

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
JANUARY 18, 2012**

The January 18, 2012 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:

W. Fergus Porter, Chair
Pat Shea, Esq., Secretary
Kathy Belzer
William Blaufuss, Alternate
Lanning Bryer
Ralph Field
Arthur Hayes, Alternate
Anna Rycenga

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the January 18, 2012 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Work Session I: 7:00 p.m., Auditorium

Motion to move into work session.

Motion: Field **Second:** Hayes
Ayes: Field, Hayes, Belzer, Porter, Rycenga
Nays: None **Abstentions:** None **Vote:** 5:0:0

- 1. Receipt of Applications:** Ms. Krynicki stated there were 4 applications to be on the agenda for the February 13, 2012 meeting but there were none to be officially received. She noted the site walk for the meeting would be held on Friday, February 10, 2012.
- 2. Report by Colin Kelly, Conservation Compliance Officer on the status of existing enforcement activity.**

Ms. Mozian reported that a citation was held for an excavation and fill violation at 359 Greens Farms Road, which resulted in a \$1,000 being levied against R.B. Benson & Co.

3. Other Business

- a. 47 Woodside Avenue:** Permit #IWW, WPL-8793-11 for house reconstruction. Report on construction changes necessary to address deteriorated structural integrity.

Ms. Krynicki gave an update on the additional demolition and reframing required, which was done without a change in the footprint of the structure. She reported there would be no further action required by the Commission.

- b. 76 Bulkley Avenue North:** AA, WPL/E-8785-11, Report on issuance of agent approval for partial deck footing in 30 ft upland review area.

Ms. Krynicki gave a report to the Commission on the issuance of an Administrative Approval for a deck within the 30 foot upland review area. She indicated that only a corner of the deck intrudes 3 feet into the setback.

- c. Approval of December 14, 2011 meeting minutes.**

The December 14, 2011 meeting minutes were approved as submitted.

Motion: Field **Second:** Hayes
Ayes: Field, Hayes, Rycenga
Nays: None **Abstentions:** Belzer, Porter **Vote:** 3:0:2

- d. 5 Ambler Road West:** Request to issue an Administrative Approval for an on-grade bluestone patio within the 30' upland review area setback.

Ms. Krynicki reviewed a request by the homeowner for an Administrative Approval to install a 22-foot long by 12-foot wide bluestone patio set in a 10" to 12" base of stonedust at grade toward the end of the house. She stated that staff would require it be laid in sand instead. She added there would be no steps leading to this patio.

Mr. Field, Mr. Porter and Ms. Belzer indicated they had visited the site during the field trip.

Motion to allow staff to issue an Administrative Approval for a bluestone patio set in sand at grade.

Motion: Field **Second:** Porter
Ayes: Field, Porter, Belzer, Hayes, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

- e. **6 Marine Avenue:** Request for staff to issue a WPL/E for a dry laid stonewall on the perimeter of two sides of the property.

Ms. Krynicki reviewed a request to install a dry laid stonewall along the perimeter of two side of the property. The wall would be 3 to 4 feet high with footings. She stated she reviewed the proposal with the Town Engineer, who indicated that they would want weep holes in order to allow flood waters to pass through it.

Motion to allow staff to issue a WPL/E with the Engineering Department approving the plans prior to permit issuance.

Motion: Hayes Second: Rycenga
Ayes: Hayes, Rycenga, Belzer, Bryer, Porter
Nayes: None Abstentions: None Vote: 5:0:0

Motion to close Work Session I and move into the Public Hearing.

Motion: Field Second: Hayes
Ayes: Field, Hayes, Belzer, Porter, Rycenga
Nayes: None Abstentions: None Vote: 5:0:0

Public Hearing: Auditorium.

1. **8 Imperial Landing: APPLICATION WITHDRAWN** – Application WPL-8991-11 by Barr Associates, LLC on behalf of Suzanne Tager for a proposed boat dock with access ladder, pier, ramp, floats, and piles as approved by the CT DEEP and US Army Corps. Portions of the work are within the WPLO area and the 25-year floodplain of the Saugatuck River.

Mr. Porter noted this application had been withdrawn.

2. **10 Pond Road:** Application #IWW/M-8975-11 by Ann & Howard Lathrop to amend wetland boundary map # A15.

Ann Lathrop, property owner, presented the application. She stated she bought the property in 2003. Tom Pietras was hired by the Town to verify the wetland flagging of their soil scientist, Chris Allen.

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

Motion: Field Second: Belzer
Ayes: Field, Belzer, Hayes, Porter, Rycenga
Nayes: None Abstentions: None Vote: 5:0:0

Findings
10 Pond Road
#IWW/M 8975-11

1. **Application Request:** Applicant is requesting an amendment for wetland boundary map #A 15
2. **Soil Scientist for Applicant:** Chris Allan of Land-Tech Consultants, LLC
3. **Soil Scientist for the Town of Westport:** Thomas Pietras of Soil Science and Environmental Services
4. **Plan reviewed:** "Zoning Location Survey Prepared for Ann & Howard Lathrop, 10 Pond Road, Westport, Connecticut", Scale: 1"= 30', dated August 20, 2003 and last revised to April 9, 2011.
5. **Previous Permits # on file in the Conservation Department:**
 - AA, WPL/E 7360-04 Additions

- AA,WPL/E 7876-06 Garage, porch and interior renovations

6. **Wetlands Description**

Soil report Summary- prepared by Christopher Allan of Land-Tech Consultants, Inc. dated May 11, 2011 describes the following wetland soil occurring on the property:

Saco silt loam (108): This nearly level, very poorly drained soil is on low flood plains of major streams and their tributaries. Slopes are mostly less than 1 percent. Typically, this soil has a surface layer of black silt loam 14 inches thick. The substratum is dark gray and is 27 inches thick. The upper 20 inches is silt loam and the lower 7 inches is very fine sandy loam. The substratum is dark gray gravelly sand to a depth of 60 inches or more. This Saco soil is subject to frequent flooding. The water table is at or near the the surface most of the year. The permeability of the soil is moderate in the surface layer and subsoil and rapid or very rapid in the substratum.

Mr. Allan describes the non-wetland soils which are described by the Natural Resources Conservation service National Cooperative Soil Survey data as the following:

Agawam fine sandy loam (29B): This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite and gneiss. The slope ranges from 3 to 8 percent and the runoff class is low. The depth to a restrictive feature is greater than 60 inches. The drainage class is well drained. The minimum depth to a seasonal water table when present, is greater than 6 feet.

7. **Property Description and Facts Relative to the Map Amendment application:**

- a. The property supports a 3 bedroom home most recently remodeled in 2004.
 - b. The property is serviced by a private well and an on-site septic system.
 - c. Property is outside aquifer protection zones and not within the primary groundwater recharge areas.
 - d. This parcel lies outside the Coastal Area Management Zones.
 - e. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates, describes this wetland system as a streamside floodplain with permanent watercourse with 75% wooded swamp and 25% marsh. The dominant vegetation is tussock sedge and cattail, jewelweed in marsh, red maple, ash, yellow birch and spicebush. The perimeter of this wetland system is developed residentially.
 - f. The wetland system is hydraulically connected to the West Branch of the Saugatuck River.
 - g. The WPLO boundary is located 15' from the wetland boundary on this property.
 - h. Landscape position of this parcel is a shoulder. Land surface shape is linear/linear.
8. The Town of Westport retained the services of Tom Pietras of Soil Science and Environmental Services, LLC to review the proposed wetland boundary. In an letter dated December 30, 2011, Mr. Pietras states he agrees with the wetland boundary as delineated by Chris Allan of Land-Tech Consultants, Inc.

RESOLUTION **Application #IWW/M-8975-11** **10 Pond 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-8975-11 by Ann & Howard Lathrop to amend the wetland boundary on Map #A-15 on the property located 10 Pond Road with the following conditions:

1. Conformance to the plan entitled: "Zoning Location Survey Prepared for Ann & Howard Lathrop, 10 Pond Road, Westport, Connecticut", Scale: 1"= 30', dated August 20, 2003 and last revised to April 9, 2011.
2. An electronic file of the above referenced plan in a format acceptable to The Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.

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: Hayes **Second:** Shea
Ayes: Rycenga, Belzer, Field, Hayes, Porter
Nayes: 0 **Abstentions:** 0 **Vote:** 5:0:0

Ms. Shea arrived at 7:00 p.m.

3. **0 Darbrook Road, Assessor PID # E11004000:** Application #IWW/M-8978-11 by George A Frank of Westport Building Co, LLC to amend wetland boundary map E-11.

Ms. Belzer recused herself from hearing this application as she is a neighbor of this property.

There was no one present to represent the application, so the application was tabled to the February 13, 2012 meeting.

Motion: Rycenga **Second:** Field
Ayes: Rycenga, Field, Porter, Shea, Rycenga
Nayes: None **Abstentions:** None **Vote:** 5:0:0

4. **0 Darbrook Road, Assessor PID #E11005000:** Application #IWW/M-8979-11 by George A Frank of Westport Building Co, LLC to amend wetland boundary map E-11.

Ms. Belzer recused herself from hearing this application as she is a neighbor of this property.

There was no one present to represent the application, so the application was tabled to the February 13, 2012 meeting.

Motion: Rycenga **Second:** Field
Ayes: Rycenga, Field, Porter, Shea, Rycenga
Nayes: None **Abstentions:** None **Vote:** 5:0:0

Mr. Bryer arrived at 7:10 p.m.

5. **27 Wilton Road:** Application #WPL-8992-11 by Brian McMahon of Redniss & Mead, Inc. on behalf of NatHall 2939W LLC to construct a third level to the existing two story parking structure, increasing the parking to 130 spaces. The proposal includes constructing new stairs, a ramp to the third story, and reconfiguring the front planted area. Portions of the work are within the WPLO area, and the 25 year flood zone of the Saugatuck River.

William Fitzpatrick, Esq. of Fitzpatrick & Bologna presented the application on behalf of the property owners.

Brian McMahon, PE of Redniss & Meade discussed the details. He indicated the Stormwater Maintenance Plan as suggested by the staff is agreeable to them. He indicated there is a minimal increase in impervious coverage. The front landscape area is changing and the planting area and the sidewalk will be improved. The large trees will remain in the front but will be transplanted.

Ms. Krynicki noted that if the parking lot were flooded, the grit separator would be over run and there would be direct discharge to the river. This is required by DEEP. She noted there are trench drains existing and proposed.

Mr. McMahon clarified that even with the overflow, they can still treat 80% of the runoff with the grit separator. Now there is no treatment. He noted that staff has proposed a maintenance schedule for

the vortech units, the catchbasins and the sweeping and they are amenable to including that in the plan.

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

Motion:	Field	Second:	Hayes
Ayes:	Field, Hayes, Belzer, Bryer, Porter, Rycenga, Shea		
Nayes:	None	Abstentions:	None Vote: 7:0:0

Findings
27 Wilton Road
#WPL 8992-11

1. Receipt Date:

N/A

2. Application Classification:

N/A

3. Application Request: Applicant is proposing to construct a third level to the existing two story parking structure, increasing the parking from 97 to 130 spaces. The proposal includes constructing new stairs, a ramp to the third story and reconfiguring the front planted area. The proposed improvements entail a modest increase in impervious coverage of approximately 650 square feet. Portions of the parcel and the proposed activity are below elevation 9.0' and within the WPLO of the Saugatuck River.

4. Plans Reviewed:

- a) "Wilton Road Parking Structure, 33-35 Wilton Road, Westport, Connecticut, Drainage Plan", Sheet C1, Scale 1"=10', dated March 18, 1994, prepared by Allan Davis Associates
- b) "Property and Topographic Survey Depicting National Hall Complex, Westport, Connecticut Prepared for Coe Management", Scale: 1" = 20', dated October 26, 2011, prepared by Redniss & Mead
- c) "Zoning Location Survey Depicting Parking Garage Renovation/Proposed Construction #27 Wilton Road, National Hall Complex, Westport, Connecticut Prepared for Coe Management, LLC", Scale : 1"= 30', dated November 1, 2011, prepared by Redniss & Mead
- d) Architectural Plans entitled "Wilton Road Parking Structure, 27-39 Wilton Road, Westport, Connecticut", 12 sheets, dated September 2, 2011, prepared by Studio ABK Architects LLC

5. WPLO Waterway Protection Line is located 15 feet from the 9' contour on this property. Portions of this parcel are within the WPLO jurisdiction.

6. Facts Relative to this Application:

- Property card indicates that the original structure was built in 1999.
- Property occurs within a groundwater recharge area and is underlain by an aquifer. Said aquifer is characterized as a fine grain stratified drift. The property however, is not located within the Aquifer Protection Overlay Zone.
- FEMA Designated Floodplain-The 100 year floodplain occurs on the property as indicated by FEMA. The property occurs within an AE zone with a base flood elevation of approximately 10' NGVD.
- The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal hazard area".
- According to the DEEP CAM Manual dated 2000 these resources are described as follows:

Coastal flood hazard area is defined by the DEEP as "those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act and all erosion hazards as determined by the Commissioner [Connecticut General Statutes (CGS) section 22a-93-(7) (H)]. In general, coastal flood hazard areas include all areas designated as within A-zone and V-zones by the Federal Emergency Management Agency (FEMA). A- zones are subject to still-water flooding during so called "100 year" flood events. During 100 year flood events, V zones are subject to direct action by waves three feet or more in height. **Coastal flood hazard areas encompass most other important coastal resources, can serve as flood storage areas,** and provide

numerous open space and recreational opportunities. **They are, by their nature, hazardous areas for structural development, especially residential-type uses”.**

7. Waterway Protection Line Ordinance

Section 148-9 of the Waterway Protection Line Ordinance states that the 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 ecosystem 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 Flood & Erosion Control Board (F&ECB) reviewed and approved this application on January 4, 2012 with conditions.

The site is currently developed with a two story parking structure with no water quality measures. To address future water quality, the Commission finds the applicant will install a Contech Model #CDS2015-4 hydrodynamic separator to treat runoff from the site prior to discharging into the river. The unit is sized to capture 80% of the total suspended solids for the first inch of rainfall, which accounts for 90% of the storm events. The proposed system will be installed off-line in accordance with DEP guidelines so any additional flow greater than the water quality will bypass the system. The Commission finds it has been documented that these units remove phosphorus siting nutrients will attach to storm water's sediment load. The Commission finds that mechanical pollutant removal is the optimal method of addressing storm water quality. Biofiltration is not feasible due to the lack of necessary storage volume and pervious surfaces on site.

The existing trees along Wilton Road are to be transplanted following redesign of the planting bed. The Commission finds the trees are important for water quality improvement as tree roots have the ability for nutrient removal. Use of the planter bed located in the front of the garage adjacent to Wilton Road was abandoned due to the volume of water discharged would cause erosion and could potentially harm the longevity and viability of the plantings.

The Commission finds the restrictions imposed by the property size, topography and presence of ledge along the western property line and support the applicants' installation of the hydrodynamic separator as the method proposed to remove sediment and a level of nutrients prior to discharge to the Saugatuck River. The Commission finds that hooded traps and sumps installed within the catch basins will aid in water quality treatment. A permanent maintenance schedule for all structures is required. Due to the location of the parking garage as westerly of Route 33 (Wilton Road), the Commission finds that the improvements to the parking garage with requirements incorporated to the proposed renovations to the parking garage will not adversely impact the Saugatuck River as it is protected under the Waterway Protection line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 8992-11
Street Address: 27 Wilton Road
Assessor's: Map C09 Lot 111
Date of Resolution: January 18, 2012

Project Description: The construction of a third level to an existing two story parking structure increasing the parking to 130 spaces and including construction of new stairs, a ramp to the third story and reconfiguring the front planted area. The work is within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: NatHall2939W LLC

Applicant: Redniss & Mead, Inc.

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 8992-11** 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 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.
5. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
6. All plants proposed in regulated areas must be non-invasive and native to North America.
7. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
8. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts which develop.
9. Conformance to the conditions of the Flood and Erosion Control Board of January 4, 2012.

SPECIAL CONDITIONS OF APPROVAL

10. Conformance to the following plans:
 - a. "Wilton Road Parking Structure, 33-35 Wilton Road, Westport, Connecticut, Drainage Plan", Sheet C1, Scale 1"=10', dated March 18, 1994, prepared by Allan Davis Associates
 - b. "Property and Topographic Survey Depicting National Hall Complex, Westport, Connecticut Prepared for Coe Management", Scale: 1" = 20', dated October 26, 2011, prepared by Redniss & Mead
 - c. "Zoning Location Survey Depicting Parking Garage Renovation/Proposed Construction #27 Wilton Road, National Hall Complex, Westport, Connecticut Prepared for Coe Management, LLC", Scale : 1"= 30', dated November 1, 2011, prepared by Redniss & Mead
 - d. Architectural Plans entitled "Wilton Road Parking Structure, 27-39 Wilton Road, Westport, Connecticut", 12 sheets, dated September 2, 2011, prepared by Studio ABK Architects LLC
11. A permanent maintenance schedule for all drainage structures and the parking garage shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
12. All plants proposed for the new planting bed shall be native to North America.
13. Any transplanted tree not surviving after one full growing season shall be replaced with a tree with a minimum of a 4" caliper dbh. Submission of a performance bond estimate in the amount of the cost of the replacement trees to be submitted to the Conservation Department prior to the issuance of a zoning permit.
14. Bond to be held for one full growing season following planting of the trees if required.

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: Bryer

Second: Shea

Ayes: Rycenga, Belzer, Field, Bryer, Shea, Porter, Hayes
Nays: 0 **Abstentions:** 0 **Vote:** 7:0:0

6. **40 Harbor Rd:** Application #WPL-8976-11 by Mattera Construction Co., LLC for the demolition of an existing and construction of a new single family residence and associated site improvements. Work is with the 25 yr and 100 yr floodplain and WPLO area of the Saugatuck River.

Dean Martin, PE of Grumman Engineering presented the application for a teardown and rebuilt of a single family residence. He noted there are three raingardens proposed. He stated that the existing trees along the north, south and west will be saved and protected by construction fencing. He noted the sediment and erosion control plan. He stated that there is some minor regrading proposed. The northern property line will have a small retaining wall and along the rear of the house, a gravel driveway is proposed.

Ms. Krynicki asked what the large green cover in the yard is.

Mr. Martin stated it is the sewer pump.

Ms. Krynicki presented the staff comments. The existing house coverage is 12.4%. The proposed house coverage would be 14.9%. The existing lot coverage is 25.2% and the proposed lot coverage is 22%. She stated there is a definite grade change on the lot toward the rear and therefore the raingardens are sited accordingly. There is a 2-foot grade change to meet the FEMA grade of 11' msl. She added she thought the applicant had done an excellent job incorporating water quality measures into the project. .

Mr. Porter, Mr. Field, and Ms. Belzer were at the site during the site walk.

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

Motion: **Shea** **Second:** **Field**
Ayes: **Shea, Field, Belzer, Bryer, Hayes, Porter, Rycenga**
Nays: **None** **Abstentions:** **None** **Vote:** **5:0:0**

Findings
Application #WPL 8976-11
40 Harbor Road

1. **Application Request:** Applicant is proposing to remove the existing house and patio and to construct a new 2 story residence, driveway and associated site improvements.

The property lies wholly within the boundaries of the Waterway Protection Line Ordinance.

2. **Plans reviewed:**

- a. "Map of Property Prepared for Mattera Construction Co. Inc., 40 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated October 25, 2011, prepared by Dennis A. Deilus- Land Surveyors
- b. "Site Improvement Plan, Mattera Construction Co., Inc, 40 Harbor Road, Westport, Connecticut", Scale 1" = 10', dated November 10, 2011 and last revised to November 28, 2011, prepared by Grumman Engineering LLC
- c. Architectural Plans "New Residence for Spec. Mattera Construction Co. LLC, 40 Harbor Road, Westport, CT", Eight sheets, dated October 31, 2011 and last revised to November 18, 2011, prepared by Anthony J. Tartaglia Associates, LLC

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

- **Location of 25 year flood boundary:** 9 ft. contour interval. Currently, property is located entirely within the WPLO boundary.
- **100 year flood boundary** is elevation 11 ft.

- **Proposed First Floor Elevation:** 12.50 ft.
- **Proposed garage floor elevation:** 7.5 ft.
- **Existing Site Coverage: 25.2%**
- **Proposed Site Coverage: 22.04%**
- **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within either of the Town's wellfield protection zones.
- **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.
- **Existing Vegetation:** Due to the size constraints of the property, landscaping consists of ornamental foundation plantings with numerous mature perimeter trees .
- **Proposed Storm water Treatment:** Three biofiltration areas are proposed for surface infiltration of roof leader drains and driveway surface runoff.
- **Previous Permits issued:** There are no previous permits on file.
- The Flood and Erosion Control Board approved the application with conditions on January 4, 2012.

4. 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 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 storm water quality impacts and nutrient loading in close proximity to a salt water environment. This site is generally level with little to no topographical change. The proposal for this small parcel is to employ the LID surface bioretention and infiltration for optimum nutrient removal during the smaller storm events.

Brian L. Howes, manager of the Coastal Systems Program, School of Marine Science and Technology at U Mass, Dartmouth (January 2006) states that increased levels of nitrogen in estuaries is resulting in the loss of fisheries habitat, submerged aquatic vegetation and a general disruption of benthic communities and the food chain all along the Eastern Seaboard. At high levels, nitrogen causes aesthetic degradation and even inhibits recreational uses of coastal waters. Staff supports the rain garden concept as a means to minimize nutrient introduction to the Saugatuck River.

The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck Shores is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. To compensate or mitigate for the impervious coverage, biofiltration is recommended. Organic matter, plant roots and biologically active soil help remove nutrients and pollutants at the surface or in the upper biologically active soil horizons prior to discharge to the inert parent material and eventually ground and surface waters.

The application proposes to remove the existing structure and to reconstruct a new residence that will be FEMA compliant. The driveway is to be permeable stone. Proposed site coverage is to be 22.04% which is a decrease of 3.16% from existing coverage.

The roof leaders on this residential dwelling are proposed to be discharged at the surface on the north and south property lines and are directed through a biofiltration swale to raingardens at the westerly end of the parcel. The Commission finds that these measures are the **best management practices** for storm water treatment on this property.

The Commission finds the applicant will install a permeable stone driveway. Although this would be considered coverage by zoning regulation, the Commission finds storm water infiltration will occur with this driveway surface. The detail shows a 6" aggregate stone base.

The property will be connected to the municipal sewer service.

The Commission finds the permeability of the driveway and permeable paver terrace surface on this intensely developed site is important as porous surfaces detain stormwater and allows it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. The designs will incorporate a sufficient base and storage capacity for the required rainfall capacity. Water that is slowly recharging groundwater sustains base flow for streams, wetlands and rivers. The constant flow of water they receive sustains water levels and contributes to the health of the aqua

The entire property lies within the WPLO boundary. The house will be rebuilt to conform to FEMA standards with the first habitable floor constructed at the 100 year abase flood elevation. Flood openings are proposed for the foundation walls and the architectural plans show an open carport. Test hole data has not been submitted with this application, however, due to the fact that all drainage structures proposed are surface structures, the Commission finds subsurface exploration is not essential. The Commission finds that the installation of the permeable driveway and terrace as well as the rain gardens will be supervised by the design engineer and the reports of satisfaction be submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The Commission finds the sediment and erosion controls are proposed around the perimeter of the parcel and will provide adequate protection as this parcel is very level. An anti-tracking bed is shown in the location of the existing drive. Construction access appears limited.

The Commission finds any above-ground propane tanks will need to be anchored to the ground and conform with state building code regulations.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 8976-11
Street Address: 40 Harbor Road
Assessor's: Map B 02 Lot 119
Date of Resolution: January 18, 2012

Project Description: The demolition of an existing residence and the construction of a new single family residence with associated site improvements. The work is within the Waterway Protection Line Ordinance boundary and the 25 year floodplain of the Saugatuck River.

Owner of Record: Mattera Construction Company, LLC

Applicant: Mattera Construction Company, 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 8976-11** 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 January 4, 2012.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Map of Property Prepared for Mattera Construction Co. Inc., 40 Harbor Road, Westport, Connecticut", Scale: 1"=10', dated October 25, 2011, prepared by Dennis A. Deilus- Land Surveyors
 - b. "Site Improvement Plan, Mattera Construction Co., Inc, 40 Harbor Road, Westport, Connecticut", Scale 1" = 10', dated November 10, 2011 and last revised to November 28, 2011, prepared by Grumman Engineering LLC
 - c. Architectural Plans "New Residence for Spec. Mattera Construction Co. LLC, 40 Harbor Road, Westport, CT", Eight sheets, dated October 31, 2011 and last revised to November 18, 2011, prepared by Anthony J. Tartaglia Associates, LLC
16. Driveway and terraces shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
17. A detailed landscape plan for the rain gardens and the perimeter plantings shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
18. A bond to cover the cost of erosion and sediment controls and the rain garden plantings shall be submitted to the Conservation Department prior to issuance of a zoning permit. The bond monies shall be held for one full growing season following the completion of the planting.
19. The project engineer shall provide a statement following installation of the rain garden to the Conservation Department confirming that it has been installed in conformance to the U Conn

Cooperative Extension Service Guide to Rain Garden Construction. Said statement shall be required prior to the issuance of a Conservation Certificate of Compliance.

20. The proposed propane tank 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: Shea **Second:** Rycenga
Ayes: Shea, Rycenga, Field, Porter, Hayes, Bryer, Belzer
Nays: 0 **Abstentions:** 0 **Vote:** 7:0:0

7. **5 Hedley Farms Road: CONTINUED APPLICATION** - Application # AA,WPL-8949-11 by Michael Horvath on behalf of Robert Zapfel to demolish an existing and construct a new single family residence with attached garage, pool with pool house, driveway, septic system and drainage system. Portions of the work are within the WPLO area and the 25-year and 100-year floodplain of Sasco Brook

Ms. Belzer and Mr. Porter indicated they visited the site and reviewed the hearing tape from the previous meeting in order to participate in this hearing.

Ms. Rycenga was present in the audience at the last meeting and is able to participate in the hearing.

Ms. Mozian gave an update as to why the hearing was continued.

Ms. Krynicky read a letter dated December 16, 2011 from Ms. Mozian to the applicant, Mike Horvath listing all the additional information that was required.

Richard Bennett, PE, presented the application. The site plan was revised to January 6, 2012 to redesign and relocate the raingarden outside the phragmites area. He stated this was staked in the field. Also, filter fabric fencing was added to the backside of the slope at the waterside of the pool. He noted the existing septic system was located. It is located on the northeast corner of the site. Also, the trenches were located near the existing garage. There is now 326 feet of leaching area compared to the 660 feet that is now require. They are proposing 1,080 s.f. of effective leaching area. He noted the existing system is undersized and the proposed system is a substantial improvement. Mr. Bennett submitted a drainage analysis of the existing and proposed drainage patterns and volume.

Matt Popp, LA, of Environmental Land Solutions reviewed his revised landscape plan that moves the raingarden and elongates it. He described the methodology and sequencing for wetland restoration and invasive plant removal. He stated that the lot cannot be filled before March 15th limiting the time it will be exposed and that within two weeks soil will be hydroseeded to keep the soil in place, then silt fence will be added. He submitted a "Landscape Practices and Restrictions" document for filing on the land records that limits the amount of pesticides and fertilizers to be used on the property. .

Ms. Mozian presented a map showing a revocable license agreement area on the O'Connell property at 11 Hedley Farms Road that was granted by the former owner of 5 Hedley Farms Road and read the detail of agreement. She said this was why it was important as the agreement allowed the owners of #11 Hedley Farms Road to maintain a lawn area in the same vicinity where the mitigation area is proposed. . The town attorneys have determined the Commission may move forward with reviewing the application as long as a condition of the approval is that the agreement be revoked. .

Bob Zapfel, property owner, explained he has spoken with the neighbors and has delivered papers to the neighbors to revoke the agreement.

Mr. Popp showed the proposed activity within the licensed area.

Ms. Shea asked if separating the large raingarden into smaller raingardens was considered.

Mr. Popp stated that it was, but indicated that he thinks it is easier for the owner to maintain if there were only one.

Ms. Krynicky stated the staff was pleased with stormwater management improvements but reported the neighbors came in and were concerned with flooding from the raingarden. This concern was reviewed with the Engineering Department and Mr. Bennett. He said that a berm could be added.

Ms. Mozian reported the importance of executing the management plan for invasive removal, which could take up to 3 years.

A discussion ensued about to ensure that this is carried out beyond when the Certificate of Compliance is issued. .

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

Motion:	Shea	Second:	Bryer	
Ayes:	Shea, Bryer, Belzer, Field, Hayes, Porter, Rycenga			
Nays:	None	Abstentions:	None	Vote: 5:0:0

Findings
5 Hedley Farms Road
#AA, WPL 8949-11

1. Application Request:

Applicant is requesting to demolish the existing and construct a new single family residence with attached garage, pool with pool house, driveway, septic system and drainage system. This application proposes to fill in over 1 acre of land within a floodplain for the purpose of raising the basement floor elevation above elevation 10.0' and the other site associated improvements. The average depth of fill ranges from about 2' to 4'. The Connecticut Department of Environmental Protection issued a General Permit effective April 8, 2004 that requires all construction disturbances greater than 1 acre to file a sediment and erosion control/storm water management plan with the Town prior to disturbing the site. This requirement applies equally to commercial and residential development, subdivisions and individual lots.

The application is outside the IWW upland review area setbacks as currently specified by the Conservation Commission. However, Section 5.1(f) of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport allow the Commission to consider impacts of the proposed regulated activity on wetlands and watercourses outside the area for which the activity is proposed which may have an impact on the wetlands and watercourses. Portions of the work are within the WPLO area and the 25-year and 100-year floodplain of Sasco Brook.

2. Plans reviewed for this application:

- a. "Site Preparation Plans for a Proposed 8-Bedroom Residence, Robert Zapfel, 5 Hedley Farms Road, Westport, CT", Sheet 1 of 2, Scale: 1"= 40', dated October 18, 2011 and last revised to December 5, 2011, prepared by Richard Bennett & Associates, LLC
- b. "Site Preparation Plans for a Proposed 8-Bedroom Residence, Robert Zapfel, 5 Hedley Farms Road, Westport, CT", Sheet 2 of 2, Scale: 1"= 40', dated October 18, 2011 and last revised to December 5, 2011, prepared by Richard Bennett & Associates, LLC

- c. "Map of Property Located at 5 Hedley Farms Road Prepared for Robert Zapfel, Westport, Conn., Scale: 1"=40', dated July 21, 2011 and last revised to September 16, 2011, prepared by B.G. Root, Surveyor, LLC
- d. Architectural Plans, "The Zapfel Residence, 5 Hedley Farms Road", (7 sheets), prepared by Franzen Associates

3. Previous Permits # on file in the Conservation Department:

CAM/E 4848-93 - activity not specified

AA 4847-93- activity not specified

IWW/M 8892-11 – wetland boundary map amendment

4. Wetlands Description

Soil report Summary- prepared by Otto Theall dated August 4, 2011 describes the following wetland soil occurring on the property:

Westbrook mucky peat, low salt (99): This component is on salt and tidal marshes on coastal plains and/or marine deposits. The natural drainage class is very poorly drained. This soil is very frequently flooded and frequently ponded. A seasonal zone of water saturation is at 6 inches for most of the year. This soil has a moderate saline horizon within 30 inches of the soil surface.

Mr. Theall describes the non-wetland soils which are described by the Fairfield County Survey by the following:

Udorthents, smoothed (308): 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.

Agawam fine sandy loam (29B): This component is on outwash plains on valleys and terraces. The parent material consists of coarse-loamy eolian deposits over sandy, gravelly glaciofluvial deposits derived from granite or schist or gneiss. There is no zone of water saturation at a depth of 72 inches. This soil is not flooded nor ponded. Water movement in the most restrictive layer is high. This soil does not contain hydric criteria.

5. Property Description and Relative Facts:

- i. The property is serviced by public water and on-site septic system.
- j. Property is outside aquifer protection zones and not within the primary groundwater recharge areas.
- k. A portion of this parcel lies within the Coastal Area Management zones identified as a Coastal Flood Hazard Area and Open Water.
- l. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates, describes this wetland system as a streamside floodplain with permanent watercourse with 50% open water and 50% marsh. The dominant vegetation at the center is Phragmites surrounded by Red Maple, Spicebush, Moss and Royal Fern. The perimeter of this wetland system is developed residentially. The wetland is a valuable resource with a high niche diversity.
- m. The wetland system is hydraulically connected to Sasco Creek. This section of Sasco Creek is tidally influenced.
- n. The WPLO boundary is located 15' from elevation 9.0' as this will be the more restrictive boundary on this property.
- o. Landscape position of this parcel is a footslope. Land surface shape is linear/linear.

6. Consistency with Regulations:

Water Quality

Pursuant to Section 6.2 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

Typical development near wetlands and watercourses can lead to degraded water quality in wetlands and watercourses from point and non-point sources. Roads and driveways can be point sources and runoff from lawn and roof areas can be non-point sources. This is based on knowledge of typical uses for roof, driveway or road, and lawn and landscape runoff containing typical fertilizers, and pesticides, as well as sediments, hydrocarbons, and heavy metals.

Land use changes associated with urban and suburban development often increase the amount of impervious or compacted areas. Rain water cannot infiltrate the ground through these impervious surfaces and becomes runoff; consequently, more water reaches surface water resources faster than as infiltration would occur under natural conditions.

Vegetative buffers are one of the best BMPs to treat runoff before it enters a wetland system. (Little Androscoggin Watershed Website, 2003). Vegetated buffer strips have traditionally been used to separate human activity within an upland from a wetland or water resource or any other valuable and/or sensitive environment. The applicant currently proposes the use of a wetland seed mix. Staff is concerned that this planting cannot be successful until the removal of phragmites is completed and secondly, the addition of multiple appropriate shrubs species added to the proposal of herbaceous species will provide increased root structure which will lead to the increased stabilization for the pond edge and increase the habitat potential.

As a result of the increase in impervious surfaces proposed with this development, the applicant is proposing a storm water retention system utilizing a grassed swale leading to a surface rain garden. The Commission finds the location of the rain garden is outside a stand of existing phragmites and will not be encumbered by the vigorous rhizomes that form a dense root map of up to six feet deep. The Commission finds a tidal wetland biologist or landscape architect familiar with coastal environment has submitted testimony into the record to assure proper restoration efforts and all proposed vegetation efforts will be successful.

The Commission finds the proposed new septic system for a 9 bedroom residence approved by the Health Department will provide superior treatment of the effluent as compared to the existing septic systems. The proposed system is located upgradient from the existing systems and is located in the northeasterly corner of the parcel adjacent to Hedley Farms Road.

Erosion and Sediment

Pursuant to Section 6.3 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut*

The site development proposal indicates approximately 1 acre of fill at approximately 2-4' in depth to raise the grade of the parcel above the 100 year flood elevation in order to have lower level living space.

The Commission finds it has received an adequate Erosion and Sediment Control plan which is an essential component to the review of this submission due to the amount of disturbance proposed. The Commission finds a Construction Sequencing Plan and/or a Phasing Plan has been included on the Erosion and Sediment Control Plan which was warranted due to the amount of fill and loose soils being placed within a flood plain area. The Commission finds the concerns of how this fill will be placed, the extent of the fill and management of the disturbed soils left open during the construction phase and how this fill will be temporarily and finally stabilized has been adequately addressed. The Commission finds additional sediment controls have been identified at the limit of disturbance and will be adequate defense against erosion and sediment of such an expansive area with the assistance of a site monitor.

Natural Habitats

Pursuant to Section 6.4 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the existing conditions on the parcel limit habitat potential because manicured lawn exists adjacent to a large and dense stand of phragmites next to a tidal pond. The phragmites degrade wetlands habitat by competing with native vegetation for space and resources creating a monoculture. Removal of the invasive plant colonies and replanting with native species will assist and offer an opportunity to increase its potential biodiversity and improve water quality. The Commission finds the applicant will enter into a phragmites removal program for the area along the northerly perimeter of the tidal pond on the parcel. The length of removal appears to be approximately 600 lineal feet.

The Commission finds the additional plantings and removal of manicured lawn in an effort to supplement the vegetation in the 20' non-disturbance buffer will help support water quality through filtering and removal of large particulate matter and absorption of nutrients. Native plant installation will also improve natural habitat in this area by providing more plant diversity, insect and bird diversity, and native habitat within wetland limits and the area adjacent to the tidally influenced pond.

The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes the wetland as a valuable resource with a high niche diversity.

Discharge and Runoff

Pursuant to Section 6.5 *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the proposed activities will not increase discharge and runoff from the site development proposal. The size of the storm water retention area as proposed with the rain garden has been reviewed and approved by the Engineering Department. Rain gardens address nonpoint source pollution of fertilizers, pesticides, pet wastes, grass clippings and yard debris. They are designed to be a Best Management Practice to minimize the impacts of development and storm water runoff.

In addition, plantings adjacent to the wetlands will increase the potential for biofiltration and storm water filtration. Roots of shrubs provide pores in the soil which allow greater infiltration of flood waters.

The Commission finds the driveway, walkway and patio surfaces shall be permeable with the exception of an area of the driveway to be paved adjacent to the garage. This will help prevent additional runoff in close proximity to the wetlands and pond, and aid in additional nutrient and pollution removal.

Recreational and Public Uses:

Pursuant to Section 6.6, *Regulations for the Protection and Preservation of Wetlands and Watercourses of the Town of Westport, Connecticut* the Commission finds the proposed activities will not significantly impact recreational and public uses.

7. Waterway Protection Line Ordinance

Section 148-9 of the Waterway Protection Line Ordinance states that the 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 ecosystem 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 Conservation Commission continued the application in order to allow additional time for staff review of the Erosion and Sediment Control Plan submitted at the public hearing and to allow for additional conversation with the applicants' professionals to discuss concerns of the staff regarding the site development plan.

The Commission finds these include but are not limited to:

- a. Review and comment by staff of erosion and sediment control plan dated 12/14/11 by Environmental Land Solutions (ELS) as the area of disturbance is greater than one acre;
- b. Review and comment by staff of the construction sequencing narrative and construction phasing plan specifically dealing with the placement of the fill as shown on the 12/14/11 ELS plan;
- c. A report by ELS with an explanation of how the proposed fill and grading will impact current drainage patterns and drainage flow paths to adjacent properties, the pond and associated wetlands;
- d. A plan prepared by ELS for wetland restoration to include the invasive plant population removal and the long term maintenance schedule for those plants (a/k/a Phragmites, (*Phragmites australis*.) and Porcelain Berry, (*Ampelopsis brevipedunculata*);
- e. Consideration of a revision to the plan to relocate and redesign the currently proposed rain garden and for consideration of additional bioretention areas for water quality including a professional planting list for those areas;
- f. A revision to the site plan so that the number of bedrooms is consistent with the number shown on the architectural plans;
- g. A comparison of the existing septic system to the newly proposed system as to the type, location and capacity.
- h. Submission of a written confirmation of the owner's willingness to use organic lawn care practices in the maintenance of the property;
- i. Confirmation that the WPLO boundary is shown correctly on the site plan. (Conservation Department staff will do this and if a change is required will notify the project engineer.)

The Commission finds **Line items 1 and 2** have been addressed adequately on the ELS Environmental Landscape Plan dated 12/14/11.

The Commission finds **Line item 3** requested clarification on the impact the filling may have on the natural drainage patterns of the site. Staff, the applicants' engineer and the landscape designer addressed this issue sufficiently at the public hearing.

The Commission finds **Line item 4** has been detailed on the ELS Environmental Landscape Plan.

The Commission finds **Line item 5** shows a slightly different rain garden shape, however the rain garden remains in the same general area and is still confined to one area on the parcel. The Commission finds this area to be acceptable with construction supervision by the designer and long term maintenance as outlined in the Conditions of Approval.

The Commission finds **Line item 6** has been corrected.

The Commission finds **Line item 7** shows the existing septic system locations, sizes and types. Adequate information was given by the design engineer at the public hearing to assure the proposed system exceeds the treatment ability of the existing systems.

The Commission finds **Line item 8** will be essential for the assurance of long term water quality to the adjacent tidal pond.

The Commission finds **Line item 9** has been evaluated by Peter Ratkiewich, town engineer, and he has found the WPLO to be correctly identified on the engineered site plan.

The Flood and Erosion Control Board approved the site development proposal on December 7, 2011.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # AA, WPL 8949-11
Street Address: 5 Hedley Farms Road
Assessor's: Map I 6 Lot 009
Date of Resolution: January 18, 2012

Project Description: Demolition of an existing single family residence and construction of a new residence with attached garage, pool, pool house, driveway, septic system and drainage system. The

work is outside the IWW upland review areas. Portions of the work are within the WPLO area of Sasco Creek.

Owner of Record: Robert Zapfel

Applicant: Michael Horvath

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 #**AA**, **WPL 8949-11** 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. Conformance to the Flood and Erosion Control Board Conditions of Approval of December 7, 2011.
7. 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.
8. 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.
9. 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.
10. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
11. All plants proposed in regulated areas must be non-invasive and native to North America.
12. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
13. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
14. 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.
15. 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.
16. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a. "Site Preparation Plans for a Proposed 8- Bedroom Residence, Site Plan Details & Notes, Robert Zapfel, 5 Hedley Farms Road, Westport, CT ", dated October 18, 2011 and last revised to January 6, 2012, Sheets 1of 2 and 2 of 2, Scale: as noted, prepared by Richard Bennett & Associates, LLC

- b. "Environmental Landscape Plan, 5 Hedley Farms Road, Westport, Connecticut", dated December 14, 2011 and last revised to January 6, 2012, Scale: 1"= 30', prepared by Environmental Land Solutions, LLC
 - c. "Map of Property Located at 5 Hedley Farms Road Prepared for Robert Zapfel, Westport, Conn., Scale: 1"=40', dated July 21, 2011 and last revised to September 16, 2011, prepared by B.G. Root, Surveyor, LLC
 - d. Architectural Plans, "The Zapfel Residence, 5 Hedley Farms Road", (7 sheets), prepared by Franzen Associates
18. A site monitor is to be retained by the applicant with contact information submitted to the Conservation Department prior to the issuance of a zoning permit. Weekly reports shall be submitted to the Conservation Department during the initial clearing, excavation, foundation construction, installation of sedimentation controls and at the time of final site stabilization. Reports shall be submitted immediately following rain events of 1" or greater. Monthly reports shall be submitted during the site construction.
 19. A bond to cover the sediment and erosion controls, the plantings for the rain garden and pond edge buffer shall be submitted to the Conservation Department. The bond for the plantings shall be held for one full growing season following completion of the planting plan.
 20. A second bond shall be posted to cover the cost of the invasive plant and phragmites removal. The bond shall not be released any sooner than three (3) years following the initiation of the removal process.
 21. The name and phone number of a qualified professional to be retained by the owner to monitor the removal of invasive plants must be submitted to the Conservation Department for approval prior to commencement of work.
 22. An annual site visit shall be conducted by staff in early fall to determine compliance with the plan as referenced as 17.b above.
 23. Submission of written confirmation by the property owner of willingness to use organic lawn care practices shall be submitted to the Conservation Department and recorded on the land records prior to the issuance of a zoning permit as more particularly specified in the document entitled "Landscape Practices and Restrictions" and dated 1/18/12 prepared by Environmental Land Solutions, LLC.
 24. The project engineer shall provide a statement following installation of the rain garden to the Conservation Department confirming that it has been installed in conformance to the U Conn Cooperative Extension Service Guide to Rain Garden Construction. Said statement shall be required prior to the issuance of a Conservation Certificate of Compliance.
 25. Submission of confirmation that the License agreement recorded in Volume 2816/Page 160 has been revoked.
 26. Environmental Land Solutions shall oversee the execution of the plan as referenced above in Condition 17.b and certify its successful completion prior to a bond release.

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: Belzer **Second:** Bryer
Ayes: Belzer, Field, Rycenga, Porter, Shea, Hayes, Bryer
Nays: 0 **Abstentions:** 0 **Votes:** 7:0:0

Work Session II:

1. **Report and review of draft policy by Wetland Boundary Map Verification Sub-Committee on proposed changes to wetland boundary verifications required for the permitting process.**

Mr. Blaufuss joined the Commission to participate in this discussion.

Ms. Krynicki explained that the idea is to change the policy that now allows for optional delineation of wetland boundaries and instead make it a requirement of the application process. However, an applicant could be granted a waiver under certain conditions. She indicated this will mean more field work for the office but we will get more accurate wetland delineations. She added that a second soil scientist could be called in at the staff's discretion, to be paid for by the applicant, pursuant to Section 9.1.6. She noted that when a second soil scientist does comment and disagree with the applicant's, it is usually over a filled wetland and is usually minimal. There would still be a public hearing for a map amendment as they are officially amending the map, but this would be done by staff. Map amendments would not have to be scheduled monthly on a Commission agenda but could be scheduled on a quarterly or semi-annual basis.

The Commission noted that permit fees will need to be increased to cover the staff's added time; however, applicants would mostly experience a reduction of what they currently pay. Even if a second soil scientist is required, the fee would likely be revenue neutral.

The January 18, 2012 meeting of the Westport Conservation Commission adjourned at 9:20 p.m.

Motion:	Rycenga	Second:	Bryer
Ayes:	Rycenga, Bryer, Belzer, Field, Hayes, Porter, Shea		
Nays:	None	Abstentions:	None
		Vote:	7:0:0