

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
JULY 22, 2010**

The July 22, 2019 Special Meeting of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

**ATTENDANCE**

**Commission Members:**

Anna Rycenga, Chair  
Paul Davis, Vice-Chair  
Donald Bancroft, Secretary  
Tom Carey

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 business days of the July 22, 2019 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director

**Public Hearing: Room 201/201A. 7:00 p.m.**

- 1. 1480 Post Road East: Continued Application:** Application #IWW-10808-19 by 1480 PRE Associates, LLC on behalf of Alan Theole for a 32 unit multi-family residential community with detached wellness building and associated parking, grading and drainage.

Chris Smith, Atty. for the Contract Purchaser, 1480 PRE LLC, presented the application. He noted the application was continued from June 19, 2019. He stated there have been minor revisions made to the plans in response to questions/comments received at that meeting. Brian Cutler, LEP, is also present. He noted Ms. Evan's recommendation that the infiltration system area be tested. He stated they do not agree with that recommendation. They feel testing already done down gradient of the infiltrator does not reveal any problem. Also, water flow will remain in the same direction toward the wetland.

Pete Romano of LandTech reviewed the list of changes to the plan since the last meeting and Ms. Evan's comment including:

- Added Urban sponges in each of the catchbasins rather than adding hydrodynamic separator;
- Berm is a 4:1 slope. (Ms. Mozian clarified this is 25%, which qualifies as steep.);
- Planting types have been amended to consist of all natives;
- Driveway entrances have changed at the behest of the Fire Marshal;
- No Left Turn Lane added;
- Asked for Lindens rather than Maples or Oaks;
- Leak-offs directed into depressed planting areas; this has not been done yet, but they are hoping it can be a condition of approval; and
- A snow shelf is need per Fire Department and is not indicated on the plans.

Ms. Rycenga asked why the recommendation for testing in the infiltrator area is not supported.

Atty. Smith stated Mr. Cutler would be answering this in his presentation.

Ms. Rycenga indicated she was glad to see the changes made and is satisfied with the stormwater maintenance plan.

Mr. Bancroft asked about the placement of the infiltrator.

Mr. Romano stated the infiltrator was placed in the natural flow path that drains toward the wetland.

Atty. Smith introduced Brian Cutler with Lourico Engineering. He stated a Phase I and II report was done at the behest of the contract purchaser. The test holes were done in the vicinity of the infiltrator.

Brian Cutler, PE, LEP, indicated he was here at the behest of the applicant. The actual testing was done by LBG. LBG also did groundwater flow path analysis. They were unable to find groundwater. They went 6 to 13 feet deep until they hit refusal. They did not hit groundwater. He discussed instruments and techniques. Boring locations are identified in red on the plans on sheet C-2.0. Either there are no contaminants or those found are very common were below the thresholds established. Therefore, residential use was okay. He believes data gaps identified by Stuart Manley of GHD, the third part reviewer for P&Z, may discover something but nothing that would make a difference. The Antea Group did follow-up testing of groundwater after the Amoco cleanup. This was done at the direction of the DEEP. Groundwater monitoring wells were installed. Groundwater concentrations are still present but are declining. They exist at the gas station and under 1480 Post Road East. There is no State criteria specified for the contaminant found. Based on that, they have included a vapor barrier system with a passive collection system. He cannot assess the actual vaporization until the building are built. They will then have to test.

Ms. Mozian asked if the residents are notified/should be notified.

Mr. Cutler said the Chief Executive Officer of the Town and the Westport Weston Health Department are notified but they are not required to tell the residents in the building that a vapor barrier exists.

Mr. Davis asked if there are any non-petroleum based contaminants found.

Mr. Cutler stated the infiltrators are above the groundwater so that is why they do not think further testing is needed.

Mr. Kelly asked if Mr. Cutler will be doing the post-construction testing.

Mr. Cutler said he was not asked by his client to do so but would be willing.

Beth Evans, consultant to the Commission, indicated she feels the revised plans are responsive to her concerns and the Commission's. She is still concerned with Mr. Cutler's comments. She questioned whether the discharge is going into native soils or is it going into fill. She noted an infiltrator acts as a mini-wetland. She still recommends 1 or 2 tests to determine the depth of fill.

Ms. Rycenga asked for public comments.

There was no public comment.

Atty. Smith clarified that Ms. Evans wants the infiltrators to discharge to native soils and not to fill soils. If fill material is found, then it should be removed and replaced with native soils. He and Mr. Romano are now comfortable with that being a condition. He stated he believes the application satisfies the regulations.

Ms. Rycenga asked Mr. Kelly about how the off-site wetlands were delineated.

Ms. Evans stated the line was verified by observing the site conditions.

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

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Carey</b>
<b>Ayes:</b>	<b>Rycenga, Carey, Bancroft, Davis</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>4:0:0</b>

**Findings**  
**1480 Post Road East**  
**Application # IWW-10808-19**  
**Public Hearing: June 19, 2019**  
**Continued Hearing: July 22, 2019**

1. **Received Date: April 17, 2019**
2. **Application Classification: Summary**
3. **Application Request:** Applicant is proposing to construct a 32 unit multi-family residential community with detached wellness building and associated parking, grading and drainage.

A wetland exists offsite from the southwest corner of the property. The 75' review area setback is located on the property.

4. **Plans Reviewed:**
  - a) **"Proposed Site Improvements for a Multi-Family Residential Development – Cover Sheet, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " Sheet T-1.0, Scale NTS, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19**

- b) "Proposed Site Improvements for a Multi-Family Residential Development – **Layout and Utility Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-1.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - c) "Proposed Site Improvements for a Multi-Family Residential Development – **Grading and Drainage Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-2.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - d) "Proposed Site Improvements for a Multi-Family Residential Development – **Erosion and Sediment Control Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-3.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - e) "Proposed Site Improvements for a Multi-Family Residential Development – **Sediment and Erosion Control Notes**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-3.1**, Scale As shown, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - f) "Proposed Site Improvements for a Multi-Family Residential Development – **Construction Details**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-4.0**, Scale As-shown, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - g) "Proposed Site Improvements for a Multi-Family Residential Development – **Construction Details**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-4.1**, Scale As-shown, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - h) "Proposed Site Improvements for a Multi-Family Residential Development – **Construction Details**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-4.2**, Scale As-shown, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - i) "Proposed Site Improvements for a Multi-Family Residential Development – **Construction Details**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-4.3**, Scale As-shown, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - j) "Proposed Site Improvements for a Multi-Family Residential Development – **Landscape Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet L-1.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - k) "Proposed Site Improvements for a Multi-Family Residential Development – **Landscape Plan Alt.1**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet L-1.1**, Scale 1"=20', Prepared by Landtech, Dated 2/11/19 last revised to 7/18/19
  - l) "**Work Force Housing 1480 Post Road East Westport, CT 06880 Prepared for 1480 PRE Associates, LLC**" Sheets A-101 thru A-203 (7pgs), Prepared by Rose Tiso & Co. LLC, Dated 6/28/19.
  - m) "**Operations and Maintenance Plan Report for Stormwater Management Facilities for 1480 Post Road East Westport, CT Prepared for 1480 PRE Associates, LLC**", 9 pages, prepared by Landtech, Dated July 3, 2019.
  - n) "**Property Owner Information Packet Environmentally Friendly Lawn Care and Snow Removal/Stockpile Guidelines for 1480 Post Road East Westport, CT Prepared for 1480 PRE Associates, LLC**", 4 pages, prepared by Landtech, Dated July 3, 2019.
  - o) "Modifications to Petition for Zone **Text Amendments to Section 32-12 of the Zoning Regulations** of the Town of Westport, Connecticut, As Suggested by Members of the Planning and Zoning Commission and Professional Staff of the Town of Westport, Connecticut"
  - p) "**Wetland Evaluation Report** for a Proposed Multi-Family Residential Development at 1480 Post Road East Westport, Connecticut", 4 Pages, Prepared by Landtech, Dated April 15, 2019.
  - q) "**Stormwater Management Report** for 1480 Post Road East Westport, Connecticut", Prepared by Landtech, Dated April 15, 2019 last revised to May 2, 2019.
  - r) "Proposed Site Improvements for a Multi-Family Residential Development – **Grading and Drainage Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-2.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 Revised 7/22/19 by Brian Cutler, LEA – "Red Soil Borings, Green Monitoring Wells, Blue Groundwater Flow Direction"
- 5. Permits/Applications filed:**  
IWW-10757-19: (**Withdrawn**) application for 32 Multi-Family Unit Development, (8-30g)

**IWW Defined Resource (wetland or watercourse)**

No wetlands and watercourses occur on the subject property. An offsite wetland is located adjacent to the southwest corner of the property. The seventy-five foot (75') review area setback from this

wetland for “multi-family residences” occurs on the property. The twenty-foot (20’) review area setback for “limit of fill, cut, grading and other alteration” occurs on the property as well. The wetland is an isolated pocket located on three neighboring properties, which have commercial and residential uses. The applicant’s Soil Scientist/ Professional Wetland Scientist classified the wetland as Ridgebury, Leicester and Whitman fine sandy loams. The rest of the property soils are identified as: Udorthents and/or Urban land.

No formal delineation of the wetland area was done due to the fact that it is located offsite. However, the applicant’s Soil Scientist, Conservation Staff, and the Soil Scientist as Third Party reviewer observed the wetland area and agreed to the wetland area that is depicted on the proposed plans.

### **WPLO**

No watercourse or waterbody was observed when reviewing the property. No Waterway Protection Line boundary is associated with the offsite wetland near the southwest property line as it was determined it is an isolated wetland pocket not associated with a waterway.

### **Property Description**

1. 100-year flood plain as designated by FEMA does not occur in the vicinity of this property.
2. Property does not exist within the Aquifer Protection Overlay Zone or a groundwater recharge area.
3. Property does not exist within the Coastal Areas Management Zone.
4. The property is currently served by onsite septic. The existing septic system will be abandoned as part of this application and connect to sewer. The WWHD will oversee the abandonment.
5. The property was operated most recently as “Roger’s Septic Tanks” which manufactures septic tanks onsite. This business utilized the existing building for manufacturing and the side and rear area of the lot as storage for the operations.
6. The fuel source is natural gas.

## **6. 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 Commission finds that the proposed construction of the residential units are located at the 75’ IWW upland review area setback. The proposed site work includes subsurface drainage, parking areas, grading and plantings, along with other site work. The Commission finds the proposed construction onsite will generally be an improvement to the existing site condition. The current site consists of filled, compacted soil and disturbed land with no formal stormwater runoff control from the driveway/parking areas. The commercial septic tank manufacturing usage has been operating onsite since 1956.

The applicant submitted a letter from Brian Cutler, LEP, Loureiro Engineering Associates, dated May 23, 2019. The letter addresses the environmental concerns with development onsite with regards to the adjacent retail gas station located to the northeast. Mr. Cutler summarizes the Phase II Environmental Assessment report conducted by Leggette, Brashears & Graham, Inc. dated November, 2017; and the letter by Antea USA, Inc. “Discontinuation of Groundwater Monitoring” of August 2016.

Mr. Curtis concluded that the concentrations of compounds “...**in no way preclude the development of the Site for residential purposes.**” He continues to state “...**the installation of a sub-slab depressurization system beneath the structure is an approach that is acceptable to State and Federal regulatory agencies.**” This system (typically) would include installation of a vapor barrier beneath the building slab along with a system of perforated pipes branching out beneath. A connected fan, operating continuously, would pull air from the soil and exhaust it outdoors.

The proposed building coverage for the site will be **16,741** sq. ft. (**26.1%**). The existing building coverage is **3,932** sq. ft. (**6.1%**). The proposed total lot coverage is **39,181** sq. ft. (**61.0%**). Storm water runoff from the new buildings and driveway/parking areas have been proposed to be retained within the proposed drainage system.

The Commission finds that the applicant proposed a planted buffer along the borders of the property that consist of a variety of trees, shrubs, plants, and grasses. These buffers will provided visual barriers/screening for the neighboring properties. The applicant was amenable to altering the plantings to consider native plantings. The Commission finds that the portion of buffer plantings within the 75' review area setback be bonded to ensure success of the plants.

## **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 Commission finds that the applicant is proposing to install 99 Cultec galleries located within the proposed parking area. The bottom elevation will be 83.70' with half a foot of stone proposed underneath. The groundwater in the area is located ~80.7' in a nearby test pit, and another showing no water but ledge at ~80.9'. The sizing of the drainage system complies with the Town of Westport Engineering Department Drainage Standards. The Commission find this system will capture storm water runoff from the new impervious coverage and roof leaders from the proposed buildings.

The applicant proposed a planted buffer along the borders of the property. The Commission finds that the planting islands in the parking lot and along Post Road East be depressed and/or have cuts in the proposed curbing to allow for leak-off points for stormwater flow.

The Commission finds that the Third Party review, by Evans and Associates, Inc., recommended the addition of a pretreatment system for stormwater runoff from the parking areas, such as a hydrodynamic separator. The applicant was amenable instead to installation of polymer inserts to allow for the uptake of hydrocarbons from paved areas before entering the drainage system. Evans Associates finds this acceptable as long as the site Engineer certifies the installation and the proper maintenance procedure (of the inserts) is included in the “Operations and Maintenance Plan Report for Stormwater Management Facilities”.

The Commission finds that Evans and Associates, Inc. recommends the areas of soil within the stormwater detention system installation configuration be tested for depth to native soil. This area will receive the bulk of the site's stormwater infiltration. Should testing reveal non-native fill below the bottom of the infiltration system, said soil shall be replaced with suitable material.

### **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 Commission finds the offsite wetland area will be protected by a silt fence, backed by hay bales, as shown on the Erosion and Sediment Control Plan. In addition, the plans provide an anti-mud tracking plan, stock pile protection, and language detailing sediment and erosion control inspections and required maintenance. All sediment and erosion controls shall remain in place and in good working condition until the site work is completed and the bare soils have been fully stabilized.

The Commission finds that Evans Associates recommends that additional rows of silt fence may be required and that the silt fence/hay bale system be staggered to follow the contours of the hill. Additionally, the Commission find that the proposed level spreader location has been adjusted outside of steep slope areas due to the risk of slope instability and erosion.

The Commission finds that proposed plantings and woody vegetation for the buffer plantings will have significant roots that provide stabilization and erosion prevention during storm events. These plantings will not provide a significant treatment of stormwater for the property.

The Commission finds that the use of a site monitor to oversee the construction phase of development onsite is required due to the size and amount of disturbance proposed.

### **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.
- g) *Planting plan included with application as mitigation for the proposed activities*

#### Discussion:

The Commission finds this proposal will not have an adverse impact on the existing natural habitat. The Commission finds the installation of the plants in the "Landscape Plant Alt.-1". The plants will add a naturalized buffer to the adjacent offsite wetland. The Commission recommends the use of native species for the buffer plantings, which the applicant has stated they are amenable to this. The Commission finds that the plantings within the 75' review area setback be bonded, to ensure their vitality.

### **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:**

The Commission finds that the impervious area proposed for this parcel is to be increased from existing. Existing total coverage is 6.1%, proposed is 61.0%, which represents a **35,249** sq. ft. increase from the existing. A subsurface drainage system is being provided. No footing drains are proposed for the slab-on-grade buildings. The drainage report states “galleries are sized based on the required water quality volume and runoff control for the 25-year storm event.” Amrik Matharu, Engineer Department, has reviewed the Drainage Report proposal and finds it acceptable. The Flood & Erosion Control Board reviewed the project as a referral from the Conservation Department and approved it on June 5, 2019.

The Commission finds that the proposed level spreader location should be adjusted outside steep slope areas due to the risk of slope instability and erosion.

The Conservation Commission requested that the applicant designate an area for snow removal storage by way of markers. The Commission finds that the site plan be updated to include signage restricting any snow piling within the 75’ review area setback.

**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 the current application will not have a significant impact on recreational and public uses.

In conclusion, the Commission finds the proposal to construct a 32-unit multi-family residential community with detached wellness building and associated parking, grading and drainage will not have an adverse impact on the wetlands abutting the property.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW 10808-19**  
**Street Address: 1480 Post Road East**  
**Assessor’s: Map H09 Lot 016**  
**Date of Resolution: July 22, 2019**

**Project Description:** To construct a 32-unit multi-family residential community with detached wellness building and associated parking, grading and drainage. A wetland exists offsite from the southwest corner of the property. The 75’ review area setback is located on the property.

**Owner of Record:** Alan Theole

**Applicant:** 1480 PRE Associates, LLC



In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW 10808-19** 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 June 5, 2019.

#### **SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:
  - a. **"Proposed Site Improvements for a Multi-Family Residential Development – Cover Sheet**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet T-1.0**, Scale NTS, Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - b. **"Proposed Site Improvements for a Multi-Family Residential Development – Layout and Utility Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-1.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - c. **"Proposed Site Improvements for a Multi-Family Residential Development – Grading and Drainage Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-2.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19
  - d. **"Proposed Site Improvements for a Multi-Family Residential Development – Erosion and Sediment Control Plan**, 1480 PRE Associates, LLC, 1480 Post Road East Westport, CT " **Sheet C-3.0**, Scale 1"=20', Prepared by Landtech, Dated 4/15/19 last revised to 7/17/19

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  - q. "**Stormwater Management Report** for 1480 Post Road East Westport, Connecticut", Prepared by Landtech, Dated April 15, 2019 last revised to May 2, 2019.
17. The proposed level spreader location to be installed outside of steep slope areas. Any Adjustments to the location must seek approval of site engineer and Conservation staff prior to issuance of Conservation Certificate of Compliance.
18. The site plan be updated to include signage prohibiting any snow piling within the 75' upland review area setback. Signage shall be installed as approved prior to the issuance of a CCC.
19. A bond shall be submitted to cover the cost of plantings to be used in the 75' upland review area from wetlands, and, the cost for all of the sediment and erosion controls, prior to the issuance of a Zoning Permit.
20. All catch basins shall have a polymer insert installed to trap hydrocarbons and other contaminants. Certification by the site engineer for these installations shall be provided to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. The site engineer shall certify the construction and function of the drainage system prior to the issuance of a Conservation Certificate of Compliance.
21. Polymer insert maintenance procedure for catch basins shall be include in the "Operations and Maintenance Plan Report for Stormwater Management Facilities" prior to the issuance of a Zoning Permit.

22. A site monitor shall be retained for the duration of this project's construction and completion. Said monitor shall ensure compliance with the sediment and erosion control plans. Said monitor shall conduct weekly inspections and after storm events greater than 1 inch with written reports submitted to the Conservation Department on a weekly basis.
23. Conservation Department is to be notified 48 hours prior to work commencement.
24. Soil testing for depth of fill to native soils to be done within the area of the proposed infiltration system, prior to installation. Should testing reveal non-native fill below the bottom of the infiltration system, said soil shall be replaced with suitable material. Submit report to Conservation Department when completed.
25. Installation of a sub-slab depressurization system beneath the structures, to extract subsurface soil vapor and discharge to the exterior. A Licensed Environmental Professional will certify its construction and operation prior to issuance of CCC.
26. The planted islands in the parking area shall have depressed elevation from the surrounding grades and have leak-off points to allow for stormwater collection. This shall be shown on the **Grading and Drainage Plan** prior to the issuance of a Zoning Permit.
27. Final inspection will be required prior to a certificate of compliance issuance by the Conservation Department.

**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.**

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Carey</b>
<b>Ayes:</b>	<b>Rycenga, Carey, Davis, Bancroft</b>		
<b>Nayes:</b>	<b>0</b>	<b>Abstentions: 0</b>	<b>Vote: 4:0:0</b>

2. **3 Lakeview Road: Continued Application:** Application #IWW,WPL/E-10782-19 by Pete Romano of LandTech on behalf of James Franco for a proposed single family residence, driveway and stormwater improvements. Work is within the wetland and upland review area.

Ms. Mozian listed the materials submitted into the record since the last meeting.

Pete Romano of LandTech presented the application on behalf of the property owner. He submitted new information into the record including:

- A letter from Chris Allan, LandTech wetland scientist, dated July 22, 2019
- A package of alternate plans
  - Plan A-1 shrinks the footprint by a couple hundred s.f. and increases the conservation easement area by about 1,000 s.f.

Mr. Romano feels that ZBA would not support a variance for setbacks. Despite that, he feels the pocket wetland was caused by dumping. He feels the neighbors have dumped on this lot over the years. Drainage, the conservation easement area and the riparian buffer are all benefits being offered by this plan. He acknowledged the pocket wetland is a wetland but noted it is 160 s.f. The wetland next to Pussy Willow Brook is the more important wetland. He added the peer reviewer, George Logan, agreed with their findings of the impact to the wetlands.

Glen Major, Atty. representing the owner, stated that even if they went to ZBA, the same people would be objecting because the building would be closer to one or another of the neighbors.

Mr. Carey asked about the heat source.

Mr. Romano stated it will be an underground propane tank. They have not designated a spot yet.

Ms. Mozian made a clarification of Michelle Perillie's letter about a traditional hardship argument. She read the memo into the record which indicates the characteristics on the lot do lend it to be the basis for a legitimate hardship. She noted George Logan's comment/question about whether the house were made smaller, to what degree would that storage capacity under the driveway change.

Mr. Carey clarified there is sufficient area in the driveway for the drainage.

Mr. Romano indicated they could make it work.

Ms. Mozian asked if they had a calculation for the drainage per Mr. Logan's question.

Mr. Romano indicated they were conceptual.

Mr. Kelly asked about the driveway maintenance.

Mr. Romano stated they would need a vacuum truck to maintain the driveway and remove fines that tend to clog the pavers and prevent efficient drainage.

James Franco, property owner, indicated he is unsure of the benefit to moving the house forward. He noted the pocket wetland would still be filled in. With this project, the dumping on the site will be stopped. He has agreed to the 3-year post-construction monitoring. The pinch point would only be increased by 5 feet.

Jonathan Whitbourne of 41 Valley Road stated he and his wife live to the west. They initially submitted a letter of opposition with 7 neighbors. Since then a total of 11 neighbors have signed the letter. He highlighted his letter of July 19, 2019 including that the property was created before the IWW Act was adopted, it does not meet the Town's lot area requirements and the buffer width is not adequate.

Michaela Doyle of 16 Rocky Ridge Road and granddaughter of the owners, spoke about those signing the letter. She does not think she will be affected. She supports construction onsite. She also thinks maintenance will be a benefit to the Brook.

Linda Franco Doyle indicated that she grew up at 5 Lakeview Road. She spoke in support of building on the land. Financial support is needed to take care of their mother.

Ms. Rycenga asked Ms. Doyle to speak to wetland issues.

Ms. Doyle read from a letter regarding the property. She has begun noticing the dumping of yard waste, leaves, etc. on the property, which has caused some of the trees to begin dying. A survey has been done but the stakes have been removed. She believes developing the lot will benefit Lakeview Road. It is a long-term investment in the property. 74% of the lot will go into a conservation easement area. They are not a developer but in a way they are bringing forth the best possible scenario.

Atty. Major indicated there is no sense going for a variance if they still will not get an approval for a revised location afterward. They are not willing to seek a variance if they cannot get an approval.

Ms. Rycenga noted the videos of the rain events that were submitted by Patsy Whitbourne and noted that there has been 4 inches of rainfall since Thursday, July 18, 2019 with 1.6 inches of rain today.

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



- g) "New House Footprint in Front Yard Setback, Sheet A-1" and "New House Footprint Outside Setback, Sheet A-2", Prepared by Landtech, Dated 4/10/18 Last revised to 4/3/19, Submitted at July 22, 2019 Public Hearing

**5. Wetland Assessment Report - Reviews, Expert Responses and Staff Reports:**

- a) "Review of Application # IWW/WPL/E-10782-19 by James Franco for Construction of a Single-Family Residence at 3 Lakeview Road, Westport, CT", Date May 14, 2019, Prepared by REMA Ecological Services, LLC.
- b) Letter from Landtech to Alicia Mozian, Response to REMA "peer review comments", Dated June 12, 2019.
- c) "Staff Report #1 Application #IWW WPL/E-10782-19 3 Lakeview Road Public Hearing May 15, 2019", Prepared May 6, 2019
- d) "Staff Report #2 Application #IWW WPL/E-10782-19 3 Lakeview Road Public Hearing May 15, 2019", Prepared May 31, 2019, Last revised to June 13, 2019
- e) Letter from Landtech to Alicia Mozian, Response to "comments contained in Staff Report #2" review comments", Dated July 8, 2019.
- f) 3 Lake View Road Memorandum from Michelle Perillie to Alicia Mozian, Dated July 12, 2019.

**6. Background Information:**

- a. IWW/M 10595-18: amend wetland map D07
- b. IWW, WPL 10594-18: for a new single family residence (withdrawn)

- 7. WPLO –** The WPL is established 15' from the wetland line onsite or 15' from the 25-year flood line associated with Pussy Willow Brook, whichever is greater, as shown on the Site Plan. The proposed house and site improvements are located outside the WPLO boundary.

**8. IWW Defined Resource (wetland or watercourse)**

Wetlands and Watercourses occur on the subject property.

Map Amendment #IWW/M 10595-18 describes the wetland soils onsite as:

Ridgebury, Leicester and Whitman: These soils are poorly drained and very poorly drained loamy soils formed in glacial till. They are nearly level to gently sloping soils in depressions in uplands. They also occur in drainageways in uplands, in toeslope positions of hills, drumlins, ground moraines and in till plains.

The Non-wetland soils were identified as Charlton- Chatfield complex (73) and Udorthents-Urban land complex (306). These soils consist of moderately deep and very deep, well drained soils formed in loamy melt-out till. They are nearly level to very steep soils on moraines, hills and ridges. Udorthents are moderately to well drained soils that have been disturbed by cutting or filling.

The Map Amendment included consensus from three soil scientists (Chris Allan of Landtech, Aleksandra Moch, and Jim McManus of JMM Wetland Consulting) for the current flagging as depicted on the plans. The wetlands identified consist of a ~112 sq. ft. "pocket wetland" and a "riparian wetland" associated with and encompassing both sides of Pussy Willow Brook that crosses from the north of the property to the south.

The 100-year flood plain as designated by FEMA occurs on the property with a B.F.E. of 13.3 (FEMA Zone A). The proposed work for this property is located within this flood zone. Only the eastern portions of the site, not accessible due to the crossing of Pussy Willow Brook, lie above the boundary.

The Property does not exist within the Aquifer Protection Overlay Zone or a groundwater recharge area.

Property does not exist within the Coastal Areas Management Zone.

Existing Coverage: 0% (0.0 sq. ft.)

Proposed Total Coverage: 13.2% (1,897 sq. ft.)

Proposed Building Coverage: 8.7% (1,247 sq. ft.)

Proposed Conservation Easement Coverage: ~76.2% (~0.46 Acres)

## 9. 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 Commission finds that the proposed site construction of a 3-bedroom residence would eliminate 112 sq. ft. of wetlands. The Commission finds that the filling of the isolated wetlands cannot be avoided due to the "small size of the property." Additionally, the proposed house is to be constructed on slab foundation to minimize excavation depth and the need for basement dewatering. The applicant provided testimony that, "The 112 sq. ft. isolated wetland was formed in a slight depression in disturbed soils and has no identified wetland functions or values. The third party reviewer, REMA Ecological Services, agreed with the applicant's Expert testimony concerning the functions and values of this wetland. Both expert parties' testimony during the public hearing stated that the isolated wetland is not a significant resource. Additionally, they concur the loss of the isolated wetland, due to the proposed residential construction, "...will not result in a reduction (of) the site's overall wetland functions or values." The Wetland Impact Assessment report provided by Landtech supports their conclusion that: "All of the identified functions and values associated with the wetlands will be maintained post development with no alteration to the brook's water quality."

The Commission finds that the applicant has submitted three (3) design proposals for the development of this parcel. The current proposal for the house footprint is 1,247 sq. ft. for a 3-bedroom residence. This design/configuration represents the minimum house size prudent and practical for the applicant to construct on this property. The Commission gave careful consideration to the previous house designs considered for the parcel (footprints of 1,629 sq. ft. and 1,487 sq. ft.).

The Commission finds that the applicant's statement of rejecting the consideration of placing the house within the 30' front yard setback is prudent based on three principles. 1. The movement of the residence into the front setback does not eliminate or avoid the elimination of the isolated wetland. 2. The smaller house footprint increases the size of the buffer provided for the riparian wetland system of Pussy Willow Brook and increases the associated Conservation Easement area. 3. The required stormwater drainage for the house is proposed within the driveway, as the only appropriate location available. Reducing the driveway/drainage size will reduce the ability to store stormwater flows from the residence onsite without allowing discharge to the wetland or riparian area.

The Commission finds that the conservation easement incorporates a significant portion of the parcel (~76.2%) and will be marked in the field by a split-rail fence. The Conservation Easement encompasses the area of the riparian wetlands on the property and areas up to the proposed limit of disturbance onsite. The Commission finds a benefit that the applicant will preserve natural resources onsite by removing invasive plants along the riparian wetland buffer associated with Pussy Willow Brook.

## **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 Commission finds that it is prudent to limit exterior site construction onsite to the time between June and October. The Commission or Conservation Staff may consider additional times if the applicant can show they will not intercept groundwater or disturb water quality with the specific work.

The Commission finds that the stormwater runoff from the roof leaders will be directed to an underdrain system located within the driveway. The driveway construction is designed as gravel with a crushed stone subbase with a curbed edge. The stone subbase is sized to provide a reservoir for the proposed coverage of the house and driveway and sheetflow runoff from the surrounding lawn areas. The Commission finds the drainages has been sized to capture the water quality volume (WQV) and runoff from a 25-year storm.

The Commission finds that the third party reviewer acknowledged that the wetland and watercourse will be protected by the proposed Conservation Easement and establishment of a planted buffer. The Commission finds that the 3-year monitoring period recommended by the third party reviewer for the buffer plantings and invasive removal will be a benefit. This will reduce the potential for long-term impacts to the wetland and watercourse.

The Commission finds that the planting buffer consists of a mixture of shrubs and trees, showy wildflower seed mix and wetland conservation/wildlife seed mix. The methodology includes establishment of a meadow with site work within the wetland and upland review area to create a vegetated buffer for Pussy Willow Brook. The plantings were selected to be native, non-invasive species. The notes include recommendations for the time/season for seed application. The Commission finds that all planting work be limited within the proposed time limit. The preparation of the buffer area requires some soil work and grading. The Commission finds that this is done with the use of hand tools and limit the use of machinery within the easement. Additionally, the use of mulch should be limited to the time of planting and not be allowed as annual maintenance. The use of leaf mulch or other similar means should be considered.

## **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 Commission finds that temporary silt fencing backed by compost filled silt socks are proposed on the site plan. An anti-mud tracking pad is proposed in the location of the proposed driveway. A dewatering bag filter and associated materials are depicted on the plans for dewatering any excavations that may be required. A stock pile location is identified on the western portion of the property. The site plans include details for all listed above as well as the "General Erosion and Sediment Control Notes" found on the plan. The size of the site and design of the residence requires a significant amount of construction into the southwestern corner of the lot. The Commission finds that a site monitor is required to provide status reports for the construction onsite. The Commission finds that weekly reports during driveway and foundation installation, then monthly until the construction is completed, and after significant rain events of one inch or more.

The Commission finds that the planted buffer within the Easement, as proposed, will provide long-term erosion control for the property. The dense vegetation and root mass will help attenuate floodwaters through the riparian wetland area and enhance stormwater quality through biofiltration. All stormwater from the proposed impervious areas will be directed to the onsite drainage within the driveway.

#### **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 Commission finds the Wetland Impact Assessment prepared by Landtech concluded that the riparian wetland had the primary functions of groundwater recharge/discharge in the northwestern corner as well as acting as a temporary flood storage area. It also provided some degree of sediment/toxicants/pathogen removal to improve water quality. The fish habitat was constrained within the boundary of the brook. Nutrient removal was limited within the riparian wetland. The Commission finds the report also identified that the pocket wetland provided none of these functions.

The Commission finds the planting plan included within the site plan improves upon the existing vegetation along the western side of Pussy Willow Brook. The proposed vegetation will add to the stability of the soils onsite and aide in the improvement of water quality for stormwater runoff treatment. These plantings will be incorporated within the proposed Conservation Easement. This Easement is to be marked in the field with a split-rail fence.

The Commission finds that the Conservation Easement language should be established restricting the uses allowed within the easement as well as any maintenance in the designated area. This should be recorded on the land records with the Town Clerk's office to protect the area. The Commission finds that the language will include the removal of invasive species identified along each side of Pussy Willow Brook and any seasonal maintenance required to ensure they do not return. The Commission finds that a performance bond is required to cover the cost for the plantings and invasive monitoring of the site.

#### **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:**

The Flood & Erosion Control Board approved the project at its May 1, 2019 meeting. The applicant shall conduct test pits within the proposed driveway area under the oversight of the site engineer and Town of Westport Engineering Department.

The proposed activities are within the FEMA 100-year flood plain, with a 100-year flood elevation of 13.3 ft. msl. The proposed house will be constructed with a slab on grade foundation with a first-floor elevation of 15.5 ft. msl. The Commission finds the Wetland Impact Assessment states that the riparian wetland has flood storage and recharge capabilities within the northwest portions of the site. The pocket wetland has been identified as not having these primary functions. The Commission finds that the applicant's expert and the third party reviewer, REMA Ecological Services, LLC., submitted testimony that the drainage patterns will not be impeded by this construction. The proposed site work will "not result in any changes to surface or groundwater drainage patterns." The Commission finds that the third party reviewer acknowledged that the wetland and watercourse will be protected by the proposed Conservation Easement and establishment of a planted buffer. The Commission finds that the 3-year monitoring period recommended by the third party reviewer for the buffer plantings and invasive removal will be a benefit. This will reduce the potential for long-term impacts to the wetland and watercourse.

The Commission finds that the site conditions, supported by test pit data, show saturated site conditions onsite during portions of the year. The Commission finds it prudent to limit the time of year that foundation work and driveway construction will occur between June to October, unless evidence is provided showing that the work will not intercept groundwater onsite.

**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 current application will not have a significant impact on recreational and public uses.

In conclusion, based on the evidence in the record and presented at public hearing, the Commission finds that 14,778 sq. ft. of wetland adjacent to Pussy Willow Brook will be protected via a permanent Conservation Easement. Furthermore, the wetland buffer enhancement proposal and Conservation Easement Area will provide long-term protection to the wetland and watercourse onsite. Extensive sediment and erosion controls and site monitoring will provide short-term protection during construction. The Commission finds these provisions will offset the loss of the ~112 sq. ft. wetland pocket onsite. Additionally, the applicant's reduced footprint of the proposed house and resulting increased planted buffer are deemed feasible and prudent alternatives by the Commission. The Commission finds this application acceptable with specific conditions.

**Conservation Commission**  
**TOWN OF WESTPORT**  
**Conditions of Approval**  
**Application # IWW, WPL/E 10782-19**  
**Street Address: 3 Lakeview Road**  
**Assessor's: Map D07 Lot 151**

**Date of Resolution: July 22, 2019**

**Project Description:** To construct a single-family residence, patio, driveway and stormwater improvements on a vacant lot. Work is proposed within the wetlands and the 50' IWW upland review area for residences and 30 ft. upland review area for patios and driveways. The proposed residence is located outside the Waterway Protection Line (WPL).

**Owner of Record:** James Franco

**Applicant:** Peter Romano

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/E 10782-19** 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 May 1, 2019..

**SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:

- a. "Site Improvements for a Proposed Single Family Residence Site Plan James Franco 3 Lakeview Road Westport, CT", Scale 1" =10', Sheet C-1, Dated April 10, 2018 last revised to June 21, 2019 prepared by Landtech
  - b. "Site Improvements for a Proposed Single Family Residence Notes and Details James Franco 3 Lakeview Road Westport, CT", Not to Scale, Sheet C-2, Dated April 10, 2018 last revised to June 12, 2019 prepared by Landtech
  - c. "Plot Plan Prepared for Jim Franco 3 Lakeview Road Westport, CT", Scale 1" =20', Dated February 12, 2018, Prepared by Leonard Surveyors LLC
  - d. "Franco Residence 3 Lakeview Road Westport, CT, Revised Floor Plan", Scale As-Noted, Sheets A1 and A2, Dated May 12, 2016, Last Revised to June 20, 2019, Prepared by J. V. Franco Associates.
  - e. "Stormwater Management Report for 3 Lakeview Road Westport, CT", Dated April 10, 2018, Prepared by Landtech
  - f. "Wetland Impact Assessment Proposed Single Family Residence 3 Lakeview Road Westport, CT prepared for James Franco", Dated October 11, 2018, Prepared by Landtech.
17. The time of year for construction of the house slab, footing, and driveway installation shall be limited to the dry season between June to October.
  18. The time of year for planting shall be limited to May 15 to June 15, and, September 15 to October 15 to ensure planting success.
  19. The Invasive plants within the Conservation Easement Area shall be removed in accordance with the Invasive Species Control Methodology document submitted on June 12, 2019 by Landtech.
  20. A performance bond for the plantings and invasive plant monitoring (3yrs) of the site shall be submitted prior to issuance of Zoning Permit and be held for one full growing season after installation.
  21. The Conservation Easement Area shall be established as shown on the approved plan dated June 21, 2019. Said easement area shall be demarcated with a split rail fence. An accompanying deed restriction shall be recorded, prohibiting the cutting, clearing, filling, grading, or placement of structures within the Conservation Easement Area without prior authorization from the Conservation Commission. Said restriction shall be recorded on the land records prior to the issuance of a CCC.
  22. The Conservation Department shall be notified 48 hours prior to work commencement.
  23. A site monitor shall be retained by the applicant to conduct and submit weekly site monitoring reports during driveway and foundation installation, then monthly until the exterior site work/construction is completed, and after significant rain events of one inch or more.
  24. Final inspection is required prior to a Certificate of Compliance issuance by the Conservation Department.
  25. Certification from the site engineer and Westport Engineering Department that the driveway is constructed appropriately and functions as designed prior to issuance of a CCC.
  26. Removal of all man-made debris from the site prior to issuance of CCC.
  27. Submission of maintenance plan for the driveway, for review and approval by Conservation Staff, prior to issuance of a CCC. Said plan shall be recorded on the land records prior to issuance of a CCC.
  28. Driveways, patio and walkways shall be constructed as permeable and remain so in perpetuity with said restriction placed on the land records prior to the issuance of a Conservation Certificate of Compliance.

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

