and cultivar identified as the replacements. Replacement trees shall be of a minimum of 2" caliper dbh.
27. Parking lot landscape islands along the south side of the proposed residential building and the north side of the office building shall be depressed and shall be built with open joints on the surrounding curbing to allow sheet flow of stormwater runoff to enter and infiltrate into the soil.

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

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

Motion: Bancroft **Second:** Corroon
Ayes: Bancroft, Corroon, Davis, Perlman, Carey
Nays: 0 **Abstentions:** 0 **Vote:** 5:0:0

The April 17, 2019 Public Hearing of the Westport Conservation Commission adjourned at 8:59 p.m.

Motion: **Davis** **Second:** **Perlman**
Ayes: **Davis, Perlman, Bancroft, Carey, Corroon**
Nays: **None** **Abstentions:** **None** **Vote:** **5:0:0**