

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
OCTOBER 17, 2012**

The October 17, 2012 of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

W. Fergus Porter, Chair
Pat Shea, Esq., Secretary
John Skinner
John Washburn, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst
Ira Bloom, Town Attorney

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the October 17, 2012 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

9. Other Business

a. Annual CACIWC meeting

Ms. Mozian stated the CACIWC Annual Meeting would be held in Meriden on November 17, 2012. She indicated that she was putting together two workshops for the meeting; one entitled "How Sanitarians and Wetlands Agents Can Work Together to Protect Wetlands" and the other is entitled "Defining a Likely Impact to the Physical Characteristics of Wetlands"

Ms. Mozian asked Commission members to let her know by October 24, 2012 if they wanted to attend so she could send in registrations.

b. Establishment of sub-committee for regulation changes

Ms. Mozian stated the last time the Inland Wetland and Watercourses regulations were amended was in 2004. Since that time, there have been several changes made to the state statutes that the staff and Commission are adhering to but need to be adopted into our regulations. She stated that Colin Kelly, Conservation Compliance Officer, has begun the process of comparing the Town's regulations against the State's model regulations and incorporating the changes to statutes. While he still needs to do more work, they are almost ready.

Ms. Mozian stated that since the Wetland Boundary Amendment sub-committee was so successful, she believes it would be helpful to establish one for this purpose to help move things along in a more timely manner. She indicated the sub-committee would include the Assistant Town Attorney and would ideally begin meeting in December so that a full application for Public Hearing could be held in February or March.

Ms. Shea and Mr. Porter agreed to serve on the regulation change sub-committee.

c. Appointee to Plan Implementation Committee

Ms. Mozian stated the Plan Implementation Committee is a committee formed by the First Selectman to chart the progress made in implementing the recommendations in the 2007 Town Plan of Conservation and Development. The committee meets every other month on the first Wednesday of the month at 8:30 a.m. She noted the next meeting is scheduled for November 7, 2012. She stated Marty Yellin was on the committee until he resigned from the Commission. She asked if any of the members would be interested in serving on the committee.

d. DEEP Segment 3 Training

Ms. Mozian noted that DEEP segment 3 training is being held on "Vernal Pools" or "Macro-Invertebrate Stream Monitoring". The first of the workshops is scheduled for the last week of October, so she asked that member let her know if they were were interested in attending as soon as possible.

Ms. Mozian also reminded members taking the online DEEP Training Segment I course that the deadline for completion is December 15, 2012.

e. Cockenoe Island Clean-Up

Ms. Mozian stated the Conservation Commission is technically the overseer of Cockenoe Island. There are 4 campsites on the island. This summer, staff issued 51 permits to approximately 200 people. She indicated that she tries to organize semi-yearly clean-ups; one in the spring and one in the fall. Traditionally, the spring clean-up is just Mr. Kelly and herself but this spring, the clean-up did not happen. However, on Saturday, October 13, 2012, Boy Scout Troop 36 cleaned up the entire island with the aid of the Marine Police, who hauled the garbage off the island. It is

estimated that 25 bags weighing approximately 500 pounds was collected along with the remnants of docks, buoys, metal and a tire.

Ms. Mozian stated she would be sending a thank you letter on behalf of the Town.

Motion to close Work Session I and move into the Public Hearing.

Motion: **Shea** **Second:** **Washburn**
Ayes: **Shea, Washburn, Porter, Skinner**
Nayes: **None** **Abstentions:** **None** **Vote: 4:0:0**

Public Hearing: Auditorium, 7:45 p.m.

1. **17 Bobwhite Drive:** Application #IWW,WPL/E-9199-12 by Anandh Hari to extend the kitchen over an existing wood deck, add a flagstone terrace, create a walkout stairwell for an existing basement. Portions of the work are within the upland review area setback.

Anandh Hari, property owner presented the application to extend the kitchen over an existing wood deck, to add a flagstone terrace, to create a walkout stairwell for the existing basement and to add a second story bedroom over the existing garage. Work would be done in two phases. Phase one would entail the kitchen extension, the terrace and the walkout stairwell and Phase two would be the bedroom addition over the garage.

Jim McManus, soil scientist, presented his findings of the soils on this property. He indicated that he found many disturbed soils of Aquents and Udorthents.

Ms. Krynicki gave a detailed history of the application's review by the staff. She indicated that her site visit revealed two points of interest; an inlet and an outlet on either side of the property line plus the proximity of the septic system. She determined from plans on file with the Health Department that a watercourse had been piped. It was a tight pipe, which meant that it would not be contaminated by septic or vice versa. She stated there is a high groundwater condition on the site. The Engineering Department is not requiring additional drainage because there is only a 200 s.f. increase in the footprint of the structure. She added the Engineering Department does nevertheless want to review the site during construction. The terrace is proposed to be permeable and will be approximately 3 feet high. The property owner will have to submit a permeable detail prior to issuance of a zoning permit. She noted that staff is recommending plantings along the wetland boundary.

The Commission and staff discussed options for permit issuance. The Commission agreed to allow staff to issue an Administrative Approval for the bedroom addition over the garage as this work is planned at a later date and would not pose a significant impact to the wetland.

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

Motion: **Porter** **Second:** **Shea**
Ayes: **Porter, Shea, Skinner, Washburn**
Nayes: **None** **Abstentions:** **None** **Vote: 4:0:0**

Findings
Application # IWW/WPL/E-9199-12
17 Bobwhite Drive

1. **Receipt Date:** **October 17, 2012**
2. **Application Classification:** **Summary**
3. **Application Request:** The applicant proposes to construct a kitchen addition over an existing wooden deck, add a flagstone terrace, create a walkout stairwell for the existing basement and add a

second story bedroom addition over the existing garage. Portions of the work are within the 50 foot upland review area setback. The proposed activity is outside the WPLO boundary.

4. Plans Reviewed:

- a. "Record Zoning Location & Topographic Map Prepared for Sheela Hari, 17 Bobwhite Drive, Westport, CT", Scale: 1"= 20', dated August 8, 2012 and last revised to September 6, 2012, prepared by Ahneman Kirby, LLC
- b. Architectural plans: Additions and Renovations for Anandh & Sheela Hari, 17 Bobwhite Drive, Westport, CT (10 sheets) dated June 30, 2012 and last revised to July 13, 2012, prepared by LF Garcia Architects LLC

5. Previous Permits Issued for this property

- AA 5124-94 Inground pool
- AA, WPL/E 5599-97 Additions

6. WPLO - Waterway Protection Line is located 15' from the wetland boundary.

7. Soils

A report from JMM Wetland Consulting Services, LLC dated July 12, 2010 flagged the on site wetlands and describes the wetland soils utilizing the descriptions from the Natural Resources Conservation Service, United States Department of Agriculture as:

Ridgebury fine sandy loam Map Unit 2: This soil series consists of deep, poorly and somewhat poorly drained soils formed in a coarse-loamy mantle underlain by firm, compact glacial till on uplands. They are nearly level to moderately steep soils on till plains, low ridges and drumloidal landforms.

Leicester fine sandy loam Map Unit 4: This series consists of deep poorly drained loamy soils formed in friable glacial till on uplands. They are nearly level to gently sloping soils in drainage ways and low-lying positions on till covered uplands.

Aquents Map Unit 308: This map unit consists of poorly drained and very poorly drained disturbed land areas. They are most often found on landscapes, which have been subject to prior filling and/or excavation activities. In general, this soil map unit occurs where two or more feet of the original soil surface has been filled over, graded or excavated.

The upland soils are described as **Charlton very stony fine sandy loam (61)** This series consists of very deep, well drained coarse-loamy soils formed in friable, glacial till on uplands. They are nearly level to very steep on till plains and hills.

In the central area of the backyard Jim McManus of JMM Wetland Consulting Services, LLC was asked by our office to reinvestigate due to the location of the septic system and a 4" drainage pipe. This was completed on August 1, 2012. The additional investigation revealed the depth of fill to the buried wetland soils varied from approximately 16" to 28". Mr. McManus reported that because of the extent and type of disturbances and also because the depth to buried wetland soils was so inconsistent throughout, the areas of buried soils no longer satisfied the drainage class criteria found in the State Statutes and are therefore not regulated. These buried wetland soils are no longer functioning as wetlands.

8. Property Description and Facts Relative to the Application

- a. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983 describes this wetland as "streamside, floodplain, permanent, with vegetation type a wooded swamp and swamp." The outlet of this wetland is a tributary to the West Branch of the Saugatuck River.
- b. The residence on the property is serviced by a septic system and the municipal water supply. A B100a for the site improvements associated with a 5 bedroom residence was approved on June 20, 2012 by the Westport Weston Health District. The leachfield components are located 25' from the flagged wetland line.
- c. The soils in the area of the leachfield are classified as well drained.
- d. The property lies within Flood Zone C and outside the 100 year flood boundary as delineated by FEMA.
- e. Property does not exist within the Aquifer Protection Overlay Zone.

- f. Property does not occur within a groundwater recharge area.
 - g. Property does not exist within the Coastal Areas Management Zone.
 - h. Discussion of drainage requirements with Jim Kousidis of the Engineering Department resulted in the decision for an on-site drainage review during construction as being acceptable for the proposed additions with an additional 210 sf of impervious area to the site.
 - i. A 4" tight pipe traverses the backyard between the septic system and the pool, the purpose of which is to transfer excess stormwater runoff in a subsurface manner through the parcel from the wetland area on the westerly property boundary and discharging in the wetland area on the easterly boundary.
9. **Vegetation Description** - The property is maintained as lawn to the edge of an existing fence on the south easterly property line, the stream corridor on the north easterly property boundary, the tree line south of the septic system and the property lines on the westerly and northerly property boundaries. Ornamental shrubs are used as foundation plantings for the residence.
10. **Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations**
- a. **6.1 GENERAL STANDARDS**
 - a) disturbance and pollution are minimized;
 - b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
 - c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
 - d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
 - e) maintain conservation, economic, recreational and aesthetic qualities;
 - f) consider historical sites

No grading is being proposed with this site development proposal. A small area of excavation will be required for the proposed basement entrance approximately 45' from the flagged wetland boundary. The proposed kitchen and the permeable terrace additions are to the south of the existing residence and will be built above grade. The bedroom addition is proposed above the existing garage.

No vegetation is being removed with this proposal.

The terrace will be retained by walls so as to limit any grading that might be required for construction. The Commission finds the proposed terrace wall detail and permeable surface detail be submitted to the Conservation Department staff for review and approval prior to the issuance of a zoning permit.

- b. **6.2 WATER QUALITY**
 - a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
 - b) water stagnation will neither be contributed nor caused;
 - c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
 - d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
 - e) all applicable state and local health codes shall be met;
 - f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes;
 - g) prevents pollution of surface water

The existing septic leachfield has been determined to be of an adequate size and configuration by the Health Department for the proposed additions. For future planning purposes, a B100a code compliant area has been approved. The existing septic tank is to be removed and a new 1500 gallon septic tank will be installed to accommodate the proposed kitchen addition and terrace. The B100a septic system reserve area is outside the WPLO and is located 25' from the flagged wetland boundary.

The Commission finds a planting buffer be installed in the wetland area west of the existing fence as mitigation for construction within the upland review area and to replace a portion of the manicured lawn within the wetland area as well. As the soil scientist has indicated reduced function in the center

of the yard, the plantings within the flagged wetland will help restore and improve the wetland function within the riparian zone of the existing watercourse on the property boundary line on the site.

The Commission finds that providing a vegetative buffer of native plants will help restore the natural functions adjacent to a wetland and will help to safeguard natural resources as: 1) provides additional stormwater runoff filtration area that will improve water quality prior to discharge to a wetland 2) reduces construction impacts on wetlands by reducing erosion and sedimentation impacts 3) reduces water velocities from stormwater runoff prior to discharge into wetlands which allows vegetation to absorb some non-point pollutants such as fertilizers or herbicides that may otherwise discharge into wetlands/waterbodies 5) provides slower water velocities which allow more water to infiltrate into the soil, improving groundwater recharge functions and water quality improvement functions 6) provides and improves upland habitat needed for wildlife dependent on wetlands/watercourses.

The Connecticut Association of Wetland Scientists White Paper states buffers, particularly dense grassy or herbaceous buffers on gradual slopes, intercept overland runoff, trap sediments, remove pollutants and promote groundwater recharge. This type of planting should be considered for inclusion in the planting buffer as well.

The applicant does not propose footing drains as part of this application.

c. 6.3 EROSION AND SEDIMENT

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

The area of the proposed site alterations is nearly level and there is no proposed grading activity. The Commission finds erosion and sedimentation during construction activities should not be problematic provided erosion and sediment controls are properly installed and maintained. The site plan includes silt fence installation in the front of the residence which is probably not necessary and could be removed.

d. 6.4 NATURAL HABITAT STANDARDS

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

This site is part of a suburban housing development and wildlife expected there should be that found in a typical backyard. The Commission finds this proposal will not impact existing habitat.

The revegetation of the wetland area will help increase habitat within and adjacent to the stream riparian zone.

e. 6.5 DISCHARGE AND RUNOFF

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;

- d) flooding upstream or downstream of the location site will not be significantly increased;
- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

The applicant does not propose footing drains as part of this application. As the proposed addition is approximately 210 square feet, the Engineering Department has stated they will work with the contractor on site during the project construction to determine the best method for handling the storm drainage of impervious surface increase.

The proposed terrace is to be permeable. The Commission finds that a construction detail be provided and that the Engineering Department witness the installation of the patio to ensure it is constructed properly. A restriction placed on the land records for the terrace to remain permeable is recommended prior to the issuance of a Conservation certificate of Compliance. Due to the proximity to the wetlands and the elevation, the Commission finds that soil testing be done and witnessed by the Engineering Department to assure adequate separation from high groundwater can be achieved or an alternative method for stormwater retention be explored.

f. 6.6 RECREATIONAL AND PUBLIC USES

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

The Conservation staff recommends the current application will have no significant impact on recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW,WPL/E 9199-12
Street Address: 17 Bobwhite Drive
Assessor's: Map A-15 Lot 041
Date of Resolution: October 17, 2012

Project Description: To extend the kitchen over an existing wood deck, add a flagstone terrace, create a walkout stairwell for an existing basement. Portions of the work are within the IWW upland review area setbacks.

Owner of Record: Anandh Hari
Applicant: Anandh Hari

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL/E 9199-12** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.

4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. "Record Zoning Location & Topographic Map Prepared for Sheela Hari, 17 Bobwhite Drive, Westport, CT", Scale: 1"= 20', dated August 8, 2012 and last revised to September 6, 2012, prepared by Ahneman Kirby, LLC
 - b. Architectural plans: Additions and Renovations for Anandh & Sheela Hari, 17 Bobwhite Drive, Westport, CT (10 sheets) dated June 30, 2012 and last revised to July 13, 2012, prepared by LF Garcia Architects LLC
17. A construction detail for the terrace to assure permeability shall be submitted to the Conservation Department for review and approval prior to the issuance of a zoning permit.
18. The proposed terrace area shall remain permeable in perpetuity. Said restriction shall be placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
19. A detailed planting plan for a wetland restoration west of the existing chain link fence shall be submitted to the Conservation Department for review and approval prior to the issuance of a zoning permit. Said planting area shall be a minimum of 10' in width and 50' in length. It shall commence parallel to the proposed additions and the perpendicular fence attached to the residence.
20. Submission of a performance bond estimate in the amount of the cost of plants, erosion control materials and labor to be submitted to the Conservation Department prior to the issuance of a zoning permit.
21. Stormwater runoff provisions for the kitchen addition to take place on site with the Town Engineer during the construction process. This may include a possible dewatering plan for the excavation and installation of exterior basement stairs. A letter shall be provided to the Conservation Department by the Town Engineer outlining the existing groundwater depths and his accepted method of construction and infiltration prior to the issuance of a Conservation Certificate of Compliance.

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: Shea **Second:** Washburn
Ayes: Shea, Washburn, Porter, Skinner
Nays: 0 **Abstentions:** 0 **Vote:** 4:0:0

2. **5 Marine Avenue:** Application #WPL-9200-12 by Ochman Associates Inc. on behalf of Andrzej Piekarski to construct a 16' by 40' inground swimming pool with spa, autocover, patio and fence. Work is within the 25 year floodplain and the WPLO area of the Saugatuck River.

Paul Ochman, PE, LS presented the application on behalf of the property owner. They are proposing a 16-foot by 40-foot pool with spa, patio, pool equipment pad, and fence. The house, driveway and drainage were approved in 2007. He stated the pool equipment would be placed and anchored above the base flood elevation. The pool will be covered during the winter with an auto-cover. The pool chemicals will be stored in an enclosed container, most likely in the garage. They propose the patio to be permeable. He noted the sediment and erosion controls would be installed prior to construction.

Ms. Krynicki reviewed the staff report. She expressed concerns with the type of pool fence proposed since the property is located in a flood zone. She stated the fence should not prevent the free flow of water during storm events.

Ms. Mozian stated the Flood and Erosion Control Board approved the project at its October 3, 2012 meeting with the condition that the excavated materials be removed from the property within 2 months. She noted the silt fence is currently not being maintained and the owner is using the second access, which is the access to the pool, without a mud-tracking pad. She noted that the Commission conducted a site visit to the property on Monday, October 15, 2012. She stated that if the sediment and erosion controls are not rectified quickly, a Notice of Violation will be issued.

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

Motion: Shea **Second:** Porter
Ayes: Shea, Porter, Skinner, Washburn
Nays: None **Abstentions:** None **Vote:** 4:0:0

**Findings
For Meeting: October 17, 2012
5 Marine Avenue
#WPL 9200-12**

1. **Application Request:** Applicant is requesting to construct a 16' x 40' inground pool and spa with an attached patio. The entire parcel is below elevation 9.0 NGVD and therefore within the jurisdiction of the WPLO.
2. Plans and supplemental materials reviewed:
 - a. *Site Plan Showing Proposed Pool Prepared for Andrzej Piekarski, #5 Marine Avenue, Westport, Connecticut, Scale 1"=10'-0", dated September 10, 2012, prepared by Ochman Associates, Inc.*
 - b. *Pool Construction Plans for Andy Piekarski, 5 Marine Avenue, Westport, CT, prepared by R.I. Pools Inc., received by the Conservation Department on September 13, 2012.*
3. **Facts Relative to this application:**
 - a. Permits and Applications: Previous permit # CAM/E 4983-93: for additions and CAM/E 4722-93 for interior renovations

- b. Application # WPL 8058-07 is currently under construction for a new house and associated site improvements.
- c. WPLO: The entire property is located below elevation 10.0 NGVD and therefore is entirely within the WPLO.
- d. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
- e. 100-Year Floodplain: The entire property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The 100-year base flood elevation is 12 feet above mean sea level.
- f. Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone but is located within the Aquifer and Primary Recharge Area identified as coarse-grained stratified drift.
- g. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resource is a "Coastal Hazard Area."
- h. Sewage Disposal: The property is serviced by an on-site sewage disposal system. The Westport/Weston Health Department issued a permit for a new 4 bedroom residence on September 19, 2006. The property has since been connected to municipal sewer.
- i. The Westport Weston Health District issued a permit for the pool and spa on September 11, 2012.
- j. Physical and Chemical Properties of the Soil: The NRCS Soil Survey of State of Connecticut identifies the on-site soils as Map Unit 306, Udorthents-Urban land complex. Udorthents are a well drained soil, however, shallow excavations in this soil are rated as "very limited" due to cutbanks that cave, slope and depth to the saturated zone.

4. Waterway Protection Line Ordinance:

Section 148-9 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Applicant is currently constructing a new single family residence with an attached garage and patio. The work includes new drainage appurtenances and an elevated patio on less than 3 ft of fill. The proposed pool construction extends this at grade.

Existing total coverage with the new proposed residence is 14.99%. Proposed total lot coverage with the pool and driveway included totals 24.59%.

A patio is proposed to wrap the east side of the terrace and the west side of the pool and spa. The patio detail indicates this surface will be permeable. Within the WPLO boundary, the Commission finds the patio remain permeable in order to address stormwater runoff and water quality issues. The permeability of a patio or terrace surface is important as porous surfaces detain stormwater and allow it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. The design incorporates a sufficient base and storage capacity for the required rainfall capacity. Water that is slowly recharging groundwater sustains base flow for streams, wetlands and rivers. The constant flow of water they receive sustains water levels and contributes to the health of the aquatic environment and natural resources.

The drainage and landscaping requirements were required and approved as part of the application review for the new residence currently being built (WPL 8058-07). The Commission finds they still apply and are shown on the submitted site plan for this project as well.

At the time of the original approval, the property was to be serviced by an on site septic system, but as the municipal sewer service became available, the area previously allocated for the septic system could be eliminated and instead is now the area being proposed for the patio and pool.

The stock pile area as shown on the proposed site plan is currently being utilized for the house construction. The Commission finds a revised plan showing a new stockpile area with appropriate

erosion and sediment controls for the pool needs to be submitted to staff prior to the issuance of a zoning permit.

The pool fence will be located within a flood zone. The Commission finds that a pool fence detail be submitted to the Conservation Department for review and approval by the Engineering Department prior to the issuance of a zoning permit.

The Flood and Erosion Control Board reviewed and approved the application with conditions on October 3, 2012.

Potential development impacts are limited to flooding and water quality. The Applicant has proposed measures to avoid or minimize these potential impacts. Mitigation includes:

- Permeable patio surface to allow for infiltration of some stormwater.
- Connection to the sewer
- Construction access with anti tracking pad for the pool construction
- Standard conditions for pool maintenance and dewatering in environmentally sensitive areas as part of the Commission resolution.

Based on the design of the proposed improvements, including suggested measures, the Commission finds the proposed activities will not cause the adverse impacts noted above and in the WPLO.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9200-12
Street Address: 5 Marine Avenue
Assessor's: Map B2 Lot 154
Date of Resolution: October 17, 2012

Project Description: The construction of a 16' by 40' inground swimming pool with spa, autocover and patio. The work is within the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Andrzej Piekarski

Applicant: Ochman Associates, Inc.

In accordance with Section 148-9 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL 9200-12** with the following conditions:

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.

6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
14. Conformance to the conditions of the Flood and Erosion Control Board of October 3, 2012.
15. **Standard Conditions of Approval for Swimming Pools** Proposed Near Wetlands and Watercourses are as follows:
 - 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.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer is to 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 extended periods of time (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

16. Conformance to the plans entitled:
 - a. *Site Plan Showing Proposed Pool Prepared for Andrzej Piekarski, #5 Marine Avenue, Westport, Connecticut, Scale 1"=10'-0"*, dated September 10, 2012, prepared by Ochman Associates, Inc.
 - b. *Pool Construction Plans for Andy Piekarski, 5 Marine Avenue, Westport, CT*, prepared by R.I. Pools Inc., received by the Conservation Department on September 13, 2012.
17. A pool fence detail acceptable to the Conservation Department staff for flooding provisions and the Building Department for the Building Code shall be submitted for review and approval by staff prior to the issuance of a zoning permit.
18. Any excess fill shall be removed from the site.
19. Patio to remain permeable in perpetuity with said restriction placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
20. Approval from the Health Department for the proper abandonment of the septic system shall be submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

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.

4. **Plan reviewed:** "Improvement Location Survey Showing As-Built Conditions at 74 Bulkley Avenue North, Zone: AA, Westport, Connecticut Prepared for R.C. Kaeser & Company, November 7, 2011, Scale 1"= 20', dated November 7, 2011, prepared by Stalker Land Surveying, Inc
5. **Facts Relative to the Map Amendment Application:**
 - a. A soils investigation and report by Otto Theall of Soil & Wetland Science, LLC was prepared on July 11, 2012.
 - b. Landscape position of this parcel is a backslope.
 - c. The land surface shape is linear/linear.
 - d. The FEMA maps indicate that the property contains a 100 year flood plain of the Aspetuck River. The existing residence is outside the floodplain boundary.
 - e. Property does not exist within the Coastal Areas Management Zone.
 - f. The 1983 report as presented by Flaherty Giavara Associates, Inc. classifies the wetland as a streamside, floodplain with a permanent watercourse and associated marsh and wooded swamp. The outlet of this wetland is a tributary to Sasco Creek.

On July 10, 2012, Staff visited the property and concurred with the boundary line as delineated by the soil scientist on site. The Commission finds to accept the flagged line as shown on the map as referenced above and amend the town wetland map.

RESOLUTION
Application #IWW/M-9190-12
74 Bulkley Avenue North

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-9190-12 by The Conservation Department on property owned by R.C. Kaeser & Co. to amend the wetland boundary on Map #H-11 on the property located at 74 Bulkely Avenue North with the following conditions:

1. Conformance to the plan entitled: "Improvement Location Survey Showing As-Built Conditions at 74 Bulkley Avenue North, Zone: AA, Westport, Connecticut Prepared for R.C. Kaeser & Company, November 7, 2011, Scale 1"= 20', dated November 7, 2011, prepared by Stalker Land Surveying, Inc
2. An electronic file of the above referenced plan in a format acceptable to the Town Engineer must be submitted to the Conservation Department before permits for any further activity will be authorized.
3. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

Motion: Skinner

Second: Shea

Ayes: Skinner, Shea, Porter, Washburn

Nays: 0

Abstentions: 0

Vote: 4:0:0

7. **5 Abbott's Lane, 3 Webb Road, 10 Indian Point Lane, and 17 Bobwhite Drive:** Application # IWW/M-9208-12 by Conservation Department staff on properties owned by Manny Pires, SIR 3 Webb LLC, Myra McKeachie and Anandh Hari respectively to amend wetland boundary maps E13, E10, B09, and A15 respectively.

Ms. Krynicki presented the application to amend wetland boundaries on maps E13, E10, B09 and A15. She highlighted each properties as follows:

- **5 Abbott's Lane** – The wetland was flagged by Otto Theall as part of an application for additions.
- **3 Webb Road** – The wetland was an unmapped wetland on the Town's maps. The flagging was done as a part of the new house construction application.
- **10 Indian Point Lane** – Otto Theall flagged the wetland as a requirement for a house addition.
- **17 Bobwhite Drive** – Jim McManus flagged the wetland as a part of the application process for additions to the structure.

3. **10 Indian Point Lane:** amendment of wetland boundary map B 9.
 - Soil Scientist for Applicant: Otto Theall of Soil & Wetland Science, LLC
 - Soils Description: soil report prepared by Otto Theall and dated June 8, 2012 states the wetland soils were identified in the field by inspection of approximately 40 soil samples. The wetland soils were identified as Ridgebury, Leicester and Whitman soils, extremely stony (3). The wetland contains a watercourse.
 - The site's non-wetland soils consist of Udorthents-Urban land complex (306).
 - House was originally constructed in 1965.
 - Plans Reviewed: "Zoning Location Survey of Property Prepared for Randy & Diane Dominick, #10 Indian Point Lane, Westport, CT", Scale 1"= 30', dated April 16, 2002 and last revised to July 10, 2012, prepared by Arcamone Land Surveyors LLC
 - The wetland flagging and map amendment was required by staff as part of the application process for a house addition. Staff has visited the property, confirmed the flagged boundary and recommends the Commission accept the flagged line as delineated on the map as referenced above and amend the town wetland map.

1. **17 Bobwhite Drive:** amendment of wetland boundary map A15.
 - Soil Scientist for Applicant: Jim McManus of JMM wetland Consulting Services, LLC
 - Soils Description: soil report prepared by Jim McManus of JMM Wetland Consulting Services, LLC and dated July 12, 2010 identifies the wetland soils as Ridgebury, Leicester and Whitman fine sandy loam soils, (3). *The wetland contains a watercourse.*
 - The site's non-wetland soils consist of Charlton and Canton very stony fine sandy loam, Sutton-urban land and Udorthents-Urban land complex (306).
 - House was originally constructed in 1972.
 - Plan reviewed: "Record Zoning Location & Topographic Map prepared for Sheela Hari, 17 Bobwhite Drive, Westport, CT", Scale 1"= 20', dated August 8, 2012 and last revised to September 6, 2012, prepared by John P. Giancola, L.S., Ahneman Kirby, LLC
 - The wetland flagging and map amendment was required by staff as part of the application process for house additions, drainage improvements and septic repair. Staff has visited the property, confirmed the flagged boundary and recommends the Commission accept the flagged line as delineated on the map as referenced above and amend the town wetland map.

RESOLUTION
October 17, 2012
Application #IWW/M-9208-12
5 Abbott's Lane, 3 Webb Rd., 10 Indian Point Ln., 17 Bobwhite Dr.

The Conservation Commission resolves to APPROVE Application #IWW/M-9208-12 for the amendment of the following wetland boundary maps on the basis that supporting evidence from certified soil scientists have been received on record to substantiate said amendments as required by Section 8.0 of the "Regulations for the Protection and Preservation of Wetlands and Watercourses for the Town of Westport, Connecticut" revised to August 2004:

1. **5 Abbott's Lane**, Application #IWW/M-9208-12, Map E13, pursuant to the boundary determined by Otto Theall on July 12, 2012 as shown on map of property entitled: "Zoning Map of Property Prepared for Manny Pires and Fern Pires, 5 Abbott's Lane, Westport, CT", Scale 1"= 20', dated February 8, 2012 and last revised to July 30, 2012, prepared by Dennis A. Deilus- Land Surveyors.
2. **3 Webb Rd.**, Application #IWW/M-9208-12, Map E10, pursuant to the boundary determined by Otto Theall on August 21, 2012 as shown on map entitled: "Site Preparation Plans for a Proposed Residence. Site Plan Details & Notes, SIR Development, LLC, 3 Webb Road, Westport, CT", Scale 1"= 20', dated August 21, 2012, prepared by Richard Bennett & Associates, LLC.

3. **10 Indian Point Ln.**, Application #IWW/M-9208-12, Map B9, pursuant to the boundary determined by Otto Theall on June 8, 2012 as shown on map entitled: "Zoning Location Survey of Property Prepared for Randy & Diane Dominick, #10 Indian Point Lane, Westport, CT", Scale 1"= 30', dated April 16, 2002 and last revised to July 10, 2012, prepared by Arcamone Land Surveyors LLC.
4. **17 Bobwhite Dr.**, Application #IWW/M-9208-12, Map A15, pursuant to the boundary determined by James McManus of JMM Wetland Consulting Services, LLC on July 12, 2010 as shown on map entitled: "Record Zoning Location & Topographic Map prepared for Sheela Hari, 17 Bobwhite Drive, Westport, CT", Scale 1"= 20', dated August 8, 2012 and last revised to September 6, 2012, prepared by John P. Giancola, L.S., Ahneman Kirby, LLC

Said amendments are made with the following conditions:

1. An electronic file of the above referenced plans in a format acceptable to the Town Engineer shall be submitted to the Conservation Department before permits for any further activity will be authorized.
2. 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:	Porter	Second:	Shea
Ayes:	Porter, Shea, Washburn, Skinner		
Nayes:	0	Abstentions:	0
		Vote:	4:0:0

Work Session II:

1. **14 Sunny Lane:** Application #IWW,WPL-8020-07, report to Commission by staff on status of final permit issuance and construction sequencing of the Westport Weston Family Y.

Ms. Mozian presented the report to the Commission on the status of the final permit issuance and construction sequencing. She detailed the materials sent in the Commissioner's packets including:

- Jim Marpe's (Chair of Y's Board of Trustees) letter dated September 25, 2012
- Map of the proposed project
- Letter to Todd Ritchie dated July 25, 2012 from A. Mozian requesting review of the final septic design
- Response from Mr. Ritchie, dated October 10, 2012
- E-mail dated October 15, 2012 with clarification of Mr. Ritchie's response
- Letter from Pete Romano of Land-Tech Consultants dated October 17, 2012 clarifying the limits of site disturbance; and
- List of conditions of approval needed to be addressed prior to issuance of a zoning permit.

Ms. Mozian noted the Westport/Weston Family Y will be seeking a permit for the full 102,000 s.f. building, drainage, parking, septic and land clearing. However, they will be sequencing the project by first building a 54,000 s.f. building. She stated that all the conditions of approval would be met despite the smaller building size. She noted staff included a list of 13 items to be submitted and complied with prior to the issuance of the Conservation permit. She indicated she solicited a review by the engineering firm GHD (formerly known as Stearns & Wheler, who helped with the review of the original application) in response to concerns about the smaller building and if that would affect the functioning of the proposed septic system. GHD determined that the smaller building would not affect the functioning of the septic system since the proposed flow rate would only be 3,000 gallons per day less than the full building build-out. She noted other comments from GHD made about the design drawings and stated she would be reviewing them with Land-Tech to resolve the issues prior to permit issuance.

Members asked what is the break point to ensure that the septic system does not fail.

Ira Bloom, Town Atty., assured the Commission that staff is being very diligent in their review for final permit issuance. He stated that it is the Y's intent to complete the full build-out and that sequencing building construction is not unprecedented. The Y will have to comply with all the conditions of approval even with the construction of the smaller building. He reported the Board of Selectmen approved a \$300,000 reserve fund to ensure that the septic system will be maintained and functioning.

The October 17, 2012 meeting of the Westport Conservation Commission adjourned at 9:45 p.m.

Motion:	Shea	Second:	Washburn
Ayes:	Shea, Washburn, Porter, Skinner		
Nays:	None	Abstentions:	None
		Vote:	4:0:0