



**TOWN OF WESTPORT
CONSERVATION COMMISSION**

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**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
DECEMBER 16, 2020**

The December 16, 2020 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

ATTENDANCE

Commission Members:

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

Staff Members:

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

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the December 16, 2020 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Work Session: 7:00 p.m.

1. Receipt of Applications

Ms. Mozian stated there were no IWW applications to receive. The submission deadline for the January hearing is December 17, 2020. The Commission has already received one application at the November meeting and there was a WPLO application received earlier today for the January meeting.

2. Approval of November 18, 2020 meeting minutes.

The November 18, 2020 meeting minutes were approved with corrections.

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

3. Approval of November 20, 2020 Show Cause Hearing minutes

The November 20, 2020 Show Cause Hearing minutes were approved with corrections.

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

4. Review of Compliance Report

Ms. Mozian highlighted the Compliance Report prepared by Gillian Carroll on December 14, 2020 as seen below.

118 Wilton Road – Complaint received on 11/19/20, C. Kelly inspected to find that a boulder wall was being constructed within the WPLO. C. Kelly instructed contractor to stop work. A Notice of Violation was issued on 11/20/20 by G. Carroll, and LandTech contacted the Conservation Dept. that they will be handling the violation by utilizing sediment and erosion controls as well as a site monitor. The homeowner would like to allow the boulder wall to remain and will be applying to the Commission.

1 Charcoal Hill Road – Complaint by Peter Howard of the Building Department received in Conservation on 11/30/20. G. Carroll inspected and found site work and a new home was under construction without any approval from Conservation, nor Health, Building P&Z or Engineering. Site work included, cutting, clearing, grading, within the wetlands or the 20 ft setback all without a permit. On 11/12/20 the Building Department ordered a stop work order.

12/1/20 – The Conservation Department received an application from owners to “ Take both east and westside of the structure and create appropriate pitch roof. Square footage to remain same”.

12/3/20 – G. Carroll sent out a Notice of Violation and Citation. Requiring owners to stop work, submit site plan, soil report, structural design, WWHD approval for septic, drainage report and cost of construction for fee purposes. Conservation has not yet heard from violators.

Ms. Mozian reported that since this report was written by Ms. Carroll, the owner has contacted the Conservation Department, has installed erosion controls, is working to remove the stockpiled logs from the regulated area and has had the wetland boundary flagged. They have also contacted the Health Dept. in preparation of securing a permit.

58 Turkey Hill Road South– Conservation Department received a complaint on 11/10/20. C. Kelly inspected property and saw that work has begun outside of the scope of a demo. Current open permit

residence, refurbishing of an existing wood patio and removal of an existing shed and brick patio. The two-story expansion is located within the 50 ft. upland review area.

Ms. Mozian noted this property has been taken over by the bank. In order to sell the property, they are trying to do some upgrades. She reviewed the plan which includes a two-story addition in the place of an existing one-story room on the southside of the house. The existing shed located behind the existing one-story structure contains an oil tank and will be removed. She noted the Commission members who visited the site noted that the existing brick patio did not have to be removed. She added the plans show that the existing house is located within the 50-foot upland review area. However, because the addition is proposed no closer than the rear of the existing one-story room, she supported the Commission granting staff permission to issue the permit administratively.

Ms. Rycenga stated this project is a good candidate for requiring a foundation as-built.

Ms. Mozian asked about retaining the brick patio.

Mr. Bancroft stated he had no problems with this.

Ms. Rycenga added that there could be no further expansion of both the wood and brick patios.

Ms. Mozian noted the project received ZBA approval already for setbacks.

Motion to allow a staff level permit be issued.

Motion:	Lobdell	Second:	Carey
Ayes:	Lobdell, Carey, Bancroft, Cowherd, Davis, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

7. Other Business - **None**

Public Hearing: 7:15 p.m.

1. **11 Birchwood Lane:** Application #IWW/M-11124-20 by Robert Pryor of LandTech on behalf of Jason Stiber to amend wetland boundary map #B7.

Rob Pryor, PE of LandTech presented the application on behalf of the property owners. He noted the rear portion of the property has wetlands that have been filled. Chris Allan, soil scientist, flagged the wetlands and prepared a report in July.

Chris Allan, soil scientist and professional wetland scientist, stated he flagged the wetlands in July. He had William Kenny, soil scientist, join him in the flagging of the wetlands. He stated it was difficult to identify the wetlands due to past filling activity. He stated he talked with Aleksandra Moch, the soil scientist retained by the Town, who confirmed the line delineated by him and Mr. Kenny.

Mr. Kelly stated the existing house was constructed in 1963. There is a 597 s.f. reduction in the wetlands. Aleksandra Moch concurred with the flagged wetland line.

Ms. Rycenga gave the public an opportunity to submit comments.

With no public comment submitted, the hearing was closed.

Motion:	Bancroft	Second:	Lobdell
Ayes:	Bancroft, Lobdell, Carey, Cowherd, Davis, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	None

Findings
Application #IWW/M 11124-20
11 Birchwood Lane
Public Hearing: December 16, 2020

1. **Application Request:** The applicant, Robert Pryor P.E., L.S. of Landtech is requesting to amend wetland map # B07 on Lot #053. The parcel is owned by Jason Stiber.
2. **Soil Scientist for Applicant:** Christopher P. Allan, Landtech
3. **Soil Scientist for Town of Westport:** Aleksandra Moch, Soil & Wetland Scientist
4. **Plans reviewed:**
"Wetland Line Revision Map Prepared for Jason Stiber 11 Birchwood Lane, Westport, CT", Scale: 1" = 10', dated October 16, 2020, prepared by Landtech

"Zoning/Location Survey Map of Property Prepared for Jason A. Stiber & Cecilia Zhang-Stiber 11 Birchwood Lane Westport, Connecticut", Scale 1" = 20', Dated November 30, 2007 last revised August 17, 2020, prepared by Walter Skidd, Land Surveyor LLC.
5. **Wetlands Description:**
Inland Wetland & Watercourse Delineation 11 Birchwood Lane Westport, Connecticut - prepared by Christopher P. Allan, Soil & Wetland Scientist, Landtech, dated July 20, 2020, and sketch map.

Wetland soils found on the property:

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.

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.

Non-wetland soils were identified as:

Paxton and Montauk fine sandy loam (84): This series is Well drained loamy soils formed in lodgement 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.

6. **Property Description and Facts Relative to the Map Amendment Application:**
 - The existing house was built in 1963.
 - The property is 0.50 acres (21,783 sq. ft.) in size.
 - The parcel is located within the Saugatuck River watershed. An intermittent watercourse flows through the northern portion of the property (the rear) from the northwest to the southeast.
 - This property **is not** located within a flood zone.
 - The property **is not** within the Aquifer Protection Overlay Zone.
 - Property does **not** exist within the Coastal Areas Management Zone.
 - The Waterway Protection Line is established 15' from the flagged wetland line.
 - The flagged wetland area is **10,005 sq. ft.** as determined by the Landtech plan, dated October 16, 2020. The Town of Westport wetland area is **~10,602 sq. ft.** The proposed amendment represents a **reduction of ~597 sq. ft. of wetland area.**
7. **Discussion:**
The Commission finds that the applicant submitted a soils report by Chris Allan, dated July 20, 2020, that documents his investigation of the soils on the site. Wetlands soils were found in the northern section of the site. The wetlands consist of a mixture of lawn and landscape plantings located south of

the onsite intermittent watercourse and, a “naturally wooded” area located north of the watercourse. The sketch map identifies the location of the wetland soil types, marked by flag numbers #1-#5. These locations are also reflected on the “Zoning/Location Survey” prepared by Walter Skidd.

The Town of Westport retained the services of Aleksandra Moch, Soil & Wetland Scientist, to review the proposed wetland boundary findings. Ms. Moch conducted an on-site investigation on November 14 and 25, 2020 and dug over 30 soil borings. Her letter, dated November 30, 2020 supports the findings of Mr. Allan, and states *“The soil in the back of the residence was found highly disturbed and showing mix results when probed. After a through site evaluation, it was determined the wetland boundary established by Chris Allen, Soils Scientist, and William Kenny, Soil Scientist, is correct.”*

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 “Zoning/Location Survey Map of Property Prepared for Jason A. Stiber & Cecilia Zhang-Stiber” prepared by Walter Skidd, Land Surveyor LLC.

Resolution
Application #IWW/M-11124-20
11 Birchwood Lane
Date of Resolution: December 16, 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-11124-20 by Robert Pryor, Landtech on behalf of Jason Stiber to amend the wetland boundary on Map: #B07, Lot: #053 on the property located 11 Birchwood Lane with the following conditions:

1. Conformance to the plans titled:

“Zoning/Location Survey Map of Property Prepared for Jason A. Stiber & Cecilia Zhang-Stiber 11 Birchwood Lane Westport, Connecticut”, Scale 1” = 20’, Dated November 30, 2007 last revised August 17, 2020, prepared by Walter Skidd, Land Surveyor LLC.

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: Lobdell Second: Davis
Ayes: Lobdell, Davis, Rycenga, Carey, Bancroft, Cowherd
Nays: 0 Abstentions: 0 Votes: 6:0:0

2. **15 Stony Point Road:** Application #WPL-11133-20 by LandTech on behalf of Encore Holding Revocable Trust & Hunter Holdings Revocable Trust for a proposed new single family residence with in-ground pool, patios, driveway, stormwater drainage system and associated site improvements. Portions of the proposed activity lies within the (WPL) area of the Saugatuck River.

Curt Lowenstein, PE of LandTech presented the application on behalf of the property owners for a new house and pool. He oriented the Commission to the location of the lot on the Saugatuck River. The lot is served by sewer and water. The lot currently has two curb cuts; they are proposing to remove one of those. The existing steps leading down to the river in the rear will be removed. They are proposing an oil and stone driveway to an asphalt courtyard. They currently have an application pending with DEEP for a dock with stairs and stepping stones through the tidal wetlands. This work will be brought to the Commission later. Mr. Lowenstein noted that most of the work is outside the WPLO except for the drainage. The patio around the pool will have crushed stone for drainage. The steep slopes adjacent to the house that abuts the tidal wetlands will have sediment and erosion controls, silt fence and hay bales at the top and the toe of the slope along with erosion control matting on the slope for the duration of the project until it is stabilized. There will be a mud tracking pad in the front yard for construction access .Permanent slope stabilization includes salt tolerant seed mix with

the erosion control matting and planting along with a 3-foot wide vegetative buffer at the top of the slope. The project has received Flood and Erosion Control Board approval.

Ms. Rycenga asked about the type of the pool and the pool depth.

Mr. Lowenstein stated it will be a 6.5 deep saltwater pool. There will be no overflow into the galleries.

Mr. Davis noted that the tidal wetlands appear to be mowed. He questioned this and noted it is a regulated area.

Mr. Lowenstein stated he is unaware of any active mowing going on, but it is their proposal not to mow and will introduce more plantings into this area.

Mr. Davis asked about the rock wall in front of the property. He was not sure what it is, but it is not from a culvert.

Mr. Lowenstein was uncertain but gave thoughts that it could be remnants of a tree well.

Mr. Bancroft asked what an oil and stone driveway is.

Mr. Lowenstein stated that the process just gives the driveway a more textured look.

Mr. Bancroft questioned how water soluble the oil in the driveway is.

Pete Romano of LandTech explained that the oil and stone process is the predecessor to asphalt. It is impervious. It looks like crushed stone, but it stays in place. He noted the sub-base is the same as asphalt.

Mr. Carey noted that oil and stone was generally used in town and asphalt was shunned.

Mr. Kelly asked Mr. Lowenstein to elaborate on the Flood Board decision.

Mr. Lowenstein stated the Flood Board asked that they raise the bottom of the stormwater systems to be above 5 feet.

Ms. Rycenga asked if there will any blasting associated with the project.

Mr. Lowenstein stated any ledge will be taken out with jack hammering.

Mr. Kelly asked about ledge removal and whether phasing is contemplated.

Mr. Lowenstein noted they will need to remove about 5 feet of ledge, but the structural engineer is still working on the plans for the foundation.

Mr. Kelly noted that it is important that the removed rock not be stored within the WPLO area.

Mr. Romano stated it will be jack hammered into smaller pieces and then scooped up into a truck to be taken off-site.

Ms. Rycenga stated it is important to have a limit of disturbance and the staging areas located.

Mr. Romano stated they could submit this prior to a Zoning Permit. He added they are going to the Planning and Zoning Commission for an Excavation & Fill Permit and a CAM Site Plan approval.

Mr. Kelly noted the project is unlikely to run into dewatering issues given the underlying rock. The slope is important for the tidal wetland protection. Staff feels a bond is necessary for sediment and erosion controls and plantings. The raingarden is very important. Staff also recommends the design engineer certify that it is installed as designed.

Ms. Mozian added that the Shellfish Commission reviewed the dock proposal as part of the applicant's submission requirements to the CT DEEP. The Shellfish Commission found no adverse impacts to the shellfish beds, but the applicant was notified that the dock and stepping stone path will need to return to the Conservation Commission for approval under the WPLO once DEEP approval is received. She confirmed that tidal wetland are present and if left unmowed, the native plantings will start to reemerge. Additionally, the applicant is proposing some plantings.

Ms. Rycenga gave the public an opportunity to submit comments.

With no public comments submitted, the hearing was closed.

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

Findings
Application #WPL-11133-20
15 Stony Point Road
Public Hearing: December 16, 2020

1. **Application Request:** Applicant is proposing a new single-family residence with in-ground pool, spa, pool fence, patios, driveway, stormwater drainage system and associated site improvements. Portions of the proposed activity lies within the (WPL) area of the Saugatuck River. The dock and steppingstone path through the tidal wetlands is also under the jurisdiction of the CT Department of Energy and Environmental Protection (DEEP). These amenities will need a review by the Conservation Commission in a future permit application once DEEP approval is secured.
2. **Plans reviewed:**
 - a) **"Site Improvements for a Proposed Single Family Residence Existing Conditions** Sam Gault 15 Stony Point Road Westport, CT 06880", Scale: 1"=20', dated November 2, 2020, Prepared by Landtech, Sheet C-0
 - b) **"Site Improvements for a Proposed Single Family Residence Site Plan; Planting and SESC Plan; Notes and Details;** Sam Gault 15 Stony Point Road Westport, CT 06880", Scale: 1"=20', dated November 2, 2020 and last revised to November 24, 2020, prepared by Landtech, Sheet C-1, C-2, C-3
 - c) **Building Plans** entitled: "15 Stony Point Road", Scale: 1/8" =1'0", Dated November 6, 2020, Prepared by Joeb Moore & Partners Architects LLC, Sheets A1.01-A2.04 (7pgs.)
 - d) **"Stormwater Management Report** for 15 Stony Point Road Westport, CT", Dated November 2, 2020 Revised November 24, 2020, Prepared by Landtech, 13 pgs.
 - e) **Geo-technical Boring Report:** "Site Location Plan 15 Stony Point Road Westport, CT", Dated November 11, 2020, Prepared by Geo Design, 12 pgs.
3. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. The Waterway Protection Line Ordinance (WPLO) boundary is established 15' from elevation nine. This encompasses the eastern side of the property and the southwestern side of the property.

Property is situated in Flood Zones VE (el. 14.0') and AE (el. 13.0') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.

Existing House built in 1965

Proposed First Floor Elevation: 19.0 ft.

Proposed Basement Elevation: 9.0 ft/ 7.5 ft.

Proposed Garage Floor Elevation: 16.5 ft.

Existing Site Coverage: 30.6% (11,379 sq. ft.)

Proposed Site Coverage: 24.7% (9,168 sq. ft.)

Sewer Line: The proposal includes maintaining connection to the municipal sewer.

Aquifer: Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
4. **Previous Permits issued:** None

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:** The applicant states that the current site has no stormwater management onsite. The proposed development will direct storm water runoff from the proposed residence and driveway to a combination of a rain garden and Cultec stormwater storage system. The site drains to the tidal Saugatuck River, therefore, they will only be required by the Westport Engineering Department to provide storage for the Water Quality Volume onsite and not the 25-year flood storage. The sizing of the rain garden, 6 Cultec units, gravel reservoir beneath decking and storage in the pool will be adequate for storage. The driveway is proposed as partially asphalt and partially oil & stone. The proposed patios and walkways are assumed to be conventional construction. These items are not proposed as permeable.

The Flood and Erosion Control Board approved the application with conditions on **December 2, 2020**. The drainage proposal is acceptable to the Engineering Department with minor plan changes required prior to issuance of a Zoning Permit. They point out they require the detention system be set at elevation 5.0'. This will require more units with shorter height to achieve the same volume.

Areas for potential bio-filtration and a rain garden are shown on sheet C-2 of the plan set. A planting plan is included as part of the proposal which includes a combination of perennials, shrubs and grasses. Slope stabilization is provided along the western area of the property. The plantings would also help to infiltrate and treat surface runoff before discharge into the tidal wetland area.

7. **Discussion:** The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:
 - “ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.”

The Commission finds that portions of the development fall within the WPLO. However, all of the residence, pool, spa, pool fence, patios and a significant portion of the driveway are located outside WPLO jurisdiction. The Commission finds that the new residence will also be built high enough in elevation to not require FEMA compliance. The Flood Zones are VE (el. 14.0') and AE (el. 13.0') and the house will have a first-floor elevation of 19.0'.

The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Proposed site coverage is to be **24.7%** which is within the 10-25% cover that will impact water quality. It should be noted that total coverage onsite is proposed to be reduced by **5.9%** or **2,211 sq. ft.** (11,379 sq. ft. – 9,168 sq. ft.). The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. This property is located at the bottom of the Saugatuck River watershed and has little room for treatment onsite prior to any runoff being treated before entering the river and Long island Sound. The site topography consists of a high central area with runoff down an embankment to the river on the eastern side and a gentle slope leading across Stony Point Road to a small embayment of the Saugatuck River on the western side.

The Commission finds that the sediment and erosion controls are shown on the plan. Construction access and material stockpiles are shown on the plan. A silt fence is depicted around the site protecting sediment from migrating off the lower portions of the property. A double row of silt fence backed by haybales is proposed near the top of the steep slope area on the eastern side of the residence. An erosion control blanket is proposed to protect the steep slope during construction along with an additional row of silt fence along the toe of the slope. The steep slope is proposed to

be planted with salt-tolerant seed mix and have a upper slope buffer installed consisting of native shrubs and herbaceous plantings along the length of the slope on the property. The Commission finds that protection of the slope from erosion and disturbance is of utmost importance to protect the river from erodible soils and sediments.

Furthermore, a note on the plans states that no mowing of the tidal wetland will occur. The Commission finds that this shall be called out as a separate condition. The plans do call for planting within the tidal wetland that includes perennial flowers and salt tolerant grasses. The Commission finds that the owner shall be prohibited from removing existing tidal wetland vegetation to make room for these plantings.

The Commission finds that a performance bond shall be submitted to cover the cost of plantings on the slope, in the tidal wetlands and in the raingarden and sediment and erosion controls.

The Commission finds that an oil & stone driveway leading to an asphalt driveway/courtyard area near the garage has been proposed with this application. The driveway runoff will be directed to a planted rain garden prior to it entering the subsurface units. This will allow for the plantings and soil to act as a biofiltration feature and remove pollutants from the stormwater. This rain garden will also take in runoff from the residence roof and will provide the same benefit. The Commission finds that this rain garden is of utmost importance to the water quality on the site as it is proposed to manage most of the impervious coverage onsite (8,378 sq. ft.= 5,129 sq. ft. house + 3,249 sq. ft. driveway). The Commission finds that the design engineer shall witness the construction of the rain garden and subsurface drainage units. The Commission finds that the engineer shall certify the construction prior to the issuance of a Conservation Certificate of Compliance. Additionally, The Commission finds that a performance bond should be held to cover the cost of proposed plantings within this rain garden to ensure proper establishment and vitality of the plants.

The Commission finds that the geo technical report shows the main house construction will encounter ledge during excavation. The basement will be ~5.0' into the ledge. The elevation of the ledge is ~14.5'. The pool proposed as part of the site plan will be within an area of ledge that is ~6.3' deep. The Commission finds that the pool shall be 6.5' deep and be served by a saltwater filter. Approval from the Westport Weston Health District for the pool has not yet been secured but shall be provided prior to the issuance of a Zoning Permit. A pool construction detail shall be provided to verify pool depth. The ledge will be removed with the use of a hoe-ram. Groundwater should not be encountered for this site work and should not be an issue during construction. The Commission finds that a dewatering detail or plan will not be required. Additionally, the site work will be above tidal levels and will not intercept those waters.

The Commission finds that the applicant shall provide an updated "Site Plan" to include a sequencing of construction activities onsite and include a designated staging and contractor parking area. This staging area shall be located outside of the WPLO area and will be coordinated to not interfere with the work noted in the construction sequence.

The Commission finds that, based on the plan, including incorporating the additional conditions, will not have an adverse impact on the waterway.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL-11133-20
Street Address: 15 Stony Point Road
Assessor's: Map D04 Lot 114
Date of Resolution: December 16, 2020

Project Description: To construct a new single-family residence with in-ground pool, spa, pool fence, patios, driveway, stormwater drainage system and associated site improvements. Portions of the proposed activity lies within the (WPL) area of the Saugatuck River.

Owner of Record: Encore Holdings Revocable Trust & Hunter Holdings Revocable Trust

Applicant: Pete Romano, Landtech

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 11133-20** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

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 **December 2, 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 Improvements for a Proposed Single Family Residence Existing Conditions** Sam Gault 15 Stony Point Road Westport, CT 06880", Scale: 1"=20', dated November 2, 2020, Prepared by Landtech, Sheet C-0
- b. **"Site Improvements for a Proposed Single Family Residence Site Plan; Planting and SESC Plan; Notes and Details;** Sam Gault 15 Stony Point Road Westport, CT 06880", Scale: 1"=20', dated November 2, 2020 (Sheet C-2) and last revised to November 24, 2020 (Sheet C-1, C-3) prepared by Landtech
- c. **Building Plans** entitled: "15 Stony Point Road", Scale: 1/8" =1'0", Dated November 6, 2020, Prepared by Joeb Moore & Partners Architects LLC, Sheets A1.01-A2.04 (7pgs.)
- d. **"Stormwater Management Report** for 15 Stony Point Road Westport, CT", Dated November 2, 2020 Revised November 24, 2020, Prepared by Landtech, 13 pgs.
- e. **Geo-technical Boring Report:** "Site Location Plan 15 Stony Point Road Westport, CT", Dated November 11, 2020, Prepared by Geo Design, 12 pgs.

18. The design engineer shall witness the construction of the rain garden and subsurface drainage units. The engineer shall certify the drainage functionality prior to the issuance of a Conservation Certificate of Compliance.

19. A performance bond shall be submitted to cover the cost of proposed plantings for the rain garden, slope planting buffer and seed mix and tidal wetland plantings and the required sediment and erosion controls, prior to the issuance of a Zoning Permit.

20. Submit a detail of the pool to verify the pool depth and submit a copy of the Westport Weston Health District approval for the pool prior to the issuance of a Zoning Permit.

21. Mowing of tidal wetland vegetation is prohibited. This restriction shall be recorded on the land records prior to the issuance of a Conservation Certificate of Compliance.

22. The pool fence shall not extend into the WPLO or tidal wetland. A detail shall be submitted prior to the issuance of a Zoning Permit.

23. The Conservation Department must be contacted 48 hours prior to start of construction in order to inspect erosion controls.

24. The dock and steppingstone path through the tidal wetland are not approved at this time.

25. The Site Plan shall be revised to include a construction sequence, include a delineation for a Limit of Disturbance, and depict contractor parking areas located outside of the WPLO. The updated plan shall be submitted prior to the issuance of a Zoning Permit.

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

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

Motion: Davis

Second: Carey

Ayes: Davis, Carey, Rycenga, Bancroft, Lobdell, Cowherd

Nayes: 0

Abstentions: 0

Vote: 6:0:0

- 3. 3 Nassau Road:** Application #WPL-11134-20 by Ritzzo Development LLC on behalf of Jason Ritzzo to demolish the existing single-family residence, and to construct a new single-family residence with in-ground pool, new driveway and drainage. Work is proposed within the WPL area of the Saugatuck River.

Fred D'Amico, PE, presented the application on behalf of the property owners. This is a 11,000 s.f. property. The house design has a 1,608 s.f. footprint. They have proposed detention galleries in the rear of the property.

Ms. Rycenga asked about the pool depth and if it is heated.

Mr. D'Amico stated the pool depth will be 4 to 5 feet deep. It will be a heated pool. It will have a diatomaceous earth (DE) cartridge pool filter. The fuel source will be propane.

Ms. Rycenga noted that mean high water elevation is 3.3. When digging the pool, they will intercept water especially at high tide.

Mr. D'Amico agreed. They will need to pump during installation of the pool during high tide.

Ms. Rycenga noted that the Commission has routinely adopted a condition that pool construction will occur during low tide. She asked about the pool fence.

Mr. D'Amico stated it will be FEMA compliant.

Ms. Mozian noted the size of the pool and that the coverage is almost met. She suggested they consider reducing the size of the pool to allow some wiggle room for future work like a shed.

Mr. Kelly asked about the Flood and Erosion Control Board conditions.

Mr. D'Amico stated they reviewed sediment and erosion control and compliance with FEMA requirements. They received approval.

Mr. Kelly asked about the driveway.

Mr. D'Amico stated the driveway is proposed as gravel.

Mr. Kelly asked if it will have a stone reservoir beneath it.

Mr. D'Amico stated "no" but it will infiltrate stormwater. However, the Engineering standards require that it be calculated as impermeable.

Ms. Mozian noted there is a discrepancy on the site plan between Lot Area Coverage Calculations and the Site Statistics. When this is corrected on the plan, the fence detail and the patio detail can be added. She noted the Health approval for the pool is needed.

Ms. Rycenga gave the public the opportunity to comment.

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

Motion:	Davis	Second:	Lobdell
Ayes:	Davis, Lobdell, Bancroft, Carey, Cowherd, Rycenga		
Nays:	None	Abstentions:	None
			Vote: 6:0:0

Findings
Application #WPL-11134-20
3 Nassau Road
Public Hearing: December 16, 2020

1. **Application Request:** Applicant is proposing to demolish and remove the existing single-family residence, and to construct a new single-family residence with in-ground pool, new driveway and drainage. Work is proposed within the WPL area of the Saugatuck River.
2. **Plans reviewed:**
 - a) **“Boundary Survey Michael Ritzzo 3 Nassau Road, Westport, Connecticut”**, Scale: 1”=10’, dated October 15, 2020 and last revised to November 30, 2020, prepared by D’Amico Associates
 - b) **Architectural Plans** entitled “Ritzzo Residence 3 Nassau Road, Westport, Connecticut”, Scale: ¼”=1’0”, dated November 12, 2020, prepared by FGS Design, LLC., Sheets A101 – A202 (5 pgs.)
 - c) **Pool Building Plans** entitled: “Ritzzo Residence 3 Nassau Road, Westport, Connecticut”, Scale: ¼”=1’0”, prepared by in2blue Design, undated
3. **Property Description:**

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

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

Proposed First Floor Elevation: 14.0 ft.

Proposed garage floor elevation: 5.6 ft.

Existing Site Coverage: 20.8%

Proposed Site Coverage: 20.2%

Sewer Line: The existing residence is serviced by onsite septic system. The proposal includes connection to the municipal sewer.
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town’s wellfield protection zone.
5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during “100-year” flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
6. **Proposed Storm Water Treatment:** The applicant states that the storm water runoff from the proposed residence is to be discharged to an onsite system comprised of 96 linear feet of concrete galleys. The plans show roof leaders directed to this system. The driveway is proposed as gravel and the patios and walkways are proposed as permeable.

The Engineering Department has stated this drainage proposal substantially complies with their drainage standards. They do point out they require some revisions prior to the issuance of a Zoning Permit. See below:

- a. *There are questions regarding the Tc values used and the area values used, and*
- b. *the soil testing witnessed by the Engineering Department is not depicted on*
- c. *the Site Plan.*
- d. *These items shall be revised prior to the issuance of a Zoning Permit.*

A revise Boundary Survey, November 30, 2020 was submitted to the Engineering Department: “Revise Town Engineer’s Comments” that includes changes to flood vents, FEMA note for fencing, and set elevation for a/c platform. All other proposals remain the same.

Areas for potential bio-filtration or rain gardens are not shown and appear limited due limited room onsite.

7. **Previous Permits issued:** None
8. The Flood and Erosion Control Board approved the application with conditions on December 2, 2020. The drainage proposal is acceptable to the Engineering Department with minor plan changes required prior to issuance of a Zoning Permit.
9. **Discussion:** The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

“ An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and

property and will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway, including but not limited to: impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.”

The Commission finds that the entire property lies within the WPLO boundary. The application proposes to construct a new residence to be FEMA compliant, a stone driveway, a 5 ft. deep pool, an elevated patio, a patio around the pool, add associated drainage, and to plant a row of green giant arborvitaes along the southwestern property line.

The Commission finds that the house will be built to conform to FEMA standards with the first habitable floor (el. 14.0') constructed above the 100-year base flood elevation (el. 13'). The constructing of the garage is proposed at elevation 5.6' with the surrounding existing grade shown at an average grade of 6.3'. The ground floor plan depicts a two-car garage along with an unfinished room for storage. Flood openings are proposed to meet FEMA requirements and should be verified by the Engineering Department or Planning & Zoning Department. The eastern portion of the property also shows a propane tank that will require proper installation of an anchoring system in accordance with FEMA standards.

A stone driveway has been proposed with this application. The rear elevated stone patio (elevation 8.5') and pool patio are noted as 8" x 8" stone bedded in sand with 4" wide grass strips in between. The Commission finds that the applicant shall submit a detail of the elevated portion of the patio to verify the permeability of the patio and include design details that show the perimeter structure used to retain the 2' of fill that will be used. The Commission finds that the design engineer shall witness and certify the construction of all permeable surfaces proposed for this project and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. Proposed site coverage is to be **20.2%** which is within the 10-25% cover that will impact water quality. It should be noted that total coverage onsite is proposed to be reduced by **0.6%** or **70 sq. ft.** The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck Shores is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. The stormwater runoff associated with the residence has direct flow by a 6" pipe to the storage within the underground detention system. The rest of the site topography of the site is relatively flat with no other concentrated stormwater runoff areas noted. Sediment and erosion controls are shown on the plan. Construction access and material stockpiles are limited due to the site size. A silt fence is depicted around the property.

The Commission finds that the pool construction detail shows a pool depth of 5'. This excavation will be to elevation ~1.5' (6.5'-5'=1.5'). The elevation of mean high water is 3.3 ft. msl. The Commission finds that the applicant shall provide a dewatering detail to be followed in case groundwater is intercepted during construction. The Commission finds that the excavation times shall coincide with low tides to minimize the amount of water encountered during digging for the pool. Furthermore, a 6 ft. high fence is show on the plans, but no fence detail has been shown. The Commission finds that the pool fence detail shall be submitted that satisfies the Building Code and yet allows the free flow of flood waters. The Commission finds that the Health Department approval shall be obtained prior to the issuance of a Zoning Permit. The pool will utilize a chlorine cartridge filter.

The Commission finds that no bio-filtration is provided with the application. A row of Green Giant Arborvitaes are proposed along the southwest property line which will function mainly as a visual barrier for the rear yard.

The Commission finds that the project, if constructed as designed, will not cause an adverse impact to the Saugatuck River.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 11134-20
Street Address: 3 Nassau Road
Assessor's: Map B02 Lot 121
Date of Resolution: December 16, 2020

Project Description: To demolish and remove the existing single-family residence, and to construct a new single-family residence with in-ground pool, new driveway and drainage. Work is proposed within the WPL area of the Saugatuck River

Owner of Record: Jason Ritzzo

Applicant: Ritzzo Development 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 11134-20** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

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 **December 2, 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. "**Boundary Survey** Michael Ritzzo 3 Nassau Road, Westport, Connecticut", Scale: 1"=10', dated October 15, 2020 and last revised to November 30, 2020, prepared by D'Amico Associates
 - b. **Architectural Plans** entitled "Ritzzo Residence 3 Nassau Road, Westport, Connecticut", Scale: ¼"=1'0", dated November 12, 2020, prepared by FGS Design, LLC., Sheets A101 – A202 (5 pgs.)
 - c. **Pool Building Plans** entitled: "Ritzzo Residence 3 Nassau Road, Westport, Connecticut", Scale: ¼"=1'0", prepared by in2blue Design, undated
18. Submit a revised plan showing a revised "Site Statistics" calculation, a fence detail, and a detail of the elevated portion of the patio. The detail for the patio shall verify the permeability and include design that shows the perimeter structure used. This shall be submitted prior to the issuance of a Zoning Permit.
19. Design Engineer shall witness and certify the construction of all permeable surfaces proposed for this project (driveway, walkways and patios) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
20. Proposed driveway, walkways and patios must be constructed as permeable and remain so in perpetuity with this requirement placed on the land records prior to issuance of a Conservation Certificate of Compliance.
21. Provide a dewatering detail to be followed for pool construction prior to the issuance of a Zoning Permit. Pool excavation activities shall be limited to the times within the three (3) hours on either side of low tide.
22. Submit a detail of the pool fence that allows the free flow of flood waters.
23. Submit Health Dept. approval for the pool.
24. The Conservation Department must be contacted 48 hours prior to start of construction in order to inspect erosion controls.
25. Proposed propane tank to be installed in conformance with floodplain regulations and state building code as required by applicable departments.

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: Bancroft Second: Lobdell
Ayes: Bancroft, Lobdell, Rycenga, Davis, Carey, Cowherd
Nays: 0 Abstentions: 0 Vote: 6:0:0

Atty. Cowherd recused himself from the following agenda item, 59 Red Coat Road and left the meeting.

The Commission took a 5 minute recess.

- 4. 59 Red Coat Road: Continued Application:** Application #IWW-11085-20 by Pete Romano of LandTech on behalf of Kevin M Dorsey for new single family residence, pool, patio, driveway, septic and associated drainage. Portions of the work are within the upland review area setbacks.

Ms. Rycenga noted Atty. Cowherd recused himself from this application as he had from the previous hearing and has left the meeting.

Ms. Mozian read a list of information submitted into the record since the last meeting on October 28, 2020 and a list of items the Commission asked for at that meeting.

Information Submitted by Applicant:

1. Letter "**59 Red Coat Road – Conservation Application**" to Alicia Mozian, From Robert Pryor, LandTech, Dated December 3, 2020.
2. **Westport Weston Health Department approval signature dated 10/29/20** on "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, CT", prepared by Walter H. Skidd – Land Surveyor, dated February 13, 2020 and last revised to July 9, 2020, scale 1" = 30'.
3. **Westport Weston Health Department Application for Review of Feasibility of a Lot Line Division, Lot Line Change, or lot Reduction, 59 Red Coat Road & 25 Cavalry Road, signature dated 10/29/20**
4. **Westport Weston Health Department approval signature dated 10/29/20** on "Proposed New Single Family Residence Building Plans, Kevin Dorsey 59 Red Coat Road Westport, CT", prepared by LandTech, dated September 14, 2020, scale: 1/4"=30', Sheets A-1, A-2, A-3, A-4.
5. **Westport Weston Health Department approval: Application for a New House, signature dated 10/29/20. Approval is for a 5-bedroom house.**
6. "Proposed Site Improvements for a New Single Family Residence Kevin Dorsey 59 Red Coat Road Westport, CT", prepared by LandTech, dated August 4, 2020 and last revised to **December 3, 2020** scale: 1"=30', Sheets C-1, C-2, C-3, **C-4, C-5.**
7. "Stormwater Management Report for 59 Red Coat Road Westport, CT", prepared by LandTech, dated August 12, 2020, **Revised December 3, 2020.**

Information Submitted by Westport Engineering Department:

1. Test Pit Data and Soil Descriptions, dated November 5, 2020
2. Memorandum from Ted Gill Westport Engineering Department, 59 Red Coat Road, dated December 9, 2020

Information Submitted by Triton Environmental, Inc.:

1. "Site Plan Review – 59 Red Coat Road Development Project" dated November 17, 2020, Triton Environmental, Inc., 8 pgs. Received 11/17/20.
2. Second Memorandum from Triton Environmental, Inc., 59 Red Coat Road, dated December 15, 2020.

❖ **The following is a list of public comments and submitted materials regarding the application.**

1. **Email Letter-** Betsy Green of 3 Larch Tree Lane, regarding 59 Red Coat Road and accompanying plans with hand drawn notations, received October 27, 2020
2. **Letter-** Lauren & David Sussman of 33 Cavalry Road, regarding 59 Red Coat Road, dated received November 16, 2020
3. **Letter-** Eloise & Michael D'Agostino of 25 Cavalry Road, regarding 59 Red Coat Road, and attached photographs, dated November 16, 2020
4. **Email Letter-** David Berman of 1 Little Fox Lane, regarding 59 Red Coat Road, received November 16, 2020
5. **Video-** Michael D'Agostino and Eloise Bune, video regarding 59 Red Coat Road, Date December 1, 2020, submitted December 2, 2020

The October 28, 2020 public hearing was continued to receive additional information from the applicant including:

1. Hydrogeology Report from WSB (consultant for the applicant)
2. Comments from Building Official, Steve Smith, regarding review of structural engineer for basement construction in groundwater.
3. Correct inconsistency of pipe design notation and map labeling (Septic Note 12).
4. Receipt of Health Department approval. – received December 3, 2020 but not for the pool.
5. Approximate number of trees to be removed.
6. Provisions to safeguard septic system function in case of power failure system that renders pump system inoperable;
7. Pool details including pool depth;
8. Additional test pit data for vicinity of pool and elsewhere as directed by the Engineering Dept. – additional test pits conducted November 6, 2020.
9. Submission of alternatives.

Mr. Romano reviewed the Site Plan and gave a history of the property. He noted this is a legal building lot. He believes this application is no different from any other application the Commission reviews. The basement is proposed to be 18 inches into the groundwater. They are proposing a residence with a footprint of 2,400 sq.ft. with a 30' by 15' pool. He asked Mr. Kelly to show Alternative A which shows the pool outside the 35-foot upland review area and is an irregular shape. With regard to Alternative B, Mr. Romano noted that on the original plan there is groundwater mottling at elevation 116.7. Under this alternative they propose a retaining wall, raising the grade and lifting the house out of the groundwater to elevation 118.5. He acknowledges that Triton has not had an opportunity to review these alternatives nor has LandTech had the opportunity to thoroughly review Triton's latest report.

Chris Allan, soil scientist, professional wetland scientist and environmental scientist, noted that several soil scientists have looked at and agreed upon the wetland line on this site. There is a perched water table on top of compacted, dense soil. He does not believe the project will impact the wetland hydrology because these wetlands do not drain fast. He noted he has not had the opportunity to review the Triton report.

Ms. Rycenga stated the applicant must decide if they want a pool or not. The Commission needs to see detailed pool plans if they are going to make a decision on approving it as part of this application. They need to know what they are approving. She continued that the Commission needs to see the Health Department approval for the pool.

Mr. Romano stated they have not gotten a pool contractor yet. This is a proposed plan.

Ms. Rycenga stated if they want a pool, the Commission needs to see pool plans.

Mr. Lobdell clarified that Mr. Allan said that there would be no impact to the wetlands.

Mr. Allan stated yes.

Ms. Rycenga noted that Triton Environmental has a differing opinion.

Mr. Carey asked how the septic tank would be pumped out given its location.

Mr. Romano stated it would be done using a pumper truck and a long hose.

Mr. Bancroft asked how water flowing across the land is not a problem. He noted Test Pit 6. He questioned why there is such a big discrepancy between the test pits.

Ms. Rycenga went through the list of missing information.

Mr. Romano stated he would make sure that this information gets submitted soon.

Mr. Pryor reviewed the overland flow between the wetlands.

Ms. Rycenga discussed Significant Impact.

Ms. Mozian gave history of the map amendment to correct the record as to how the wetland boundary was mapped. She reviewed the Engineering Department's December 9, 2020 report and the Triton's December 15, 2020 summary. She stated there is more information needed.

Eric Bernheim, Attorney for the applicant, stated his client was entitled to a reasonable use of the property. They will provide more information to the Commission for the next hearing, as requested. He went on to question the need to seek public comment at this time since the hearing will be continued.

Ms. Rycenga replied she did not want to restrict the public's ability to participate in the public hearing process.

Ms. Rycenga opened the hearing to public comments.

Diane Whitney, attorney with Pullman & Comley representing the owners of 25 Cavalry Road, stated the owners of 25 Cavalry Road learned to their dismay that the wetland on their property which was purchased from Mr. Dorsey, is much larger than they thought when they purchased it. They have submitted a video that shows runoff from 59 Redcoat Road to 25 Cavalry Road and building a house will exacerbate the situation. They have concerns with the project.

There were no other public comments received.

Ms. Rycenga asked that Mr. Gill, Mr. MacDuff and Mr. Benben's resumes be submitted.

The Commission discussed significant impact and the need for feasible and prudent alternatives to be submitted.

Ms. Mozian read the summary of Triton's December 15, 2020 report and highlighted the Engineering Department's report.

Ms. Rycenga noted that this application is incomplete but is an open application. There is no activity within the wetland but within the upland review area. The Commission would have to make a connection to the impact to the wetland in its findings.

Motion: Based on the finding on expert testimony provided by the December 15, 2020 Triton Environmental report that the activity may have a significant impact, feasible and prudent alternatives should be provided.

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

Motion to continue the hearing to January 20, 2021.

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

The December 16, 2020 Public Hearing of the Westport Conservation Commission adjourned at 10:47 p.m.

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