

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
SEPTEMBER 18, 2019**

The September 18, 2019 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

**ATTENDANCE**

**Commission Members:**

Anna Rycenga, Chair  
Paul Davis, Vice-Chair  
Donald Bancroft, Secretary  
Tom Carey  
Robert Corroon  
Paul Lobdell  
Mark Perlman

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 18, 2019 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director

**Changes or Additions to the Agenda.** The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian stated there were three items to add to the Work Session including:

1. Receipt of applications
2. Approval of September 6, 2019 Show Cause Hearing minutes
3. Status of Enforcement Activity

Ms. Mozian added that Item #3 of the Work Session, 33 Stony Brook Road, will be tabled to the October 16, 2019 meeting.

Motion to amend the agenda as noted.

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Bancroft</b>
<b>Ayes:</b>	<b>Rycenga, Bancroft, Carey, Corroon, Davis, Lobdell, Perlman</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 7:0:0</b>

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

All Commission members visited the sites.

1. **17 Edgewater Hillside:** Application #WPL-10870-19 by Nick Vitiello of In2Blue Design on behalf of Ariel & Jonathan Dunne to construct a 15' X 30' concrete swimming pool with retaining walls and pool mechanicals. Work is within the WPLO area of the Saugatuck River.

Nick Vitello of In2Blue Design presented the application on behalf of the property owners.

Ms. Rycenga noted the discrepancy on the plans about the HD versus the SD cul-tec system. She stated the Engineering Department will require the HD. She added the mechanicals are not shown on the plans.

Mr. Vitiello stated he is not sure where they will be located. They will either be located by the house or on the uphill side of the pool. The pool will be 6 feet deep. They are not sure if rock removal is required. If it is necessary, he will hammer out the rock. He noted the coverage on the site plan is incorrect and has to be corrected. The existing split rail fence will be retrofitted to meet Building Code. No other trees will be removed. There are no patios proposed and no spa or hot tub.

Ms. Rycenga noted that a silt fence is needed around the stockpiling area.

Mr. Kelly raised a question about the coverage on the plans not matching.

Mr. Vitiello will have the engineer revise the plans. He noted the excess fill will be removed off-site as they excavate. He indicated willingness to have a dirtbag on premises and meet with town staff for a pre-construction meeting.

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

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Davis</b>
<b>Ayes:</b>	<b>Rycenga, Davis, Bancroft, Carey, Corroon, Lobdell, Perlman</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
			<b>Vote: 7:0:0</b>

**Findings**  
**17 Edgewater Hillside**  
**Application # WPL 10870-19**  
**Public Hearing: September 18, 2019**

1. **Application Request:** Applicant is requesting to construct a 15' X 30' concrete swimming pool with retaining walls and pool mechanicals. Work is within the WPLO area of the Sherwood Mill Pond.
2. **Plans reviewed:**
  - a. "Pool Drainage Plan, Dunne Property 17 Edgewater Hillside Westport, CT", Sheet 1 of 1, Scale: 1" = 10', dated April 26, 2019 and last revised to August 12, 2019, prepared by Grumman Engineering, LLC
  - b. "Drainage Analysis prepared for Proposed Improvements Located at 17 Edgewater Hillside Westport, CT", dated April 26, 2019 last revised to August 12, 2019, prepared by Grumman Engineering, LLC
  - c. Building Plans titled "Dunne Residence 17 Edgewater Hillside Westport, CT", Sheet 1 of 1, dated May 1, 2019 Scale: As Noted, prepared by In2blue Design

3. **Property Description:**

**Wetlands:** There are no inland or tidal wetlands present on this site.

**Location of 25-year flood boundary:** 9 ft. contour interval. WPLO boundary established 15 landward from the 9 ft. contour.

**Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.

**Proposed Pool Coping Elevation:** 13.5 ft.

**Proposed Wall Elevation:** 13.5 ft.

**Proposed pool Coverage: 450 Sq. Ft.**

**Proposed Site Coverage: 12.8% (2,092 Sq. Ft.)**

**Sewer Line:** The existing residence is serviced by municipal sewer.

4. **Aquifer:** Property underlain by Sherwood Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **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.
6. **Proposed Storm Water Treatment:** Onsite storage of the water quality volume (first inch of rainfall) from stormwater is proposed to offset the proposed new impervious surface. Stormwater runoff from the southeastern portion of the roof of the residence will be collected and directed to 16.0 linear feet of Cultec rechargers. The base elevation of the rechargers is 7.2'.

Additionally, the pool will have no patio associated with its construction; the area will be maintained as lawn.

7. **Grading:** The grades in the vicinity of the northeast corner of the pool will be altered to accommodate the pool on an existing slope. A retaining wall varying in height from 0'-3.5' tall will be constructed to accommodate new grading.
8. **Previous Permits issued:**  
#WPL/E-5859-98: Enclose screened porch over garage.

9. The Flood and Erosion Control Board approved the application with conditions on September 4, 2019. The drainage proposal is acceptable to the Engineering Department.
10. Westport Weston Health District approved the construction on May 29, 2019.
11. **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."

The Commission finds that the site currently contains a residence constructed in 1928. A portion of the property lies within the WPLO boundary. The application proposes to construct a 15' x 30' pool, wall, associated grading and drainage. The pool will be 6.0' deep.

The Commission finds the application site plan shows the installation of a silt fence downslope of the worksite and around the stockpile area. Access to the pool area will be through the gravel driveway. The Commission finds these sediment erosion controls should be adequate during construction. However, an additional anti-mud tracking pad may be required if the driveway proves ineffective for that purpose. This shall be determined by staff during routine on-site inspection during construction.

An existing wall will be removed. The proposed grading and gunite swimming pool will be retained by a new stone and masonry wall. The site plan does not indicate the location of the required pool mechanicals or pool fence. The mechanicals should be located above B.F.E. 13.0 onsite. Any fence proposed should also meet the FEMA recommendations if it is placed in areas that are below B.F.E. 13.0'.

The Commission finds the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The total impervious coverage, as depicted in the 8/12/2019 Drainage Analysis by Grumman Engineering, is currently **25.5%**. Proposed site coverage with the pool and new wall is to be **29.42%**, which is in the above the threshold of the 10-25% impervious coverage that will impact water quality. Please note, these numbers do not match the calculations shown on the survey or site plan submitted by the applicant.

The test pit data indicates that groundwater is at ~42" below grade (~ elevation 5.0'). The bottom of the pool excavation will be elevation ~6.5'-7.0'. The Commission finds that the groundwater should not be a major concern within the excavation but the contractor should be prepared to dewater if needed. A site meeting with the contractor during excavation will help to address dewatering concerns or uncontrolled sediment movement from the site.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # WPL 10870-19**  
**Street Address: 17 Edgewater Hillside**  
**Assessor's: Map E05 Lot 075**  
**Date of Resolution: September 18, 2019**

**Project Description:** To construct a 15' X 30' concrete swimming pool with retaining walls and pool mechanicals. Work is within the WPLO area of the Sherwood Mill Pond..

**Owner of Record:** Ariel & Jonathan Dunne

**Applicant:** Nick Vitiello, in2blue Design

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 10870-19** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.

3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the conditions of the Flood and Erosion Control Board of September 4, 2019.
15. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
  - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
  - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
  - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
  - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

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

16. Conformance to the plans entitled:
  - a. "Pool Drainage Plan, Dunne Property 17 Edgewater Hillside Westport, CT", Sheet 1 of 1, Scale: 1" = 10', dated April 26, 2019 and last revised to August 12, 2019, prepared by Grumman Engineering, LLC
  - b. "Drainage Analysis prepared for Proposed Improvements Located at 17 Edgewater Hillside Westport, CT", dated April 26, 2019 last revised to August 12, 2019, prepared by Grumman Engineering, LLC

- c. Building Plans titled "Dunne Residence 17 Edgewater Hillside Westport, CT", Sheet 1 of 1, dated May 1, 2019 Scale: As Noted, prepared by In2blue Design

17. Pool mechanicals shall be located above the 100 year Base Flood Elevation.
18. The Conservation Department must be contacted 48 hours prior to start of construction in order to inspect erosion controls.
19. A site meeting shall be scheduled with the contractor during excavation. Staff will direct any dewatering needs or address uncontrolled sediment movement from the site.
20. Plans shall be revised to show location of the pool mechanicals and fence. Revised plans shall be submitted for review and approval to the Conservation Department Staff prior to issuance of the Zoning Permit.
21. Survey shall be amended to indicate accurate building and total coverage calculations prior to issuance of Zoning Permit.
22. Tree protection measures shall be added to plan.
23. No patio is approved at this time.
24. The site plan shall be amended to specify the 100-HD type of cultec system and that there is consistency between the details and the main plan.

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

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

**Motion: Corroon                      Second: Lobdell**  
**Ayes: Corroon, Lobdell, Perlman, Carey, Rycenga, Davis, Bancroft**  
**Nays: 0              Abstentions: 0                      Vote: 7:0:0**

2. **16 Joann Circle:** Application #IWW,WPL-10868-19 by Jim Kousidis of Kousidis Engineering on behalf of Alvin Lim and Cecilia Stiber Lim for a proposed single-family residence with attached garage and driveway modifications with associated site improvements. Work is within the upland review area and the WPLO area to an unnamed tributary to Deadman's Brook.

Jim Kousidis, PE, presented the application on behalf of the property owners. There is a currently a single family residence. The wetlands are located to the southwest of the house and an unnamed tributary exists along the eastern property line. The property is not in the flood zone. The house currently is served by an inground oil tank. The septic system was recently abandoned and the residence will be connected to the town sewer. The oil tank will also be removed. The soils are not suitable for a basement so the house will be built slab on-grade. The soils are not suitable for a conventional drainage system. Therefore, they are designing a closed pipe system to meter out runoff from the driveway and roof leaders from the house to two level spreaders and then into the wetlands. A portion of the wetland that is now lawn will be replanted with meadow mix and a 5-foot wide planting. The buffer is not uniformly straight in order to allow for more useable are for the residents and enhance aesthetics. He discussed the sediment and erosion controls will include a double row of silt fences with staked haybales around the wetlands and a mud tracking pad will be added to the driveway. He noted that two 24+ inch trees near the house will be removed. Three Birches and a Red Maple will be added in the planting buffer. The new house will now encroach further into the wetland than the existing house.

Mr. Carey asked a question about the house orientation and the runoff location.

Mr. Kousidis summarized the location of the rear of the proposed home will be roughly the same and the northwest corner of the residence will be 8 feet from the existing driveway.  
Ms. Rycenga asked why the house could not be moved further toward the road.

Mr. Kousidis stated that moving the house closer to the road would require increasing the slope of the driveway and he did not want that going into the garage.

Ms. Rycenga asked about the PVC piping into the watercourse.

Mr. Kousidis stated it would be removed.

Ms. Rycenga asked for a management plan for the level spreader.

Mr. Lobdell asked how the level spreader would be maintained.

Mr. Kousidis stated it would use filter fabric with stone on top.

Ms. Rycenga asked Mr. Kousidis if he would certify the level spreader installation.

Mr. Kousidis stated he would at the time of Certificate of Occupancy.

Mr. Carey asked about the elevation of the new slab.

Mr. Kousidis stated it will be 15 inches higher than the existing slab.

Mr. Bancroft asked about the septic leaching galleries.

Mr. Kousidis stated the galleries will be removed.

Mr. Perlman asked if the driveway will be impermeable.

Mr. Kousidis stated yes. The driveway currently is asphalt.

Mr. Perlman noted the gas and water line.

Mr. Kousidis stated they will be buried below the frost line.

Mr. Kelly noted the current condition of the wetland. Specifically, there is yard waste and debris that needs to be removed from the wetlands. He asked if that will be removed.

Mr. Kousidis stated yes.

Mr. Kelly noted the trees and shrubs to be installed. He asked if there are any issues with posting a bond.

Ms. Mozian stated that the planting is a main component of the mitigation plan. She noted that the excavator will have to do a significant amount of digging to install a stable foundation. They will need to have dewatering provisions/silt sacs on site.

Mr. Kelly added staff will want to inspect.

Ms. Mozian asked about the timing of the excavation. She noted it would not be desirable to do excavation in March or April.

Mr. Kousidis indicated that the demolition and foundation will hopefully be put in before the frost.

Ms. Rycenga asked about demarcating the wetland.

Mr. Kousidis responded that they proposed to install boulders.

Ms. Rycenga asked about the dumpster and storage of materials.

Mr. Kousidis noted that stockpiling will be in front of the house in the vicinity of the abandoned septic.

Mr. Kelly noted that reverting the lawn area back to a planted wetland is good. There is a 1% increase in coverage.

Ms. Mozian noted the sewer connection and they are proposing no basement, which is a plus.

Mr. Kousidis noted 2,300 s.f. of wetland will be restored or 15%.

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

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Davis</b>
<b>Ayes:</b>	<b>Rycenga, Davis, Bancroft, Carey, Corroon, Lobdell, Perlman</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>7:0:0</b>

**Findings**  
**16 Joann Circle**  
**Application #IWW,WPL 10868-19**  
**Public Hearing: September 18, 2019**

1. **Application Request:** Applicant is requesting to demolish the existing residence and to construct a new single-family residence with attached garage, driveway modifications and associated site improvements including connection to the Town sewer system. Portions of the work are located within the upland review area from the wetlands and within the boundary of the Waterway Protection Line Ordinance.
2. Plans and supplemental material reviewed for this application include the following:
  - a) "Site Development Plan 16 Joann Circle Westport, CT Prepared for Alvin Lim & Cecilia Stiber Lim", Dated July 30, 2019, Scale 1"=20', Prepared by Kousidis Engineering, LLC, Sheet 1 of 9.
  - b) "Sediment and Erosion Controls Plan 16 Joann Circle Westport, CT Prepared for Alvin Lim & Cecilia Stiber Lim", Dated July 30, 2019, Scale 1"=10', Prepared by Kousidis Engineering, LLC, Sheet 2 of 2.
  - c) "Drainage Analysis Located at 16 Joann Circle Westport, CT Prepared for Alvin Lim & Cecilia Stiber Lim", dated July 30, 2019, Prepared by Kousidis Engineering, LLC.
  - d) "Data Accumulation Plan Prepared for Cecilia Stiber 16 Joann Circle Westport, CT", dated March 6, 2019, Prepared by Shevlin Land Surveying, LLC.
  - e) "Proposed New Residence @16 Joann Circle Westport CT", prepared by Rountree Architects, dated June 19, 2019 and last revised to July 31, 2019, Sheets: A1,A2,A3,A4,A5,A7
3. **Background Information/Previous permit on file:**  
**IWW/M- 10831-19:** Application to amend wetland map #E12.
4. **WPLO –** Waterway Protection Line is located 15' from the flagged wetland line onsite.
5. **IWW Defined Resource (wetland or watercourse)**  
Wetlands and Watercourses occur on the subject property. A soil investigation was conducted by Otto Theall of Soil & Wetland Science, LLC on February 21, 2019 and describes the following wetland soils occurring on the property:

**Leicester fine sandy loam (4)** - This nearly level poorly drained soil is in drainageways and depressions. Typically, this soil has a surface layer of black fine sandy loam seven (7) inches thick. The subsoil is twenty-two (22) inches thick. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. The permeability of the soil is moderate to



moderately rapid. Runoff is slow, and available water capacity is moderate. The soil dries out and warms up slowly in spring. Most areas of this soil are wooded.

**Non-wetland soils were identified as:**

**Hollis-Chatfield-Rock Outcrop Complex (75)** - This component occurs on upland hill and ridge landforms. The parent material consists of melt-out till derived from granite, gneiss, and schist. The depth to a restrictive feature ranges in the complex from near surface, 10 to 20 inches, or 20 to 40 inches to bedrock. The drainage class is somewhat excessively drained to well drain.

**Udorthents-Urban Land Complex (306)** - This component occurs on cut, urban land, fill, and spoil pile landforms. Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas.

**6. Facts Relative to this application:**

- The parcel contains a single-family residence served by septic. Sewer is available.
- Landscape description is a wooded swamp and pond by The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 from a nearby wetland ~700' to the southwest.
- Parcel does not exist within the Aquifer Protection Overlay Zone.
- Parcels do not exist within the Coastal Areas Management Zone.
- The existing residence was constructed in 1965 over a filled wetland.

The existing site is 52,253 Sq. Ft. (**1.20 acres**) in size. The existing coverage calculation is 18.4%, which includes a building area of 2,501 Sq. Ft., and a wetland area of 15,570 Sq. Ft. (**0.36 acres**). There is a watercourse located along the northern property line. It is unnamed and drains to Deadman's Brook (~1,500' to the southwest). Vegetation on site is generally maintained as lawn around the existing residence including a portion of the flagged wetlands in the rear of the residence (near wetland flags #5-#8). The rest of the wetlands located beyond the managed area appear as a wooded swamp with dense vegetation. A small area of the wetland has been used for deposition of yard waste, debris, leaves and branches.

**7. 6.1 GENERAL STANDARDS**

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

**Discussion:**

The application is for a single-family 5-bedroom residence that will connect to the sewer now available along Joann Circle. The existing septic system will be abandoned per health code requirements. They have proposed a residence of 2,650 Sq.Ft., a driveway of 2,625 Sq. Ft., drainage, and associated grading. The proposed overall coverage for the site is 5,275 Sq. Ft. or **17.4% coverage**. The Commission finds that this equals an overall reduction in coverage of: 18.4% - 17.4% = **1.0% reduction**

The Commission finds that the proposed house is located outside of the WPL, but within the 50' upland review area from the flagged wetland line. The proposed house location is generally in the same location as the existing house with the northern portion moved eastward ~15'. A small portion of the house and driveway (~20 Sq. Ft.) will be located within the 20' upland review area. The Commission finds that the northern portions of the house will be located in the areas of the existing driveway. The proposed drainage structures (level spreaders and piping), grading and plantings will

be within the WPL and within the 20' upland review area from wetlands. Access from Joann Circle will remain in the existing driveway's location. The proposed footprint of the driveway expands to allow entrance into the garage and to allow for a turning area/parking. The plans show the removal of ~330 Sq. Ft. of existing driveway on the northern side of the building. This area is proposed to have the asphalt removed and replaced as lawn.

The new house construction is proposed on slab with **NO** basement. The onsite soil is comprised of fill material, based on test pit data, with ~2-4' of fill material placed over the native soil. The data also shows mottles at 19" and 12" respectively within the compacted fill layers and one test pit showing groundwater at 36". The Commission finds that these soils would not be favorable for construction of a residence with a cellar.

The area for construction onsite is limited by site-specific conditions, such as:

Steep slopes (along the southern boundary) = **11,755 Sq. Ft.**

Wetlands area (west-southwestern and northern boundaries) = **15,570 Sq. Ft.**

Areas of site grading/disturbance are proposed to go up to the wetland line. The Commission finds that these are areas where it is currently maintained as lawn and/or paved as a driveway. The building area is limited in size and will have minimal filling proposed (~75 cy).

A "Wetland Buffer" is proposed for the rear of the residence. It consists of an assortment of native trees, shrubs, and wetland seed mix to be planted in the wetland. The Commission finds that this will effectively naturalize portions of the rear yard currently maintained as lawn. Additionally, the edge of the buffer will be defined by large boulders to aid as a visual delineation of the naturalized area. The buffer consists of: 3 - River Birch tree (3-3.5" caliper); 1 - Red Maple tree (3-3.5" caliper); 10 - Winterberry shrub (4' height); New England Wetmix (wetland seed mix). The purpose of the proposed buffer is to establish a naturalized meadow bordered by boulders and shrubs within the designated wetland area.

The Commission finds that the removal of the asphalt area, buffer plantings and connection to sewer as an overall benefit for the property. The Commission finds that a bond for the proposed plantings shall ensure the success of the buffer installation plantings.

## 8. 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 site generally drains from the high point of Joann Circle to the south to the low areas within the wetlands and along the watercourse. The watercourse located to the north ultimately receives water from the property which it drains to Deadman's Brook (~1,500' to the southwest).

The driveway is shown as ~2,625 Sq. Ft. of coverage. The Conservation Department has generally promoted the use of pervious coverage on properties to reduce the effects impervious coverage has on water quality. However, this may be challenging on this site based on underlying soils (Class D

and test pit logs). The Commission finds that to construct a pervious driveway here may be a significant undertaking to remove existing materials to bring in suitable material for a reservoir and underlying conditions may limit storage.

The Commission finds that the site currently has no known subsurface drainage in use. The stormwater discharges direct to grade from roof leader downspouts and sheet flow from the yard. The existing drive has Belgian block curbing with a direct discharge to the watercourse to the north.

The proposed site drainage will be directed into a series of pipes and yard drains to manage the stormwater discharge for a 25-year storm. The site engineer provided the "Drainage Analysis" which states: *"The Town's Requirement for zero increase is satisfied by collecting the entire roof and the driveway drain inlet."* The outfalls of the site drainage is proposed to discharge into two 20' level spreaders. The water flowing from these level spreaders will filter through the created planted buffer shown on the plans. The vegetation will function as biofiltration system that will provide limited pollutant removal from the runoff. Proper installation and grading will be necessary for the functioning of the system. The Commission finds that that the site engineer should oversee the installation and certifies that it functions prior to final approval.

Additionally, the proposal includes connecting the new house to the sewer newly available in Joann Circle (c.2018). The existing septic system will be abandoned per health code requirements. The Commission finds that this will eliminate the effluent renovation occurring in the poor soils onsite.

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

#### **9. 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 existing house does have a raised basement. This will be filled in as part of the demolition process. The new house will be slab on grade. The location of the proposed silt fence is also the limit of disturbance for construction. An anti-tracking mud tracking bed is proposed to be in the area of the existing driveway entrance. Additional maintenance of the silt fence and pad, and routine sweeping of the road may be required depending on site traffic during construction. Two temporary "Dirtbag" type sediment bags are shown on the plans to manage the outflow from dewatering activities. The soils consist of silty fill and silty loams. These are particularly difficult to manage during dewatering due to the fine particulate size. The Commission finds that the contractor shall notify the Conservation Department prior to excavation of the foundation to visually inspect the dewatering system. If required staff may require other dewatering controls and/or adjust the usage onsite.

#### **10. 6.4 NATURAL HABITAT STANDARDS**

- a) critical habitats areas,
- b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
- c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;

- d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
- e) periods of seasonal fish runs and bird migrations shall not be impeded;
- f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

**Discussion:**

The outlet of this wetland system is Deadman's Brook as stated above. The existing vegetation along the edge of the watercourse on the northern portion of the site maintains a buffer mainly of pachysandra and shrubs, and, is proposed to mostly remain. The Commission finds that the proposed plantings along the rear of the residence will replace the existing managed lawn area and result in restoring a naturalized wetland area. This reestablishes the wetland and allows for a limited rear yard for use by the residents including a small patio. The existing wetlands to the rear of the property appear to be well established and functioning. A cursory site inspection showed diverse vegetation without many invasive plants. It appears to be a productive functioning wetland, however a full Wetland Assessment had not been conducted. The Commission finds that piles of yard waste and debris in some areas should be removed immediately.

**11. 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:**

Kousidis Engineering provided "Drainage Analysis" dated July 30, 2019, which states: "*The Town's Requirement for zero increase is satisfied by collecting the entire roof and the driveway drain inlet.*" The Flood & Erosion Control Board approved the project on September 4, 2019 with the special conditions that one of the level spreaders be extended 30 feet and that yard drain #2 shall have a solid top.

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

**13. Waterway Protection Line Ordinance**

Section 30-93 of the WPLO ordinance states the following: An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to,

impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Waterway Protection Line boundary exists 15' from the wetlands flagged onsite. The Flood & Erosion Control Board reviewed this application September 4, 2019.

The Commission finds that the extent of disturbance within the WPLO is the slight driveway expansion, removal of a portion of the existing paved driveway and wetland restoration work. Also, portions of the proposed driveway are within areas that are currently paved. The positioning of the drainage and grading proposed within the WPL are a result of the relatively flat landscape for development. The building envelope is limited and relatively flat, which requires the piping to discharge to grade with minimal slope. The plantings proposed along the level spreader are intended to treat any storm water runoff to improve water quality. Provided erosion controls are used to limit disturbance beyond that which is proposed. The Commission finds that this will not adversely impact the resource under WPLO.

**Conservation Commission**  
**TOWN OF WESTPORT**  
**Conditions of Approval**  
**Application # IWW, WPL-10868-19**  
**Street Address: 16 Joann Circle**  
**Assessor's: Map E12 Lot 056**  
**Date of Resolution: September 18, 2019**

**Project Description:** Applicant is requesting to demolish the existing residence and to construct a new single-family residence with attached garage, driveway modifications and associated site improvements including connection to the Town sewer system. Portions of the work are located within the upland review area from the wetlands and within the boundary of the Waterway Protection Line Ordinance.

**Owner of Record:** Alvin Lim & Cecilia Stiber Lim  
**Applicant:** Jim Kousidis, Kousidis Engineering, LLC

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 10868-19** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.

7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. All on-site dumpsters shall be covered at the end of each work day and or when not in use.

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

17. Conformance to the plans entitled:
  - a. "Site Development Plan 16 Joann Circle Westport, CT Prepared for Alvin Lim & Cecilia Stiber Lim", Dated July 30, 2019, Scale 1"=20', Prepared by Kousidis Engineering, LLC, Sheet 1 of 9.
  - b. "Sediment and Erosion Controls Plan 16 Joann Circle Westport, CT Prepared for Alvin Lim & Cecilia Stiber Lim", Dated July 30, 2019, Scale 1"=10', Prepared by Kousidis Engineering, LLC, Sheet 2 of 2.
  - c. "Drainage Analysis Located at 16 Joann Circle Westport, CT Prepared for Alvin Lim & Cecilia Stiber Lim", dated July 30, 2019, Prepared by Kousidis Engineering, LLC.
  - d. "Data Accumulation Plan Prepared for Cecilia Stiber 16 Joann Circle Westport, CT", dated March 6, 2019, Prepared by Shevlin Land Surveying, LLC.
  - e. "Proposed New Residence @16 Joann Circle Westport CT", prepared by Rountree Architects, dated June 19, 2019 and last revised to July 31, 2019, Sheets: A1,A2,A3,A4,A5,A7
18. Conformance to Flood & Erosion Control Board September 4, 2019 conditions of approval.
19. Piles of yard waste and debris in the wetland areas which shall be removed prior to the issuance of a Zoning Permit.
20. Submission of a performance bond to cover the cost of plantings and sediment and erosion controls prior to the issuance of a Zoning Permit.
21. The site engineer shall oversee the installation of the onsite drainage and submit certification that it functions prior to issuance of CCC.
22. The existing septic system shall be abandoned per health code requirements.
23. The contractor shall notify the Conservation Department prior to excavation of the foundation to visually inspect the dewatering system. If necessary, staff may require other dewatering controls and/or adjust the usage onsite.
24. Electronic copy of the amended wetland line to be submitted prior to the issuance of a Zoning Permit.
25. Existing p.v.c. pipe discharge into watercourse shall be removed and or abandoned prior to CCC.
26. A maintenance plan for the level spreader shall be submitted prior to issuance of CCC.
27. Dumpster and construction materials to be placed in northeast corner of the site.
28. Silt fence with hay bales will act as limit of disturbance during construction of the house.

**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: Lobdell**  
**Ayes: Carey, Lobdell, Corroon, Perlman, Rycenga, Davis, Bancroft**  
**Nays: 0                      Abstentions: 0                      Vote: 7:0:0**

- 3. 178A Hillspoint Road:** Application #IWW,WPL/E-10874-19 by Gary Chase of Vita Design Group on behalf of Brad Miller to add a 2-car garage and carport with finished space above in rear of the home, connected to the second floor of the house via an enclosed walkway. Work is within the 50 ft. upland review area.

Brian Nysteriak, PE, presented the application on behalf of the property owner. He noted the sewer easement location and the drainage ditch along the northern property line. The proposal is to build a 2-car garage over the existing parking area and convert some of the existing driveway will be converted into lawn and patio. The existing paver stones will remain or be reused. The garage will connect to the house with a breezeway. They are only required to retain the first inch of runoff due to proximity to Long Island Sound. The coverage will be reduced by 771 s.f. A double row of silt fence will be installed.

Ms. Rycenga noted the existing garage will be converted to habitable space. She asked if there are smart vents proposed.

Ms. Rycenga noted the roof leaders from the house onto the driveway on the southside of the house. She indicated the driveway damage is most likely being caused by that.

Mr. Nysteriak agreed but noted the owners are not proposing changes. The Japanese Maple will be saved. The Magnolia abutting the parking space, he is uncertain.

Ms. Rycenga asked if the driveway will be permeable or not.

Mr. Nysteriak indicated that what is currently asphalt will remain asphalt and what is pavers will remain pavers, except the portion of the existing drive adjacent to the existing garage that will become lawn. The rec room and bathroom will be on the second floor of the new garage. It will be connected to the new sewer line.

Ms. Rycenga asked about removal of invasive species.

Mr. Nysteriak stated there was no intent to remove.

Ms. Mozian noted the odd lot shape and the property line should be staked before construction. She noted the existing garage area is to be connected to living space and is below the bfe. This is not allowed per the FEMA regulations.

Lucien Vita stated the use is intended not to be used as living space but more for storage/ping pong. He will check with Engineering.

Mr. Kelly noted a wetland report was done by JMM Consulting Services, which indicates they expect no water quality degradation. There are no sediment and erosion control issues. The site is flat. They will be using the existing driveway for construction access. Mr. Kelly recommends they sweep the driveway on a daily basis.

Ms. Mozian questioned the current driveway and existing pavers.

Mr. Nysteriak noted that the pavers now are not engineered to be permeable pavers.

Ms. Mozian stated they should set them in a permeable sub-base, otherwise, there is no real benefit.

Ms. Rycenga recommended a maintenance plan be included such as vacuuming.

Mr. Kelly asked for a detail of the subsurface beneath the pavers.

Mr. Vita clarified that the parking space to the right side of the new garage will be for a turn-around. A garage parking space will remain within the main house.

Mr. Kelly reviewed the drainage. The raingarden is designed for the first inch of rain because the property is in the lower end of the watershed. Because this is a relatively small addition, the Engineering Department did not make them upgrade the entire drainage system.

Mr. Bancroft questioned test pit 1 with the results of 27 inches. He noted the soggy feeling of the lawn when walking the site.

Mr. Nysteriak noted that this is fill on top of poorly drained soil and is not a very well-drained lot.

Mr. Perlman noted the unintended consequence of treating weed with chemicals that will go within the pavers.

Mr. Nysteriak mentioned the original plan was to pave the driveway but the decision to keep the existing pavers was based on the recommendation in the staff report.

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

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Lobdell</b>
<b>Ayes:</b>	<b>Rycenga, Lobdell, Bancroft, Carey, Corroon, Davis, Perlman</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>7:0:0</b>

**Findings**  
**178A Hillspoint Road**  
**Application # IWW, WPL/E-10874-19**  
**Public Hearing: September 18, 2019**

- 1. Application Request:** The application is to add a 2-car garage and carport with finished space above in rear of the home, connected to the second floor of the house via an enclosed walkway. Portions of the existing driveway will be expanded to the east of the new garage. Portions of the existing driveway to the south of the house will be removed and converted to a patio. A new sewer connection from the existing line to the garage addition is proposed under the existing driveway. Work is within the 50 ft. upland review area.
- 2. Plans reviewed:**
  - a) "Plot Plan of 178A Hillspoint Road Prepared for Erika Horn Miller, Westport, Connecticut", prepared by Black Rock Surveyors, dated July 28, 2019 and last revised to July 31, 2019, scale 1" = 20'
  - b) "Proposed Renovation / Addition for Brad Miller 178A Hillspoint Road Westport, CT 06880", prepared by Vita Design Group, dated August 13, 2019, scale: as noted, sheet: A-200 to A-203 (4 pgs.)
  - c) "Site And Drainage Plan of 178A Hillspoint Road Westport, CT prepared for Brad Miller 178A Hillspoint Road Westport, CT", prepared by B&B Engineering, dated August 12, 2019, scale: 1"=20', Sheet 1& 2.



d) "Wetlands Assessment/Impact Analysis 178A Hillspoint Road Westport, CT", Prepared by JMM Wetland Consulting Services, LLC, dated July 7, 2019, 13 pgs.

**3. Permits Issued for this Property:**

#IWW/M 10267-16: Amend wetland Map - E05

#AA-WPL/E 10264-16: Construct a pool/spa, raised deck, mechanicals, and associated landscaping

#AA-2996-89: Restoration of pond grade, removal of encroachment on town property, planting of wetland vegetation

**4. Wetlands Description:**

Wetlands map amended October 19, 2016; Permit #IWW/M 10267-16

Soil Report Summary- prepared by Jim McManus dated September 28, 2015 describes the following wetland soils occurring on the property:

**Aquents (308)**: This soil unit consists of poorly drained and very poorly drained disturbed land areas. They are most often found on landscapes, which have been subject to prior filling and/or excavation activities. The Aquents are characterized by a seasonal to prolonged high ground water table and either support or are capable of supporting wetland vegetation.

Mr. McManus describes the non-wetland soils as described as the following:

**Udorthents-Urban land complex (306)**: This unit consists of areas that have been altered by cutting or filling. The areas are commonly rectangular and mostly range from 5 to 100 acres. Slopes are mainly 0 to 25 percent. The materials in these areas are mostly loamy, and in the filled areas it is more than 20 inches thick. Some of the filled areas are on floodplains, in tidal marshes, and on areas of poorly drained and very poorly drained soils. Included in this unit in mapping are small areas of soils that have not been cut or filled. Also included are a few larger urbanized areas and a few small areas containing material such as logs, tree stumps, concrete, and industrial waste. A few areas have exposed bedrock. Included areas make up about 30 percent of this map unit. The properties and characteristic of this unit are variable, and the unit requires on-site soil investigation and evaluation for most uses.

**5. Property Description and Facts Relative to the Application:**

- a) The 100-year floodplain does occur on the property. The FEMA maps indicate that the property is located within the 100 year flood boundary designated as Zone AE, Elevation **13.0** as designated in FEMA Map Panel No. 09001C0551G.
- b) The Waterway Protection Line is located 15' from the flagged wetland boundary. The proposed garage addition is located outside of the WPL.
- c) Property is not located within the Aquifer Protection Zone or the Aquifer Recharge Zone.
- d) Property does exist within the Coastal Areas Management Zone.
- e) The property is serviced by a municipal sewer and a municipal water supply.
- f) The wetland system is part of the Sherwood Mill Pond watershed.

**6. 6.1 General Standards of the Inland Wetlands and Watercourses Regulations**

- 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 portions of the proposed garage lie within the 50' IWW upland review area. The garage will be connected to the residence by a second-story enclosed walkway that is approximately 37' long by 8' wide. The addition of the walkway will be over the existing driveway area. The garage addition will partially cover a portion of the existing driveway. Portions of the

garage, carport and new driveway areas will be over areas currently maintained as lawn. Two trees located to the west of the driveway and garage will be removed. The proposed driveway additions are proposed outside the 30' IWW upland review area. The grading, and rain garden proposed for the drainage structure will be outside the 20' IWW upland review area but will include a discharge pipe from the rain garden's high level overflow.

The proposed garage addition will cover ~1,142 sq. ft. and the proposed driveway will cover approximately 4,404 sq. ft. of land. The existing coverage for the driveway is 6,256 sq. ft. Portions of the driveway are proposed to be removed and restored to lawn on the southern side of the residence. However, a **portion of the driveway will remain and be converted to a patio (~640 sq. ft.)**. This patio area is currently constructed of pervious pavers.

#### 7. 6.2 Water Quality of the Inland Wetlands and Watercourses Regulations

- 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 applicant includes a "Wetlands Assessment/Impact Analysis", dated July 7, 2019 prepared by JMM Wetland Consulting Services that states, "no direct impacts to regulated resources are proposed." The report also identifies areas of possible water quality concerns but states that the proposed conditions result "in effective protection of both off-site and on-site regulated resources. No water quality degradation is expected."

The Commission finds that the stormwater runoff from the garage is proposed to discharge into the raingarden proposed to the south of the building. This area will be planted with appropriate shrubs and grasses, which provide biofiltration. The design conforms to the Connecticut Stormwater Quality Manual. The Westport Engineering Department stated the drainage design meets the Town drainage standards. The drainage over flow will discharge to an energy dissipator pad. The Commission finds that supplemental plantings shall be added to the perimeter of discharge area to help retain stormwater flow and promote infiltration.

The Commission finds a nutrient removal or "filtering" process takes place as the water comes in contact with the soil and the roots of the vegetation. The process accounts for the improved water quality and a way to protect the downstream receiving waterbody from potential pollution sources.

#### 8. 6.3 Erosion and Sediment of the Inland Wetlands and Watercourses Regulations

- 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 location of the silt fence is also the limit of disturbance for construction and for vehicular access. Sediment erosion controls consist of silt fencing in double and single rows and hay bales. Additionally, an area for excess stockpiled materials is shown with silt fence protection. This should protect the wetlands and adjacent watercourse. The Commission finds that the "Wetlands Assessment/Impact Analysis" by JMM Wetland Consulting Services that the potential for sediment and erosion "impacts are minimal".

The existing driveway will be used as the construction access/tracking pad as shown on the submitted site plan. The Commission finds that the contractor may need to maintain the driveway daily with sweeping to ensure no sediment moves offsite and control areas when construction activities require additional parking onsite.

#### **9. 6.4 Natural Habitat Standards of the Inland Wetland and Watercourses Regulations**

- 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 this proposal will not have an adverse impact on the existing natural habitat. The "Wetlands Assessment/Impact Analysis" by JMM Wetland Consulting Services states, "there will be no significant or adverse impacts to the regulated wetlands and watercourse..."

The Commission recommends removing invasive species identified by the report, (Asiatic bittersweet and Japanese barberry) along the wetland area and watercourse and supplementing the area with native plantings to enhance the streambank.

#### **10. 6.5 Discharge and Runoff of the Inland Wetland and Watercourses Regulations**

- 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 the "Wetlands Assessment/Impact Analysis" by JMM Wetland Consulting Services states "no impacts to existing wetland or watercourse hydrology is expected from the proposed activities. Surface flows as well as subsurface groundwater flows to the regulated area will be maintained."

In a memo to the Conservation Commission, dated September 6, 2019, the Engineering Department reviewed the Drainage Report proposal and finds it acceptable.

The Conservation Department encourages the use of permeable materials in the construction of driveways to reduce runoff from typical driveway installation. With this application, an existing partially

pervious driveway will be overall reduced and replaced by asphalt. The Commission finds the applicant shall maintain a portion of the driveway as permeable.

#### **11. 6.6 Recreational and Public Uses of the Inland Wetland and Watercourses Regulations**

- 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.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW, WPL/E-10874-19**  
**Street Address: 178A Hillspoint Road**  
**Assessor's: Map E05 Lot 045**  
**Date of Resolution: September 18, 2019**

**Project Description:** The application is to add a 2-car garage and carport with finished space above in rear of the home, connected to the second floor of the house via an enclosed walkway. Portions of the existing driveway will be expanded to the east of the new garage. Portions of the existing driveway to the south of the house will be removed and converted to a patio. A new sewer connection from the existing line to the garage addition is proposed under the existing driveway. Work is within the 50 ft. upland review area.

**Owner of Record:** Brad Miller

**Applicant:** Gary Chase, Vita Design Group

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 10874-19** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.

7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. All on-site dumpsters shall be covered at the end of each work day and or when not in use.

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

17. Conformance to the plans entitled:
  - a. "Plot Plan of 178A Hillspoint Road Prepared for Erika Horn Miller, Westport, Connecticut", prepared by Black Rock Surveyors, dated July 28, 2019 and last revised to July 31, 2019, scale 1" = 20'
  - b. "Proposed Renovation / Addition for Brad Miller 178A Hillspoint Road Westport, CT 06880", prepared by Vita Design Group, dated August 13, 2019, scale: as noted, sheet: A-200 to A-203 (4 pgs.)
  - c. "Site And Drainage Plan of 178A Hillspoint Road Westport, CT prepared for Brad Miller 178A Hillspoint Road Westport, CT", prepared by B&B Engineering, dated August 12, 2019, scale: 1"=20', Sheet 1 & 2.
  - d. "Wetlands Assessment/Impact Analysis 178A Hillspoint Road Westport, CT", Prepared by JMM Wetland Consulting Services, LLC, dated July 7, 2019, 13 pgs.
18. Install erosion controls prior to construction commencement to enclose the area of construction activity. Conduct daily sweeping of the driveway to remove any sediments.
19. Submit a landscape architects plan to remove invasive plants, which are adjacent to on-site wetlands, and replace them with native species prior to issuance of a Zoning Permit. Additional plantings shall be added to the plan surrounding the outfall of the dissipator pad/stone apron located on the north side of the driveway. Plants to be installed by hand, prior to issuance of CCC.
20. A bond to cover the cost of plantings, raingarden, dissipator pad, and native substitutes for invasive removal shall be submitted prior to the issuance of a Zoning Permit.
21. Contact the Conservation Department 48 hours prior to commencement of construction.
22. Submission of an "as-built" shall be submitted prior to the issuance of a Certificate of Completion.
23. The permeable portion of the existing driveway, as shown on the plan, shall be maintained as permeable in perpetuity with said restriction placed on the land records prior to the issuance of CCC.
24. Submission to staff of a driveway detail for reinstallation of pavers on permeable substrate shall be submitted prior to issuance of a Zoning Permit.
25. A sewer connection permit shall be obtained prior to issuance of a Zoning Permit.
26. The Engineering Department shall review building plans to confirm conversion of the existing garage to living space complies with F.E.M.A. regulations prior to issuance of a Zoning Permit.
27. A driveway maintenance plan for driveway shall be submitted prior to issuance of CCC.

28. A construction sequence plan shall be submitted prior to issuance of a Zoning Permit.
29. Revised site plan shall be submitted to show Porte Cochère prior to issuance of a Zoning Permit.
30. The Commission recommends that the applicant consider improving the existing driveway by relocating roof leader discharge of the existing house.

**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: Rycenga                                  Second: Davis**  
**Ayes: Rycenga, Davis, Corroon, Perlman, Carey, Bancroft, Lobdell**  
**Nays: 0                  Abstentions: 0                  Vote: 7:0:0**

4. **42 Burnham Hill:** Application #IWW,WPL/E-10875-19 by Cheryl L Russ of Glengate Company on behalf of Seth & Lindsay Kerschner for installation of an inground gunite pool with autocover, permeable bluestone patio and associated landscaping. Work is within the 35 ft. upland review area.

Cheryl Russ of Glengate Company presented the application on behalf of the property owners. They are proposing a gunite pool, patio and raised mechanicals. The pool and patio will be installed in an area of manicured lawn. She has read the staff report and has updated the plans to September 16, 2019 to reflect the recommendations. She included a dewatering plan with a dirtbag, mats to protect the driveway during construction and the driveway will be vacuumed after construction. The excavated soil will be hauled off site. The engineer will certify that the patio is installed as permeable. The heated saltwater pool will be at-grade. Therefore, the grade will be lowered rather than having to build a wall. The heat will be gas and located in the front yard. The mechanicals will be next to the a/c units and elevated.

Ms. Rycenga commented about the existing landscaping onsite. She had a question about the pool being flush with grade and the depth.

Ms. Russ stated the pool will be 5.5 feet deep.

Mr. Bancroft asked where the groundwater discharge will go during excavation.

Ms. Russ stated the discharge will go to a dirtbag dewatering system on the property.

Ms. Mozian noted the owner to the east on Lamplight Lane is concerned with extra runoff and asked for the dirtbag to be placed on the northern side of the property.

Ms. Russ agreed that they will place the dirtbag in the northwest corner of the site so runoff will have a longer distance to dissipate. She noted the original house construction included a drainage system calculations that included a larger pool design.

Ms. Mozian referenced a memo from Amrik Matharu of the Engineering Department dated September 5, 2019. The applicant need to address his comment about the differences between the survey and the site plan.

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

**Motion: Rycenga                                  Second: Carey**  
**Ayes: Rycenga, Carey, Bancroft, Corroon, Davis, Lobdell, Perlman**  
**Nays: None                  Abstentions: None                  Vote: 7:0:0**

**Findings**  
**42 Burnham Hill**  
**Application # IWW, WPL/E-10875-19**  
Public Hearing: September 18, 2019

1. **Application Request:** The applicant proposes to construct a 12' x 40' Inground gunite pool, patio, fence and pool mechanicals. Portions of the work are within the 35-foot upland review area setback from the wetlands. The proposed activity is outside the WPLO boundary and therefore eligible for an exemption.
2. **Plans Reviewed:**
  - a) "Zoning/Location Survey, Map of Property Prepared for Seth Kerschner & Lindsay Kerschner 42 Burnham Hill, Westport, Connecticut", Scale: 1"= 20', dated August 6, 2019, prepared by Walter H. Skidd- Land Surveyor LLC
  - b) "Site Plan, Kerschner Residence, 42 Burnham Hill, Westport, CT", dated June 6, 2019 and last revised to July 17, 2019, prepared by Glen Gate Company
3. **Permits Issued for this Property:**  
**#IWW, WPL/E - 10276-16:** Demolish the existing residence and construct a new single family residence with a FEMA compliant crawl space, new driveway, a/c units and a generator
4. **WPLO** – Waterway Protection Line is located 15' from the flagged wetland boundary.
5. **Soils**  
*Soil Report Summary- prepared by Alexandra Moch on May 31, 2016 describes the following wetland soils occurring on the property:*

**Ridgebury, Leicester and Whitman soils, extremely stony J3):** This mapping unit occurs in depressions and/or drainage ways. This poorly drained soil is underlined by a compacted restrictive layer at the depth of more than 80 inches. 9% of the surface area is covered with cobbles, stones or boulders. The parent material is a coarse-loamy melt-out till derived from granite and/or schist and/or gneiss. The depth to the groundwater table is about 0 – 18 inches.

Ms. Moch describes the non-wetland soils as Udorthents-Urban land complex (306).

Udorthents-Urban land complex: This unit consists of primarily of man-made soils named Udorthents, wet substratum. These areas have been altered for cutting and/or filling, and have a seasonal high water table within one and half (1.5) to three (3) feet of the soil surface. Slopes range from 0 to 5 percent. Typically these soils are in places that have two (2) feet or more of fill placed over poorly or very poorly drained soils; or are in areas that have been cut to within one and half (1.5) to three (3) feet of the water table, or the original soil materials have been mixed to the extent that the natural soil horizons are no longer identifiable. The fill consists primarily of mineral soil materials with minor amounts of man-made artifacts such as pieces of concrete, brick, wood, metal and glass.

6. **Property Description and Facts Relative to the Application:**
  - a) The existing residence on the 0.52-acre parcel was constructed in 2017.
  - b) The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "hydraulically isolated within a floodplain with open water and a wooded swamp present."
  - c) Landscape position of this parcel is a side slope and land surface shape is linear/linear.
  - d) The FEMA maps indicate that the property is located within the 100-year flood zone AE (El. 13).
  - e) The Waterway Protection Line occurs 15' from the flagged wetland line.
  - f) Property does not exist within the Aquifer Protection Overlay Zone or within a groundwater recharge area.
  - g) Only a small portion of the southeast corner of the property exists within the Coastal Areas Management Zone.
  - h) Westport Weston Health District approval granted 8/15/19.
  - i) The property is connected to sewer.

7. According to Section 5.0 of the IWW regulations, the Commission is to consider whether there are feasible and prudent alternatives to the proposed location. The applicant addresses this in the application materials, Schedule C. The Commission finds that they considered constructing a pool on the northern side of patio on the property but reconsidered the location based on safety concerns for the children and access to the rear yard for use. The Commission finds the current proposal allows children to use the rear yard without walking around the pool. The landscape plan incorporated movement of hedge plantings to act as a further barrier to the pool.

### **Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations**

#### **8. 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

The Commission finds the existing site coverage on this site is **19.72%** (3,778.7 Sq. Ft.). The proposed pool (12'x40') and patio result in approximately a 2.5% increase or **22.23%** (4,258.7 Sq. Ft.) site coverage. This is below the 25% threshold that P&Z requires. Stormwater management for the original house construction (Permit #IWW, WPL/E-10276-16) included calculations for a proposed pool. The drainage was installed according to those calculations and it was approved in 2017.

The Commission finds the pool will be placed in an area that is currently used as manicured lawn. The proposed patio design will be permeable, with bluestone pavers placed on a sand base with a minimum 1/4" joint between stones. The existing extensive planting buffer, required by Permit #IWW, WPL/E-10276-16 will remain with minor alteration to the boxwood plantings to create a barrier. The applicant is proposing a saltwater filtration system to limit the use of chlorine chemicals onsite.

#### **9. 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

The applicant proposes to construct the pool in area currently maintained as lawn. The Commission finds the pool construction will be within the review area buffer from wetlands. Ranging in ~17'-21' from the wetlands. The Conservation Commission established a review area setback of 35' for pools from wetland lines. The applicant provides a pervious patio to manage stormwater. The Commission finds that the site engineer shall certify the construction of the patio to meet the permeability requirements prior to issuance of the final approvals.

#### **10. 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.

The Commission finds that the proposed sediment and erosion controls should be augmented on the plan. Specifically, the applicant should design a dewatering system to manage water pumped from the pool site excavation. A "dirtbag" filtration system was utilized with success during house construction to manage the discharge effluent from the pumps.

In addition, the original house approval required the driveway be permeable and remain so in perpetuity. Therefore, the Commission finds the existing pervious asphalt driveway should be protected from any site sediment from clogging up voids. Sediment will reduce the driveway's overall effectiveness at managing stormwater. The Commission finds that the applicant shall temporarily cover the driveway with mats and/or providing a final driveway maintenance check/plan (i.e. vacuuming) when site construction is complete. Furthermore, the Commission finds that extending the Anti-mud tracking pad along the whole access way to the pool should reduce the possibility of sediment being transported to the driveway.

No stockpile area is proposed on the site plan. The Commission finds that all excavated material will be direct loaded for removal from the site.

#### **11. 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

The permit for house construction required a significant planting around the property to establish a vegetated buffer between the manicured areas and the wetland areas. The Commission finds this work enhanced and/or improved biological productivity and habitat. The placement of the boulders onsite were required to serve as an effort to limit intrusion into the wetland and to encourage and promote additional natural habitat area.

#### **12. 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

All proposed activity is located outside the 25 year floodplain limits. The 100 year floodplain crosses through the center of the property at Elevation 13.0'. The pool equipment is proposed to be on an elevated platform that should be above El. 13.0'.

The site coverage and runoff from the pool construction was considered in the sizing of the existing drainage system and installed properly for the previous house permit. The Commission finds this project will meet the Town of Westport drainage requirements. The Town Engineering Department

reviewed the proposal and in their 9/5/19 memo recommended several changes prior to the issuance of a Zoning Permit.

The Commission finds the proposed patio will be constructed with permeable construction. This will meet requirements set forth in the Restrictive Covenant filed in the Land Records (Book: 3798 Page: 135-136) for this property. The Commission finds that the site engineer shall certify the construction of the patio to meet the permeability requirements prior to issuance of the final approvals.

### 13. 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.

The Commission finds that the current application will have no significant impact on recreational and public uses.

**Conservation Commission**  
**TOWN OF WESTPORT**  
**Conditions of Approval**  
**Application # IWW, WPL/E-10875-19**  
**Street Address: 42 Burnham Hill**  
**Assessor's: Map D05 Lot 032**  
**Date of Resolution: September 18, 2019**

**Project Description:** The applicant proposes to construct a 12' x 40' Inground gunite pool, patio, fence and pool mechanicals. Portions of the work are within the 35-foot upland review area setback from the wetlands. The proposed activity is outside the WPLO boundary and therefore eligible for an exemption.

**Owner of Record:** Seth & Lindsay Kerschner

**Applicant:** Glengate Company

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 10875-19** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the conditions of the Flood and Erosion Control Board of September 4, 2019.
15. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
  - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
  - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e three (3) or more months.
  - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
  - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

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

16. Conformance to the plans entitled:
  - a. "Zoning/Location Survey, Map of Property Prepared for Seth Kerschner & Lindsay Kerschner 42 Burnham Hill, Westport, Connecticut", Scale: 1"= 20', dated August 6, 2019, prepared by Walter H. Skidd- Land Surveyor LLC
  - b. "Site Plan, Kerschner Residence, 42 Burnham Hill, Westport, CT", dated June 6, 2019 and last revised to September 16, 2019, prepared by Glen Gate Company
17. The existing pervious asphalt driveway shall be protected from any site sediment from clogging the voids thereby reducing its overall effectiveness or provide a maintenance plan (i.e. vacuuming) when site construction is complete.
18. All excavated material shall be directly loaded for removal from the site.
19. The site engineer shall certify the construction of the patio will meet the permeability requirements prior to issuance of the Certificate of Compliance.
20. Patios and walkway shall remain pervious in perpetuity as consistent with the restriction placed on the Land Records Book: 3798 Page: 135-6.
21. All proposed mechanical equipment shall be installed in conformance with all floodplain regulations and state building code requirements.

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

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

**Motion: Davis                      Second: Carey**  
**Ayes: Davis, Carey, Corroon, Perlman, Rycenga, Bancroft, Lobdell**  
**Nays: 0           Abstentions: 0           Vote: 7:0:0**

**Work Session:**

1. **9 Owenoke Park:** Request for release of bond monies being held for plantings and erosion and sediment controls as a condition of Application #WPL-10184-16 and #WPL-10568-18 for seawall reconstruction and a new house.

Ms. Mozian reviewed a request to release a bond being held for plantings and sediment and erosion controls as a condition of Application of Application #WPL-10184-16 and #WPL-10568-18. She stated the planting have been installed and are thriving. She recommended release of the bond.

Motion to release the bond.

**Motion:    Rycenga                                      Second:            Lobdell**  
**Ayes:       Rycenga, Lobdell, Bancroft, Carey, Corroon, Davis, Perlman**  
**Nays:       None                                      Abstentions:    None                                      Vote:            7:0:0**

2. **5 Windy Hill Rd.:** Request for staff level permit to legalize the extension of a boulder retaining wall into the 30 ft. upland review area.

Staff submitted plans highlighting what was approved versus what was built. An existing wall was present. A portion of that wall was removed, rebuilt and extended.

Mr. Kelly noted there were extensive plantings installed throughout the site.

Ms. Rycenga noted the irrigation system installed in the wetland needs to be removed. She suggests putting in a split rail fence across the lawn where the River Birch and Russian Sedge/curve in the wall. The lawn area wetland-ward of the fence should be restored with plantings or become a no-mow zone and should not be chemically treated.

Motion to legalize the wall with conditions including:

- Submission of a design to restore the lawn area
- The posting of a bond for plantings, and
- Removal of the irrigation system within the wetland area.

**Motion:    Rycenga                                      Second:            Davis**  
**Ayes:       Rycenga, Davis, Bancroft, Carey, Corroon, Lobdell, Perlman**  
**Nays:       None                                      Abstentions:    None                                      Vote:            7:0:0**

3. **33 Stony Brook Rd.:** Request for staff level permit for construction of an addition partially within the 50 ft. upland review area and WPLO area of Stony Brook.

This agenda item was tabled to October 16, 2019.

4. Approval of July 17, 2019 and July 22, 2019 meeting minutes.

The July 17, 2019 and July 22, 2019 minutes were approved as submitted.

**Motion:** Rycenga **Second:** Davis  
**Ayes:** Rycenga, Davis, Bancroft, Carey, Corroon, Lobdell, Perlman  
**Nays:** None **Abstentions:** None **Vote:** 7:0:0

5. Approval of September 6, 2019 Show Cause minutes.

The September 6, 2019 Show Cause minutes were approved as submitted.

**Motion:** Rycenga **Second:** Carey  
**Ayes:** Rycenga, Carey, Lobdell, Perlman  
**Nays:** None **Abstentions:** Bancroft, Corroon, Davis **Vote:** 4:0:3

6. Receipt of Applications

Ms. Mozian stated there was one application to officially receive:

- **7 Devon Road:** Application #IWW/M-10882-19 by Alex Goossen of Mark P Finlay Architects on behalf of 7 Devon Road Trust to amend wetland boundary map #H08.

Ms. Mozian stated the application was complete and will be scheduled on the October 16, 2019 Public Hearing.

Motion to receive 7 Devon Road.

**Motion:** Rycenga **Second:** Corroon  
**Ayes:** Rycenga, Corroon, Bancroft, Carey, Davis, Lobdell, Perlman  
**Nays:** None **Abstentions:** None **Vote:** 7:0:0

7. Status of enforcement activity.

Ms. Mozian reviewed the status of existing enforcement activity including:

- **34 Burr School Road** – The wetland boundary has been delineated and the survey has been received. The continued Show Cause Hearing will now be scheduled. She added the fine has been paid.
- **20 Jennie Lane** – A Notice of Violation and Citation was sent for clearing and filling within the regulated area. The work was extensive. A Show Cause Hearing needs to be held and will be included on the same meeting agenda as 34 Burr School Road.
- **3 Blind Brook Road South** – A clear cutting violation was issued. The owner is in the process of replanting.
- **11 Timber Lane** – A Notice of Violation was sent for mulch dumping. The owner is in the process of removing the mulch.
- **20 Webb Road** – The pipe has been removed and the planting are installed. The Notice of Violations has been removed.

8. Other Business

The September 18, 2019 Public Hearing of the Westport Conservation Commission adjourned at 10:30 p.m.

**Motion:** Rycenga **Second:** Davis  
**Ayes:** Rycenga, Davis, Bancroft, Carey, Corroon, Lobdell, Perlman  
**Nays:** None **Abstentions:** None **Vote:** 7:0:0