WESTPORT CONNECTICUT
CONSERVATION COMMISSION
110 MYRTLE AVENUE
WESTPORT, CT 06880
(203) 341-1170

MINUTES
WESTPORT CONSERVATION COMMISSION
FEBRUARY 19, 2020

The February 19, 2020 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Paul Davis, Vice-Chair, Acting Chair
Tom Carey, Secretary
Donald Bancroft
Stephen Cowherd
Paul Lobdell
Mark Perlman

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the February 19, 2020 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

_____

Alicia Mozian
Conservation Department Director

Mr. Davis made a note that all Commissioners present visited the sites except the map amendment property.

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.

No changes were necessary.

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

1. **128 Bayberry Lane:** Application #IWW/M-10948-20 by James Belta on behalf of the estate of Dina M and James S Belta to amend wetland boundary map G13.

   John Fallon, Esq. presented the application on behalf of the owners, who were also present. Chris Allan was the soil scientist for the applicants. Jay Fain was the soil scientist retained by the Town. A February 4, 2020 survey accurately reflects the boundary that was agreed upon by the two soil scientists. Atty. Fallon showed a map depicting the Town's GIS wetland mapping and the newly flagged line. The result is about .82-acre decrease in mapped wetland area.

   Mr. Kelly concurred with Mr. Fallon's statements.

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

   Motion: Perlman Second: Carey
   Second: Perlman, Carey, Bancroft, Cowherd, Davis
   Nayes: None Abstentions: None Vote: 5:0:0

Findings
Application #IWW/M 10948-20
128 Bayberry Lane
Public Hearing Date February 19, 2020

1. **Application Request:** The request is to amend wetland map #G13and G14. Parcel owned by Estate of Dina M. and James S. Belta.
2. **Soil Scientist for Applicant:** Chris Allan, Landtech
3. **Soil Scientist for Town of Westport**: Jay Fain, Jay Jain & Assoc.
4. **Plan reviewed:** "Map of Property prepared for Estate of James S. and Dina M. Belta, 126 & 128 Bayberry Lane, Westport, CT" February 4, 2020 scale 1"=60 Sheet 1 of 1 by DyMar.
5. **Wetland Description:** Soil report Summary- Prepared by Chris Allan, dated January 6, 2019 describes the following **wetland soils** occurring on property:

   Ridgebury, Leicester and Whitman soils, extremely stony (3) - This is an undifferentiated mapping unit consisting of poorly drained and very poorly drained soils developed on glacial till in depressions and drainage ways in uplands and valleys. Their use interpretations are very similar and they typically are so intermingled on the landscape that separation is not practical. The Ridgebury and Leicester series have a seasonal high water table at or near the surface from fall through spring. They differ in that the Leicester soil has a more friable compact layer or hardpan, while the Ridgebury soils have a dense to very dense compact layer. The Whitman soil has a high water table for much of the year and may be frequently ponded.

   Timakwa and Natchaug Soils (17) - This component occurs on depression landforms. The parent material consists of woody organic material over sandy and gravelly glaciofluvial deposits. The slope ranges from 0 to 2 percent and the runoff class is negligible. The depth to a restrictive feature is greater than 60 inches. The drainage class is very poorly drained. The flooding frequency for this component is rare. The ponding hazard is frequent. The minimum depth to a seasonal water table, when present, is about 4 inches.

   Rippowam fine sandy loam (103) - This component occurs on depression and flood plain landforms. The parent material consists of alluvium. The slope ranges from 0 to 3 percent and the

runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is poorly drained. The flooding frequency for this component is frequent. The minimum depth to a seasonal water table, when present, is about 9 inches.

Non-wetland soils identified as:
Woodbridge Fine Sandy Loam, (45a) - This component occurs on upland drumlin and hill landforms. The parent material consists of lodgement till derived from schist, granite, and gneiss. The depth to a restrictive feature is 20 to 40 inches to densic material. The drainage class is moderately well drained. The Woodbridge series of soils is nationally recognized as prime farmland soil by the U.S.D.A.

Paxton and Montauk Fine Sandy Loams (84b) - These soil components occur on upland hill and drumlin landforms. The parent material consists of lodgement till derived from granite, gneiss, and schist. The depth to a restrictive feature is 20 to 40 inches to densic material. The drainage class is well drained.

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

6. **Property Description and Facts Relative to the Map Amendment Application:**
   - The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as a streamside floodplain within a wooded swamp. The perimeter of this wetland is listed as 50% residential and 50% forested.
   - The parcel is located within two watersheds. The Sasco Brook watershed is located to the east and, the Muddy Brook watershed is located to the west.
   - Landscape position of the property is noted as a hilltop and slope.
   - The FEMA maps indicate that the property is beyond their study area for the 100-year floodplain. The survey provides the 100-year Flood Line taken from the Jackson Study of 1978. The Town of Westport has a newer flood study prepared by GZA GeoEnvironmental Inc. that should be referenced with the next survey revision. The Town Engineer should be contacted to verify this information.
   - The Waterway Protection Line Ordinance boundary will be established 15' from the 25-year flood boundary, or 15' from the wetland line, whichever is the greater.
   - Property does not exist within the Aquifer Protection Overlay Zone.
   - Property does not exist within the Coastal Areas Management Zone.
   - Existing Lot Area: **21.713 acres or 945,821 sq. ft.**; Approximate area of flagged wetlands (per GIS): **~4.27 acres or ~186,480 sq. ft.**
   - **Flagged wetland Area: ~3.45 acres or ~150,447 sq. ft.**
   - Application #43 granted with conditions for filling in property and regrading soil, **August 6, 1974**.

7. **Discussion:** The Town of Westport retained the services of Jay Fain, Jay Jain & Assoc. to review the proposed wetland boundary. On January 15, 2020, Jay Fain conducted a field visit to verify and review soils onsite. Mr. Fain submitted observations and questions by email on January 16, 2020 that he would like addressed. On January 29, 2020, Mr. Fain met with Chris Allan on site to field review the wetland flagging. Additionally, Mr. Fain emailed the Conservation Department with items that required addressing based on that inspection.

   On February 6, 2020 the Conservation Department received an updated Survey Dated February 4, 2020 that depicts the requested changes mentioned by Mr. Fain.

   The Conservation Department received a letter from Mr. Allan indicating the Feb. 4, 2020 DyMar survey accurately depicts the flagging agreed upon in the field by he and Mr. Fain on January 28, 2020. An e-mail from Mr. Fain received on February 5, 2020 states the same after he reviewed an electronic version of the same DyMar survey.

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-10948-20** by James Belta on behalf of the Estate of Dina M. and James S. Belta to amend the wetland boundary on Map: #G13 & G14 Lot: 020 on the property located at 128 Bayberry Lane with the following conditions:

1. Conformance to the plans titled: "Map of Property prepared for Estate of James S. and Dina M. Belta, 126 & 128 Bayberry Lane, Westport, CT" February 4, 2020 scale 1"=60' Sheet 1 of 1 by DyMar.
2. An electronic file in a format acceptable to the Town Engineer shall be submitted to the Conservation Department.
3. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

Motion: **Perlman** **Second: Davis**
Ayes: **Perlman, Davis, Carey, Cowherd, Bancroft**
Nays: 0 **Abstentions:** 0 **Votes:** 5:0:0

Mr. Lobdell arrived at 7:15 p.m.

2. **41 Richmondville Avenue: Continued Application:** Application #IWW,WPL-10944-19 by Kousidis Engineering, LLC on behalf of 41 Richmondville LLC for the conversion of the main historic structure into a condominium complex as well as the construction of detached garages, a pool, and a reconstructed parking lot. Work is within the upland review area and the WPLO area of the Saugatuck River.

   Jim Kousidis, PE presented the application on behalf of the property owners. Also present were Sam Gault, property owner; William Kenny, landscape architect; and Dan White, LEP. Mr. Kousidis noted the hearing was continued to allow for the receipt of additional information. He read into the record a letter from Brooks Environmental, which addresses how the demolition process will be conducted to abate asbestos and lead paint residue. He noted the updated Sheets 5 and 6, which now include the pool construction in the construction sequence and the correct coverage calculations. He added the hearing was also continued because the Flood and Erosion Control Board needed time to review the submitted materials. The FECB approved the proposal on February 5, 2020 with conditions. The Special Conditions required adding flood vents to the garages and the addition of hay bales, if necessary.

   Mr. Perlman noted that a mylar is to be recorded depicting the sewer easement. He also asked if the Engineering Department finds the plans acceptable.

   Mr. Davis confirmed that CT DEEP does not need to review the project.

   Mr. Kousidis highlighted their response to questions raised at the last hearing including:
   - Location of snow storage – the placement of the snow will be in the bioswale.
   - Staging areas for equipment will be over existing asphalt.
   - The dumpster location is where the neighbors desire it and the best location environmentally.

     Mr. Davis asked how far the dumpster is from the raingarden.

     Mr. Kousidis stated it is 5 to 10 feet.
   - The applicant submitted a revised planting plan.
   - There is a dust control letter.
   - The coverage calculations are now consistent.
   - The pool was added to the construction sequence plan.
   - Hydro-dynamic separator – is it needed? – A hydro-dynamic separator is not needed per comments from Bill Kenny, Amrik Matharu of the Engineering Department and Mr. Kousidis.
   - They addressed whether the rip-rap dissipater could be moved out of the 20-foot non-disturbance buffer. It cannot be moved because they cannot achieve proper pitch without going deeper.

Ms. Mozian read an e-mail exchange between Ms. Rycenga and Amrik Matharu dated February 19, 2020 regarding the need for a hydro-dynamic separator and catchbasin polymer inserts

Mr. Lobdell stated that while the hydro-dynamic separator and polymer inserts are not necessary, why not install for extra protection anyway.

Bill Kenny, LA, soil and wetland scientist of William Kenny Associates, noted his letter of February 4, 2020 talked about ir-reduceable pollutants, which is what they would be dealing with here since the treatment plan will deal with at least 92% of the pollutant load. If the site did not have room for bioswales and raingardens, then a hydro-dynamic separator and polymer inserts would be good. He also referred to his February 17, 2020 letter. In response to a question about whether storing the snow in the bioswale degrades the bioswale, he is not worried. The snow will be scattered throughout the site. Mr. Kenny pointed out that as snow melts it becomes water and the bioswale and rain gardens are specifically designed to filter pollutants out of water. He also noted that sand does not compact easily.

Mr. Bancroft asked if it is likely for road salt to damage the bioswale.

Mr. Kenny stated the plantings chosen are hearty enough to withstand the road salt. Also, the Operations and Maintenance Plan was reviewed specifically by him for the bioswale and raingarden including invasive species. He also reviewed the invasive plant removal.

Mr. Kelly noted the importance of the maintenance of the bioswale and raingarden.

Mr. Kenny stated they agree with the 3 year monitoring as suggested by staff.

Mr. Lobdell asked where the pollutants go once they enter the bioswale and raingarden.

Mr. Kenny indicated the pollutants go into the plants and the sediment. Some will be utilized as nutrients for the plants. In other conditions soil microbes transform the pollutants. And others break down through photo degradation. The planting plan is 95% native. They are using all native plantings in the bioretention area, raingarden and upland review area. He questioned how the bond would be released.

Dan White, LEP with Mountain Laurel responded to a question from Don Bancroft about the presence of lead and other contaminants. These were found in low concentrations. They also found hydrocarbons below the threshold established by the State. The Phase II sampling found more. The tank is gone. The residual soil was then removed. He assumed they had been released through a vent pipe.

Mr. Kelly asked what happens if some is found during construction. He indicated that the Town would want it reported. He asked what qualifications a site monitor should have.

Mr. White asked if they missed something. He noted that it is possible but he is confident they found it all. However, it is more likely to have to deal with spills during the construction process. They are not going to be bringing contaminants onto the property but they could have a spill from the vehicles.

Mr. Bancroft stated they should have spill kits onsite.

Sam Gault stated they will also have extra haybales onsite. The generator onsite will be fueled by natural gas.

Mr. Davis opened the hearing to public comment.

Joel Green, Esq. representing residents on Mill Bank Road, discussed the new elevation of the site as it relates to flooding. He commented on the snow shelf design and storage. He wondered why a guard rail is not proposed along the bioswale. He encouraged the 3 year monitoring so as to monitor soil compaction. They would like to see monitoring for future pollutant migration, if any, through the site.

Mr. White pointed out where the six monitoring wells are located. He noted that all but one will remain. He noted the Commission could include groundwater monitoring for three years as well. He noted that the applicant has been very cooperative.

Deborah Lloyd of 2 Mill Bank Road asked about the impact of raising the grade on the downstream properties. She encouraged a long-term bond.

Robert Israeli of 6 Mill Bank Road asked what happens when the condominiums take over the project. He asked what the maintenance plan is beyond the 3 years.

Ms. Mozian spoke of the requirement to maintain the Operations and Maintenance Plan onsite with intervals of review and allows for Town staff to review.

Mr. Perlman asked if this could be incorporated into the by-laws of the condominium association.

Ms. Mozian indicated this would be a good condition.

Mr. Israeli asked about the parking issues and the snow storage location.

Mr. Kousidis addressed the possible guard rail. He stated it is not feasible. The grade will slope down to the bioswale. The travel way is wide enough to allow car passage with fear of driving into the bioswale.

Mr. Kenny recommended signage to educate about the purpose of the bioswale. He emphasized the fact that the plan reduces impervious cover by 17%, which change greatly reduces offsite run-off.

Mr. Kousidis stated they could use 6-inch curbing with openings. In response to the flooding concerns, he noted:

- They are reducing runoff by almost 50%;
- With regard to the 100-year flood elevation, this area is tidally influenced. It floods now and will continue to flood.
- The new garages will have flood vents.
- The building itself is at elevation 15 msl. The base flood elevation is 14 msl.
- There is less impervious surface and they are adding more drainage appurtenances where there are none now.

Mr. Israeli asked where the property will be raised.

Mr. Kousidis stated they will be adding some fill on the east side and some is being excavated. The net amount of fill is approximately 114 c.y. or about 6 dump trucks.

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

Motion: **Carey** **Second: Davis**
Ayes: **Carey, Davis, Bancroft, Cowherd, Lobdell, Perlman**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

The Commission discussed recommendations in the staff report as possible conditions.

Mr. Carey noted #2ii includes the recommendation for a site monitor; he recommended that a Wetland Scientist oversee installation of the bioswale and rain gardens. #2iv includes a recommendation for a bond and that it should be modified to reflect a longer period for the bond to be outstanding.. He noted having the Operations and Maintenance Plan in the by-laws of the condominium association. The applicant has a preference not to have a barrier or a curb along the bioswale so runoff is not impeded.

Ms. Mozian noted Mr. Bancroft's recommendation to have a spill kit and to have this added to the Operations and Maintenance Plan.

Mr. Cowherd asked about the enforcement of the logbook for following the Operation and Maintenance Plan.

Ms. Mozian discussed.

The Commission discussed possible conditions of approval and items to add for conditions of approval.

Motion to approve.

Findings
Application #IWW, WPL-10944-19
41 Richmondville Avenue
Public Hearings: January 15, 2020; February 19, 2020

1. ***Receipt Date: January 15, 2020***
2. **Application Classification: Plenary**
3. **Application Request:** The application is for the conversion of the main historic structure into a condominium complex as well as the construction of detached garages, a pool, and a reconstructed parking lot. Work is within the upland review area from the wetlands and the WPLO area of the Saugatuck River.

   The project will consist of 33 residential units proposed to be served by public water and connected to sanitary sewer. Most units will be a mix of 2-3 bedrooms with one unit used as the superintendent's residence. The site has been used for industrial and commercial purposes since the 1800's

4. **Regulated Activities:** Portions of the "non-historic" existing building will be demolished and removed. The main building will be refurbished for use as an apartment complex. This work includes four garage structures, a new driveway configuration, new parking area/layout, new pool, and associated site improvements.

   Portions of the site work occur within the 75' upland review area (a/k/a setback) from the wetlands associated with Lee's Canal and within the limits of the Waterway Protection Line established 15' from the 25-year flood line. The refurbished residential building is located outside the 75' ft. upland review area from wetlands. One of the proposed detached parking garages onsite is located within the 30 ft. upland review area from wetlands. Site work is proposed within the 20 ft. upland review area and is referenced by the applicant as an area for native trees, shrubs and ground cover planting to be installed along with associated drainage work.

5. **Plans Reviewed:**
   a) "**Proposed New Residential Development: Coverage Reduction Schematic, Drainage Plan, Conservation Plan, Snow Removal Plan, Sediment & Erosion Controls Plan, Notes and Details**, Prepared for 41 Richmondville LLC, 41 Richmondville, Westport, Connecticut", Scale: 1"= 20', dated **December 12, 2019 last revised to January 31, 2020**, Prepared by Kousidis Engineering, LLC.
   b) "**P&Z Submission Planting Plan**, Prepared for 41 Richmondville LLC, 41 Richmondville Avenue, Westport, Connecticut", Scale: 1"= 20', dated **February 4, 2020**, Prepared by William Kenny Associates LLC.
   c) **Drainage Analysis** Prepared for 41 Richmondville LLC, 41 Richmondville, Westport, Connecticut", dated **December 12, 2019 last revised to January 31, 2020**, Prepared by Kousidis Engineering, LLC.
   d) **Proposed Area Routing** Prepared for 41 Richmondville LLC, 41 Richmondville, Westport, Connecticut", Scale: 1"= 40', un-dated, Prepared by Kousidis Engineering, LLC.
   e) **Letter Addressing Changes to the Site Development Plan Set**, from Kousidis Engineering; To Alicia Mozian & Colin Kelly, Conservation Department, dated **February 4, 2020.**
   f) **Operations and Maintenance Plan** 41 Richmondville Avenue, dated **February 17, 2020.**
   g) **Wetlands Impacts and Stormwater Quality** 41 Richmondville Avenues Westport, CT, from William Kenny Associates LLC. To Conservation Commission, dated **February 4, 2020**.
   h) **Wetlands Permit Application-Staff Comments** 41 Richmondville Avenues Westport, CT, from William Kenny Associates LLC. To Conservation Commission, dated **February 17, 2020**.
   i) **Letter addressing comments** made by the Conservation Department from Kousidis Engineering to Alicia Mozian and Colin Kelly, dated **February 17, 2020**.
   j) **Letter from Beinfield Architects** to the Westport Conservation Commission, Dated **February 3, 2020**.

k) **Building Plans:** "Richmonville Lofts, Richmondville Ave, Westport, Connecticut", Scale: As-Noted, dated December 11, 2019, Prepared by Beinfield Architecture, Sheets: A101, A102, A103, A105, A201.

l) "**Property & Topographic Survey**, Prepared for Coastal Luxury Homes, 41 Richmondville Avenue, Westport, Connecticut", Scale: 1"= 30', dated December 11, 2019, Prepared by Redniss & Mead.

m) "**Wetland Watercourse Delineation** 41 Richmondville Avenue, Westport, CT", Prepared by William Kenny Associates, LLC, Dated August 16, 2019.

n) "**Phase I Environmental Site Assessment**, Prepared for Joe Feinleib 41 Richmondville LLC, 41-49 Richmonville Avenue, Westport, Connecticut", dated August 3, 2019, Prepared by Mountain Laurel Environmental, LLC. (This Phase I includes a previously prepared Phase I by HYGENIX, dated January 26, 2009.)

o) "**Phase II Environmental Investigation**, Prepared for Joe Feinleib 41 Richmondville LLC, 41-49 Richmonville Avenue, Westport, Connecticut", dated September 20, 2019, Prepared by Mountain Laurel Environmental, LLC.

p) "**Remediation Report** 41-49 Richmonville Avenue, Westport, Connecticut, Prepared for Joe Feinleib 41 Richmondville LLC 1723 Post Road East Westport, Ct", dated December 9, 2019, Prepared by Mountain Laurel Environmental, LLC.

q) Email from Mike Dietz, UCONN Clear, dated January 3, 2020 to Alicia Mozian regarding comments on rain garden design over Cultec units.

6. Previous Applications: none

7. WPLO: There is a watercourse located on the southwestern end of the site named Lee's Canal. This is a man-made tributary to the Saugatuck River, which lies ~200' to the west of the site. The WPLO boundary is established 15 ft. from the wetland boundary associated with the canal.

8. IWW Defined Resource (wetland or watercourse):
Wetlands and Watercourses occur on the subject property to the southwest area of the site associated with Lee's Canal.

The wetlands were flagged by William Kenny Associates, LLC. on August 16, 2019. The flagging location closely relates to the wetland line taken from the Town of Westport Wetland Map, shown as the top of bank for the canal. Therefore, staff determined that a wetland boundary map amendment application for review by the Commission will not be necessary.

9. Property Description: The site has been used since the 1800's for commercial and industrial uses. The Phase I Environmental Assessment (by Mountain Laurel Environmental, LLC; 8/3/19) for the property lists past usage for the property. This report references several historical Sanborn Fire Insurance maps for the property, with the earliest map from 1885. This map notes the building as Lee's Mfg. Co., showing the northern portion of today's building visible along with supplementary structures. Many changes/additions are documented by the Sanborn maps throughout the years that lead to year 1948, with a similar configuration to what is there today. This is also visible with the 1951 aerial photographs.

A raceway leading from Lee's Pond Dam (Located ~835' to the north of the property) flows into and through the property and is visible in the historic maps and aerial photographs up to as late as 1951. The raceway is not visible in the 1965 aerials. This raceway discharged into Lee's Canal and the canal is visible on the 1934 aerials. A portion of the old raceway is still visible in lower section of the wall for the existing transformer area.

In addition:

a. The property **is** located within the Aquifer Protection Overlay Zone.
b. Property is outside the Coastal Area Management zone.
c. The Town of Westport Wetlands Inventory prepared by Flaherty, Giavara Associates describes this system as a streamside floodplain with a wooded swamp and watercourse.
d. The WPLO boundary is 15' from the 25-year flood boundary. The outlet of this wetland/watercourse system is Saugatuck River.
e. The 100-year base flood elevation (bfe) as designated by FEMA on this property is set at elevation 12.3-14 ft. The boundary of the 100 yr. floodplain roughly intersects the middle of the existing building. However, the elevation of the main building that will be renovated currently ranges between 15.5 to 16 ft. with no

basement so is technically above the 100-year bfe. The proposed garage structures however, will be below the base flood elevation and will have appropriate flood venting.

f. Furthermore, the applicant intends to fill a portion of the property in order to raise the grade of the site above the 100 year bfe. The applicant then plans on filing a Conditional Letter of Map Revision (CLOMR) with FEMA which will remove a greater portion of the property from the Special Flood Hazard Area and reduce insurance costs. This map filing will be post construction.

10. Wetlands/Watercourse Description:

In their August 16, 2019 report, William Kenny Associates, LLC identified and delineated a wetland and watercourse system located on the southwestern boundary of the site and described it as a "small, very gently sloping manmade stream with a narrow fringe of wetlands. The stream flows northwest to southeast. Wetland soils are primarily poorly drained and is forming in human altered deposits." This system is identified on the site plans with flags numbered 1-5 and 10-14.

Three soils types were identified in the report:

Aquents (1): Consists of soils found on 0 to 3 percent slopes in disturbed areas that generally have less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.

Urban Land Complex (307): Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas.

Udorthents, Smoothed (308): This unit consists of areas that have been altered by cutting or filling. According to the State of Connecticut Surficial Materials Map, the project area contains alluvium overlying sand and gravel and sand overlying sand and gravel. The description notes these soils as natural post glacial formations that have been reworked from glacial deposits and mixed with organic matter. "Despite their flood-prone nature, low, flat, fertile floodplains have historically been attractive for agricultural uses and development related to water-dependent commerce."

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

11. 6.1 GENERAL STANDARDS

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

Discussion:

The applicant is proposing to repurpose an existing structure from general office space into residential condominium units. This work will reutilize portions of the existing structure that dates back to 1800's. Over the years, the structure has grown with subsequent additions. A history of the site's usage starting from a manufacturing origin through several iterations is compiled in the environmental assessments submitted by Mountain Laurel Environmental, LLC.

The proposed application includes the selective removal/demolition of some "recent" additions (relative to the building's origin) of the structure and integrate new additions with the old building. The Commission finds that the resourcefulness of the applicant in keeping the structure rather than proposing an all-new construction. The Commission finds that this re-invention of the building to be a unique opportunity to keep a significant portion of the historic structure onsite.

The total lot area is **104,798 sq. ft. (2.41 acres)**. Staff noted an overall reduction of total site coverage from **77,472 sq. ft. (73.93%) existing to 64,450 sq. ft. (61.50%) proposed.** *(Per Coverage Reduction Schematic and the Drainage report, Sheet CE-6 shows the value at 62,150 sq. ft. or 59.30%)* This reduction amount is achieved mostly by a reduction in paved areas on the site, which are converted into lawn or vegetated areas. With the building additions and proposed garages onsite, the building coverage increases by **3,115 sq. ft.** (30,300 sq. ft. proposed - 27,185 sq. ft. existing). The driveway area is reduced from **50,287 sq. ft. to 27,500 sq. ft.** allowing for the reduction onsite but is offset partially by the 6,000 sq. ft. patio/walks and 650 sq. ft. pool.

The Commission finds that the proposal effectively removes the existing condition of having a direct discharge of stormwater from the site entering into Lee's Canal from the two different leak-offs located in the parking lot. The stormwater runoff from the proposed improvements will flow through engineered bioswales or raingardens onsite. This will interrupt the existing flow patterns and take advantage of biofiltration practices to improve the water quality of that runoff. The 2004 Connecticut Stormwater Quality Manual encourages the separation of sources of excessive nutrient loads from urban runoff. This separation reduces the conditions leading to the degradation of the water quality by attenuating most contaminates in the organic soil layers of the swales and rain gardens. See 6.2 for further information regarding water quality.

Daniel White, LEP, of Mountain Laurel Environmental, LLC. provided testimony for the Phase I Environmental Site Assessment, Phase II Environmental Site Assessment, and the Remediation Report on the status of environmental remediation completed onsite. The Conservation Commission was satisfied with the review of known or suspected contaminants onsite and did not request further information. The Commission acknowledged the site's history of use and noted there are no obvious environmental conditions to be addressed at this time. The Commission finds that the oversite of the project by a designated independent site monitor, who is knowledgeable about CT D.E.E.P. reporting requirements for contamination in addition to general construction erosion and sediment controls, should be sufficient in assuring that any unknown issues will be managed.

12. 6.2 WATER QUALITY

- **a)** flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- **b)** water stagnation will neither be contributed nor caused;
- **c)** water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
- **d)** pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- **e)** all applicable state and local health codes shall be met;
- **f)** water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
- **g)** prevents pollution of surface water

Discussion

As stated previously, the proposed stormwater runoff flows through bioswales, Cultec drainage units, and raingardens. The stormwater's flow path through multiple controls onsite creates a "stormwater treatment train" as noted in the 2004 Connecticut Stormwater Quality Manual. The Commission finds that the design will allow for pollutant removal from the driveway and parking areas on the site. The project also includes the use of deep sumps for catch basins and hooded traps to inhibit floatable debris or contaminants from leaving the parking area. The Commission finds that this is a marked improvement from a direct discharge to Lee's Canal.

The biofiltration swales and check dams allow for slowing of stormwater flows, along with implementation of raingardens, which allow for temporary storage. Both features promote infiltration into the subsurface. Sediment removal occurs as velocities drop while soluble contaminants and pollutants will be adsorbed to soil or removed by biological pathways. These activities occur within the first two feet of the soil profile. The Commission finds that the success of these features requires proper installation of soil media along with proper siting and elevation. The Commission finds that considering certification by the design engineer to ensure that the installation is done appropriately and with proper oversite. The Commission finds that the long-term success of these water quality features requires consistent maintenance and recommends the operation and maintenance plan be approved by the Commission for use on the property by current and future property managers. The Commission finds that the document be kept onsite and available for future reference and inspection by Town Hall staff. Staff acknowledges and agrees with the "Wetland Impacts & Stormwater Quality" letter from William Kenny Associates and the assessment "that additional stormwater treatments measures such as catch basin inserts and hydrodynamic separators are not warranted for this project."

The applicant included a "Planting Plan" with the application. The proposal not only removes 22,787 sq. ft. of asphalt (50,287 sq. ft. to 27,500 sq. ft.) but proposes to plant those areas as lawn,

ornamental vegetation, meadows, swales, and raingardens. The plan includes one tree, thirty-five shrubs, 465 herbaceous plants, and areas of native seed mix. This increases the buffer plantings onsite and enhances the existing vegetation, specifically near the canal and wetlands.

A "Snow Removal Plan" is included with the updated plans. The plan highlights the areas of snow stockpiling in the vegetated areas adjacent to the paved surfaces. The southern snow stockpile area stops ~100 ft. from the wetland line and the northwestern stockpile stops ~ 60 ft. from the wetland line. These areas will allow for snowmelt and sand to filter through vegetated areas before reaching the wetlands. The Commission finds that this adequate to protect the wetland area from potential pollutants or sediments as long as the designated areas are used and the "Operations and Maintenance Plan" is followed.

13. **6.3 EROSION AND SEDIMENT**
    - **a)** temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
    - **b)** permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
    - **c)** existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
    - **d)** formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
    - **e)** applicable state, federal and local guidelines shall be met.

    Discussion:
    The application includes the use of erosion controls. The plan includes perimeter silt fencing, an anti-mud tracking pad, stockpiling area, staging areas. The Commission finds that these controls should be effective in keeping soils from moving from the site as long as they are installed appropriately and maintained throughout construction. The Commission finds a need for the use of an independent site monitor to provide oversite of required controls and supply reports addressing issues throughout the time of site work.

    The application includes a Sequence of Activities on the "Sediment & Erosion Control Plan The Commission finds that the plan will allow for the minimal amount of area to be disturbed during phases of construction and allows the applicant to retain previously asphalted area in the sequence to minimize the bare or disturbed areas. Long-term stability of soils from the site depend upon the proper installation and success of the "Landscape Plan" and certification of the stormwater drainage onsite.

    The Commission finds that a performance bond be submitted to cover the cost of the use of the sediment and erosion controls and the installation of the proposed site plantings. It is also recommended that the funds be held for one full growing season to ensure plant vitality. The Commission finds that the consideration of additional bonding moneys, for the fee of the site monitoring, The Commission finds that the larger scale projects have less erosion issues or enforcement issues when an designated monitor is employed to watch over the construction.

14. **6.4 NATURAL HABITAT STANDARDS**
    - **a)** critical habitats areas,
    - **b)** the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
    - **c)** breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
    - **d)** movements and lifestyles of fish and wildlife (plant and aquatic life)will not be significantly affected;
    - **e)** periods of seasonal fish runs and bird migrations shall not be impeded;
    - **f)** conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

    Discussion
    The Commission agrees with the "Wetland Impacts & Storm Water Quality" report prepared by William Kenny Associates, LLC, wherein they state that the "reduction of pervious surface alone will improve water quality, wetlands and watercourses." The redirection of stormwater runoff from the site into engineered features will be an additional improvement by disconnecting the two leak offs from direct flow to the canal.

The Commission finds that the proposed vegetation and plantings are a benefit by establishing a buffer to the wetland. The Commission finds that the plantings will consist of native species interspersed within some of the existing vegetation onsite. The existing trees that will remain and new plantings will give enhanced habitat areas for opportunistic species. This increase in "green space" will be an improvement from the current paved and impervious areas onsite. As stated, staff recommends the applicant provide a performance bond to cover the cost of plantings proposed. The Commission finds that the "Operation and Maintenance" plan has been updated to include vegetation care beyond the rain garden areas. This should address seasonal site care and invasive plant management as needed. The Commission finds that the use of native plantings onsite will have a benefit and give support to pollinators in the localized area.

15. **6.5 DISCHARGE AND RUNOFF**
    - **a)** the potential for flood damage on adjacent or adjoining properties will not be increased;
    - **b)** the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
    - **c)** the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
    - **d)** flooding upstream or downstream of the location site will not be significantly increased;
    - **e)** the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

    Discussion
    The existing site conditions is a direct discharge to the wetlands associated with Lee's Canal, located on the southwestern portion of the property. The runoff from site generally flows to this direction and discharges through two prominent leak offs from the asphalt parking lot to the watercourse. This property is located adjacent to a wetland corridor associated with Lee's Canal, which is part of the watershed for the Saugatuck River. Ultimately, this area drains to Long Island Sound.

    To protect this wetland system from adverse impacts, pollutants need to be controlled at their source to the maximum extent feasible. The applicant has proposed that all impervious areas from the site will direct stormwater to drain waters to drain to one of four areas:
    Rain Garden #1
    Rain Garden #2
    Bioswale #1
    Bioswale #2
    Subsurface drains within the bioswales and rain garden capture overflow and allow for increased storage of stormwater from these areas. The Commission finds that the this design will allow for pollutant removal from the driveway and parking areas on the site. The Commission finds that this is a marked improvement from having no runoff treatments and direct discharge."

    Mike Dietz, CT NEMO Program Director, was contacted regarding the drainage design and was specifically asked about the functionality of a rain garden positioned over a stormwater drainage gallery. He reviewed the designs and made two recommendations to the plans in a January 3, 2020 email. First he commented that the "planting media is only 6 inches thick." He suggested the use of deeper soil media to increase the likely success of the plants and protect them during periods of drought/dry weather. He also suggested the design incorporates the use of traditional rain garden plantings or turf fescues. The Commission finds that the revised "Notes & Details" plan revisions incorporates a 12-inch thick planting media with updated engineered soil mix and the new "P&Z Submission Planting Plan" utilizes a Rain Garden Seed Mix.

    The Flood and Erosion Control Board approved the project with conditions at the February 5, 2020 hearing with conditions. The proposed "Drainage Plan" meets the Town of Westport Drainage Standards and the proposed features attenuate stormwater as required. As stated above, the Commission finds that the operation and maintenance plan must be followed to allow for proper function of the drainage facilities.

    The building is located within the 100-year flood boundary established by FEMA. No basements are proposed. Site construction is limited to upper portions of the soil profile, groundwater is

generally 5-6 ft. below grade. Therefore, dewatering is not expected to be an issue during most of the site construction.

16. **6.6 RECREATIONAL AND PUBLIC USES**
    - **a)** access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
    - **b)** navigable channels and or small craft navigation will not be obstructed;
    - **c)** open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
    - **d)** wetlands and watercourses held in public trust will not be adversely affected.

    Discussion
    The Commission finds that the current application will not have a significant impact on recreational and public uses. Onsite recreational features are provided for the tenants including an inground pool & spa, a barbeque, and a fire pit feature.

17. ***Waterway Protection Line Ordinance***

Section 30-93 of the WPLO ordinance states the following: An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to, impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The watercourse located on the southwestern end of the site is named Lee's Canal. This is a man-made tributary to the Saugatuck River, which lies ~200' to the west of the site. The WPLO boundary is established 15 ft. from the wetland boundary associated with the canal.

The Commission finds that this application proposes the removal of ~2,000 sq. ft. of existing pavement and eliminating the direct discharge of stormwater through two leak-offs from the parking lot to the watercourse. Plantings are proposed within the WPL area to augment existing vegetation within the area. This work will create an enhanced vegetated buffer along the stream onsite. There will be two encroachments of drainage structures (a rain garden and a drainage outfall energy dissipator) within this area. All other significant work (building construction, driveway, parking areas, and garages) remain outside of the WPL. The Commission finds that this work within the WPL will have minimal environmental impact to the Waterway with the proper use of sediment and erosion controls, site monitoring, and buffer plantings.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL-10944-19
Street Address: 41 Richmondville Avenue
Assessor's: Map C12 Lot 046
Date of Resolution: February 19, 2020

Project Description: The application is for the conversion of the main historic structure into a condominium complex as well as the construction of detached garages, a pool, and a reconstructed parking lot. Work is within the upland review area from the wetlands and the WPLO area of the Saugatuck River.

Owner of Record: 41 Richmondville LLC
Applicant: Kousidis Engineering, LLC

In accordance with *Section 6 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL 10944-20** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.
16. A final inspection and submittal of an “as built” survey is required prior to the issuance of a Certificate of Compliance.
17. Conformance to the previously adopted “Standard Pool Conditions” for pools located near wetlands or watercourses as applicable and as enumerated below:
    a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
    b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation. Pool equipment should be located at or above the 100 year flood elevation.
    c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
    d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
    e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e. three (3) or more months.
    f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
    g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.
18. Conformance to the conditions of the Flood and Erosion Control Board of **February 5, 2020**.

SPECIAL CONDITIONS OF APPROVAL

19. Conformance to the following plans:

a. "**Proposed New Residential Development: Coverage Reduction Schematic (Sheet CE-1), Drainage Plan (Sheet CE-2), Conservation Plan (Sheet CE-3), Snow Removal Plan (Sheet CE-4), Sediment & Erosion Controls Plan (Sheet CE-5; stamped received February 19), 2020, Notes and Details (Sheet CE-6; stamped received February 19)**, Prepared for 41 Richmondville LLC, 41 Richmondville, Westport, Connecticut", Scale: 1"= 20', dated **December 12, 2019 last revised to January 31, 2020**, Prepared by Kousidis Engineering, LLC.
b. "**P&Z Submission Planting Plan**, Prepared for 41 Richmondville LLC, 41 Richmondville Avenue, Westport, Connecticut", Scale: 1"= 20', dated **February 4, 2020; stamped received February 19**, Prepared by William Kenny Associates LLC. Sheets 1 of 2 and 2 of 2.
c. **Drainage Analysis** Prepared for 41 Richmondville LLC, 41 Richmondville, Westport, Connecticut", dated **December 12, 2019 last revised to January 31, 2020**, Prepared by Kousidis Engineering, LLC.
d. **Proposed Area Routing** Prepared for 41 Richmondville LLC, 41 Richmondville, Westport, Connecticut", Scale: 1"= 40', un-dated, Prepared by Kousidis Engineering, LLC.
e. **Operations and Maintenance Plan** 41 Richmondville Avenue, dated **February 17, 2020 as modified herein.**
f. **Building Plans:** "Richmonville Lofts, Richmondville Ave, Westport, Connecticut", Scale: As-Noted, dated December 11, 2019, Prepared by Beinfield Architecture, Sheets: A101, A102, A103, A105, A201.
g. "**Property & Topographic Survey**, Prepared for Coastal Luxury Homes, 41 Richmondville Avenue, Westport, Connecticut", Scale: 1"= 30', dated December 11, 2019, Prepared by Redniss & Mead.
h. "**Wetland Watercourse Delineation** 41 Richmondville Avenue, Westport, CT", Prepared by William Kenny Associates, LLC, Dated August 16, 2019.

20. A designated independent site monitor who is knowledgeable about CT D.E.E.P. reporting requirements for contamination in addition to general construction erosion and sediment controls shall be employed for the duration of site work. The site monitor shall submit weekly reports regarding the project and any needed improvements to the sediment and erosion controls. In addition, the site monitor shall submit reports after a storm event of 0.5" or greater.
21. The design engineer shall oversee the installation of all drainage structures and required features onsite including ensuring the proper soil mixture of the raingardens. The design engineer shall submit this certification to the Conservation Department before the issuance of a Conservation Certificate of Compliance.
22. The Operations and Maintenance Plan for the stormwater management as well as a Maintenance log for documentation of activity shall be kept on site to be available to Town Staff upon request. A report shall be prepared and submitted to the Conservation Department on an annual basis summarizing operation, monitoring and maintenance activities associated with the stormwater management system. The Operations and Maintenance Plan shall be revised to include the need for a spill-kit to be stored onsite.
23. William Kenny Associates, LLC or a firm or expert with the appropriate credentials, qualifications and certifications shall supervise the proposed invasive plant removal and all proposed mitigation plantings in the bioswales and raingardens. The drainage area functionality (biofiltration swales and rain gardens) and the upland review area plantings shall be monitored for a total of three growing seasons following the restoration activities with color photographs taken from fixed locations and notation of all invasive species control measures that were implemented. Said monitoring reports shall be submitted to the Conservation Department on an annual basis with the initial report required prior to the issuance of a Conservation Certificate of Compliance.
24. Submission of a performance bond estimate in the amount of the cost of plants, erosion control material and three years of wetland restoration monitoring shall be submitted to the Conservation Department for approval prior to the issuance of a zoning permit.
25. A Contractor Agreement shall be reviewed and signed including acknowledging familiarity with the Construction Sequence Plan and Conditions of Approval prior to work commencement.
26. An on-site construction meeting shall be conducted prior to work commencement.
27. The Homeowner's Association By-Laws shall include the requirement to comply with provisions of Operation & Maintenance Plan. Said By-Laws shall be submitted prior to issuance of Conservation Certificate of Compliance.
28. Three signs shall be added in area of bioswale to educate people of the purpose of the bioswale and rain gardens and a recommendation to inform condominium management of any impediments or issues the management of a problem.

29. To the extent feasible, the applicant shall maintain the existing groundwater monitoring wells to preserve them for future use, if needed.

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

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

Motion: **Davis** **Second:** **Carey**
Ayes: **Davis, Carey, Lobdell, Cowherd, Bancroft, Perlman**
Nayes: **0** **Abstentions:** **0** **Vote:** **6:0:0**

3. 18 Roosevelt Road: Application #WPL-10945-19 by Kousidis Engineering, LLC on behalf of Russell and Katherine Pfeffer to construct additions and new patio. Work is within the WPLO area of Gray's Creek.

Jim Kousidis presented the application on behalf of the property owners.

Mr. Davis asked about the elevation of the property.

Mr. Kousidis stated the elevation is 9 msl. He discussed the crawlspace construction with flood vents. The project will not be considered substantial improvement; therefore, they will be able to keep the existing cellar. He reviewed the sediment and erosion controls. He addressed the issues raised in the staff report. They will provide a detail for a pervious patio. With regard to the recommendation of adding a bioswale, they do not feel they have enough room to install one. They would recommend using organic landscaping and using the lawn as biofiltration for roof runoff. They would not be opposed to including the gravel driveway as impervious area.

Ms. Mozian discussed the rest of the drainage off the entire house using the architectural plans and noted the Town Engineering Department requirements the no-net increase in runoff standard.

Mr. Kousidis stated there is no increase in the proposal from the 25-year storm event. The request includes a permeable patio.

Mr. Kelly asked for a discussion of the ZBA approval.

Mr. Kousidis noted that part of the addition is in the setback and over coverage. He added the proposal has Flood and Erosion Control Board approval.

Ms. Mozian asked about the heat source.

Mr. Kousidis stated it will be natural gas.

Mr. Davis asked about the a/c unit location.

Ms. Mozian stated they have been moved immediately to the south of their current location.

Mr. Kelly discussed the staff report and LID facts for the property.

Ms. Mozian reviewed the drainage from the roof pitch. She suggested adding more plantings to the patio side of the property.

Mr. Kousidis explained the location of the downspout. He indicated it would make more sense to add plants along the southern property line as there is no room to the north. There will be no regrading and any excess stockpile will be removed off-site. They do not anticipate the need for dewatering since bottom of the drainage gallery is proposed above the mean high water. They are unsure of what the sub-base of the driveway is.

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

Motion: **Davis** **Second: Bancroft**
Ayes: **Davis, Bancroft, Carey, Cowherd, Lobdell, Perlman**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

Findings
Application #WPL 10945-19
18 Roosevelt Road
Public hearing: February 19, 2020

1. **Application Request:** Applicant is requesting to construct building additions and a new patio. Work is within the boundary of the WPLO of Gray's Creek.
2. ***Plans reviewed:***
   a) "Site Development Plan 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", Sheet 1 of 1, Scale 1"=10'-0", dated December 12, 2019, prepared by Kousidis Engineering, LLC
   b) "Drainage Analysis located at 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", 13 Pages, dated December 12, 2019, prepared by Kousidis Engineering, LLC
   c) Proposed Conditions Zoning/Location Survey Map of Property Prepared for Russel S. Pfeffer and Katharine I. Pfeffer 18 Roosevelt Road Westport, CT" Scale 1"=10', dated August 24, 2018 and last revised to November 4, 2019, prepared by Walter Skidd Land Surveyor LLC
   d) Architectural Plans entitled: "Pfeffer Residence 18 Roosevelt Road, Westport, CT", dated August 20, 2019, prepared by Eileen Duffy, Sheets A1 to A5
3. **Property Description:**
   Wetlands: There are no inland or tidal wetlands present on this site.
   Location of 25-year flood boundary: 9 ft. contour interval. WPLO boundary established 15 ft. landward from the 9 ft. contour. Note the entire property is within the WPLO boundary.
   Property is situated in Flood Zones AE (el. 11') as shown on F.I.R.M. Panel 09001C551G Map revised to July 8, 2013.
   First Floor Elevation for **existing** residence: 11.84 ft.
   Proposed First Floor Elevation for Additions: 12.0 ft.
   Basement Crawl Space elevation: 9.5 ft.
   Proposed Covered Porch Elevation: 11.5 ft.
   Proposed Patio Elevation: 9.25 ft.
   Existing Site Coverage: 24.89% (1,859.2 Sq. Ft.)
   Proposed Site Coverage: 29.88% (2,240.9 Sq. Ft.)
   This work **is not** considered a **substantial improvement** to the residence. That determination will be filed with P&Z. Municipal sewer services the existing residence.
   Previous Permits issued for this Property: None
4. **Aquifer**: Property underlain by Sherwood Island Aquifer, which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **Coastal Area Management**: Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
6. **Proposed Storm Water Treatment**: Onsite storage of the water quality volume (first inch of rainfall) and the runoff from the 25-year storm event is a proposed in a retention system consisting of 4-Cultec R-330 rechargers. The base elevation of system is proposed to be 5.5' and base of stone to 5.0'. Without test pit data to confirm, it is assumed that groundwater elevation in tidally affected areas is elevation 3.3', which represents the elevation of mean high water.
7. **Grading:** The grading near the additions will generally remain undisturbed. The existing site is generally level.
8. The Flood and Erosion Control Board reviewed and approved the application with standard conditions on February 5, 2020.
9. **Discussion:** The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:
   " An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and

supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation."

The residence was originally constructed in 1922. The applicant is requesting to construct additions to the first and second floor that will be built on crawl space foundations with flood vents. A new covered porch and patio are included with the plans.

The Commission finds that the existing total lot coverage is calculated at 24.89% and the proposed lot coverage is calculated at 29.88%. The Zoning Board of Appeals approved the exceedance of the 25% total coverage in April 19, 2019. The Commission finds that the increase in coverage calculations comes from the proposed additions of 258.9 sq. ft. and the covered porch and step of 138.1 sq. ft. The existing driveway is gravel construction and the rear patio is bluestone pavers. The existing playhouse is marked to be removed from the property.

The 2004 Connecticut Stormwater Quality Manual reports that various studies from around the country show that stream ecosystems and water quality become degraded as impervious surfaces such as parking lots and rooftops, increase. Impairment to streams often occurs when more than 10% of the land within a watershed is covered with impervious surfaces. However, if these areas exceed 25% of the land, severe ecosystem and water quality impairment occurs. For water quality purposes and to provide a Low Impact Development concept, the Commission finds that the prosed patio shall be constructed as permeable and remain so in perpetuity.

Retention time, nutrient removal and water quality is a concern routinely addressed by the Commission on properties within the WPLO jurisdiction. As this property is very level, grading and the creation of rain gardens and or bioswales can be an efficient ways to retain and treat stormwater. In this case, however the applicant has proposed Cultec R-330 XLHD rechargers to provided drainage for the proposed development. Roof runoff will be collected into this system. The Commission finds that a bioswale or rain garden would allow for some water quality treatment through biofiltration and then discharge into the Cultec rechargers in the southeast portion of the lot. This places the stormwater in the upper soil horizon where it is biologically active as necessary for nutrient removal and the soil texture in this horizon will allow for a longer retention time. Concave vegetated surfaces need not be very deep to make a significant contribution to overall storm storage capacity and storm water quality.

The Commission finds that a single row of silt fence around the perimeter of the parcel should be sufficient erosion and sediment protection on this parcel. An anti-tracking pad is shown at the driveway edge to controls sediments from entering the roadway. Groundwater is not expected to be encountered during excavations.

10. The Commission finds that the applicant received approval from the ZBA on April 19, 2019 for coverage for the additions.

11. The Commission finds that the storm water retention and infiltration measures as well as the permeable surfaces are necessary to help assure the proposed activities will not cause additional adverse impacts to the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-10945-20
Street Address: 18 Roosevelt Road
Assessor's: Map D03 Lot 026
Date of Resolution: February 19, 2020

Project Description: To construct building additions and a new patio. Work is within the boundary of the WPLO of Gray's Creek.

Owner of Record: Russel s. Katharine I. Pfeffer
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 10945-20** 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 **February 5, 2020.**

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
    a) "**Site Development Plan** 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", Sheet 1 of 1, Scale 1"=10'-0", dated December 12, 2019, prepared by Kousidis Engineering, LLC
    b) "**Drainage Analysis** located at 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", 13 Pages, dated December 12, 2019, prepared by Kousidis Engineering, LLC
    c) **Proposed Conditions Zoning/Location Survey Map of Property** Prepared for Russel S. Pfeffer and Katharine I. Pfeffer 18 Roosevelt Road Westport, CT" Scale 1"=10', dated August 24, 2018 and last revised to November 4, 2019, prepared by Walter Skidd Land Surveyor LLC
    d) **Architectural Plans** entitled: "Pfeffer Residence 18 Roosevelt Road, Westport, CT", dated August 20, 2019, prepared by Eileen Duffy, Sheets A1 to A5

17. The proposed patio shall be constructed as permeable and the existing driveway should remain permeable, both shall remain so in perpetuity, with this requirement placed on the land records, prior to the issuance of a CCC.
18. The down spouts serving the portion of the existing house shall be redirected to drain toward the front lawn area.
19. The site engineer shall witness the installation of the drainage structures and patio and certify the construction as appropriate and/or functioning as permeable.
20. A planting plan shall be submitted for approval by Conservation Department Staff to show plantings along the length of the existing house. These plantings to be installed prior to issuance of a CCC.

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

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

Motion:	**Carey**	**Second:**	**Cowherd**
Ayes:	**Carey, Cowherd, Lobdell, Davis, Bancroft, Perlman**		
Nayes:	0	**Abstentions:** 0	**Vote:** 6:0:0

Work Session:

1. Receipt of Applications

Ms. Mozian stated there were three applications to officially receive including:

- **12 Hedley Farms Road:** Application #IWW,WPL-10956-20 by William Achilles, AIA on behalf of Christine Gould & Alexander Christon for a pervious stone patio with barbeque, stone seating wall and freestanding stonewall, free standing landscape wall, stone chess set, patio, stepping stone walkway through pond, expanded driveway and parking and stormwater drainage system. Portions of the work are within the upland review area and the WPLO area of a pond tributary to Sasco Creek.
- **109 Morningside Drive South:** Application #IWW/M-10958-20 by Mel Barr on behalf of Kowalsky Family Company LLC to amend wetland boundary map #G7.
- **26 Highland Road:** Application #IWW,WPL-10960-20 by LandTech on behalf of Perkins Real Estate LLC for a new single family residence, driveway, deck, pool and associated site appurtenances. Portions of the work are within the upland review area and the WPLO area.

2. Status of enforcement activity

Mr. Kelly reviewed the enforcement report by Gillian Carroll, Conservation Compliance Officer:

- **61 Richmondville Avenue –** Violation Inspection done on 12/16/2019. The pipe, which was directly discharging into the Saugatuck River, has been removed. However, the Engineering Dept. has not yet verified whether the homeowners have met their conditions for drainage. The violation will remain until compliance is confirmed by the Engineering Department.

  1/30/2020 – Engineering Dept. reported that they cannot verify that the newly installed drainage pipe will meet their conditions until it is connected, which will occur when work on the property is completed. In addition, the area must be stabilized under conditions of approval per the Conservation Department. Until then, the NOV will remain.

- **36 Marion Road –** Issued the property a Notice of Violation on January 3, 2020 after receipt of a complaint from the homeowner of 36 Marion Road on Jan. 2, 2020 for drainage issues in front of his home where a catch basin is located. Both the Engineering and the Conservation Dept. inspected the property; water is ponding over the catch basin and is creating a public safety issue. Drainage from the previous homeowner was altered without consulting Conservation or Engineering. The front yard of the home was supposed to have a detention pond and at some point, there was a pipe installed which connects to the catch basin and now extends to the wetlands to divert the water from ponding in a detention pond. The pipe is clogged that is directed into the wetlands due to a lack of maintenance of the wetlands and deliberate stockpiling of leaves, grass clippings and other debris. Permission was given to the homeowner, with the supervision of Engineering Dept., to trench a channel in the wetlands to alleviate the clogged pipe in hopes of creating a running stream so that the catch basin will be able to drain water from the road into the wetlands.

  1/6/2020 – Engineering went onsite to inspect the work that had been done. Minimal trenching was performed and needs be dug deeper to see results and no leaves have yet to be removed.

  1/8/2020 – G. Carroll and Ted Gill from Engineering inspected work being performed. Recommending homeowner to seek professional help to remove pipe clog which will be supervised by both departments once someone has been hired.

1/14/2020 – Public Works, Engineering, Conservation and Tom Kerrigan were onsite to jet the clogged pipe and clear debris from catch basin side. Attempt was successful and the clogged catch basin has been relieved, the road is no longer ponding and the public safety issue has been remedied. However, the leaf and debris within the wetlands still remains and needs to be removed, until then, the violation will remain.

2/12/2020 – Leaf piles and other debris remain. G. Carroll put phone call into homeowner.

- **8 Lone Pine Lane –** Complaint received from anonymous person on February 15, C. Kelly inspected the property. During that inspection, clear-cutting of approximately nineteen (19) trees were discovered and more were in the process of being removed by MAX TREE Service's within the 20-foot non-disturbance area setback from a wetland or watercourse. All work conducted on this site has been done without properly acquiring a permit from the Town of Westport's Conservation Department and within the 20 ft. non disturbance area. Cease and Correct and Citation given to property owner.

  1/31/2020 – Show Cause Hearing held, revised order:
  1. Submission of an application for the amendment of the Town of Westport's Inland Wetlands and Watercourse map submitted to the Conservation Department for request of a Public Hearing. The application fee is $650 and can be made payable to the Town of Westport. You will be required to replace any flags onsite as several were missing as a result of the tree removal activities onsite.

  2. Hire a certified arborist to distinguish the health of the existing trees and vegetation within the wetlands in which you were prepared to remove originally. Obtain a letter from the professional indicating the condition of the vegetation and submit to the Conservation Department.

  3. Submit a remediation-planting plan to the Conservation Department staff for review and approval. Be sure to select appropriate plantings in regard to native origin, caliper and quantity.

  2/3/2020 – Citation Hearing held, $1000.00 fine was upheld.

- **10 Lone Pine** – Complaint made after site inspection of 8 Lone Pine Lane by Anna Rycenga, the illegal pipe discharging onto 8 Lone Pine Lane and into Deadman's Brook has been removed as of 2/11/2020.

3. Approval of January 10, 2020 field trip minutes.

The January 10, 2020 field trip minutes were approved as submitted.

Motion:	**Davis**		**Second: Carey**		
Ayes:	**Davis, Carey, Bancroft, Cowherd, Lobdell, Perlman**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

4. Approval of January 15, 2020 meeting minutes.

The January 15, 2020 meeting minutes were approved with modifications.

Motion:	**Carey**		**Second: Lobdell**		
Ayes:	**Carey, Lobdell, Bancroft, Cowherd, Davis, Perlman**				
Nayes:	**None**	**Abstentions:**	**None**	**Vote:**	**6:0:0**

5. Approval of January 31, 2020 Show Cause Hearing minutes.

The January 31, 2020 Show Cause Hearing minutes were tabled to the March 18, 2020 Work Session.

6. Establishment of WPLO sub-committee to discuss future changes to the ordinance.

Ms. Mozian noted the need to establish a WPLO sub-committee to discuss future changes to the ordinance. Proposed changes would then be brought to the full Commission prior to review and approval by the RTM. Ms. Rycenga has previously indicated willingness to serve on the sub-committee.

Mr. Lobdell and Mr. Bancroft indicated willingness to serve on the sub-committee.

7. Other Business
   a. Ms. Mozian stated the Commission also needs to work on increasing fees for Commission applications per the Board of Finance.
   b. Ms. Mozian noted there is a food waste composting initiative that will start at the Transfer Station during the week of April 20, 2020.

The February 19, 2020 Public Hearing of the Westport Conservation Commission adjourned at 10:59 p.m.

Motion: Perlman **Second: Carey**
Ayes: Perlman, Carey, Bancroft, Cowherd, Davis, Lobdell
Nayes: None **Abstentions: None** **Vote: 6:0:0**