DRAFT MINUTES WESTPORT CONSERVATION COMMISSION MAY 19, 2021

The May 19, 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 Nathan Hartshorne, Conservation Compliance Officer

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the May 19, 2021 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Work Session I: 7:00 p.m.

Hiawatha Lane/Hiawatha Lane Extension: Review of Proposed Settlement agreement between Summit Saugatuck, LLC and the Planning and Zoning Commission.

Ms. Rycenga noted that the P&Z Commission approved this settlement agreement and reviewed the following documents at their May 12, 2021 hearing:

- Exhibit A: Updated Site Plan dated May 7, 2021 prepared by Divney Tung Schwalbe, LLP
- Exhibit B: Renderings dated May 10, 2021 prepared by The Monroe Partnership LLP
- Exhibit C: Water Main Extension Plan dated January 29, 2020 and Sewer Main Extension Plan dated May 7, 2018 prepared by Redniss and Mead
- Exhibit D: Pedestrian Improvement Plan dated April 17, 2019, as revised and supplemented to September 12, 2019 prepared by Divney Tung Schwalbe, LLP
- Exhibit E: Plantings Plan dated May 10, 2021 prepared by Divney Tung Schwalbe, LLP
- Proposed Zone Change Map

Ms. Mozian reviewed her memo dated May 12, 2021 to Town Atty. Ira Bloom that summarized the settlement agreement conditions/changes that affected the Conservation Commission's decision October 26, 2018. The changes:

- Eliminate Building E, which though not in the regulated area, would have required extensive earth removal on a hillside draining into an on-site wetland area in order to accommodate the underground parking garage and drainage;
- Propose no further encroachment into the regulated area;
- Reduce overall impervious cover as a result of the decrease in number of units from 186 units to 157 units and the associated on-grade parking;
- Preserve public access to the open space area in Norwalk;
- Continue to propose that the culvert carrying Indian River will still be repaired and restored; and,
- Increases the Conservation Easement Area from 2.89 acres to 3.17 acres.

She stated this is an overall net benefit. The Commission's conditions of approval would remain except Condition 16 would have to be updated to reference the new plans and Condition 34 could be eliminated as it relates to Building E.

Ms. Rycenga noted that she spoke with Town Atty. Ira Bloom and they noted that not every member of the Commission sat on this application. A member is not required to abstain from the vote in this matter just because they did not participate in the application. They need to judge the merits of what is proposed. She added the original WPLO application was appealed to the RTM and was upheld.

Mr. Carey noted that he was not a sitting member during this application, but he attended all hearings and feels that he can vote on this proposal.

Mr. Lobdell stated he did not participate in the vote but attended many of the hearings and the site walks.

Ms. Rycenga noted for the record that the Conservation Department will require complete set of revised plans including electronic copies for the file.

The Commission agreed to support (with one abstention) Ms. Mozian's May 12, 2021 memo to Atty. Bloom. Furthermore, future permits may be issued by the Conservation Department in accordance with the conditions of Resolution IWW-10619-18 and WPL-10659-18 as amended to reflect the revised plans in Special Condition 16 and excluding Special Condition 34 as it relates to Building E.

Public Hearing: 7:15 p.m.

1. 120 Harbor Road: Application #WPL-11276-21 by Kousidis Engineering LLC on behalf of Ante Jalcic to renovate an existing single family dwelling, construct a second story addition, remove an existing driveway, construct a new driveway, and associated grading. The proposed activity is within the WPLO area of the Saugatuck River.

Avind Baur, EIT with Kousidis Engineering presented the application on behalf of the property owner, Ante Jalcic. He noted the current house is below the base flood elevation. The existing above-ground oil tank will be removed. The driveway is moving from Marine Avenue to Harbor Road. A driveway permit has been secured. The lower level of the house will be made FEMA compliant with flood openings. The living area will be relocated to the first and second floor. The second floor is currently under construction under a permit issued by staff. Three anchored propane tanks will replace the oil tank. Sediment and erosion control are proposed. The driveway will be asphalt.

Mr. Bancroft asked where the propane tanks will be located.

Mr. Baur stated they will be located on the side of the garage near the a/c unit.

Ms. Rycenga noted they should be shown on the plan.

Ms. Mozian asked about where the roof leaders are discharging.

Mr. Baur stated they will discharge to the grass and plantings.

Ms. Rycenga asked why.

Mr. Baur stated it was a cost consideration plus Engineering did not require that they be picked up since there was no change in footprint.

Mr. Bancroft noted that the driveway will be asphalt and there is a catchbasin in the driveway that will go to a drainage gallery. He asked why they cannot pick up the new pitched roof.

Mr. Baur indicated they could explore that option.

Ms. Mozian suggested a stone trench at the drip line of the roof as a possible way of handling the roof runoff.

Mr. Kelly noted the proposed coverage is 27.39%. He noted that studies show coverage over 10% impairs waterways. He suggested that the driveway should be permeable and should remain so in perpetuity as is generally required by the Commission.

Ms. Mozian pointed out that the proposal will need to go to ZBA for total coverage necessitated by the driveway, which is another reason for it to be permeable.

Mr. Bancroft asked if the location of the propane tanks should avoid being placed under the dripline of the new roof pitch.

Mr. Baur agreed and indicated he would look to relocate them to the rear of the house.

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

With no public comments, the hearing was closed.

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

Nayes: None Abstentions: None Vote: 6:0:0

FINDINGS Application # WPL 11276-21 120 Harbor Road Assessor's Map: B02 Tax Lot: 160 Public Hearing: May 19, 2021

1. Application Request: Applicant is requesting to renovate an existing single family dwelling including removal of living space on the first floor, remove an existing driveway and garage from the Marine Avenue side of the property and relocate them to the Harbor Rd side, and associated grading and drainage. The proposed activity is within the WPLO area of the Saugatuck River.

2. Plans reviewed:

- a) "Site Development Plan 120 Harbor Road Westport CT Prepared for Ante Jelcic", Scale: 1" = 10', dated April 14, 2021, prepared by Kousidis Engineering, LLC.
- b) "**Drainage Analysis** Located at 120 Harbor Road Westport Connecticut Prepared for Ante Jelcic", dated April 14, 2021, prepared by Kousidis Engineering, LLC.
- c) **Proposed Harbor Road Elevation**, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 10/15/20, scale 1/4" = 1', Sheet 1 of 13.
- d) **South Elevation** Existing and Proposed, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 10/15/20, scale 1/4" = 1', Sheet 3 of 13.
- e) **Proposed West Elevation**, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 10/15/20, scale 1/4" = 1', Sheet 4 of 13.
- f) **Existing and Proposed Foundation**, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 10/15/20, scale 1/4" = 1', Sheet 5 of 13.
- g) **Proposed and Existing Lower Level**, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 10/15/20, scale 1/4" = 1', Sheet 6 of 13.
- h) **Existing and Proposed First Floor**, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 5/15/20, scale 1/4" = 1', Sheet 7 of 13.
- i) **Existing and Proposed 2nd Floor**, 120 Harbor Road, prepared by Heritage Building Group, dated 8/1/19, revised 10/15/20, scale 1/4" = 1', Sheet 8 of 13.

3. Property Description:

- Wetlands: There are no inland wetlands present on this site.
- **Location of 25-year flood boundary:** 9 ft. contour interval. Property is located entirely within the WPLO boundary.
- Property is situated in Flood Zone AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013
- Proposed Garage Floor Elevation: 8.5 ft.
- Gross Lot Area: 10,405 sq. ft.
- Proposed Building Coverage: 19.94% (2,075 sq. ft.)
- **Proposed Site Coverage:** 27.39% (2,850 sq. ft.)
- **Sewer Line:** The existing residence is serviced by municipal sewer.

4. Permit Issued for this Property:

- **WPL/E-7149-03** Remove stairs, reduce driveway, reduce garage so that property is in Zoning compliance.
- WPL/E-11132-21 Construction of a 2nd story addition over existing structure, abandon lower level to meet FEMA compliance, remove shed onsite and construct a front porch., AC units.
- **5. Aquifer**: Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
- 6. 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.
- 7. Proposed Storm Water Treatment: Stormwater runoff from the new driveway is proposed to discharge to underground pre-cast concrete galleries. The drainage from the existing house will remain untreated. The new driveway is proposed to be conventional asphalt construction. The drainage report states: the original flow patterns will be maintained and there will be no increase in peak runoff for the 25-year storm event.

The Flood and Erosion Control Board reviewed and approved this application at its May 5, 2021 hearing. The Engineering Department has stated the plan complies with the Town of Westport drainage standards.

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

The Commission finds that the entire property lies within the WPLO boundary. The application proposes renovations to allow for conversion of living space from the lower level to the first floor and will be built to conform to FEMA standards. Appropriately sized flood vents for FEMA will be provided to ensure a compliant house. Regulated activity for this application focuses on relocating the driveway and garage from the Marine Avenue side of the house to the Harbor Rd side. The Commission finds that the work on the structure of the house to create a second story and a new front entry received a permit from staff, #WPL/E-11132-21, on November 16, 2020. This permit did not require drainage changes, per Town standards, since the work was within the existing footprint of the residence.

The Commission finds that the garage floor slab elevation will be set at elevation **8.5**' and the existing lower level of the house will remain at elevation **10.5**'. The Engineering Department will verify the size and locations of the proposed flood vents. The new first floor, which includes habitable living area, will have an elevation of **19.0**'. Of particular note in the F&ECB meeting minutes, Edward Gill of the Engineering Department states that: "the proposed garage is open to the outside and that with a flood vent provided on a second wall, this would be FEMA compliant. If a garage door were to be installed at any time, additional flood vents would be required in order to maintain FEMA compliance."

The existing site contains a manicured lawn with landscape beds planted with ornamental species and trees. The proposed site work does not include a planting plan and shows the limited area for proposed grading. The installation of the driveway will be the only areas of any vegetation removal.

The Commission finds that the potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The total proposed coverage of the site is **27.39%** and will require a variance from the Zoning Board of Appeals. The coverage is above the upper threshold of the 10-25% cover that will impact water quality. The 2004 Connecticut DEEP Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck Shores neighborhood continues to be densely developed, the coverage falls within the percentage in which water quality can be assumed to be impacted.

As stated previously, the applicant has provided subsurface concrete galleries to manage stormwater runoff from the driveway, however, they have not included any Low Impact Development (LID) features or designs to manage and/or treat stormwater runoff from the impervious surfaces onsite. LID features are generally considered favorable in treatment of stormwater for water quality. The Commission finds that the applicant shall provide a pervious driveway design and install it prior to issuance of CCC. This shall be installed prior to discharging to the subsurface storage system.

The Commission finds that a portion of the proposed driveway is offsite and extends from the north of the property line to access Harbor Road (~500+/- sq. ft.). Although the Town of Westport will not require formal drainage for this area, the Commission feels it would be sensible to follow the same LID intent of requesting pervious materials, plantings, or a biofiltration swale or other design feature to treat stormwater runoff for water quality in this area.

Conservation Commission May 19, 2021 Page | 6

Sediment and erosion controls (silt fencing) are shown around the perimeter of the property. Construction access and material stockpile areas are noted on the plan. The proposed plan has minimal grade changes. The Commission finds that the sediment and erosion controls provided will be adequate for the house construction, along with routine sweeping of the road if any sediment does move offsite onto the adjacent pavement during site work.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11276-21
Street Address: 120 Harbor Road
Assessor's Map: B02 Tax Lot: 160
Date of Resolution: May 19, 2021

Project Description: To renovate an existing single family dwelling including removal of living space on the first floor, remove an existing driveway and garage from the Marine Avenue side of the property and relocate them to the Harbor Road side, and associated grading and drainage. The proposed activity is within the WPLO area of the Saugatuck River.

Owner of Record: Ante Jelcic

Applicant: 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 11276-21** 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.

Conservation Commission May 19, 2021 Page | 7

- **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 May5, 2021.

SPECIAL CONDITIONS OF APPROVAL

- **16.** Conformance to the plans entitled:
 - a) "Site Development Plan 120 Harbor Road Westport CT Prepared for Ante Jelcic", Scale: 1" = 10', dated April 14, 2021, prepared by Kousidis Engineering, LLC.
 - b) "**Drainage Analysis** Located at 120 Harbor Road Westport Connecticut Prepared for Ante Jelcic", dated April 14, 2021, prepared by Kousidis Engineering, LLC.
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- **17.** If a future garage door is installed at any time, additional flood vents will be required in order to maintain FEMA compliance.
- **18.** A detail for the driveway showing it to be permeable shall be submitted prior to the issuance of a Zoning Permit. The driveway must remain pervious in perpetuity with this requirement placed on the land records prior to issuance of a Conservation Certificate of Compliance.
- **19.** Design Engineer shall witness and certify construction of pervious driveway prior to issuance of a Conservation Certificate of Compliance.
- **20.** Existing above-ground oil tank to be properly abandoned prior to issuance of a Conservation Certificate of Compliance.
- **21.** A gravel energy dissipator and/or bio filtration plantings shall be installed where roof leaders discharge to grade onsite.
- **22.** The location of the proposed propane tanks shall be shown on the site plan and submitted for review and approval by the Conservation Department prior to 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 Nayes: 0 Abstentions: 0 Vote: 6:0:0

2. 2 Timber Lane: Application #IWW,WPL-11275-21 by Dean Martin, PE on behalf of CCO Habitats LLC to construct a new single family residence, a new deck and a new, 50% code-compliant septic system. Portions of the work are within the upland review area and the WPLO area of an unnamed tributary of Dead Man's Brook.

Dean Martin, PE presented the application on behalf of the property owner, CCO Habitats, LLC. The proposal is for a new single family residence on the same foundation. There is a large amount of ledge on the site and wetlands border the house on the south and east side. The existing septic exists somewhere south of the house. A new septic tank will be in the southwest corner of the house with a new leaching field in the northwest corner of the house. The Flood and Erosion Control Board continued the application due to drainage concerns. Drainage will be handled in three ways; the front portion of the driveway will go into a raingarden, the rest of the driveway and the house will be directed to a drainage gallery, and what is not handled by the cul-tec will go to a bio-swale adjacent to the wetland. Another roof leader will discharge to a raingarden surrounded on one side by an energy dissipater. The sediment and erosion controls are silt fence backed by haybales. The new deck will have 6-inches of gravel beneath it.

- Mr. Carey asked how the new septic will work especially since the tank is much lower than the leaching fields.
- Mr. Martin stated there is a force main within the pump chamber that will carry the effluent up to the leaching fields. The leaching field will be raised above the existing grade and will be in sand.
- Mr. Carey asked about the distance between the pump chamber and the leaching fields.
- Mr. Martin indicated the pump will have to be sized appropriately to cover the distance.
- Mr. Carey asked if there will be a generator or battery back-up in case of power outage.
- Mr. Martin stated there will be a battery back-up.
- Mr. Lobdell asked what a 50% code -compliant system is.
- Mr. Martin stated they could not find good enough soils to meet a 100% code-compliant system. The tank will be what is required for a three bedroom house, but the area of the leaching fields will only meet 50% of the code.
- Ms. Rycenga witnessed that the silt fence is not being maintained properly.
- Mr. Bancroft questioned the power that is required of the pump due to the distance and the elevation change.
- Ms. Rycenga asked about the function of the bioswale.
- Mr. Martin stated it will either be grass or groundcover.
- Mr. Davis noted that several trees have been removed. He asked what other trees will be removed.
- Ms. Mozian asked if the house had not been torn down, would they have been in the same situation they are today.
- Mr. Martin stated Health would have had to inspect the septic and they would most likely have had to make an upgrade to the system.
- Ms. Mozian asked if the result would have been different.
- Mr. Martin indicated he does not know. The tank has been removed. They are not sure where the leaching area was. It most likely was piping.

- Ms. Mozian asked what the access for the septic tank installation is.
- Mr. Martin stated that it should be in the west where there are no trees. It can be done with a small machine.
- Ms. Mozian asked for an explanation of the location of the downhill drainage system from the septic leach fields.
- Mr. Martin stated the drainage is more than 50-feet from the septic. The septic will drain into sand that is surrounded by select fill.
- Ms. Mozian asked about the grade change around the septic.
- Mr. Martin stated there is 4 feet of fill above ledge with a 2-foot surrounding wall.
- Ms. Mozian asked if there is an alarm on the system.
- Mr. Martin stated yes.
- Mr. Lobdell asked how often the tank should be pumped given that it is a 50% system.
- Mr. Martin stated the tank size is 1,000 gallons and meets the 3 bedroom requirement. Only the leaching field is half size.
- Mr. Lobdell suggested there be a provision that no fertilizer be used on any grass areas.
- Mr. Bancroft asked about the number of bathrooms.
- Ms. Mozian noted there are three, full baths and two, half-baths according to the plans.
- Mr. Bancroft also asked if there was a check valve on the pump.
- Mr. Martin indicated there was indeed a check valve.
- Mr. Kelly asked Mr. Martin to clarify how the Health Code calculates water usage.
- Mr. Kelly noted there is a soils report dated August 28, 2020 by Otto Theall that shows substantially the same wetland line as the Town's GIS mapping. Therefore, staff did not require a separate wetland boundary map amendment application. He noted the Engineering Department comments need to be addressed.
- Ms. Mozian noted that when the application was submitted in February, the project description indicated it was a renovation rather than a new house. Based on this, a new Health Department review was necessary. Thus the reason for the time gap in scheduling the hearing.
- Ms. Rycenga gave three minutes to allow for submission of public comments.

There were no public comments.

- Ms. Mozian asked about the fuel source.
- Mr. Martin indicated he believes it will be gas but will confirm.
- Ms. Mozian asked if blasting will be needed for construction.
- Mr. Martin stated no.

Conservation Commission May 19, 2021 Page | 10

The hearing was continued to June 16, 2021 to allow for the submission of additional information and Flood and Erosion Control Board recommendations.

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

3. 59 Red Coat Road: Application #IWW-11237-21 by LandTech on behalf of Kevin Dorsey to construct a new single-family residence, pool, pool patio surrounded by walls, septic and related drainage and grading. Portions of the work are within the upland review area setbacks.

Atty. Cowherd recused himself from this hearing as he had in past hearing due to interest by an associate from his firm. He left the meeting at 8:54 p.m.

Rob Pryor, PE of LandTech presented the application on behalf of the owners, Mr. & Mrs. Dorsey, who were also present. Chris Allan, wetland scientist and soil scientist, of LandTech was also present. Mr. Pryor reoriented the Commission to the site. Using exhibits displayed by Mr. Kelly, Mr. Pryor reviewed colored drawings indicating the extent of the regulated area on the property, which is substantial. He recapped the house and site layout. They have provided a significant wetland buffer, sediment and erosion controls, a detailed Operations and Maintenance Plan for the stormwater elements. The groundwater flow between the two wetlands is maintained by the patio design. The house has a 4.5-foot crawlspace rather than a basement and no footing drains. The septic tank was relocated adjacent to the driveway for ease of service. The pump line to the leaching fields will be one 200 +/- piece of piping with no joints. They will also encase the section of pipe within the 50-foot upland review area within a sleeve. The pump chamber will be attached to a generator or battery back-up. A battery back-up has 4 to 6 hours of generation. The pump runs for 23 minutes a day, so the battery gives about 6 days of operation on 4 hours of back-up.

Mr. Pryor discussed the drainage. A gallery picks up the roof area. The area of the driveway near the garage goes to the permeable section. The patio in the pool area is permeable underlain by a stone reservoir. An infiltration trench directly to the east of the driveway treats the driveway runoff. The wetland connection between the northern and southern wetlands will be maintained. The contractor will be required to do a detailed survey pre- and post-construction to ensure that those grades are maintained. They received Triton Environmental's May 11, 2021 report and LandTech responded on May 13, 2021. The Commission has received a final letter from Triton on May 18, 2021 indicating they find the plans acceptable.

Chris Allan, wetland scientist and soil scientist, of LandTech, stated he feels there has been a lot of mitigation implemented into this plan. It is his opinion that there will be no significant impacts to the wetlands.

Stephen Benben, PE, of Triton Environmental and the Commission's third party reviewer, stated this is a very complex site. He reviewed 4 sets of plans. Where we are today is a big improvement from the plan that was initially submitted. LandTech responded/addressed everything that they asked. The groundwater information collected from November 2020 to mid-May 2021 gives a very good idea of where seasonal high groundwater is. Originally, the applicant proposed a basement at elevation 115. Now, they are proposing a crawlspace at elevation 119. They are satisfied with the changes. He made some recommendations for conditions:

- Adherence to the Operations and Maintenance Plan;
- Bond for the buffer plantings;
- Underground pipes should not be capped;
- No additional building without approval;
- Septic battery back-up and alarmed;
- Final plans should be recorded on the Land Records;
- Permeable portion of the driveway should not have snow stockpiled on it; and
- Pool filter must remain a cartridge filter system.

- Mr. Lobdell noted mitigation implies impact. He asked Mr. Benben if there is a wetland impact.
- Mr. Benben stated that during construction is when there is the biggest concern for impact. The site has to be kept clean. He thinks after construction is done, there will be no more wetland impact.
- Mr. Lobdell asked Mr. Allan to comment on the number of trees being removed for the construction.
- Mr. Allan stated they have identified the trees to be removed but they are replacing these with a significant number of trees, shrubs and plantings.
- Mr. Lobdell asked if this lot would be a building lot under today's regulations.
- Ms. Mozian stated she is not sure since there are a lot of wetlands.
- Mr. Bancroft asked about the pool construction.
- Mr. Pryor stated that the fill is on a stone reservoir. It is a common granular fill that would be permeable. Also, there are a series of 6-inch openings in the wall and has a perimeter of stone around the wall.
- Mr. Bancroft confirmed the pool depth.
- Mr. Allan stated 6 feet.
- Mr. Bancroft noted that the standpipes had water just below the ground during the site walk.
- Mr. Pryor noted that groundwater and existing grade at the deep end are the same, but they are putting a layer of stone beneath it. Even during the highest groundwater conditions, they would only be one foot into the groundwater. They have provisions for dewatering. He reviewed the construction sequence.
- Mr. Davis asked how the pool will be filled and emptied.
- Mr. Carey indicated it is possible and they will use a long hose.
- Mr. Davis asked that Mr. Benben's proposed conditions be submitted.
- Mr. Kelly officially incorporated the contents of Application IWW-11085-20 into the record.
- Ms. Mozian reviewed the existing grades that range between 117 and 120. She asked if a 5-foot pool depth rather than 6.5 feet would make a difference.
- Mr. Pryor stated no because the development of the pool will be relative to the height of the house and the patio.
- Ms. Mozian asked about the grading next to the wall and the proximity to the wetland.
- Mr. Pryor stated the grading is outside the 20-foot upland review area. The wall limits the grading pool. He reviewed the stages of construction. They would start with the septic installation, then the pool and patio, and finally the house construction.
- Mr. Hartshorne questioned the wetland boundary between the two wetlands.
- Mr. Allan stated this site has been reviewed extensively by three soil scientists including a peer review hired by the Town. The wetland boundaries were presented and approved by the Commission in a prior meeting He noted the water table drops significantly long enough because the soils are not saturated long enough to be classified as poorly drained.

Conservation Commission May 19, 2021 Page | **12**

Ms. Rycenga thanked everyone for the plan changes.

Mr. Kelly noted that we need to keep the hearing open in order to prepare a staff report relative to Section 6 of the Regulations.

Ms. Mozian asked Mr. Benben for his list of suggested conditions in writing.

Mr. Kelly read Engineering's comments dated May 5, 2021 saying they found the revised plans acceptable.

Ms. Rycenga gave 5 minutes to allow for submission of public comments.

There were no public comments.

The hearing was continued to June 16, 2021 to allow for preparation of a staff report.

Motion: Carey Second: Davis

Ayes: Carey, Davis, Bancroft, Lobdell, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

Work Session II:

1. Receipt of Applications

Ms. Mozian noted there were four applications continued to June 16, 2021. Also 176 Post Road West is a potential application for June, but we are awaiting information from the applicant. There are also 4 WPLO applications that have been submitted but do not have to be officially "received". There is one map amendment submitted but it is incomplete, but she should have all information submitted in time for the July submission deadline. Staff and the Commission will have to look at the calendar and see about another Special Meeting. The Commission takes August off.

Ms. Mozian stated there were no applications to officially receive.

2. Approval of the April 21, 2021 meeting minutes.

This agenda item was tabled to the next meeting.

3. Review of the Compliance Report

There was no formal report.

Ms. Mozian noted the violation at **5 Bayberry Lane** about which the Commission is having a field trip on May 21, 2021 and a Show Cause Hearing on May 26, 2021.

4. 5 Quentin Rd.: Request by Andra Vebell and Lawrence Hoy for issuance of a staff-level WPLO permit for a covered porch, elimination of drainage swale, regrading and relocation of the driveway. The work is proposed wholly within the WPLO area of the Saugatuck River/Grey's Creek.

Ms. Mozian reviewed a request for a staff-level permit for a covered porch, elimination of a drainage swale, regrading and relocation of the driveway. Members of the Commission visited the site during the field trip. The owner staked out the corners of the proposed porch for orientation purposes. She stated the Engineering Department has reviewed the proposal and has no issues with it.

Ms. Rycenga asked what about the purpose of the swale. She noted that it does not appear to be graded properly.

Ms. Mozian stated she is familiar with the neighborhood and that the catchbasins in the road will overflow during high tide and that could be the reason.

Conservation Commission May 19, 2021 Page | 13

Mr. Carey stated it is most likely a landscape feature added when Japanese gardens were in vogue.

Motion to allow staff is issue a staff-level WPLO permit.

Motion: Davis Second: Carey

Ayes: Davis, Carey, Bancroft, Lobdell, Rycenga

Nayes: None Abstentions: None Vote: 5:0:0

5. Other Business

a. Ms. Mozian noted the CACIWC meeting on June 12, 2021. Any member interested in attending, let staff know and we will handle the registration.

The May 19, 2021 meeting of the Westport Conservation Commission adjourned at 10:37 p.m.

Motion: Rycenga Second: Davis

Ayes: Rycenga, Davis, Bancroft, Carey, Lobdell

Nayes: None Abstentions: None Vote: 5:0:0