

**MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 16, 2019**

The October 16, 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
Tom Carey
Paul Lobdell
Mark Perlman

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the October 16, 2019 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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.

The Commission voted to add approval of October 8, 2019 Show Cause Hearing minutes and October 11, 2019 field trip minutes to the Work Session agenda.

Motion: Rycenga **Second:** Lobdell
Ayes: Rycenga, Lobdell, Carey, Davis, Perlman
Nayes: None **Abstentions:** None **Vote:** 5:0:0

By Roll Call, it was noted that all members visited and observed the sites in preparation for the public hearings and work session items for this meeting.

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

- 1. 7 Devon Road:** Application #IWW/M-10882-19 by Mark P Finlay Architects on behalf of 7 Devon Road Trust to amend wetland boundary map #H08.

Jay Finlay of Finlay Architects presented the application on behalf of the property owners. Aleksandra Moch was the soil scientist retained by the property owner to flag the wetlands. The amount of wetlands on the site was dramatically reduced. According to the Town's map, there were over 5,000 s.f. of wetlands. It is now down to less than 7 s.f.

Mr. Kelly confirmed that Ms. Moch's delineation was verified by the Town's soil scientist, Mary Jaehnig. Both soil scientists have reviewed the survey map and agreed to the boundary. The wetland boundary on the property to the east was previously amended.

Ms. Mozian noted that the regulated area still extends onto the property.

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

Motion: Rycenga **Second:** Davis
Ayes: Rycenga, Davis, Carey, Lobdell, Perlman
Nayes: None **Abstentions:** None **Vote:** 5:0:0

Findings
Application #IWW/M-10882-19
7 Devon Road
Public Hearing: October 16, 2019

- 1. Application Request:** The applicant is requesting to amend wetland map #H08 on tax lot #001. Parcel owned by 7 Devon Road Trust.
- 2. Soil Scientist for Applicant:** Aleksandra Moch
- 3. Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils
- 4. Plan reviewed:** "Plot Plan Prepared for 7 Devon Road Trust 7 Devon Road, Westport, CT", Scale: 1" = 20', dated November 15, 2018 and last revised to June 21, 2019 prepared by Leonard Surveyors, LLC
- 5. Wetlands Description:** Wetland Delineation for the property located at: 7 Devon Road Westport, Connecticut- prepared by Aleksandra Moch, dated October 19, 2018 describes the following wetland soils occurring on the property:

Saco silt loam (108) – This soil complex occurs on flood plains. The parent material coarse-silt alluvium. The restrictive layer is located in the depth exceeding 80 inches. The soils are very poorly drained with water table at 0-6 inches deep.

Non-wetland soils were identified as:

Agawam Fine sandy loam, 3 to 8 percent slopes (29 B) – the soils series consist of very deep, well drained soils formed in coarse-loamy eolian deposits over sandy glaciofluvial deposits derived from granite and/or schist and/or gneiss. The soil occurs on outwash plains and terraces. Slopes range from 3 to 8 percent.

6. Property Description and Facts Relative to the Map Amendment Application:

- The parcel contains a single-family residence, served by septic, constructed in 1937.
- No previous applications on file.
- Landscape description is “streamside floodplain” by The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 from a nearby wetland ~450’ to the east.
- Parcel does not exist within the Aquifer Protection Overlay Zone.
- Parcels do not exist within the Coastal Areas Management Zone.
- A portion of the northern boundary of the property is within the Zone ‘A’ shaded as determined by FEMA for New Creek.
- The Waterway Protection Line Ordinance boundary will be 15’ from the flagged wetland boundary or from the 25-year flood boundary, whichever is greater.

7. Discussion:

The Town of Westport retained the services of Mary Jaehnig to review the proposed wetland boundary. On October 2, 2019, Mary Jaehnig investigated the site. On October 7, 2019, staff received a report from Ms. Jaehnig noting that the wetlands marked by Aleksandra Moch is substantially correct. The survey shows 7 sq. ft. of wetlands flagged in the field. The Town of Westport GIS shows ~5,030 sq. ft. of wetlands onsite. A difference of 5,023 sq. ft.

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

Going forward, any future development onsite is still subject to review since the upland review area extends onto the property from the flagged wetlands and wetlands on the adjoining properties.

**Resolution
Application #IWW/M-10882-19
7 Devon Road**

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-10882-19 by 7 Devon Road Trust to amend the wetland boundary on Map: #H08 Lot: 001 on the property located at 7 Devon Road with the following conditions:

1. Conformance to the plans titled: “Plot Plan Prepared for 7 Devon Road Trust 7 Devon Road, Westport, CT”, Scale: 1” = 20’, dated November 15, 2018 and last revised to June 21, 2019 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: Carey

Second:

Lobdell

Ayes: Carey, Lobdell, Perlman, Rycenga, Davis

Nays: 0

Abstentions: 0

Votes: 5:0:0

2. **135 Harbor Road:** Application #WPL-10883-19 by Joseph DeJesus on behalf of RVR Realty LLC to demolish the existing structures, build a new single family residence, driveway, pool, and associated site improvements. Work is within the WPLO area of the Saugatuck River.

Dan Conlon, AIA, presented the application on behalf of property owner, Joseph DeJesus, who was also present. In September, they have sought and secured a ZBA variance for coverage. They received Flood and Erosion Control Board approval on October 15, 2019. He indicated that this is a nearly complete redesign from what the Commission previously reviewed. He noted that the ZBA approval included the landing for a future dock application, which will be submitted to the Commission at a future date. A large amount of the driveway will be reduced. He stated approximately 2,000 s.f. of impervious area has been eliminated from the existing conditions. The proposed total coverage is 24.64% versus the existing total coverage of 38.76%. The sediment and erosion controls include silt fence and additional fencing along the beach. There is no substantial stockpiling anticipated. The existing house has a basement so they will have to import fill to fill in the basement to make it FEMA compliant. A dewatering plan was prepared for the pool construction. The pool will be 5 feet deep, which coincides with the elevation of mean high water. Excavation for the pool should be done at low tide. They will be employing a pervious driveway. They will also be providing a pervious patio detail. They will submit that pool mechanicals are on the opposite side of the house and are elevated above the bfe. The pool fence will be FEMA compliant. Aleksandra Moch prepared a planting plan for the raingarden, front landscaping and bamboo removal. They will aggressively remove the bamboo and then mow the area to control future growth. They would prefer not to install a barrier due to the presence of rip-rap and the neighbor's wall.

Joseph DeJesus, property owner, indicated that installing a barrier may compromise the neighbor's wall at 129 Harbor Road. Perhaps in the future, when that owner replaces their wall, a barrier could be installed between the two properties at that time.

Ms. Rycenga questioned the location of the cul-tec system since it is proposed where the bamboo stand is.

Mr. DeJesus confirmed there is no bamboo present on the next door neighbor's property so there is no chance of encroachment from 129 Harbor Road. He added the plantings are concentrated in area where water drains.

Ms. Rycenga stressed the importance of the sediment and erosion controls and maintenance especially since the property is next to the water.

Mr. DeJesus stated he will test the imported fill to make sure it is not contaminated.

Mr. Carey asked about the floodproofing of the elevator.

Mr. Conlon stated the elevator pit is about 8 inches deep.

Mr. DeJesus noted that the elevator will be called to the first floor when not in use.

Ms. Rycenga asked about the retaining wall along Harbor Road.

Mr. Conlon stated it is proposed to be about 30 inches tall. The fuel source will be propane and the tank will be anchored. There were oil tanks in the garage. Before that, they were underground but were properly abandoned and overseen by the Fire Department. He noted that work in the Town right-of-way was approved on October 7, 2019 by the Board of Selectmen. He submitted a copy of the approval. He noted that by moving the house back, a driveway ordinance was no longer necessary.

Mr. Kelly discussed the possibility of posting a bond for plantings and the bamboo removal.

Ms. Rycenga suggested submitting a management plan for the bamboo removal instead of requiring a bond for that work.

Mr. Kelly explained how the bond monies are calculated.

Ms. Mozian recommended a bond be posted for the raingarden plantings.

Mr. Kelly noted the detail for the patio and driveway are welcomed but the design engineer will need to certify the patio and driveway were installed as designed.

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

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Carey, Davis, Lobdell, Perlman		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

Findings
Application # WPL 10883-19
135 Harbor Road
Public Hearing: October 16, 2019

1. **Application Request:** Applicant is requesting to demolish the existing residence and construct a new single-family residence, pool, pool fence, and associated drainage appurtenances. Work is proposed within the boundaries of the Waterway Protection Line (WPL) area of the Saugatuck River.
2. **Plans reviewed:**
 - a) **“Existing Conditions Zoning/Location Survey Map of Property prepared for 135 Harbor Road LLC 135 Harbor Road Westport, CT”**, Scale 1”=10’, dated March 28, 2017 last revised to August 5, 2019, prepared by Walter Skidd Land Surveyor, LLC.
 - b) **“Proposed Conditions Zoning/Location Survey Map of Property prepared for 135 Harbor Road LLC 135 Harbor Road Westport, CT”**, Scale 1”=10’, dated March 28, 2017 last revised to August 5, 2019, prepared by Walter Skidd Land Surveyor, LLC.
 - c) **“Drainage Plan, RVR Realty LLC 135 Harbor Road Westport, CT”**, 2 Sheets, Scale: 1” = 10’, dated August 9, 2019, prepared by Fairfield County Engineering, LLC.
 - d) **“Drainage Report Prepared for Existing and Proposed Site Conditions Located at: 135 Harbor Road Westport, CT”**, dated August 9, 2019, prepared by Fairfield County Engineering, LLC.
 - e) **“Mitigation Planting Plan for 135 Harbor Road in Westport, CT”** dated August 25, 2019, prepared by Alexandra Moch, Landscape Designer
 - f) **“Paver Detail New Residence for: RVR Realty LLC 135 Harbor Road Westport, CT”**, (Sheet SK1), dated August 8, 2019, Scale: 1 ½” = 1’, prepared by Daniel Conlon Architects
 - g) Architectural Plans entitled: **“New Residence for: RVR Realty LLC 135 Harbor Road Westport, CT”**, (8 sheets), dated August 5, 2019, Scale: As Noted, prepared by Daniel Conlon Architects
3. **Property Description:**

Wetlands: There are no inland wetlands present on this site. The site does contain tidal wetlands field located by Otto Theall, Soil Scientist, on 3/26/19.

Location of 25-year flood boundary: 9 ft. contour interval. Property is located entirely within the WPLO boundary.

Property is situated in Flood Zones VE (el. 14’) and AE (el. 13’) as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.

Proposed First Floor Elevation: 18.15 ft.

Proposed Garage Floor Elevation: 8.5 ft.

Proposed Elevator Pit Elevation: 8.0 ft.

Existing Lot Coverage: 38.76% (5,596.9 sq. ft.)

Proposed Site Coverage: 27.27% (4,209 sq. ft. that includes patio)

Sewer Line: The proposed new residence will be serviced by municipal sewer.
4. **Permit Issued for this Property:**
 - #CAM/E-2431-88 for dormer additions
 - Withdrawn Application: # WPL10826-19, for a new single-family residence

5. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
6. **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.
7. **Proposed Storm Water Treatment:** Stormwater runoff from the roof of the new single-family residence is proposed to discharge to underground Cultec retention chambers and a rain garden. The majority of the house, 86.5% (~2,049 of 2,371), is proposed to drain to three units of Cultec R-330XLHD. The remaining drainage from the house will lead to the rain garden. The driveway is proposed to be constructed of pervious pavers, which will have an aggregate base to act as the reservoir for its runoff. The drainage report states that the sizing of the drainage units will allow for "ample capacity" for the storage of the 1" Water Quality Volume (WQV).
8. The Flood and Erosion Control Board reviewed and approved this application on October 15, 2019. Amrik Matharu, Engineering Department, is satisfied with the engineered drainage plan.
9. **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 entire property lies within the WPLO boundary. The application proposes to construct a new FEMA compliant residence, patio, driveway, pool and associated drainage and plantings. A future landing for a proposed pier is shown on the drainage plan but will not be part of this application submission.

The Commission finds the house will be built to conform to FEMA standards with the first habitable floor constructed at elevation of **18.15'**. The house foundation will be constructed with appropriate sized flood vents for the FEMA compliant house. The garage floor slab elevation will be elevation **8.5'** and an elevator pit is proposed at elevation **8.0'**. The Engineering Department staff will verify the opening sizing requirements and locations of the vents for the proposed residence.

The Commission finds that a pervious paver driveway is proposed with this application. A detail has been provided with the application to show the pervious design of paver stones set on a sand base with gravel under-bedding. The Commission finds that the rear patio for the pool is not indicated to be pervious. The Commission finds that the design engineer shall witness and certify the construction of all permeable surfaces proposed for this project, and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The Commission finds that a Mitigation Planting Plan has been proposed with this application. One hundred and sixty-four plantings are included with the plan. The proposed plantings are a mixture of trees, shrubs and herbaceous plants. Most of the plants proposed are native to North America (*excluding: Sea Holly*) and appropriate for sandy soils. The Commission finds that a performance bond is required to ensure the plants vitality for a full growing season. Four American Linden trees are included with this plan along the right-of-way for Harbor Road. These tree plantings will match with the neighboring property to the east, and replace the previous trees that were previously cut onsite. Two areas of tree protection are provided on this plan to protect the two ornamental Pitch Pine trees onsite. A significant stand of yellow-groove bamboo is located along the western property line. The planting plan indicates this area will remove the bamboo onsite. The Commission finds that the applicant consider a long-term management plan to control the bamboo and consider the installation of a barrier.

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 coverage of the site is **38.76%, pre-demolition**. Proposed site coverage is to be **27.27%**, which is above the upper threshold of the 10-25% cover that will impact water quality. The 2004 Connecticut Stormwater Manuel provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck Shores neighborhood continues to be densely developed, the coverage falls within the percentage in which water quality can be assumed to be impacted.

As stated above, the applicant has provided Cultec subsurface drains to manage stormwater, however, they have also included a rain garden and a pervious driveway to manage and treat the stormwater from portions of the development to help address water quality concerns. The Commission finds that the design engineer shall witness and certify the construction of the rain garden prior to CCC.

In addition, the removal of most of the existing semi-circular asphalt drive will be an improvement regarding runoff volume and water quality treatment by reducing impervious area. The utilizing of a rain garden and pervious surfaces for the proposed drive are viewed as Low Impact Development (LID) features that are generally considered favorable in treatment of stormwater for water quality. The Commission finds that the pool patio shall be constructed as permeable to further meet the LID objective for onsite construction.

Sediment and erosion controls (silt fencing) are shown around the perimeter of the property. Construction access and material stockpile areas are noted on the plan. The proposed plan has minimal grade changes. The Commission finds the sediment and erosion controls provided should be adequate for the house construction, along with routine sweeping of the road if any sediment does move offsite onto the adjacent pavement during site work. A detail of a dewatering plan is provided with the site plan to manage any groundwater encountered during construction. The Commission finds that the deeper excavation activities onsite shall coordinate with timing of low tide, to limit the amount of water required pumping from excavations.

A dock is not being considered at this time.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-10883-19
Street Address: 135 Harbor Road
Assessor's: Map C02 Lot 001
Date of Resolution: October 16, 2019

Project Description: to demolish the existing residence and construct a new single-family residence, pool, pool fence, and associated drainage appurtenances. Work is proposed within the boundaries of the Waterway Protection Line (WPL) area of the Saugatuck River.

Owner of Record: RVR Realty LLC

Applicant: Joseph Dejesus

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 10883-19** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the 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.
16. Conformance to the conditions of the Flood and Erosion Control Board of **October 15, 2019**.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. **“Existing Conditions Zoning/Location Survey Map of Property prepared for 135 Harbor Road LLC 135 Harbor Road Westport, CT”**, Scale 1”=10’, dated March 28, 2017 last revised to March 26, 2019, prepared by Walter Skidd Land Surveyor, LLC.
 - b. **“Proposed Conditions Zoning/Location Survey Map of Property prepared for 135 Harbor Road LLC 135 Harbor Road Westport, CT”**, Scale 1”=10’, dated March 28, 2017 last revised to August 5, 2019, prepared by Walter Skidd Land Surveyor, LLC.
 - c. **“Drainage Plan, RVR Realty LLC 135 Harbor Road Westport, CT”**, 2 Sheets, Scale: 1” = 10’, dated August 9, 2019, prepared by Fairfield County Engineering, LLC.
 - d. **“Drainage Report Prepared for Existing and Proposed Site Conditions Located at: 135 Harbor Road Westport, CT”**, dated August 9, 2019, prepared by Fairfield County Engineering, LLC.
 - e. **“Mitigation Planting Plan for 135 Harbor Road in Westport, CT”** dated August 25, 2019, prepared by Alexandra Moch, Landscape Designer
 - f. **“Paver Detail New Residence for: RVR Realty LLC 135 Harbor Road Westport, CT”**, (Sheet SK1), dated August 8, 2019, Scale: 1 ½” = 1’, prepared by Daniel Conlon Architects
 - g. Architectural Plans entitled: **“New Residence for: RVR Realty LLC 135 Harbor Road Westport, CT”**, (8 sheets), dated August 5, 2019, Scale: As Noted, prepared by Daniel Conlon Architects
18. Conformance to Flood & Erosion Control Board October 15, 2019 conditions of approval.
19. Design Engineer shall witness and certify construction of driveway, pool patio, and rain garden prior to issuance of a Conservation Certificate of Compliance.
20. Proposed pervious paver driveway must remain pervious in perpetuity with this requirement placed on the land records prior to issuance of a Conservation Certificate of Compliance.
21. A detail for the pool patio showing it to be permeable shall be submitted prior to the issuance of a Zoning Permit. The patio must remain pervious in perpetuity with this requirement placed on the land records prior to issuance of a Conservation Certificate of Compliance
22. A performance bond shall be submitted prior to the issuance of a Zoning Permit. The bond shall cover the cost of sediment and erosion controls and the plantings required for the proposed “Mitigation Planting Plan” excluding the cost of the American Linden trees. The bond shall be held for one full growing season after the installation of plants is completed.
23. The applicant shall submit a bamboo management plan to Conservation Department staff for approval prior to issuance of a Conservation Certificate of Compliance.
24. The Conservation Department must be contacted 48 hours prior to start of construction in order to inspect soil and erosion controls.
25. Dewatering activities for deep excavations for foundations and pool construction will be limited to the 3-hours before and after low tide.
26. A pool fence detail shall be submitted to Conservation Department staff for approval to confirm compliance with FEMA requirements, prior to the issuance of a Zoning Permit.
27. The dock is not approved at this time.

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: Perlman	Second:	Lobdell
Ayes: Perlman, Lobdell, Carey, Rycenga, Davis		
Nays: 0	Abstentions: 0	Vote: 5:0:0

3. 27 Bermuda Road: Application #WPL-10890-19 by Kousidis Engineering LLC on behalf of Glen & Jamie Camche to construct a new pool and patio. Work is within the WPLO area of the Saugatuck River.

Jim Kousidis, PE, presented the application on behalf of the property owners. The property is wholly within the WPLO area. The proposal is for a 10' X 30" inground pool and a 10' X15' patio, which is not connected to the pool. The property is fairly flat with grades ranging from 7 to 9 feet. The drainage system is sized to handle the first flush. Groundwater does not seem to change with the tide. The pool will be 6.5 feet deep. The bottom will be at about elevation 2 msl. He estimates this should be about 1-foot above groundwater elevation. There is an existing fence around the perimeter of the property; however, about 6 to 12 inches of the fence is on Town property so this portion will need to be moved. There are mature plantings that are proposed to stay. The silt fence will have to be moved in order to protect these plantings. The patio is not proposed to be permeable. Mr. Kousidis argued that the soil beneath it is not permeable until you get to 3 feet deep and therefore, requiring the patio to be permeable is not practical in this particular case. Instead, they are collecting roof leaders and draining into a gallery. This will compensate for not having a permeable patio. Currently the elevated house was not required to provide drainage as there was no new square footage. Also, a 4-inch sliver of driveway will be trimmed off on either side in order to achieve coverage requirements.

Mr. Kousidis noted work is expected to begin in the fall.

Ms. Mozian emphasized that the mud-tracking pad is especially important.

Mr. Kelly asked which portion of the house would be collected.

Mr. Kousidis indicated the area over the garage and behind it, so it will be the western ¼ to 1/3 of the house.

Mr. Kelly noted the pool fence needs to be FEMA compliant.

Mr. Kousidis asked if only a portion of the fence could be FEMA compliant.

Mr. Kelly suggested that staff could work with the applicant and the Building Department to get a complying fence. He asked what the raised platform next to the house will be used for.

Mr. Kousidis explained that this platform is for the generator.

Mr. Kelly noted the pool mechanicals have to be above the bfe. He discussed coverage considerations. He explained that water quality starts to become impaired once coverage in a watershed exceeds 10%. The Commission needs to consider this in their decision.

Mr. Kousidis reviewed the test pit results. The first 50 inches are undefined fill.

Mr. Carey asked about the presence of the existing rear patio, which is in the rear zoning setbacks.

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

Motion:	Rycenga	Second:	Lobdell
Ayes:	Rycenga, Lobdell, Carey, Davis, Perlman		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

Findings
27 Bermuda Road
Application # WPL 10890-19
Public Hearing: October 16, 2019

1. **Application Request:** Applicant is requesting to construct a 10' x 30' inground swimming pool, a 10' x 15' patio, pool mechanicals, and associated drainage. Work is within the WPLO area of the Saugatuck River.
2. **Plans reviewed:**
 - a. "Site Development Plan 27 Bermuda Road Westport, CT prepared for Glen & Jamie Camche", Sheet 1 of 1, Scale: 1" = 10', dated September 12, 2019, prepared by Kousidis Engineering, LLC
 - b. "Proposed Improvement Plan Prepared for Glen & Jamie Camche 27 Bermuda Road Westport, CT" Scale: 1"=10', dated June 12, 2018, prepared by Leonard Surveyors. LLC
 - c. "Drainage Analysis Located at 27 Bermuda Road Westport, CT Prepared for Glen & Jamie Camche", dated September 12, 2019, prepared by Kousidis Engineering, LLC
 - d. Building Plans titled "Camche Residence 27 Bermuda Road Westport, CT", dated September 12, 2019 Scale: As Shown, prepared by Signature Pools, Inc.

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 ft. landward from the 9 ft. contour. Note the entire property is within the WPLO boundary.

Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.

Proposed Pool Coping Elevation: 8.5 ft.

Proposed Patio Elevation: 8.5 ft.

Proposed Pool Coverage: 300 Sq. Ft.

Proposed Patio Coverage: 150 Sq. Ft.

Proposed Site Coverage: 24.98% (2,810 Sq. Ft.) not including the patios (150 Sq. Ft. for new and ~520 Sq. Ft. [Estimate] for existing)

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

4. **Aquifer:** Property underlain by Canfield 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 western portion of the roof of the residence will be collected and directed to 22.5 linear feet of Cultec rechargers. The base elevation of the rechargers is 5.5' with bottom of stone at 5.0'.

The required drainage would be to collect the 1st inch of runoff from square footage of the pool and patio, which is 450 Sq. Ft. The site engineer has proposed to capture the equivalent of 600 Sq. Ft. of existing roof area to offset the runoff volume from the new areas.

7. **Grading:** The grading in the vicinity of the pool will be altered minimally. The site is/will be generally level at or near elevation 8.0'.
8. **Previous Permits issued:**

#WPL/E-10712-18: Raise existing house above B.F.E.
9. The Flood and Erosion Control Board approved the application with conditions on October 15, 2019. The drainage proposal is acceptable to the Engineering Department.
10. Westport Weston Health District approved the construction on September 24, 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 1963 and which was recently elevated above the 100 year base flood elevation. The whole property lies within the WPLO boundary. The application proposes to construct a 10' x 30' pool and associated grading and drainage. The pool will be 6.5' deep.

The application site plan shows installation of a silt fence around the worksite and side yard. Access to the pool area will be through the anti-mudtracking pad leading from the existing driveway. The Commission finds these sediment erosion controls should be adequate during construction.

The Commission finds that the pool mechanicals are proposed to be on an equipment pad. These mechanicals should be located above B.F.E. 13.0 onsite. There is an existing fence surrounding the pool area but it must be determined if it meets the FEMA recommendations in areas that are below B.F.E. 13.0'. FEMA Technical Bulletin 5 recommends fences with generous openings to not divert floodwaters.

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 survey by Leonard Surveyors, LLC, is currently **23.23%; 2,613 Sq. Ft. (without patios)**. Proposed site coverage with the pool is to be **24.98%; 2,810 Sq. Ft. (without patios)**, which is in the above the threshold of the 10-25% impervious coverage that will influence water quality.

The site plan shows the existing driveway will be reduced in size from **418 Sq. Ft** to **324 Sq. Ft.** (= 94 Sq. Ft.)

The test pit data indicates that mottling is at ~66" with groundwater reencountered at ~86". The bottom of the pool excavation will be elevation ~6.5'-7.0'. The Site plan includes Note #31 to manage any dewatering procedures. The Commission finds that water should not be a major concern within the excavation but the contractor should be prepared to dewater if needed. The Commission finds that a site meeting with staff and the contractor during excavation shall address dewatering concerns or uncontrolled sediment movement from the site. The Commission finds that the excavation work shall take place during low tide periods if needed based on site conditions.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10890-19
Street Address: 27 Bermuda Road
Assessor's: Map B02 Lot 041
Date of Resolution: October 16, 2019

Project Description: To construct a 10' x 30' inground swimming pool, a 10' x 15' patio, pool mechanicals, and associated drainage. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Glen & Jamie Camche
Applicant: Jim Kousidis, Kousidis Engineering, LLC

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 10890-19** 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 October 15, 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. "Site Development Plan 27 Bermuda Road Westport, CT prepared for Glen & Jamie Camche", Sheet 1 of 1, Scale: 1" = 10', dated September 12, 2019, prepared by Kousidis Engineering, LLC
 - b. "Proposed Improvement Plan Prepared for Glen & Jamie Camche 27 Bermuda Road Westport, CT" Scale: 1"=10', dated June 12, 2018, prepared by Leonard Surveyors. LLC
 - c. "Drainage Analysis Located at 27 Bermuda Road Westport, CT Prepared for Glen & Jamie Camche", dated September 12, 2019, prepared by Kousidis Engineering, LLC
 - d. Building Plans titled "Camche Residence 27 Bermuda Road Westport, CT", dated September 12, 2019 Scale: As Shown, prepared by Signature Pools, Inc.
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 prior to excavation. Staff will direct any dewatering needs or address uncontrolled sediment movement from the site.
 20. The location of the silt fence shall be relocated to protect existing mature vegetation in the area surrounding the pool. The plans shall be updated and submitted to the Conservation Department for review prior to issuance of a Zoning Permit. Tree protection fencing shall be installed at the drip line to protect mature trees onsite.
 21. A FEMA compliant pool fence detail shall be submitted to the Conservation Department for approval prior to the issuance of a Zoning Permit.
 22. All excess excavated material shall be removed from the site prior to issuance of CCC.

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

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

Motion: Davis Second: Lobdell
Ayes: Davis, Lobdell, Carey, Perlman, Rycenga
Nays: 0 Abstentions: 0 Vote: 5:0:0

Work Session:

1. Receipt of Applications

Ms. Mozian noted there was one application to be officially received:

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

Motion to receive the application.

Motion: Rycenga Second: Perlman
Ayes: Rycenga, Perlman, Carey, Davis, Lobdell
Nays: None Abstentions: None Vote: 5:0:0

2. Status of enforcement activity

Ms. Mozian reviewed the status of enforcement activity including:

- **3 Blind Brook Road South** – The Notice of Violation has been removed. The plantings were installed to replace the clearing and cutting within the wetland 20-foot non-disturbance buffer adjacent to Nash's Pond.

- **33 Pequot Trail** – A Notice of Violation was sent for stockpiling of brush and debris within the wetlands. Removal of the Notice of Violation has already been sent for the quick removal of debris. No supplemental plantings are required.
 - **8 Indian Point Lane** – A Notice of Violation was sent for cutting and placement of wood chips within the non-disturbance area and without a permit. Staff is in contact with the owner, removal of the wood chips is to start October 19. Restoration plantings to follow with the submission of a planting plan.
 - **20 Jennie Lane** – A Notice of Violation was sent for tree removal ordered by Chubb Insurance due to damage, which occurred during a wind storm. The stockpile of woodchips has been removed but was spread over the wetlands. Staff is meeting onsite on October 28, 2019 with the Arborist for instructions for removal. The Notice of Violation is still in place.
 - **34 Burr School Road** – Owner is currently obtaining soil scientist and engineer for onsite work. Owner came into the office on October 11 to obtain a permit for the rear patio and walkway, which will not start until next spring. He brought in a hard copy of his survey and completed the process for the map amendment as well including paying the fee.
 - **5 Round Pond** – Peter Greenberg and crew removed some sediment /sand from the outfall of the culvert located between the Cusa and Steffen property on Round Pond on October 11, 2019. A lot of the sediment was unable to be removed by the small bobcat due to the water level. Mark Wenitzky, homeowner of 3 Mayfair Lane where the sediment originated, said he is willing to have Mr. Greenberg and crew return possibly later this season or next dry season when the water table is lower to remove additional sediment. The Cusa's are happy with the removal work.
3. Approval of September 18, 2019 meeting minutes.
 4. Approval of September 13, 2019 field trip minutes.
 5. Approval of October 8, 2019 Show Cause minutes.
 6. Approval of October 11, 2019 field trip minutes.

The September 18, 2019 meeting minutes, the September 13, 2019 field trip minutes, the October 8, 2019 Show Cause minutes and the October 11, 2019 field trip minutes were approved with corrections.

Motion:	Carey	Second:	Davis
Ayes:	Carey, Davis, Lobdell, Perlman, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

7. **259 Saugatuck Avenue & 1 Charmers Landing:** Request for modification of Permit #WPL-10663-18 to modify the patio area around the pool, increase the size of the parking court and alter the shape of the previously approved driveway. Work is within the WPLO area of the Saugatuck River.

Ms. Mozian reviewed a modification of Permit #WPL-10663-18 to legalize the rotation of the house, to modify the patio area around the pool including adding retaining walls, increase the size of the parking court and alter the shape of the previously approved driveway. She noted the elimination of the driveway off Saugatuck Avenue. If these requests are approved, the owner will merge the lots thereby eliminating the possibility of an additional future building lot. The Flood and Erosion Control Board approved the changes at its October 15, 2019 Work Session.

Motion to amend Condition 17b of the Resolution to reflect the revised Site Plan Sheet C1 indicating the changes to the plan.

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Carey, Davis, Lobdell, Perlman		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

8. **33 Stony Brook Road:** Request for staff level permit for two additions to existing single family residence and small driveway expansion for turnaround. The total coverage expansion is 260 s.f. on

the first floor. Work is proposed partially within the upland review area of Stony Brook but outside the WPLO area.

Ms. Mozian reviewed a request for a staff level permit for a 2-car garage addition over the existing stone driveway with a second floor above, a driveway expansion for a turnaround, and a second floor addition over a portion of the rear part of the house. A new drywell is proposed. The property is in the flood zone and could be considered a substantial improvement. She indicated that if the first floor cannot support the weight of a second floor, the application would have to return to the Commission. The property is on sewer. A wetland flagging would be required prior to the issuance of a Conservation Certificate of Compliance.

The request was continued to allow for determination as to whether the project is a substantial improvement and if the house will need to be elevated.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Carey, Lobdell, Perlman		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

- 201 Main Street:** Request for modification of Permit #WPL-10398-17 to legalize: expansion of cellar for utilities and storage; extension of the lobby area under the first floor; and, modification of the a/c unit configuration.

Ms. Mozian reviewed the request to modify Permit #WPL-10398-17 to legalize the expansion of the cellar for utilities and storage, extension of the lobby area under the first floor and elevation of the a/c unit configuration. She reviewed the plan with the Commission highlighting the changes. The slab is above the BFE and only a portion of the work is within the WPLO. The Flood and Erosion Control Board and the Engineering Department have approved the work because it is within the original design footprint so it will not impact drainage.

Motion to modify Permit #WPL-10398-17.

Motion:	Perlman	Second:	Lobdell
Ayes:	Perlman, Lobdell, Carey, Davis, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

- 119 Riverside Avenue:** Request to modify Permit #WPL/E-10873-19 to replace an existing spiral staircase with a straight staircase. The proposed work is located within the WPLO area of the Saugatuck River.

Ms. Mozian presented a request to modify Permit #WPL/E-10873-19 to replace an existing spiral staircase with a straight staircase adjacent to an elevated rear deck/balcony. She noted the proposed staircase is wholly within the WPLO area. The area is now lawn with plantings adjacent to the deck. Some of the plantings will be lost.

Motion to allow for the modification of Permit #WPL/E-10873-19 to allow for the proposed straight staircase.

Motion:	Carey	Second:	Perlman
Ayes:	Carey, Perlman, Davis, Lobdell, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

- 8 Norden Place, Norwalk, CT:** Consideration of comments to Norwalk Conservation Commission for pending application for alterations to existing accessway.

Ms. Mozian reviewed a proposal to Norwalk Conservation Commission related to a pending application for alterations to the existing accessway for emergency vehicles including a fire truck to

serve a possible apartment complex on Hiawatha Lane in Westport. She relayed that the Norwalk Conservation Commission will vote to receive the application on October 23, 2019 but they may also vote that the application is not a significant impact and no public hearing is necessary unless significant public interest is demonstrated. The plan is to replace the 10 to 16 foot wide stone path with a 20-foot wide stone access drive. She drafted a letter to the Norwalk Conservation Commission on behalf of the Commission.

The Commission reviewed the letter, made edits and noted it should include a copy of its findings and resolution that approved the Hiawatha Lane development.

Ms. Rycenga noted to include the date of the plans that were received and reviewed in the letter and that Attorney Timothy Hollister and the Hiawatha owners should be cc'd on the letter.

It was the sense of the Commission to accept the draft letter.

12. Other Business

The October 16, 2019 Public Hearing of the Westport Conservation Commission adjourned at 9:53 p.m.

Motion:	Rycenga	Second:	Perlman
Ayes:	Rycenga, Perlman, Carey, Davis, Lobdell		
Nays:	None	Abstentions:	None
		Vote:	5:0:0