



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

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
JULY 15, 2020**

The July 15, 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:**

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

**Staff Members:**

Alicia Mozian, Conservation Department Director  
Colin Kelly, Conservation Analyst  
Gillian Carroll, Conservation Compliance Officer  
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 July 15, 2020 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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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.

Ms. Mozian asked that since Ms. Carroll was present, the Commission discuss 20 Webb Road during Work Session I in case she had anything further to add to the discussion.

**Work Session I: 7:00 p.m.** (The work session is not a public hearing. The public is invited to attend but may not speak.)

1. Status of enforcement activity as presented by the Conservation Compliance Officer.

Ms. Carroll reviewed with the Commission her report of existing enforcement activity as follows:

**2 Woodcock Lane** – G. Carroll inspected property as routine inspection for progress of construction and noticed extensive tree removal on northwest side of property nearest the wetland pocket adjacent to the neighboring property. Five or six mature trees were removed and 3-4 trees were removed within the 20 ft. non-disturbance area. A Notice of Violation was sent out on 7/8/2020 requiring a planting plan to be submitted with the condition of completion prior to Conservation Certificate of Compliance for the open permit. The owner is currently working on submitting a planting plan.

**42 Kings Highway South** – C. Kelly inspected property on 3/20/20 as a result of a complaint received by the Conservation Department on 3/19/20. The inspection revealed a fence erected without a permit and as it appears, additional construction occurring on the interior of the home and a little on the exterior. On the exterior, was sand/gravel piles, a large hole in the front yard, a roll-off dumpster and “Black Dog Construction Truck”. No one was home when C. Kelly rang the doorbell, but it appears to be mostly interior with the exception of the piles in driveway and unpermitted fence. Issued Notice of Violation on 4/7/2020 for conducting a regulated activity without a permit.

As of **5/15/20** – have not yet received a response from the homeowner.

**28 Jennings Court**- The Conservation Dept. discovered this violation when the Engineering Department notified the Conservation Department that they received a site plan of an as-built survey conducted in 2018 with a proposal for a new drainage system on March 9<sup>th</sup> 2020. The survey indicated the expansion of a driveway, and patio that was never previously approved or proposed. The current property owners were issued a permit in 2013 for an addition and front entry addition however, nothing further. A Notice of Violation was issued for performing a regulated activity within the 20’ setback area and doing so without a permit.

**4/21/20** - Mr. Adam Brodsky contacted Conservation Dept. and is updating the survey and has a drainage plan currently being reviewed by Engineering Department. He will need Health approval for the patio and the driveway expansion and once he receives that approval A. Mozian is including these two items to be amended to the existing open permit from 2013 to legalize them both.

**7/6/2020** – The Conservation Department received an application from Oceanview Pool and Patio for the installation of a spa and to legalize the unpermitted patio and driveway expansion.

**20 Webb Road** - Submittal of a drainage and planting plan by David Vyneryb on 4/20/20. The planting plan submitted was for an area of 17’ x 5 and only had three varieties of plants and two were inappropriate for this particular wetland. G. Carroll suggested a revision and changes to the species of plants as well as to increase quantity. A new revised plan was received on 5/4/20 with a more robust planting plan as it pertains to species but not quantity. A. Mozian and G. Carroll do not feel that the proposed planting plan is sufficient or what the Commission has in mind according to their Show Cause Hearing findings “a planting plan which works to restore the natural state of the wetland and its functions”. The drainage portion of plan does not meet the criteria for the Engineering Department, so they are working to reconfigure the plan. 20 Webb Road will be a work session item for the May 20, 2020 meeting.

**6/11/2020** - Conference phone call with Engineering; Amrik Matharu, Ted Gill, Conservation; Colin Kelly and Gillian Carroll and David Vyneryb discussing moving forward with the only feasible location of pipe due to Engineering requirements being 30 ft. from the property line of 20 Webb Road and 18 Webb Road. David said the homeowners do not want the pipe located in the middle of the yard and he does not have authority to move forward with this plan without their permission.

It was decided David will be given the opportunity to discuss with homeowner the only option of the pipe location and report back to Engineering and Conservation on his authority of executing this plan. Amrik Matharu, Ted Gill and Gillian Carroll are having a conference call with homeowner Jason Heaps (present at the Show Cause Hearing) within the next few days to discuss plans moving forward.

**6/30/2020-** David Vynerib on behalf of Jason Heaps submitted an updated plan to the Engineering Department that met their requirements for the distance setback from the side yard (30 ft.) and sewer easement. The Conservation Commission is now responsible for determining whether they feel the planting plan incorporated on the plan submitted on 6/30/20 meets the conditions of approval from the Show Cause Hearing.

**179 Sturges Highway** - On April 14, 2020, the Conservation Department conducted a site inspection of the above-referenced property as part of the final inspection process for your currently open permit, WPLE-10786-19, Interior renovations, new master bedroom over garage, new deck and porch. It was apparent from that inspection that several trees, roughly thirteen (13) trees were cut and of those thirteen trees, six to eight (6-8) were cut within the non-disturbance setback area of a wetland. Additionally, it was determined that woodchips and cut tree limbs were also deposited within the wetlands. Although tree removal was permitted in 2009 by Conservation Analyst; Colin Kelly, for two to three trees to be removed approximate to the house, this work was unpermitted and outside the scope of work agreed upon. This work occurred within the wetlands 20 ft. non-disturbance area and within the wetlands on your property.

**5/15/2020-** A Notice of Violation was sent to the homeowner for the activity sited above. The homeowner was aware the violation would be sent following C. Kelly's inspection, however G. Carroll waited to send the violation until an arborist report was produced possibly to verify the vitality of some of the trees that may in fact could have needed to be removed. No report was ever produced.

**5/20/2020** - A. Mozian and G. Carroll had a conference call with homeowner discussing specifics of the planting plan would be required as outlined in the NOV. Homeowner Sherif Khalifia hired Alex Moch to do a planting plan which was submitted and approved and being stalled prior to the dry season.

**7/6/2020** – Inspected property for installation of quantity and vitality of the approved plants from the planting plan. Plant stability appeared promising, seeded mix was installed and hay incorporated for further stabilization. Approximately 3-4 extra plants installed, and all labelled for ease of inspection. Removal of the Notice of Violation was sent on 7/6/2020.

### **Open Violations**

- **8 Indian Point Road** – 7/6/2020- Homeowner contacted the Conservation Department and are planting to stabilize stream bank and along perimeter of property near stonewall. Once completed, inspection will be performed in hopes of a NOV removal.
  - **61 Richmondville Avenue** - Planting planned for the Spring Season – Stabilization has been met on property and waiting for Engineering to confirm roof leaders have been properly installed.
  - **8 Lone Pine Lane** - Planting planned for the Spring Season – no notice of completion yet.
2. **20 Webb Road:** Continued request for clarification of condition for plantings as required by the January 13, 2020 decision to uphold the Cease and Correct Order for doing work within a wetland and upland review area without a permit.

Ms. Mozian stated staff is looking for clarification of the condition for plantings as required to uphold the Cease and Correct Order. As noted at the May 20, 2020 meeting minutes, the Commission remembers being sympathetic to the owners and did not want the planting plan to be punitive, while the staff had believed the plantings were supposed to be for the whole wetland. Staff has not yet received the \$600 bond. The item had been continued from the May meeting to get comments from the Engineering Department.

Mr. Kelly highlighted the June 30, 2020 plan that now meets the Engineering Department standards.

The Commission agreed that the planting were just in the area of the proposed pipe discharge outlet.

Ms. Mozian recommended that once the \$600 bond and the planting plan is augmented to include the number and size of species on the provided plant list, the Cease and Correct Order can be released.

Motion to release Cease and Correct Order upon receipt of bond and planting plan.

|                |   |                     |                    |
|----------------|---|---------------------|--------------------|
| <b>Motion:</b> | <b>Perlman</b>  | <b>Second:</b>      | <b>Carey</b>       |
| <b>Ayes:</b>   | <b>Perlman, Carey, Cowherd, Davis, Lobdell, Rycenga</b> |                     |                    |
| <b>Nayes:</b>  | <b>None</b>   | <b>Abstentions:</b> | <b>Bancroft</b>    |
|                |   |                     | <b>Vote: 6:0:1</b> |

**Public Hearing: 7:15 p.m.**

- 1. 4 Hockanum Road:** Application #IWW/M-11017-20 by LandTech on behalf of Andrew & Michelle Ludel to amend wetland boundary map #D13.

Chris Allan, soil scientist and professional wetland scientist, of LandTech presented the application on behalf of the property owners, Michelle and Andy Ludel, who were also present on the call. Mr. Allan reported Mary Jaehnig was retained by the Town and concurred with his wetland flagging.

Ms. Rycenga asked if the wetland area defined now is less or more than the Town map.

Mr. Kelly stated it is a 5,646 s.f. reduction. He gave a brief description of the soils and that the wetlands are also associated with the Willow Brook floodplain. A proposed garage is forthcoming. He confirmed that Ms. Jaehnig verified Mr. Allan's line.

Mr. Davis asked where the Town wetland line came from.

Mr. Kelly indicated it is from aerial photos from 1975.

With no public comment, the hearing was closed.

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|----------------|---|---------------------|--------------------|
| <b>Motion:</b> | <b>Davis</b>  | <b>Second:</b>      | <b>Carey</b>       |
| <b>Ayes:</b>   | <b>Davis, Carey, Bancroft, Cowherd, Lobdell, Perlman, Rycenga</b> |                     |                    |
| <b>Nayes:</b>  | <b>None</b>   | <b>Abstentions:</b> | <b>None</b>        |
|                |   |                     | <b>Vote: 7:0:0</b> |

**Findings**  
**Application #IWW/M 11017-20**  
**4 Hockanum Road**  
**Public Hearing: July 15, 2020**

- 1. Application Request:** The applicant is requesting to amend wetland map # D13 on Lot #095. Parcel owned by Andrew & Michelle Ludel
- 2. Soil Scientist for Applicant:** William L Kenny, William Kenny Associates LLC. and Christopher P. Allan, LandTech.
- 3. Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jaehnig Soils
- 4. Plans reviewed:**  
 "Map of Property prepared for Andrew S. and Michelle M. Ludel 4 Hockanum Road, Westport, Connecticut", Scale: 1" =20', dated September 10, 2007, prepared by Hammons LLC
- 5. Wetlands Description:**
  - Wetland and Watercourse Delineation - prepared by William L. Kenny William Kenny Associates LLC., dated July 19, 2007, pages 1-5 and Wetland & Watercourse Map
  - Wetland and Watercourse Delineation, prepared by William L. Kenny, William Kenny Associates LLC, dated May 29, 2020
  - Letter to Alicia Mozian, statement of consensus, prepared by Christopher P. Allan, dated April 29, 2020

They identified the following wetland soils occurring on the property;

**Aquents (Aq):** This soil type generally has 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.

**Raypol silt loam (12):** This soil type is nearly level, poorly drained soil found in depressions, on plains and terraces. The soil has a seasonal high water table at a depth of 6 inches from fall until late spring. The soil dries and warms up slowly in spring. 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. The soil is poorly suited for trees due to the high water table which restricts root growth.

Non-wetland soils were identified as:

**Agawam fine sandy loam (29):** This nearly level, well-drained soil is found on plains and terraces in stream valleys. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. Most area 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.

**Udorthents-Urban land complex (306):** This component occurs on urban land, cut, fill, or spoil pile landforms.

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

- The pre-existing house onsite was built in 1957.
- The property is 1.10 acres (47,999 sq. ft.) in size.
- It is located in the Willow Brook watershed and Willow Brook flows from east to west across the rear yard. No FEMA flood zone is associated with this property as it was outside their study area, however the property has a 100-year flood elevation taken from GZA Geo-environmental Inc. flood study, dated April 16, 2020.
- The property is not within the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is not shown. It shall be established at 15' from the edge of the 25-year flood line or 15' from the proposed wetland line, whichever is greater.
- The Current Town of Westport Wetland map shows a larger area of the wetland boundary on the parcel.
- The flagged wetland area is 4,987 sq. ft. as determined by the Hammons LLC survey, dated September 10, 2007. The Town of Westport wetland line is 10,634 sq. ft. this represents a reduction of 5,647 sq. ft.

#### **7. Discussion:**

The applicant submitted a soils report by William L. Kenny, dated July 19, 2007 that documents his investigation of the soils on the site. This report identifies the soils listed above. Additionally, Mr. Kenny submitted a letter, dated May 29, 2020 that states the wetlands are "substantially the same" as the "field identified and marked" soils of 2007. Furthermore, a letter from Christopher Allan, Soil Scientist, dated April 29, 2020 agrees with the delineated boundary.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Soils, to review the proposed wetland boundary. Mrs. Jaehnig conducted an on-site investigation on June 23, 2020. Her letter, dated June 25, 2020, supports the findings of Mr. Kenny and Mr. Allan.

The Commission finds that the Town's wetland boundary map be amended to reflect the boundaries as flagged and concurred to by the soil scientists as shown on the September 10, 2007 "Map of Property" survey.





4. **Previous Soil Scientist for Owner:** Aleksandra Moch

5. **Plan reviewed:**

- “Equal Area Exchange Survey Map of Property between Land of Kevin M. Dorsey & Deborah L. Dorsey 25 Cavalry Road and Land of Kevin M. Dorsey 59 Red Coat Road, Westport, Connecticut”, Scale: 1” = 30’, dated February 13, 2020 and last revised to July 9, 2020, prepared by Walter Skidd Land Surveyor LLC

6. **Wetlands Description:**

*Inland Wetland and Watercourse Delineation 59 Red Coat Road Westport, CT, prepared by Christopher P. Allan, dated May 11, 2020.*

*The following **wetland** soils were identified on the property by Mr. Allan. These were the same soil types identified by Ms. Moch in 2015;*

**Ridgebury, Leicester and Whitman fine sandy loam (3):** This soil consists of poorly drained and very poorly drained loamy soils formed in glacial till. They are found in depressions and drainage ways in uplands and valleys. Their 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. The Whitman soil has a high water table for much of the year and may be frequently ponded.

**Non-wetland** soils were identified as:

**Woodbridge fine sandy loam (45):** This is moderately well drained loamy soils formed in lodgment till. They are very deep to bedrock and moderately deep to densic contact (hardpan). They are nearly level to moderately steep soils on hills, drumlins, till plains, and ground moraines Many areas are cleared and used for cultivated crops, hay, or pasture. Scattered areas are used for community development. Some areas are wooded.

**Paxton and Montauk fine sandy loam (84):** This series is Well drained loamy soils formed in lodgment till. The soils are very deep to bedrock and moderately deep to densic contact (hardpan). They are nearly level to steep soils to moderately steep soils on hills, drumlins, till plains, and ground moraines Many areas are cleared and used for cultivated crops, hay, or pasture. Scattered areas are used for community development. Some areas are wooded.

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

- The existing property is undeveloped.
- The property is 2.05 acres (89,298 sq. ft.) in size.
- It is located principally in the Saugatuck River watershed.
- A small portion of the northwest corner of the property is within the Aquifer Protection Overlay Zone.
- Property does **not** exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is 15’ from the proposed wetland line.
- Review of “**25 Cavalry Rd. and 59 Redcoat Road Chronology of Wetland Boundary Delineation**” dated June 9, 2020 and prepared by Alicia Mozian.
- The flagged wetland area is **28,532 sq. ft.** as determined by the Walter Skidd survey, last revised July 9, 2020.

8. **Discussion:**

The Commission finds that the applicant submitted a soils report by Christopher Allan, Soil Scientist, dated May 11, 2020. This documents his investigation of the soils on the site on May 7, 2020. This report identifies the soils listed above.

The Commission finds that the Town of Westport retained the services of Scott Stevens, Soil Science and Environmental Services, Inc. to review the proposed wetland boundary. Mr. Stevens conducted an on-site investigation on July 3, 2020. He conveyed to staff that he had questions regarding the location of some of the flags, specifically the flagging from #30-#43. An on-site meeting was coordinated to discuss the locations on July 8, 2020. Samples of the soils were done between Scott Stevens and Chris Allan with Alicia Mozian in attendance. The soil scientists agreed to adjust the flagging in the field and relocated the necessary flags. A sketch map was prepared by Mr. Allan to reflect these changes.

The Commission finds that the updated survey, last revised July 9, 2020, reflects the identified wetland flagging located during the July 8, 2020 site meeting. Chris Allan & Scott Stevens (by email, dated 7/15/20), attested to the accuracy of the updated plan.

The Commission finds that the wetland boundary be amended to reflect the flagged areas and concurred to by both soil scientists as shown on the referenced plan.

**Resolution**  
**Application #IWW/M-11023-20**  
**59 Red Coat Road**  
**Date of Resolution: July 15, 2020**

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-11023-20 by Pete Romano of Landtech on behalf of Kevin M. Dorsey to amend the wetland boundary on Map: #B15 Lot: #066 on the property located at 59 Red Coat Road with the following conditions:

1. Conformance to the plan titled:
  - “Equal Area Exchange Survey Map of Property between Land of Kevin M. Dorsey & Deborah L. Dorsey 25 Cavalry Road and Land of Kevin M. Dorsey 59 Red Coat Road, Westport, Connecticut”, Scale: 1” = 30’, dated February 13, 2020 and last revised to July 9, 2020, prepared by Walter Skidd Land Surveyor LLC
2. An electronic file in a format acceptable to the Town Engineer shall be submitted to the Conservation Department.

**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: Bancroft**  
**Ayes: Perlman, Bancroft, Rycenga, Davis, Carey, Lobdell, Cowherd**  
**Nays: 0                                  Abstentions: 0                                  Votes: 7:0:0**

3. **128 Bayberry Lane:** Application #IWW,WPL/E-11007-20 by John F Fallon, Esq. on behalf of the Estate of James S & Dina Belta for a proposed “Open Space Subdivision” consisting of nine (9) residential lots, two of which will be retained by the Belta family. The lots will be accessed by 960 ft. long by 22 ft. wide dead-end road with underground utilities and stormwater management. Each lot will be served by a private septic system and public water supply. Portions of the work are within the upland review area.

John Fallon, Esq. presented the application on behalf of the property owner. Greg and Jim Belta were also present on the call and it was noted they would like to retain their residences on the property. Atty. Fallon noted that if this were a conventional 9 lot subdivision, there would be 2.62 acres of open space. Under the proposed Open Space Subdivision, they are proposing 9 lots and 4.88 acres of open space. There is no work proposed in the wetland or the 50-foot upland review area. It is his understanding that they will be introducing the application tonight but it will be continued to allow for changes recommended by the Engineering Department before going to the Flood and Erosion Control Board on September 2, 2020.

Mark Lancor, PE of DyMar reviewed Sheet C-4, which Mr. Kelly shared onscreen. The property is now 23 acres on 2 lots. The property sits on a knoll. Only .4 acres is steep slopes. The lots will range from 1.35 acres to just shy of 3 acres. The property now is serviced by septic and well and is proposed to be serviced by septic and public water. The drainage will go to a proposed drainage basin that will be about .75 acres in size. It will have a fore-bay for water quality, then go through a series of filtering stormwater devices before entering Muddy Brook. Also the existing drainage system does not meet the Town’s drainage standard. With the proposed drainage basin, the drainage system will improve existing conditions.

Chris Allan, soil scientist and professional wetland scientist of LandTech noted he flagged the wetlands in 2013. The wetlands are associated with Muddy Brook. They are second growth woodlands primarily. Staff has suggested a wetland buffer behind lots 3, 4, 5 and 6. He reviewed



Sheet 11B, which Mr. Kelly showed onscreen. Mr. Allan noted the intent is to remove invasives and replant with natives. There will be 71 shrubs and small trees.

Ms. Rycenga asked whether the old car and metal on the site poses a problem for contamination.

Mr. Allan said no.

Mr. Lancor pointed out Sheet C2, which Mr. Kelly shared onscreen, that shows area of buried debris.

Mr. Perlman asked if the farm has been tested for contaminants.

Mr. Lancor stated it had not.

Mr. Perlman asked about the discrepancy between sheets C3 and C4.

Atty. Fallon explained it is a P&Z requirement to show the conventional subdivision layout in addition to the proposed Open Space layout.

Mr. Lobdell asked why the septic will not adversely impact the wetlands.

Mr. Allan stated the septic will meet the Health Code.

Mr. Carey noted the planting plan, specifically, in the number of plants for the length of the buffer. He stated that the proposed planting plan appeared light given the size of the buffer. He also noted there is significant use of herbicides proposed. Use of herbicides should be avoided and could be a negative impact to the wetland. He asked if there will be a Homeowner's Association (HOA) and inquired as to the HOA responsibilities for maintenance of the detention basin. A maintenance plan will be required and filed against the land records.

Ms. Rycenga added there will be a service road to the detention basin. She stated that a maintenance schedule is needed.

Mr. Fallon stated a HOA will be established. They will address the planting plan, the use of herbicide and the maintenance plan.

Mr. Davis noted the lots in the rear are at a higher elevation that drain to Muddy Brook. Future owners will have to be mindful of what they put on their lawns.

Ms. Rycenga asked about Fire Department compliance as it pertains to the road.

Atty. Fallon stated they have not asked for comments as yet but Engineering indicated it meets the private road standards.

Mr. Bancroft stated that Round-up was to be prohibited soon and asked what the elimination of Round-Up would do to the removal plan.

Mr. Allan indicated he had not heard that.

Ms. Mozian asked questions with regard to drainage. She clarified that the detention basin would be the primary detention for all properties.

Mr. Lancor agreed. However, individual lots would have systems to handle the first flush from roof runoff.

Ms. Mozian noted that plans were submitted electronically and the staff did not ask for full size plans as they will change with Engineering comments. Once those changes are made, full size plans will be submitted and distributed to the Commission. Test pits have been done but there are still no comments from the Health Department.

Mr. Kelly reviewed the detention plan with Mr. Lancor.

The Commission discussed whether a Phase I study was necessary.

Mr. Fallon agreed to give a historic background of the farming activities on the property.

The sense of the Commission was that a Phase I study was not necessary.

There were no comments from the public and the hearing was continued to September 9, 2020.

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|----------------|---|---------------------|--------------------|
| <b>Motion:</b> | <b>Rycenga</b>  | <b>Second:</b>      | <b>Carey</b>       |
| <b>Ayes:</b>   | <b>Rycenga, Carey, Bancroft, Cowherd, Davis, Lobdell, Perlman</b> |                     |                    |
| <b>Nayes:</b>  | <b>None</b>   | <b>Abstentions:</b> | <b>None</b>        |
|                |   |                     | <b>Vote: 7:0:0</b> |

**Work Session II:**

1. Receipt of Applications

There were no applications to receive.

2. Approval of June 17, 2020 meeting minutes.

The June 17, 2020 meeting minutes were approved as corrected.

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|----------------|---|---------------------|--------------------|
| <b>Motion:</b> | <b>Davis</b>  | <b>Second:</b>      | <b>Carey</b>       |
| <b>Ayes:</b>   | <b>Davis, Carey, Bancroft, Cowherd, Lobdell, Perlman, Rycenga</b> |                     |                    |
| <b>Nayes:</b>  | <b>None</b>   | <b>Abstentions:</b> | <b>None</b>        |
|                |   |                     | <b>Vote: 7:0:0</b> |

3. **26 Highland Rd.:** Request by Steven Perkins to modify Resolution #IWW, WPL-10960-20 for a new single family residence, driveway, septic system and deck.

Ms. Mozian reviewed a modification to Resolution IWW,WPL-10960-20. She noted the differences in the plans between what was approved and what is now being proposed. Mr. Kelly showed the plans on screen. The differences include:

- The existing house is not being torn down.
- They are converting the existing screened porch to a building addition which opens out onto a deck with a patio below. There is a patio in that area now. The extent of the lower deck has been reduced and is now outside the WPLO area.
- The garage addition is in mostly the same location as the previously approved one on the north end of the existing house.
- The driveway will still be moved from the south end to the north end but the hammerhead has been switched to the northside of the driveway.
- The raingarden is moved from the northeast corner of the house to the southwest corner of the property and further away from the house.
- The covered porch in front of the house has been eliminated.
- The septic system will still move to the front yard and the pool will be built in the present location of the septic system.
- The main house foundation remains.
- The screen porch conversion will be on piers rather than a full foundation.
- The pool will have the same dimensions as previously discussed in the same location but restricted to a 5-foot depth. The fence location has not been shown.
- The applicant has agreed to keep the restoration planting plan as previously approved.

Ms. Mozian noted the Commission could now approve the pool as the 5 feet depth is shallow enough to not interfere with groundwater and that is acceptable. At the time of the previous hearing, the applicant was not sure and there was concern about hitting groundwater and the pool was denied. The pool was referred to staff for review once a final plan was submitted.

Ms. Rycenga noted that at its closest point the previously approved fence was 18 feet from wetland marker #5.

Mr. Kelly agreed that the Commission has already approved a fence at that distance and could feasibly allow it again.

Mr. Carey stated the Commission is gaining a lot here and is a win-win. The applicant is not taking the existing structure down to build a new structure. This is a net gain for the wetlands.

Mr. Davis asked if it is known what the type of fence will be. He would like to see something that allows free flow of water and air.

Ms. Mozian stated the Commission may require whatever fence type and location they are comfortable with.

Mr. Kelly stated that the Commission could state that a wall is not acceptable but a fence is. A fence will allow for flow of water but a wall will not.

Ms. Mozian referred to Jim Kousidis' letter of July 13, 2020 in which he noted the proposed changes to the resolution.

Motion to amend the resolution to include:

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW, WPL-10960-20**  
**Street Address: 26 Highland Road**  
**Assessor's: Map G15 Lot 023**  
**Date of Resolution: April 15, 2020**  
**Amended July 15, 2020**

**Project Description:** Renovate the existing residence, add an attached garage to the north of the main residence, enclose the covered porch and support on pilings, relocate septic system to front yard, new and relocated driveway, new 5-foot deep pool, and associated site improvements. Portions of the work are within the upland review area and the WPLO area of Muddy Brook and Sasco Brook.

**Owner of Record:** Perkins Real Estate LLC  
**Applicant:** Jim Kousidis, 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-10960-20** 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 March 4, 2020.
16. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
  - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
  - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e. three (3) or more months.
  - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with some kind of energy dissipation at end of hose is required.
  - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

#### **SPECIAL CONDITIONS OF APPROVAL**

17. Conformance to the plans entitled:
  - a) "Site Development Plan Prepared for Perkins Real Estate LLC, 26 Highland Road, Westport, Connecticut, Sheet 1 of 2 and 2 of 2, Scale: 1" = 20', dated June 30, 2020 and last revised July 7, 2020, prepared by Kousidis Engineering, LLC.
  - b) "Drainage Analysis for 26 Highland Road, Westport, Connecticut", dated July 6, 2020, prepared by Kousidis Engineering, LLC.
  - c) Architectural Plans entitled: "Perkins Family Addition 26 Highland Drive, Westport, CT", (sheets H1, H2), dated January 10, 2020 and last revised to July 6, 2020, prepared by John Jones Architect
18. The wetland boundary as previously flagged by Soil Scientist, Chris Allan, shall be re-established in the field prior to work commencement.
19. The silt fence backed by haybales as indicated on the site plan shall be installed in the field prior to work commencement.
20. A site monitor shall be selected with contact information provided to the Conservation Department staff prior to start of work commencement. Said monitor shall provide monthly sediment and erosion reports to ensure the sediment and erosion controls are effective through construction, until the site is stabilized.
21. The site engineer oversees the drainage installation and certify that it is installed correctly prior to the issuance of a CCC.

22. Install erosion control prior to construction commencement just outside the limit of disturbance as shown on the site plan.
23. All planting within the wetland area shall be done by hand. Mulching within this area should be done with organic leaf mulch.
24. Conservation Department shall be contacted 48 hours prior to construction commencement.
25. The Wetland Restoration Planting Plan shall be amended to include the height and/or diameter breast height (dbh) or caliper of proposed trees and height for shrubs. Trees shall be a minimum of 2" caliper. Shrubs a minimum height of 3'-4'. Said amended plan shall be submitted prior to issuance of a zoning permit.
26. The restoration plan for the pocket wetland shall be increased to include more plantings.
27. The raingarden planting plan shall be amended to include actual plantings as well as a description of the proposed seed mix. Said amended plan shall be submitted prior to issuance of a zoning permit.
28. A bond to cover the cost of plantings shall be submitted prior to issuance of a zoning permit and held for one full year following time of installation.
29. Provide a maintenance/management plan for the raingarden to the Conservation /Department for review and approval. This plan shall be recorded on the Land Records prior to the issuance of a Conservation Certificate of Compliance.
30. The pool is approved. The pool shall be a maximum of 5' deep. A typical pool fence shall be utilized and may not encroach closer than shown on previous plan on file titled:
  - "Site Improvements for a Proposed Single Family Residence Site Plan Prepared for Perkins Real Estate LLC, 26 Highland Road, Westport, Connecticut", Sheet C-1 and C-2, Scale: 1"= 20', dated January 23, 2020 and last revised to February 26, 2020, prepared by Landtech
31. No walls shall be constructed and/or utilized as a barrier/fence for the pool access.

**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, Lobdell, Cowherd**  
**Naves: 0 Abstentions: 0 Vote: 7:0:0**

4. **1141 Post Road East:** Request for partial bond release being held for plantings and sediment and erosion controls as required by Permits #IWW-10542-18 & WPL-10543-18.

Ms. Mozian reviewed a request for a partial bond release for plantings and sediment and erosion controls. She noted the project is complete and the applicant is looking for their Certificate of Occupancy. The Conservation Department has signed off. She reviewed what could be released including sediment and erosion controls and one year of site monitoring. She recommended releasing \$19,021.70 of the total.

Motion to release \$19,021.70.

**Motion: Rycenga Second: Davis**  
**Ayes: Rycenga, Davis, Bancroft, Carey, Cowherd, Lobdell, Perlman**  
**Naves: None Abstentions: None Vote: 7:0:0**

**5. Other Business**

There was no other business.

The July 15, 2020 Public Hearing of the Westport Conservation Commission adjourned at 9:58 p.m.

**Motion: Rycenga Second: Perlman**  
**Ayes: Rycenga, Perlman, Bancroft, Carey, Cowherd, Davis, Lobdell**  
**Naves: None Abstentions: None Vote: 7:0:0**

