

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 20, 2020**

The Date Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

ATTENDANCE

Commission Members:

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

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst
Susan Voris, Admin. Asst. II

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the DATE 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. – **There were no changes to the agenda.**

Public Hearing:

1. **8 Lone Pine Lane:** Application #IWW/M-10961-20 by Yehuda E Elias to amend wetland boundary map # D11.

Eddie Elias, property owner, presented the application to amend the wetland boundary map while Mr. Kelly shared the screen of the survey showing the new wetland mapping.

Mr. Kelly stated the applicant hired Dr. Steve Danzer to flag the wetland. The wetland map amendment was done in response to a clearing violation and Cease and Correct Order. Mary Jaehnig, soil scientist for the Town, verified Dr. Danzer's line. Also the survey reflects Dr. Danzer's flagging. The change is 6,608 s.f. less wetlands area mapped.

Ms. Rycenga asked about a conduit on top of the retaining wall.

Mr. Elias stated it belongs to his neighbor and is their electric fence for their dock. It is inactive.

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

Motion:	Carey	Second:	Perlman
Ayes:	Carey, Perlman, Bancroft, Corroon, Cowherd, Davis, Rycenga		
Nayes:	None	Abstentions:	None
		Vote:	7:0:0

Findings

**Application #IWW/M 10961-20
8 Lone Pine Lane
Public Hearing: May 20, 2020**

1. **Application Request:** The applicant is requesting to amend wetland map # D11. The Current Town GIS map shows the wetland boundary to include portions of the yard associated with Deadman's Brook and the associated floodplain.
2. **Soil Scientist for Applicant:** Steven Danzer, PhD & Associates LLC
3. **Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils, LLC
4. **Plan reviewed:** "Zoning Location Survey Prepared for Yehuda Elias 8 Lone Pine Lane, Westport, Connecticut", Scale: 1" =20', dated October 6, 2019, prepared by Advanced Surveying Land Surveyors, LLC
5. **Wetlands Description:**
Soil Report - prepared by Steven Danzer PhD, dated September 16, 2019, identified the following **wetland** soil occurring on the property;

Raypol silt loam (12): This soil type is consists of very deep, poorly drained soils formed in loamy over sandy and gravelly outwash. They are nearly level to gently sloping soils in shallow drainage ways and low lying positions on plains and terraces. Most areas of this soil type are wooded. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Excavations in the soil area commonly filled with water, and many areas do not have drainage outlets. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction.

Non-wetland soils were identified as:

Agawam fine sandy loam (29B) – This soil type consists of very deep, well drained soils formed in sandy, water deposited materials. They are level to steep soils on outwash plains and high stream terraces. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. Most areas of this soil are used for community and industrial

development. Some areas are used for corn, vegetable, and nursery crops, and a few are wooded. Quickly establishing plant cover, mulching, and using siltation basins help to reduce erosion and sedimentation during construction.

Udorthents, smoothed (308) - This component occurs on leveled land and fill landforms.

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

- The property is 25,983.5 sq. ft. or 0.59 acres in size.
- It is located within the Dead Man's Brook watershed. Dead Man's Brook crosses the property as well as the associated the FEMA Flood Zone between 33' and 35' from west to east. This flood zone includes a floodway, which is ~30' in width near the onsite bridge.
- The northern portion of the property exists within the Aquifer Protection Overlay Zone, but the residence lies outside of the designated area.
- Property does not exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is 15' from the 25-year flood line as shown on the survey.
- Net loss of wetland area is **6,608 sq. ft.** as determined by reviewing a 1999 survey versus the October 6, 2019 survey.

7. Background: The Conservation Department issued a Citation on January 17, 2020, as well as a Cease and Correct Order to the owner January 21, 2020. These enforcement actions were issued for the cutting and clearing of approximately nineteen (19) trees along Deadman's Brook in which adversely affects the watercourse and wetlands on the property.

A payment of \$1,000.00 was received on February 3, 2020, to satisfy the assessment by the Citation Hearing Officer. The Conservation Commission held a Show Cause Hearing on January 31, 2020 to address the violation. The Commission resolved to revise the order to require: a wetland map amendment, the hiring of a certified arborist to report on the condition of the vegetation removed from the wetlands, and submittal of a remediation plan to restore the impacted area. As of this writing, the arborist report and remediation plan have not been received by the Conservation Department. The Cease and Correct Order shall remain on the land records until all conditions have been satisfied.

8. Discussion:

The applicant submitted a soils report by Steven Danzer Ph.D. that has investigated the soils on site. This report identifies the soils listed above. Additionally, a letter from Steven Danzer, Ph.D., dated February 25, 2020, notes the Zoning Location Survey submitted with the application conforms to his flagging of wetlands onsite.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, LLC to review the proposed wetland boundary. Ms. Jaehnig conducted an on-site investigation on March 16, 2020. Her letter/report, dated April 2, 2020, supports the findings of Dr. Danzer and recommends adoption of the flagged wetland line.

The Commission finds that the Town's wetland boundary map be amended to reflect the boundaries as flagged and concurred to by both soils scientist as shown on the Zoning Location survey.

**Resolution
Application #IWW/M-10961-20
8 Lone Pine Lane**

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-10961-20 by Yehuda E. Elias to amend the wetland boundary on Map: #D11 Lot: #142 on the property located at 8 Lone Pine Lane with the following conditions:

Mr. Corroon commented on the plantings and they will be good for the birds and pollinators.

Mr. Kelly commented on the need to replace some plants on the list. He noted the sediment and erosion control should be sufficient.

Ms. Rycenga asked if there was proof of the CT DEEP approval for the dock.

Ms. Mozian stated yes. Mr. Achilles submitted a copy of the approval. She indicated staff looked at the 1990 and 1996 aerials, which showed the dock was built sometime between those years. A minute book search did not reveal the previous owners applied for a WPLO permit.

No e-mail comment from the public were received and the hearing was closed.

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

Findings
Application #WPL-10957-20
20 Owenoke Park
Public Hearing: May 20, 2020

1. **Application Request:** The Applicant is requesting to modify the existing driveway entrance, construct a pervious parking area, and relocate an existing stone wall. This site lies within the Waterway Protection Line (WPL) of the Saugatuck River.
2. **Plans reviewed:**
 - a. **“Existing Conditions** Plot Plan Prepared for Centaurus Capital, LP, 20 Owenoke Park Westport, CT” Scale: 1” =10’-0”, dated **November 12, 2015** and last revised **February 4, 2020**, prepared by Leonard Surveyors, LLC
 - b) **“Site Plan, Details & Notes Proposed Parking Area And Site Landscaping Improvements Plan** 1720 Owenoke Park LLC 20 Owenoke Park, Westport, CT,” dated **February 2, 2020** and last revised **February 25, 2020**, prepared by Chappa Site Consulting, LLC
 - c) **“Drainage Computations for the Proposed Site Improvements at 20 Owenoke Park; Westport, CT,”** dated February 10, 2020, prepared by Chappa Site Consulting, LLC
3. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. The south easterly portion of this parcel is above elevation 9.0’. The WPLO is established 15’ landward from the 25-year flood boundary of the Gray’s Creek (tidal tributary to the Saugatuck River). Therefore, only a small portion of this site is outside of the WPLO area.

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

Proposed permeable parking area elevation: 7.6’-7.4’

Total lot area is 13,768 sq. ft.

Proposed Site Coverage: 1.96% (270 sq. ft.)

Tidal wetlands identified onsite per site inspection report from Otto Theall, soil scientist, November 3 and 5, 2011.

The lot is currently vacant with the exception of an existing dock.
4. **Aquifer:** Property underlain by Sherwood Island Aquifer, which is a coarse-grained stratified drift aquifer. The property is **NOT** within the Town’s wellfield protection zone
5. **Coastal Area Management:** The project is within the Coastal Area Management Zone.
6. **Proposed Storm Water Treatment:** Storm water runoff from the pervious parking area will be managed with a “21’ wide 57’ long 1’ deep trap rock bed. The Commission finds that this was sized to manage the peak in runoff volume from the property during a 25-year storm event, as well as store the first flush of 1” stormwater for water quality values. The bottom of the drainage system is proposed to be elevation 5.50’. This will be above the high tide elevation and the elevation of

groundwater based on test pit data. The USDA classifies the soils as Agawam Urban land complex (229B) which is a well- drained soil.

7. Previous Permits issued:

a) **WPL/E-10984-20:** For seawall maintenance and repair; issued April 3, 2020

b) **CT DEEP Permit #201910438-COP:** Reset and Chink existing stone; issued December 2, 2019.

8. The Flood and Erosion Control Board **approved** the application with conditions on **May 6, 2020**. The drainage proposal is acceptable to the Engineering Department.

9. Waterway Protection Line Ordinance:

Section 30-93 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.

Discussion:

The Commission finds that the potential for the proposed project to have an adverse impact on the WPLO is focused on site disturbance activities during construction and polluted runoff from parking areas. The subject property is located almost wholly within the WPLO boundary.

The Commission finds that the parking area is proposed to be permeable with granite pavers with 3"-5" grass planted joints placed over an 8" thick layer of a sand based structural soil. This is placed on filter fabric covered bed of ¾" trap rock that is proposed to be 12" thick. The Engineering Department has reviewed and approved the drainage design. The subsurface stone base is sized to capture and infiltrate one inch of runoff. The one-inch sizing criteria is appropriate and in accordance with the Connecticut Stormwater Quality Manual (2004). The Commission finds that this parking area should be effective in reducing polluted runoff from the site as long as it is properly maintained.

The existing retaining walls bordering Owenoke Park are proposed to be removed. The Commission finds that new walls are proposed approximate 3 ft. to the north. The proposed walls will be a mortar-filled fieldstone wall with a concrete footing. Access to the parking area will be in the same area as before with a stone-paved apron. The new walls will be ~2'-3' tall. The location of the proposed wall will be on the owner's property and remove the encroachment of the existing wall from the Owenoke Park right-of-way. The Commission finds that the new area along the roadside will be planted as lawn and the new location will grant more room for car access along the wall, as this is currently a narrow roadway.

The Commission finds that the proposed plan includes removal of an existing vegetative hedge behind the existing walls including several trees and shrubbery. The proposed plan however includes the installation of a significant amount of plantings surrounding much of the site's perimeter. These include grasses, groundcover, perennials, shrubs and trees. The Conservation Commission promotes a policy of approving native, non-invasive plant species on projects within its jurisdiction. The Commission finds that native plants, when properly selected, will require less maintenance, are well adapted to local soil conditions/climate, and attract beneficial wildlife to support the local ecosystem. There are non-native species included in the design plan. The Commission finds that this shall be addressed for appropriateness with this project. Specifically the proposed plant list included two trees (*Salix babylonica* and *Prunus persica*) and five species in the perennial and ground covers (*Berberis vulgaris*, *Pennisetum alopecuroides*, *Ammophila arenaria*, *Perovskia atrilicifolia*, and *Hylotelephium spectabile*) that are non-native species.

The Commission finds that the lighting proposed onsite may have an affect on wildlife behaviors within the Waterway Protection Line onsite. They also find that the support structures for the light pole will be within the floodplain. The Commission finds that the lighting shall be reviewed by Conservation Staff for appropriateness and to limit any impacts.

The Commission finds that the sediment and erosion controls proposed for site construction should provide adequate protection if they are properly maintained. The plan notes that stockpiles shall be surrounded by silt fencing as needed.

This property floods from both the Grey's Creek side to the north and the Saugatuck River side from the south. Openings in the proposed wall from the "water" gate, the pedestrian pathway and the main parking entrance will still allow floodwaters to pass freely during storms.

The Commission finds that the project will not adversely impact the natural resources and ecosystem of the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10957-20
Street Address: 20 Owenoke Park
Assessor's: Map C03 Lot 027
Date of Resolution: May 20, 2020

Project Description: To modify the existing driveway entrance, construct a pervious parking area, and relocate an existing stone wall. This site lies within the Waterway Protection Line (WPL) of Saugatuck River. As stated on the application form, the dock is not a part of this application

Owner of Record: 1720 Owenoke LLC.

Applicant: William Achilles, Achilles Architects 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 10957-20** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least **forty-eight (48) hours** in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.

11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of **May 6, 2020**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "**Existing Conditions** Plot Plan Prepared for Centaurus Capital, LP, 20 Owenoke Park Westport, CT" Scale: 1" =10'-0", dated **November 12, 2015** and last revised **February 4, 2020**, prepared by Leonard Surveyors, LLC
 - b. "**Site Plan**, Details & Notes Proposed Parking Area and Site Landscaping Improvements Plan 1720 Owenoke Park LLC 20 Owenoke Park, Westport, CT," dated **February 10, 2020** and last revised **February 25, 2020**, prepared by Chappa Site Consulting, LLC
 - c. "Drainage Computations for the Proposed Site Improvements at 20 Owenoke Park; Westport, CT," dated February 10, 2020, prepared by Chappa Site Consulting, LLC
17. Update the planting plan to include the fruit trees and, other only native, non-invasive species prior to the issuance of a Zoning Permit.
18. A separate application to legalize and enlarge the existing dock is required.
19. Submit a lighting detail depicting the proposed use onsite. This shall be reviewed by Conservation Staff for appropriateness and approved prior to the issuance of a zoning permit

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

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

Motion: Carey

Second: Bancroft

Ayes: Carey, Bancroft, Rycenga, Davis, Perlman, Corroon, Cowherd

Nays: 0

Abstentions: 0

Vote: 7:0:0

3. **16 Manitou Road:** Application #WPL-10977-20 by Kousidis Engineering LLC on behalf of Alana Fuscaldo to construct a new garage, expand the driveway, modify the septic system and associated site improvements. Work is within the WPLO area of the Saugatuck River.

Jim Kousidis, PE presented the application on behalf of the property owner. He had previously come before the Commission for a house and driveway. There are no wetlands or watercourses on the property but they are within the 25-year floodplain of the Saugatuck River.

Mr. Kelly screen shared a schematic plan showing what was already approved. In March, a pool, spa, cabana and patio was approved by staff. Now, they are proposing a detached garage and driveway expansion but a big cul-de-sac area of the driveway in the front of the house will be removed. The septic system will be modified.

Mr. Davis asked about the coverage and whether the driveway in the front of the house that is being removed was supposed to be pervious.

Mr. Kousidis stated that overall the coverage is being increased including the pool, spa, and cabana. However, the previous driveway was impervious and drained to catchbasins, which discharged to a bioretention area.

Mr. Bancroft asked if the gallery to the right of the proposed garage has been installed yet.

Mr. Kousidis stated no. He explained that drainage flow across the site including that they maintained the low spot in the southwest corner of the site where it is heavily wooded and it is within the WPLO area and naturally drains toward the Saugatuck River.

Ms. Rycenga noted that during her site visit, she noted the silt fence needed maintenance.

Ms. Mozian stated the bond for the plantings and sediment and erosion controls being held for the house should also apply to this application as the bioretention area is an integral part of the driveway water quality plan.

Mr. Kelly asked Mr. Kousidis to address the change in the FEMA map.

Mr. Kousidis stated they applied for a CLOMR when the house was built. A LOMR was granted in September 2018. The garage will be built above the 100-year flood.

Ms. Rycenga asked what the fuel source for the residence will be.

Mr. Kousidis stated is not certain but it is not likely that it will be natural gas or oil.

There were no comments from the public via e-mail and the hearing was closed.

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

Findings
Application #WPL-10977-20
16 Manitou Road
Public Hearing: May 20, 2020

1. **Application Request:** The Applicant is requesting the construction of a new garage, expanded driveway, and modified septic system with associated site improvements within the WPLO area of the Saugatuck River.
2. **Plans reviewed:**
 - a) "Site Development Plan, 16 Manitou Road, Westport, CT Prepared for Alana Fuscaldo," Scale: 1"=20'-0", dated March 12, 2020, prepared by Kousidis Engineering, LLC
 - b) "Drainage Analysis Located at 16 Manitou Road, Westport, CT Prepared for JJ Fuscaldo," dated March 12, 2020, prepared by Kousidis Engineering, LLC
 - c) Architectural Plans entitled: " Detached Garage, 16 Manitou Road, Westport, CT", (2 sheets), dated November 8, 2019, 1/4"=1'-0", prepared by Patricia Mailhot Miller
3. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. The lower westerly portion of this parcel is below elevation 9.0'. The WPLO is established 15' landward from the 25-year flood boundary of the Saugatuck River.

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

Proposed garage floor elevation: 13.5'
Total lot area is 48,750 sq. ft.
Proposed Site Coverage: 21.1% (10,250 sq. ft.)
Total Impervious Coverage: 26.2% (12,800 sq. ft. includes patios)
Westport Weston Health District approval: March 13, 2020

No inland wetlands or watercourses onsite per site inspection report from soils scientist Chris Allan of Landtech on May 1, 2017.

Aquifer: Property underlain by Sherwood Island Aquifer, which is a coarse-grained stratified drift aquifer. The property is **NOT** within the Town's wellfield protection zone

Coastal Area Management: The project is not within the Coastal Area Management Zone.

Proposed Storm Water Treatment: Storm water runoff from the residence is proposed to be discharged to Cultec R-330XLHD Rechargers located to the north of the residence. The proposed driveway and garage stormwater runoff shall be directed to the Cultec R-330XLHD Rechargers, located to the west of the driveway, once it passes through a proposed bio-filtration swale planted with grasses and shrubs. The bio-filtration swale was a requirement for the permit #WPL-10571-18 which was previously approved by the Commission for house construction. The plantings within the bioswale were bonded as a condition of that permit. These drainage appurtenances will be installed to manage the peak in runoff volume from the property during a 25-year storm event, as well as store the first flush of 1" stormwater for water quality values. The bottom of both drainage systems (proposed bottom elevation 6.50' near driveway and 7.50' on north side of residence) will be above the elevation of groundwater based on test pit data. The USDA classifies the soils as Agawam fine sandy loam (29B) which is a well-drained soil as evidenced in the percolation data.

Previous Permits issued:

WPL/E-10970-20: Construction of a pool, pool cabana, and associated site improvements.

WPL/E-10920-19: Installation of two condensing units.

WPL-10571-18: Construct a new single family residence with attached garage, new driveway, new septic system, storm water drainage and other site appurtenance

The Flood and Erosion Control Board **approved** the application with conditions on **May 6, 2020**. The drainage proposal is acceptable to the Engineering Department.

Letter of Map Revision (Based on fill) issued by FEMA on September 18, 2018; 100yr flood zone

4. Waterway Protection Line Ordinance:

Section 30-93 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.

5. Discussion:

Similar to the previous review for the application of the new residence, driveway, and septic installation, **Permit # WPL-10571-18**, the potential for the proposed project to have an adverse impact on the WPLO includes installation of the septic system, driveway, drainage and grading. Those activities proposed within the WPLO are being reviewed to assure there will not be an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways which primarily is limited to nutrient loading and storm water quality impacts.

The subject property is located at the northerly most tip of the WPLO boundary in the neighborhood.

The previously approved plan reviewed by the Commission included a house and driveway with total site coverage of ~10,100 sq. ft. (18.9%). This included a semicircular portion of the driveway on the northern side of the residence. The Commission finds that the newly proposed configuration results with a site coverage of ~10,250 sq. ft. (21.1%) The coverage remains essentially neutral to allow for a 24' x 24' garage by removing the previously approved circular driveway.

The Commission finds that the groundwater should not be encountered as evidenced by the test pit data for the septic, drainage and garage. The Commission finds that there is benefit to separating the drainage into two units and does not have an issue with the roof leaders of the residence discharging into the Cultec without a biofiltration component. The Commission finds that the biofiltration is still needed to take up any potential pollutants from the driveway runoff. The Commission finds that the reconfiguration of the driveway will still allow the bio-filtration swale to actively remove nutrients from the stormwater as previously approved. The well-drained soils will be able to manage the volumes onsite as evidence by the site engineer's calculations.

The Engineering Department has reviewed and approved the drainage design and the Flood & Erosion Control Board approved the project on May 6, 2020. The subsurface structures have been sized to capture and infiltrate one inch of runoff. The one-inch sizing criteria is appropriate and in accordance with the Connecticut Stormwater Quality Manual (2004).

The Commission finds that the same sediment and erosion controls utilized for the house construction which is still under construction should provide adequate protection if they are properly maintained.

The Commission finds that the project will not adversely impact the natural resources and ecosystem of the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 10977-20
Street Address: 16 Manitou Road
Assessor's: Map C04 Lot 009
Date of Resolution: May 20, 2020

Project Description: To construct a new detached garage, expanded driveway, and modified septic system with associated site improvements within the WPLO area of the Saugatuck River.

Owner of Record: Alana Fuscaldo

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 10977-20** 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.

- 4. 111 Harbor Road:** Application #WPL-10992-20 by Richard Benson on behalf of Richard & Karen Leever to construct a pier separated by timber pilings, a hinged ramp, an 8' by 20' float attached to timber pilings and removable stairs off the pier. Work is within the WPLO area of the Saugatuck River.

Rick Benson, 17 Buena Vista Drive, presented the application on behalf of the property owners. He noted this application has taken 2.5 years to go through the approval process. This is the last step. On March 12, 2020, DEEP issued a Tentative Approval but had to go through the public comment process. The final permit has not been received but an e-mail from DEEP was submitted into the file. The pier and float have been modified slightly to safeguard the spartina and the shellfish beds.

Ms. Mozian noted her history of the site and the seawall that was illegally built by the previous owner. Today, the DEEP wanted to make sure that when they do repaint the seawall that the wall is not raised any higher.

Mr. Davis asked about citing the dock to avoid the channel.

Mr. Benson stated the DEEP looks at this and it will not interfere with navigable channel.

Ms. Rycenga asked about the spartina.

Mr. Benson believes the winter waves scour this area. He has not seen this small patch of spartina that is there grow any larger over the 3 years that he has been working the site.

Mr. Corroon noted that the dock is not in the navigable channel. Plus, the further from the shore the dock is, the greater protection afforded to the shoreline.

Mr. Kelly stated the dock should not pose a flooding problem.

There was no public comment received via e-mail, the hearing was closed.

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

Findings
Application #WPL-10992-20
111 Harbor Road
Public Hearing: May 20, 2020

- 1. Application Request:** Applicant is proposing to construct a pier supported by timber pilings, hinged ramp, float, and removable stairs. This site lies within the Waterway Protection Line (WPL) of Saugatuck River.
- 2. Plans reviewed:**
 - a) "Existing General Plan View,** Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut" Sheet 3 of 5, Prepared by John Hilts, Scale 1" = 20', Dated June 21, 2018 and last revised to September 9, 2019.
 - b) "Proposed General Plan View,** Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut" Sheet 4 of 5, Prepared by John Hilts, Scale 1" = 20', Dated June 21, 2018 and last revised to September 9, 2019.
 - c) "Proposed South Elevation, Proposed Pier Section,** Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut" Sheet 5 of 5, Prepared by John Hilts, Scale 1" = 20', Dated June 21, 2018 and last revised to September 9, 2019.

d) **CT D.E.E.P.** Permit #201905119-SDFTW April 29, 20120 email to Alicia Mozian from Susan Bailey of DEEP – Expected approval from as it is “consistent with all applicable statutory standard and policies.”

3. Property Description:

Location of 25-year Flood Boundary: the 9 ft. contour interval.

Location of WPLO boundary: 15 ft. landward of the 9 ft. contour. The entire dock is located within the WPLO area.

Property contains Flood Zones AE (el. 13’), Limit of Moderate Wave Action line, and VE (el. 14’) as shown on F.I.R.M. Panel 09001C05551G Map revised to July 8, 2013.

Coastal Area Management (CAM): The property is located within the CAM zone. The coastal resources identified on the property include coastal hazard area and tidal wetlands. The off-shore area is classified as an estuarine embayment.

4. Previous Permits issued:

WPL-10621-18: Construction of a new single-family residence and pool

5. Permits/Approvals Granted by Others for the Dock:

Shellfish Commission Recommendations, 1/9/19: Determined no adverse impact to a shellfish area as well as:

- Time of dock installation should avoid spawning season (Work should take place between October 1st and April 30th of any given year)
- The ramp and float should be removed by November 1st of any given year to avoid freezing conditions in the river.

CT Dept. of Energy and Environmental Protection approval for the dock is expected. An email from Susan Bailey, DEEP, LWRD, on April 29, 2020 states:

- There was no public comment received in response to the Notice of Tentative Determination to Approve” for application #201905119-SDFTW
- Permit is circulating for review and signage. Will (possibly) not be available by date of hearing.
- Anticipates approval as it is “consistent with all applicable statutory standards and policies.”

6. The Flood and Erosion Control Board approved the application at its May 6, 2020 hearing.

7. 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 proposed activity is a 4’ x 80 timber pier, 34’ aluminum ramp and 8’ x 20’ floating dock anchored to 3 pilings. The Commission finds that this is a structurally-minimized private recreational boating facility. Twelve pilings will be driven to sufficient depth to preclude pullout in the event of flooding or high-velocity water flows. The floating docks will be supported by three pilings and be placed in an area with a minimum of 3’ of water at MLW, which allows for clearance above the substrate at low tide. The Commission finds that the floating dock will not impede water flow. The minimization of structural components and overall encroachment into the waterway will prevent adverse impacts to the waterway, its resources and ecosystems. The distance to the dock at 107 Harbor Road is 82 ft. The distance to the dock at 115 Harbor Road is 60 ft.

The Commission finds that the ramp and floating dock will be removed and stored at an upland location away from tidal wetlands during the winter months, in agreement with the Shellfish Commission.

The Commission finds that the proposed pier, ramp, and float do not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL-10992-20
Street Address: 111 Harbor Road
Assessor's: Map B02, Lot 142
Date of Resolution: May 20, 2020

Project Description: Applicant is proposing to construct a pier supported by timber pilings, hinged ramp, float, and removable stairs. This site lies within the Waterway Protection Line (WPL) of Saugatuck River.

Owner of Record: Richard & Karen Leever

Applicant: Richard Benson, R.B. Benson Co. 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-10992-20** 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. All proposed decks shall be provided with a 6" gravel bed beneath.
12. 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.
13. 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.

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 **May 6, 2020** Conditions of Approval of the Flood and Erosion Control Board.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a) **“Existing General Plan View**, Proposed Pier Ramp and Floating Dock in the Saugatuck River at 111 Harbor Road Westport, Fairfield County, Connecticut” Sheet 3 of 5, Prepared by John Hilts, Scale 1” = 20’, Dated June 21, 2018 and last revised to September 9, 2019.
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17. Submission of the anticipated CT DEEP Permit #201905119-SDFTW prior to work commencement and conformance to its conditions of approval.
18. Construction activity must not take place between July 1st and August 15th of any given year to protect spawning shellfish.
19. The ramp and float should be removed between November 1st and April 15th of any given year to avoid freezing conditions in the river.

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: Corroon

Ayes: Davis, Corroon, Rycenga, Carey, Bancroft, Perlman, Cowherd

Nays: 0

Abstentions: 0

Vote: 7:0:0

Work Session:

1. Receipt of Applications

Ms. Mozian noted there are two applications to be officially received.

- **128 Bayberry Lane:** Application # IWW,WPL/E-11007-20 by John F Fallon, Esq. on behalf of the Estate of James S and Dina Belta for a proposed “Open Space Subdivision” consisting of 9 residential lots, served by a 22 ft. road with underground utilities and stormwater management system. Each lot will be served by private septic system and public water supply. Portions of the property are within the upland review area.
- **225 Greens Farms Road:** Application #IWW/M-10994-20 by Kevin Cornell on behalf of 225 Greens Farms Road LLC to amend wetland boundary map #G6.

Both applications are complete and can be received.

Ms. Mozian noted the Commission has also received an application for 6 Manitou Court, which is a WPLO application to replace a seawall, elevate an existing single family residence, an enclosed connection to a new structure for an indoor pool, new septic, fill and regrading and terraced landscape retaining walls and does not need to be received. The staff is still reviewing it and may

Mr. Bancroft and Mr. Perlman stated they were recusing themselves as they had not participated in the previous hearings.

Ms. Rycenga stated that while she did not participate in the Show Cause hearing, she acquainted herself with the minutes and would be participating.

Ms. Mozian gave a synopsis. She noted the applicant had been given Cease and Correct Order for placing a portion of the drainage system within the wetland. The outcome of the Show Cause Hearing was that the drainage with Engineering approval would be allowed to remain but plant species would have to be installed within the wetland as mitigation. The applicant has submitted a planting plan that staff does not believe is adequate and the plantings are not suitable. The wetland currently is lawn and it was the staff's understanding that the wetland was to become naturalized.

Ms. Rycenga read the second condition of the January 13, 2020 Show Cause Hearing Resolution.

Mr. Davis stated he agrees with staff that if the design does not meet the intent nor satisfy the staff, then it is not acceptable.

Mr. Carey indicated his recollection is that there was a recognition that this property was a complicated situation given the engineering issues involved. A \$600 bond is not a significant amount, so it reflects that there wasn't a huge amount of plantings anticipated. The Commission recognized that the wetland was most likely not going to revert back to a naturalized wetland.

Mr. Cowherd concurred with Mr. Carey's recollection. He agreed the Commission was sympathetic to the new homeowner.

Mr. Carey added the planting was never intended to cover the entire wetland area.

Mr. Kelly stated on May 5, 2020 the Engineering Department sent a memo that the energy dissipator proposed on the plans is not satisfactory. We need to know what the engineering solution is first before making a judgment about the plantings.

Ms. Rycenga suggested it is best to table the discussion until the Engineering Department weighs in with a solution before the Commission makes a decision on the plantings.

Motion to continue 20 Webb Road until the Engineering Department requirements are satisfied.

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Carey, Corroon, Cowherd, Davis		
Nayes:	None	Abstentions:	Bancroft, Perlman Vote: 5:0:2

The May 20, 2020 Public Hearing of the Westport Conservation Commission adjourned at 9:40 p.m.

Motion:	Rycenga	Second:	Cowherd
Ayes:	Rycenga, Cowherd, Bancroft, Carey, Corroon, Davis, Perlman		
Nayes:	None	Abstentions:	None Vote: 7:0:0