MINUTES WESTPORT CONSERVATION COMMISSION November 20, 2019

The November 20, 2019 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair Donald Bancroft, Secretary Tom Carey Robert Corroon Paul Lobdell Stephen Cowherd, Alternate

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 November 20, 2019 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian

Conservation Department Director

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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. - **NONE**

Public Hearing: Auditorium. 7:00 p.m.

Ms. Rycenga mentioned that there was no field trip conducted this month.

1. 14 Dawn Drive: Application #IWW/M-10906-19 by Lisa and Alan Eisman to amend wetland boundary map #G13.

Alan Eisman presented the application. He explained they hired Alexsandra Moch to flag the wetland for a future pool site since the house will be going on the market.

Mr. Kelly stated the Town retained soil scientist, Mary Jaehnig, and confirmed the boundary flagged by Ms. Moch was substantially correct. There is a net increase of approximately 4,662 s.f. of more wetland area than what is now shown on the Town wetland map.

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

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

Findings
Application #IWW/M-10906-19
14 Dawn Drive
Public Hearing: November 20, 2019

- 1. **Application Request:** The applicant is requesting to amend wetland map #G13 on tax lot #052. Parcel owned by Lisa and Alan Eisman.
- 2. Soil Scientist for Applicant: Aleksandra Moch, Soil & Wetland Scientist
- 3. Soil Scientist for Town of Westport: Mary Jaehnig, Pfizer-Jaehnig Environmental Consulting
- 4. **Plan reviewed:** "Plot Plan Prepared for Lisa & Alan Eisman 14 Dawn Drive, Westport, CT", Scale: 1" = 30', dated November 20, 2017 prepared by Leonard Surveyors, LLC
- 5. **Wetlands Description**: Wetland Delineation for the property located at: 14 Dawn Drive Westport, Connecticut- prepared by Aleksandra Moch, dated October 4, 2019 describes the following wetland soils occurring on the property:

Ridgebury, Leicester, and Whitman soils, extremely stony (3) – This soil complex occurs in depressions and drainage ways. It consist of poorly drained soil type with a parent material consisting of coarse-loamy lodgement till. The restrictive layer is located in some areas at 20 to 30 inches and exceeding 80 inches in others. The drainage class is very poorly drained with a seasonal minimum water table depth at ~ 0-9 inches. This wetland soil unit consists of three soil types mapped together because they have no major differences in use and management.

Non-wetland soils were identified as:

Charlton-Chatfield Complex, 3 To 15 Percent Slopes, Very Rocky (73 C) – the soils series consist of moderately deep, well drained soils formed in in till derived from granite and/or schist and/or gneiss. Usually found on upland hill land forms and ridges

- 6. Property Description and Facts Relative to the Map Amendment Application:
 - The parcel contains a single-family residence, served by septic, constructed in 1980.
 - Previous applications on file: #AA,WPL/E9651-13 generator; AA-3167-90 addition.
 - Landscape description is "wooded swamp" by The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 from a nearby wetland ~150' to the north.
 - Parcel does not exist within the Aguifer Protection Overlay Zone.

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- Parcel does not exist within the Coastal Areas Management Zone or within any flood zones established by FEMA.
- Parcel lies along an unnamed tributary within the Sasco Brook watershed.
- The Waterway Protection Line Ordinance boundary will be 15' from the flagged wetland boundary.
- 7. **Discussion:** The Town of Westport retained the services of Mary Jaehnig to review the proposed wetland boundary. On October 18, 2019, Mary Jaehnig investigated the site. On October 22, 2019, staff received a report from Ms. Jaehnig noting that the wetland boundary marked by Aleksandra Moch is substantially correct. The survey shows 44,451 sq. ft. of wetlands flagged in the field. The Town of Westport GIS shows ~39,789 sq. ft. of wetlands onsite. A difference of ~4,662 sq. ft.

Both soil scientists reviewed the survey and agreed in writing that the survey accurately depicted their agreed-upon flagging.

Resolution Application #IWW/M-10906-19 14 Dawn Drive

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-10906-19** by Lisa & Alan Eisman to amend the wetland boundary on Map: #G13 Lot: 052 on the property located at 14 Dawn Drive with the following conditions:

- 1. Conformance to the plans titled: "Plot Plan Prepared for Lisa & Alan Eisman 14 Dawn Drive, Westport, CT", Scale: 1" = 30', dated November 20, 2017 prepared by Leonard Surveyors, LLC
- 2. An electronic file in a format acceptable to the Town Engineer shall be submitted to the Conservation Department.
- 3. 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.

Motion: Corroon Second: Lobdell Ayes: Corroon, Lobdell, Rycenga, Carey, Bancroft, Cowherd Nays: 0 Abstentions: 0 Votes: 6:0:0

2. 1 Angora Road, 48 Bayberry Lane, 319 Bayberry Lane, 34 Burr School Road, 25 Cavalry Road, 19 Coleytown Road, and 29 Cross Highway: Application #IWW/M-10926-19 by the Conservation Department on behalf of Juan Martin Fidalgo & Lorena Schioppa; Amy Berns Leibner; Kristyna Gudas & Henryk Pawel; Michael William Garaffa & Jessica Masso; Kevin M & Deborah L Dorsey; Coleytown Farm LLC; and Vanbrodt Estates LLC, respectively, to amend wetland boundary maps #G11, G12, E18, F11, C15, D16, and D12 respectively.

Mr. Kelly presented the application on behalf of the Department. He explained that this is a group amendment application and includes the adoption of the lines that were flagged by soil scientists in preparation for a residential project. He reviewed the change in square footage of the wetlands from the flagging versus the Town maps as well as the soil scientist who flagged the wetland for each property.

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

Motion: Lobdell Second: Corroon

Ayes: Lobdell, Corroon, Bancroft, Carey, Cowherd, Rycenga

Nayes: None Abstentions: None Vote: 6:0:0

FINDINGS and RESOLUTION Application #IWW/M 10926-19 1 Angora Road, 48 Bayberry Lane, 319 Bayberry Lane, 34 Burr School Road, 25 Cavalry Road, 19 Coleytown Road, 29 Cross Highway

Whereas Section 8.0 of the "Regulations for the Protection and Preservation of Wetlands and Watercourses for the Town of Westport, Connecticut" revised to August 2004, states: "Regulations and wetland and watercourse boundaries may occasionally be amended, changed or repealed by a majority vote of the Commission or its successor."

Whereas Map amendment applications on the properties located at: 1 Angora Road, 48 Bayberry Lane, 319 Bayberry Lane, 34 Burr School Road, 25 Cavalry Road, 19 Coleytown Road, 29 Cross Highway are being brought before the Commission by Conservation Department staff.

Whereas said wetland flagging has been completed and is supported by certified soil scientists on the basis of individual on-site soil investigations and verified in the field by staff or an independent soil scientist and concurrence has been reached.

Now therefore be it resolved that the Conservation Commission resolves to **APPROVE** Application # IWW/M 10926-19 subject to the following criteria:

- **1. 1 Angora Road:** Amendment of wetland map G11 pursuant to the boundary determination of Otto Theall of Wetland and Soil Science LLC on February 26, 2019
- 2. 48 Bayberry Lane: Amendment of wetland map G12 pursuant to the boundary determination of Otto Theall of Wetland and Soil Science LLC on August 21, 2018
- **3. 319 Bayberry Lane:** Amendment of wetland map E18 pursuant to the boundary determination by Aleksandra Moch on January 27, 2018
- **4. 34 Burr School Road:** Amendment of wetland map F11 pursuant to the boundary determination of Steven Danzer, PhD & Associates LLC on September 10, 2019
- **5. 25 Cavalry Road:** Amendment of wetland map C15 pursuant to the boundary determination of Aleksandra Moch on April 4, 2015
- **6. 19 Coleytown Road:** Amendment of wetland map D16 pursuant to the boundary determination of Otto Theall of Wetland and Soil Science LLC on October 25, 2013
- 7. **29 Cross Highway:** Amendment of wetland map D12 pursuant to the wetland boundary determination of William Kenny of William Kenny Associates LLC on July 10, 2019

Said amendments are approved with the following condition:

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.

Motion: Bancroft Second: Lobdell Ayes: Bancroft, Lobdell, Rycenga, Carey, Corroon, Cowherd

Nayes: 0 Abstentions: 0 Vote: 6:0:0

Work Session:

1. Receipt of Applications - None

2. Status of enforcement activity

Ms. Mozian noted the Conservation Compliance Officer's report in the Commission's packet. She highlighted the update at **34 Burr School Road**.

Ms. Mozian reviewed two new enforcement activities since the report was written including:

- 20 Webb Road This property had come to the Commission earlier in August to get permission to put a level spreader in 15 feet from the wetland rather than 20 feet. The Commission agreed. More recently, the new owners had flooding in the basement. The builder reinstalled the level spreader in original location without permission. Staff will be issuing a Cease and Correct Order and a fine.
- 2 Brooklawn Drive Complaint received concerning grass clippings and leaf dumping into the stream. Staff has video of the activity. We have issued a Notice of Violation for removal.
 Remediation is for the removal of the debris.
- 3. Approval of the October 16, 2019 meeting minutes.

The October 16, 2019 meeting minutes were approved with corrections.

Motion: Rycenga Second: Carey

Ayes: Rycenga, Carey, Lobdell

Nayes: None Abstentions: Bancroft, Corroon, Cowherd Vote: 3:0:3

4. 33 Stony Brook Rd: Continued consideration of a request for a staff-level permit for two additions to a single-family residence and small driveway expansion for turn-around. The total coverage expansion is 260 sq. ft. on the first floor. Work is proposed partially within the upland review area of Stony Brook but outside the WPLO area.

Ms. Mozian reviewed the request for a staff-level permit for two additions to the single-family residence and driveway expansion for turnaround. Since the last meeting, it was determined that the house has no basement but the work proposed would qualify as a "substantial improvement" as defined by FEMA. Therefore, the house would need to be elevated. Since this is too costly, the owners will be pursuing the second floor addition first and leave the garage addition for at least another 5 years. The Commission had also wondered if the existing house was currently built to withstand the weight of a second floor. The builder informed Christopher Russo, Atty. for the owners that it could.

Ms. Rycenga asked if a structural engineer verified this.

Staff said no.

The Commission allowed Atty. Russo to speak.

Chris Russo, Atty. for the property owner, reviewed the building plans and noted the second floor work is mainly to construct a new master bathroom and closet space.

Mr. Kelly suggested that if the work goes beyond the project scope that it should be made to return to the Commission.

The request for a staff-level permit for the garage addition can be deferred to the time of application for construction. Atty. Russo clarified they are going to ZBA for a setback variance.

Motion to allow issuance of the second floor addition with condition that a soil scientist report is received prior to issuance of a Conservation Certificate of Compliance. The request for a staff-level permit for a garage addition is not approved at this time. A decision for the garage will be deferred until such time that the owner seeks permits for construction.

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

5. 303 Bayberry Lane: Request for bond release for plantings and erosion and sediment controls held as a condition of approval for Permit #IWW,WPL-10390-17 for a pool, spa, patio and associated amenities.

Ms. Mozian reviewed a request for bond release for plantings and sediment and erosion controls held as a condition of approval for Permit #IWW,WPL-10390-17. She noted the plantings have been in for a full growing season and are thriving. She recommended release of the bond.

Motion to release the bond.

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

6. 793 Post Rd East: Request for partial bond release for plantings and erosion and sediment controls held as a condition of Permit #IWW,WPL-10460-17 for a mixed use development of multi-family and commercial space.

Ms. Mozian reviewed a request for a partial bond release for plantings and sediment and erosion controls being held as a condition of Permit #IWW,WPL-10460-17. She noted that the development is complete and the sediment and erosion controls are no longer needed. Some of the plantings have been in for a full growing season and funds can be released for those plantings. Other plantings were installed this Fall and the bond monies will have to be held until next Fall to ensure they continue to thrive. She recommended a partial bond release in the amount of \$10,021.50.

Motion to make a partial bond release in the amount of \$10,021.50.

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

The November 20, 2019 Public Hearing of the Westport Conservation Commission adjourned at 8:30 p.m.

Motion: Rycenga Second: Corroon

Ayes: Rycenga, Corroon, Bancroft, Carey, Cowherd, Lobdell

Nayes: None Abstentions: None Vote: 6:0:0