



**TOWN OF WESTPORT
CONSERVATION COMMISSION**

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**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
JANUARY 20, 2021**

The January 20, 2021 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
Gillian Carroll, Conservation Compliance Officer

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the January 20, 2021 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

12/29/20 – Site Monitoring reports regarding site conditions and stabilization given to the Conservation Department by Thomas Ryder of Landtech. Landtech plans to submit application for the February Conservation Commission meeting to legalize the wall currently in violation. Application submitted, scheduled on the 2/17/21 hearing.

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 virtually a major house renovation including a second story house 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 issued 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. As of 12/3/20, Conservation had not yet heard from violators.

12/10/20 – Received call from Mr. Benitez, owner/violator he would like to rectify issues and has installed S & E controls, tracking pad, and has Mr. Chris Allan scheduled to flag wetlands.

12/21/20 – G.Carroll and A. Mozian inspected site – Mr. Allan was onsite flagging wetlands. S&E controls need to be adjusted according to flagging, tracking pad was installed and instructed to lengthen, extensive wood pile was instructed to be removed without the use of heavy machinery. Awaiting updated new application for regulated activities to be submitted to the Conservation Dept. accompanied by a site plan/survey with the newly flagged wetlands and “proposed” construction, health approval, structural design and planting plan. A fence was also installed without permits.

58 Turkey Hill Road – Conservation Department received a complaint on 11/10/20. C. Kelly inspected property and saw that work has begun outside of the scope of the permit. Current open permit had not been transferred to new homeowner and work was being conducted in the regulated area, specifically cutting, stockpiling and grade changes.

11/16/20 – G. Carroll issued a Cease and Correct.

11/20/20 – Show Cause Hearing held, the Conservation Commission decided to revise the current Order and set forth conditions.

12/1/20-12/4/20- Brian Steinhauer, contractor for homeowner submitted a planting plan to the department and the department approved the plan on 12/4/20.

12/7/20 – G. Carroll removed Cease and Correct Order off land records and the contractor is now able to start work now that conditions set forth by the Conservation Commission has been met.

1/11/21 – Conservation Department received foundation as-built. Framing can begin once approved but awaiting elevations for basement and footing drains. Elevations received on 1/14/2021.

61 Richmondville Avenue – Previous Violation sent to 61 Richmondville in 2019 for drainage being directed into the Saugatuck River. Inspection by the Engineering Department on 9/8/2020 to remove current violation lead to a discovery of new violations onsite including mortared patio and ramp into the Saugatuck and mortared retaining wall on bank of the river. New Notice of Violation sent on 9/18/2020. Have been in correspondence with contractor and awaiting response from homeowner and contractor on decisions moving forward to meet compliance.

Findings
Application #IWW/M 11173-20
149 North Avenue
Public Hearing: January 20, 2021

1. **Application Request:** The applicants, Todd & Emily Corbett are requesting to amend wetland map # E13 on Lot #047. The parcel is owned by Todd & Emily Corbett.
2. **Soil Scientist for Applicant:** Stephen Danzer, PhD & Associates LLC
3. **Soil Scientist for Town of Westport:** Mary Jaehnig, Pfizer-Jähmig Environmental Consulting
4. **Plans reviewed:**
"Existing Conditions Plot Plan Prepared for Emily Corbett 149 North Avenue, Westport, CT", Scale: 1" = 30', dated December 11, 2015 and last revised to November 28, 2020, prepared by Leonard Surveyors LLC
5. **Wetlands Description:**
Soils Report, 149 North Avenue, Westport, Connecticut - prepared by Stephen Danzer, PhD, dated August 14, 2020, and sketch map.

Wetland soils found 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.

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:

Charlton-Urban land complex (260B): This series is typically gently sloping, well-drained soils found on hills and ridges formed in loamy melt-out till. This soil is generally suitable for community development. Quickly establishing plant cover, mulching and using siltation basins help to control erosion and sedimentation during construction.

6. **Property Description and Facts Relative to the Map Amendment Application:**
 - The existing house was built in 1956. It is served by an onsite septic system.
 - The property is 1.46 acres (63,515 sq. ft.) in size.
 - The parcel is located within the Willow Brook watershed. An intermittent watercourse flows from a drainage pipe southwesterly through the property.
 - 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 **39,030 sq. ft.** as determined by the Landtech plan, dated October 16, 2020. The Town of Westport wetland area is **~43,317 sq. ft.** (from *Westport GIS*). The proposed amendment represents a **reduction of ~4,287 sq. ft. of wetland area.**
7. **Discussion:**
The Commission finds that the applicant submitted a soils report by Steven Danzer, PhD, dated August 14, 2020, that documents his investigation of the soils on the site. Wetlands soils were found in the rear yard, the southern portion of the site. The wetlands consist of a mixture of lawn and forested areas. An intermittent watercourse drains from a pipe outlet in the yard and flows southwesterly parallel to the Trails End Driveway. The sketch map identifies the location of the

wetland soil types, marked by flag numbers #1-#19. The Aquent soils were identified near flags #8-#12. These locations are also reflected on the "Plot Plan" prepared by Charles Leonard revised to November 28, 2020.

The Town of Westport retained the services of Mary Jaehnig, soil scientist, to review the proposed wetland boundary findings. Ms. Jaehnig conducted an on-site investigation on December 28, 2020. The letter, dated January 4, 2021 supports the findings of Dr. Danzer, and states "*All 19 flags are still present in the field and I agree with the wetland delineation and soil classifications...*"

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 "Existing Conditions Plot Plan Prepared for Emily Corbett 149 North Avenue, Westport, CT", Scale: 1" = 30', dated December 11, 2015 and last revised to November 28, 2020, prepared by Leonard Surveyors LLC

Resolution
Application #IWW/M-11173-20
149 North Avenue
Date of Resolution: January 20, 2021

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-11173-20 by Todd & Emily Corbett to amend the wetland boundary on Map: #E13, Lot: #047 on the property located 149 North Avenue with the following conditions:

1. Conformance to the plans titled:

"Existing Conditions Plot Plan Prepared for Emily Corbett 149 North Avenue, Westport, CT", Scale: 1" = 30', dated December 11, 2015 and last revised to November 28, 2020, prepared by Leonard Surveyors LLC

2. Submit an electronic copy of a revised survey, showing the removal of the extraneous wetland flag numbers WLF#7 and WLF#8 revised, 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: Carey

Second: Lobdell

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

Nays: 0

Abstentions: 0

Votes: 6:0:0

2. **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.

This application was postponed at the applicant's request to the February 17, 2021 hearing.

3. **36 Bonnie Brook Road:** Application #IWW,WPL-11135-20 by Kousidis Engineering, LLC on behalf of Audrey Rabinowitz for a proposed single family residence with attached garage, driveway and pool with associated site improvements. Portions of the work are within the upland review area setbacks and the WPLO area of Silver Brook.

Jim Kousidis, PE presented the application on behalf of the property owner. This is a 1.54 acre property with 1.03 acres of wetlands. The property is served by public water, septic and natural gas. Silver Brook abuts the house to the south. Currently, there is no stormwater mitigation and the driveway is quite close to the stream. The property is now within the 500-year flood but a recently commissioned study by the Engineering Department shows the house is in the 100-year flood. The

proposal is to remove the existing residence and driveway. They will build a new 5-bedroom house, new driveway, new septic, patio and pool. The existing house is approximately 800 s.f. larger than what is proposed. The roof leader will go into galleries. The driveway runoff will be directed into a raingarden. They are also proposing a 5-foot landscape buffer. The pool is close to the wetland but it is in a previously disturbed area. He feels that with the plantings, the wetlands will not be disturbed. A proposed condition in the staff report to make the driveway permeable, he believes is not as good as discharging to the raingarden for water quality, which is proposed. The proposal has received approval from the Flood and Erosion Control Board on December 2, 2020. Mr. Kousidis noted that when the application was submitted to Conservation, they did not have Health Department approval. They have Health Department approval now for both the house and pool. The pool depth is 7 feet and it will not intercept groundwater. The house is being built on a crawlspace but without floodvents.

Mr. Lobdell asked about the driveway treatment.

Mr. Kousidis explained the first flush of 1 inch treatment is through the raingarden and then will discharge through the planting buffer.

Mr. Bancroft questioned the elevation of the raingarden relative to the weir elevation and he questioned the number of plantings within the planting buffer.

Mr. Kousidis responded that the contours rise towards the house and cannot overflow towards the house. The planting buffer has the shrubs and between the shrubs it is filled with a seed mix to allow for filtration. This will also demarcate between the mowed areas and the wetland areas.

Mr. Carey asked about the height of the house.

Mr. Kousidis stated the grade is being brought up slightly to minimize the number of steps to the first floor but the first floor will be roughly the same as the existing.

Ms. Rycenga noted that the pool mechanicals and fence are not shown on the plans.

Mr. Kousidis stated the pool will not exceed 7 feet in depth. The pool equipment will not be within the Zoning setbacks. He agreed with the staff's suggestion for the pool fence, which is to have it on top of the surrounding wall.

Ms. Rycenga expressed concern with the pool location. She stated she wished the pool corners had been staked in the field due to its close proximity to the wetlands. She asked what the patio material is.

Mr. Kousidis stated it would be stone or concrete draining to the raingarden. He added they have added a landscape strip between the pool edge and the wall.

Ms. Rycenga expressed concern with the erosion controls near the pool. She asked about the amount of fill being brought in.

Mr. Kousidis stated there is a net of 1,500 c.y. of excavation and fill on the site. He noted the pool will be 3.5 feet above ground and 3.5 feet below ground.

Mr. Lobdell asked about the distance of the pool to the wetlands.

Ms. Mozian noted at its closest point it looks to be 3 feet.

Atty. Cowherd asked what is driving the pool location.

Mr. Kousidis stated Zoning setbacks and the septic location.

Ms. Rycenga asked about the coping width.

Mr. Kousidis stated it is 14 inches.

Ms. Mozian confirmed with Mr. Kousidis that he is comfortable with the pool fence location at the top of the retaining wall.

Mr. Kousidis agreed.

Ms. Mozian read from the Engineering Dept. comments of December 1, 2020 and noted the elevation of the 25-year storm, which is elevation 47 which comes up to the road. Therefore, during a 25-year flood, the raingarden will be under water.

Mr. Kousidis confirmed. He also confirmed that the Engineering Department stated the raingarden is adequate to handle the driveway and patio runoff.

Ms. Mozian asked if the raingarden can be moved further away from the stream.

Mr. Kousidis stated no. This is because the placement is in the lowest spot on the landscape.

Mr. Kelly noted yard waste and debris in the wetland. This is a violation. He also noted the presence of Asiatic Bittersweet that should be removed. He also noted groundwater at 5 feet.

Ms. Mozian read the NRCS description of Catden soils, which said the depth to the water table is 0 to 6" and ponding is frequent. Also the house is built on Udorthent soils, which is a filled wetland.

Mr. Kelly asked Mr. Kousidis if it is possible that Test Pit 1 could be within the filled wetland.

Mr. Kousidis responded that Test Pits 1, 2 and 3 are similar to what Ms. Mozian read. However, they found no evidence in Test Pits 4, 5, 6 and 7. They would not be able to get drainage and a septic system in without the natural soils.

Ms. Mozian noted Test Pit 2 data and depth to groundwater and the distance between groundwater and the bottom of the pool.

Mr. Lobdell asked for alternatives to be considered as he was uncomfortable with approving the pool so close to the wetlands.

Mr. Kelly summarized the Commissioner's comments. They believe that the pool is too close to the wetlands. They questioned how the pool impacts the wetlands. Mr. Kelly noted the WPLO line on the survey is incorrect. The whole property is in the WPLO.

Mr. Bancroft stated he would like to see a larger planting buffer.

Mr. Carey agreed with the rest of the Commission members. He noted it could be moved further to the north and the porch relocated.

Mr. Kousidis stated they could reduce the length of the pool and increase the buffer width.

Mr. Kelly showed the architectural plans. He noted that switching the pool and the screened porch may not be easily done due to the interior layout.

Mr. Bancroft agreed.

Mr. Carey stated the owner need to decide which is more important, the pool or the screened porch. He noted that moving the pool further toward the north/northeast where the groundwater is lower would make the proposal better.

Mr. Davis and Mr. Lobdell agreed.

Ms. Rycenga gave two minutes to allow for the public to submit comments.

There was no public comments submitted.

Ms. Rycenga suggested that the application be continued to allow for more information to be submitted.

Mr. Kousidis indicated he would like to have the Commission establish an agreed-upon setback from the wetlands.

Ms. Mozian went on the record that a 20-foot setback should be held firm.

Ms. Rycenga stated she feels uncomfortable with approving without a plan to approve. There is precedent in the Stew Leonard's case.

Mr. Bancroft noted he was comfortable with a 6-foot depth and shortening the pool but he agrees with the other members comments.

Mr. Lobdell agreed that the Commission needs to see a plan.

Atty. Cowherd indicated that it makes sense to continue the application. He sympathizes with the owner but he is concerned with the proximity to the wetlands.

To summarize, the Commission suggested the applicant consider amending the plan to include a 6 foot pool depth, that the pool be pulled back from the wetlands to a minimum 20-foot non-disturbance buffer and the planting buffer increased.

Motion to continue the hearing to February 17, 2021. Revised plans will be needed by February 1, 2021 in case Flood and Erosion Control Board need to review revised plans and to allow time for the pool corners to be staked if necessary.

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

- 4. 18 Roosevelt Road:** Application #WPL-11172-20 by Kousidis Engineering LLC on behalf of Russell S & Katharine I Pfeffer to elevate and perform extensive renovations to the existing single-family residence on a crawlspace and to construct additions, porches, patio, driveway, stormwater drainage system and related site utilities. The proposed activity lies within the Waterway Protection Line area of the Saugatuck River.

Jim Kousidis, PE presented the application on behalf of the property owners. There were additions approved by the Commission about a year ago. Now, due to a fire in the house this past July, the applicants have reconsidered their plans and are now requesting more additions and an extended patio. Work is now considered a substantial improvement per the Floodplain regulations so the house is being elevated with a 4.5 foot crawlspace. The property is entirely within the WPLO. Because it is a substantial improvement, the driveway has to be brought up to Town Code. It will be permeable. There is a landscaping plan proposed but there are no details. It does show the area to be landscaped. This would encompass the driveway areas. Mr. Kousidis stated there will be a 4-inch stone reservoir beneath the driveway. The permeable patio is stone set in sand.

Mr. Kelly noted that water quality becomes impaired when impermeable surface exceeds 10%. This project is 460 s.f. more than what was approved in 2020 due mostly to the driveway. However, Zoning does not include patios in coverage. He did note the patio is proposed to be pervious. The previous application was not bringing the house into FEMA compliance, only the additions. The application in front of the Commission will bring the entire structure into FEMA compliance.

Ms. Rycenga asked if two driveway cut permits are required.

Mr. Kelly stated he spoke with Ted Gill of the Engineering Department, who said that the property could not have a continuous 40-foot driveway opening. This will be one permit.

Mr. Carey noted there will be coverage issues with this application and confirmed they will be going to the Zoning Board of Appeals. He asked if they would have to come back to the Commission if they do not get approval from the ZBA.

Mr. Kousidis agreed.

Ms. Mozian mentioned a condition from the previous approval that required plantings along the length of the existing house. She indicated the Commission should consider this as a condition of this approval. She also noted there is existing vegetation that the owner may want to keep. If so, the silt fence location should be adjusted to protect it.

Mr. Kousidis stated the owners are working with a landscape architect and will be submitting a plan. They would like to submit the planting plan after ZBA but are willing to submit prior to securing the Zoning Permit.

Ms. Rycenga gave 2 minutes for submission of public comments.

With no public comments, the hearing was closed.

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

FINDINGS
Application #WPL 11172-20
18 Roosevelt Road
Public hearing: January 20, 2021

1. **Application Request:** Applicant is requesting to elevate and renovate the existing residence on crawlspace with building additions, new permeable patio and expanded driveway/parking area, and shed. Work is within the boundary of the WPLO of Gray's Creek.
2. **Plans reviewed:**
 - a) "Site Development Plan 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I. Pfeffer", Sheet 1 of 1, Scale 1"=10'-0", dated December 16, 2020 and last revised to January 4, 2021, prepared by Kousidis Engineering, LLC
 - b) "Drainage Analysis located at 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", 19 Pages, dated December 16, 2020 last revised to January 4, 2021, prepared by Kousidis Engineering, LLC
 - c) "Driveway Landscape Schematic 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", Scale 1" = 10', Undated, prepared by Kousidis Engineering, LLC
 - d) Preliminary Landscape Plan entitled: "Pfeffer Residence 18 Roosevelt Road Westport, CT" Scale 1"=10', dated October 15, 2020 and last revised to November 10, 2020, prepared by O'Brien Gates Studio
 - e) Architectural Plans entitled: "Pfeffer Residence 18 Roosevelt Road, Westport, CT", Scale ¼" = 1'-0", dated September 2020, prepared by Eileen Duffy, Sheets A1 to A4
3. **Property Description:**

Wetlands: There are no inland or tidal wetlands present on this site.
Location of 25-year flood boundary: 9 ft. contour interval. WPLO boundary established 15 ft. landward from the 9 ft. contour. Note the entire property is within the WPLO boundary.
Property is situated in Flood Zones AE (el. 11') as shown on F.I.R.M. Panel 09001C551G Map revised to July 8, 2013.
First Floor Elevation for **existing** residence: 11.84 ft.
Proposed First Floor Elevation: 14.0 ft.
Basement Crawl Space elevation: 9.5 ft.

Proposed Covered Porch Elevation: 13.5 ft.

Proposed Patio Elevation: 9.5 ft.

Existing Site Coverage: 24.89% (1,859.2 Sq. Ft.)

Proposed Site Coverage: 29.88% (2,240.9 Sq. Ft.) for #WPL 10945-19

Proposed Site Coverage: 36.00% (2,700 Sq. Ft.)

This work is considered a **substantial improvement** to the residence. The house will be elevated to meet FEMA standards with a crawl space and smart vents.

Sewer Line: Municipal sewer services the existing residence.

4. **Aquifer:** Property underlain by Sherwood Island Aquifer, which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
6. **Proposed Storm Water Treatment:** Onsite storage of the water quality volume (first inch of rainfall) and the runoff from the 25-year storm event is a proposed in a retention system consisting of 4-Cultec R-330 rechargers. The base elevation of system is proposed to be 5.5' and base of stone to 5.0'. Test pit data notes mottling at 64" below grade. Groundwater elevation should not be encountered during construction.
7. **Grading:** The grading near the additions will generally remain undisturbed. The existing site is generally level.
8. **Previous Permits issued for this Property:** #WPL-10945-19: Additions, new patio, and drainage
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 residence was originally constructed in 1922. The applicant previously received approvals to construct additions to the first and second floor that will be built on crawl space foundations with flood vents and a new patio. The structure suffered a fire during the summer of 2020 while under renovation.

The Commission finds that the previous existing (pre-2019) total lot coverage was calculated at 24.89% and the approved coverage for Permit #WPL-10945-19 was calculated at 29.88%. The new application proposed lot coverage is calculated at 36.00% (2,700 sq. ft.). This proposal has **460 sq. ft.** more coverage than the 2019 approval (2,240sq.ft.-2,700 sq. ft. = 460 sq. ft.). Most of the coverage change is due to the driveway changes, where the proposed driveway is **332 sq. ft.** larger (750 sq. ft. – 418 sq. ft. = 332 sq. ft.). The Commission finds that the change in driveway configuration were applied based on the driveway restrictions in the Zoning Regulations and Engineering Department review. The Commission finds that the two 18'-wide drives allow for parking. The proposed residence coverage changes by adding **128 sq. ft.** of additions beyond the approved 2019 application (1,950 sq. ft. – 1,822 sq. Ft. = 128 sq. ft.).

The Zoning Board of Appeals approved the exceedance of the 25% total coverage in April 19, 2019. The Commission finds that the applicant will be required to seek an additional variance for this current proposed increase in coverage. In the 2019 application, the applicant had the variance approved prior to Conservation Commission review.

The Commission finds that the application also includes lifting the existing residence above the Base Flood Elevation of 11' by approximately 2.5', so that the entire structure would meet FEMA flood standards. The existing residence first floor elevation is 11.84'. The house will be raised so that the first-floor elevation will be 14 ft. msl.

The existing driveway is gravel construction and the rear patio is bluestone pavers. The existing playhouse and playset are marked to be removed from the property. The proposed driveway has not been detailed on the proposed plan. The rear patio is proposed as permeable. The Site Plan includes a detail that shows paver stones with sand joints and a crushed stone reservoir beneath. Therefore, the proposed Cultec drainage system will collect only the runoff from the house. Drainage for the driveway has been designed showing a 3" minimum of stone to function as the reservoir for stormwater..

The 2004 Connecticut Stormwater Quality Manual reports that various studies from around the country show that stream ecosystems and water quality become degraded as impervious surfaces such as parking lots and rooftops, increase. Impairment to streams often occurs when more than 10% of the land within a watershed is covered with impervious surfaces. However, if these areas exceed 25% of the land, severe ecosystem and water quality impairment occurs. For water quality purposes and to provide a Low Impact Development concept, the Commission finds that the proposed patio shall be constructed as permeable as well as requiring a pervious driveway. The Commission finds that the applicant has provided a construction detail for the driveway and that the patio, driveway and any walkways shall be constructed as permeable and remain so in perpetuity. The Commission previously required the "permeable patio and perpetual restriction" for Permit #WPL-10945-19 that states: The Commission finds that the proposed patio shall be constructed as permeable and the existing driveway should remain permeable, both shall remain so in perpetuity, with this requirement placed on the land records, prior to the issuance of a CCC.

Retention time, nutrient removal and water quality is a concern routinely addressed by the Commission on properties within the WPLO jurisdiction. The previous site plan approval presented Cultec R-330 XLHD rechargers to provided drainage for the proposed development. The roof runoff would be collected into this system. The Commission previously found that the storm water retention and infiltration measures, including permeable surfaces, were adequate to treat stormwater runoff, and would not cause additional adverse impacts to the waterway. The same Cultec system design meets the Town Drainage Standards for the current proposal of additions and site plan changes. The stone reservoir beneath the patio will capture and treat that runoff.

A "Driveway Landscape Schematic" plan was included with the proposed application. This depicts the area designated for proposed plantings that would function as more aesthetic features and points of visual delineation rather than providing biofiltration or stormwater treatment. In the previously approved application condition #20 stated: "A planting plan shall be submitted for approval by Conservation Department Staff to show plantings along the length of the existing house. These plantings to be installed prior to issuance of a CCC." These plantings were suggested to help mitigate stormwater runoff from downspouts that were not being directed to the drainage system in the rear yard. The current application proposes for the entire roof to be directed to the rear drainage system. The existing mature landscaping will be maintained on the property.

The Commission finds that a detailed planting plan shall be submitted prior to issuance of a Zoning Permit. And that said plan considers plantings around the driveway perimeter to treat driveway runoff.

The Commission finds that a single row of silt fence around the perimeter of the parcel has been utilized for the work for the previous permit. It is adequate in providing erosion and sediment protection on this parcel. An anti-tracking pad is shown at the driveway edge to controls sediments from entering the roadway. Groundwater is not expected to be encountered during excavations.

The Commission finds that the house additions & renovations and driveway changes will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

Street Address: 18 Roosevelt Road
Assessor's: Map D03 Lot 026
Date of Resolution: January 20, 2021

Project Description: To elevate and renovate the existing residence on crawlspace with building additions, new permeable patio and expanded driveway/parking area, and shed. Work is within the boundary of the WPLO of Gray's Creek.

Owner of Record: Russell S. & Katherine I. Pfeffer
Applicant: Jim Kousidis, Kousidis Engineering LLC.

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 11172-20** 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** including the installation of flood vents in accordance with FEMA Regulations for the proposed crawl space.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:

- a) **"Site Development Plan** 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I. Pfeffer", Sheet 1 of 1, Scale 1"=10'-0", dated December 16, 2020 and last revised to January 4, 2021, prepared by Kousidis Engineering, LLC
- b) **"Drainage Analysis** located at 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", 19 Pages, dated December 16, 2020 last revised to January 4, 2021, prepared by Kousidis Engineering, LLC
- c) **"Driveway Landscape Schematic** 18 Roosevelt Road, Westport, Connecticut Prepared for Russell S. Pfeffer & Katherine I Pfeffer", Scale 1" = 10', Undated, prepared by Kousidis Engineering, LLC
- d) **Preliminary Landscape Plan** entitled: "Pfeffer Residence 18 Roosevelt Road Westport, CT" Scale 1"=10', dated October 15, 2020 and last revised to November 10, 2020, prepared by O'Brien Gates Studio
- e) **Architectural Plans** entitled: "Pfeffer Residence 18 Roosevelt Road, Westport, CT", Scale ¼" = 1'-0", dated September 2020, prepared by Eileen Duffy, Sheets A1 to A4

- 17. The site engineer shall witness and certify the driveway and patio installation to ensure proper construction as permeable prior to issuance of Conservation Certificate of Compliance.
- 18. The proposed driveways, walkways, and patio shall be constructed as permeable and should remain permeable, both in perpetuity, with this requirement placed on the land records, prior to the issuance of Conservation Certificate of Compliance.
- 19. Submission of a detailed landscape plan which shall be submitted for review and approval 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: Lobdell Second: Davis
Ayes: Lobdell, Davis, Rycenga, Carey, Bancroft, Cowherd
Nays: 0 Abstentions: 0 Vote: 6:0:0

The January 20, 2021 Public Hearing of the Westport Conservation Commission adjourned at 10:08 p.m.

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