

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
FEBRUARY 20, 2013**

The February 20, 2013 of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

W. Fergus Porter, Chair
Kathy Belzer
John Skinner
John Washburn
Ralph Field, Alternate
Rebecca Cerroni, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Lynne Krynicki, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the February 20, 2013 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Motion to move into work session.

Motion: Belzer **Second:** Porter
Ayes: Belzer, Porter, Field, Skinner, Washburn
Nays: None **Abstentions:** None **Vote:** 5:0:0

Work Session I: 7:00 p.m., Room 201/201A

1. Receipt of Applications

Ms. Mozian stated there were two applications to officially receive.

- a. **7 Brookside Park: Application #IWW,WPL-9362-13 by Kate & Dave Grange for a deck legalization. Portions of the work are within the WPLO area of Lee's Canal.**
- b. **293 Bayberry Lane: Application #IWW,WPL/E-9364-13 by Ramesh Sburamian & Christine Vetter to add a third garage bay. Portions of the work are within the upland review area setback.**

Motion: Belzer **Second:** Washburn
Ayes: Belzer, Washburn, Field, Porter, Skinner
Nays: None **Abstentions:** None **Vote:** 5:0:0

Ms. Mozian noted there are also 3 additional WPLO applications to be heard at the March Public Hearing.

2. Report by Colin Kelly, Conservation Compliance Officer on the status of existing enforcement activity.

Ms. Mozian gave an update on 2 Harbor Hill Road noting planting plan has been submitted along with the bond. She indicated the road had also been kept clean.

- 3. Discussion and Vote: 59 Post Road East (#2) and 35 Church Lane (#1):** Application #WPL-9301-12 by Karen Johnson, AICP for Bedford Square Associates, LLC on behalf of the YMCA of Westport/Weston CT, Inc. and Bedford Square Associates, LLC for redevelopment of the properties to include the repurposing of historical portions of 59 Post Road East, demolitions of portions of the non-historic additions of 59 Post Road East, removal of wood frame structures on 35 Church Lane and the construction of below-grade parking, the replacement and addition to 59 Post Road East and new construction on 35 Church Lane with associated site improvements including utilities, drainage, grading, streetscape and landscaping. Portions of the work are within the WPLO area of the Saugatuck River.

Ms. Mozian stated the draft resolution was sent out to Mr. Porter, Ms. Shea, Mr. Gouverneur, Mr. Field, Mr. Washburn, Mr. Skinner and Ms. Belzer. She believes the staff has incorporated comments from whom she received a comment. Mr. Porter asked staff to review Ms. Shea's suggest last paragraph with Ira Bloom, Town Attorney. Mr. Bloom recommended that the Commission not weigh in on issues over which it does not have jurisdiction. However, he did say that it was okay for staff to recommend to the Planning & Zoning staff that they include expert testimony in their record on how construction activity will take place to ensure protection to the existing buildings on the street.

Mr. Gouverneur and Mr. Washburn asked that language be included to encompass the possibility of design changes that might occur during review by the ZBA & Planning & Zoning Commission.

Ms. Mozian noted draft Condition 20 addresses this by limiting these concerns to possible changes to the foundation and the parking garage.

Mr. Field wanted to make sure the site monitoring was taking place during the dewatering, which may continue not only during excavation but throughout construction.

Ms. Mozian highlighted Condition 17 which requires the site monitor to have "experience in an urban setting". She asked if this was acceptable wording.

Findings
59 Post Road East and 35 Church Lane
#WPL 9218-12

1. **Application Request:** Redevelopment of the properties to include the repurposing of historical portions of 59 Post Road East, demolitions of portions of the non-historic additions of 59 Post Road East, removal of wood frame structures on 35 Church Lane and the construction of below-grade parking, the replacement and addition to 59 Post Road East and new construction on 35 Church Lane with associated site improvements including utilities, drainage, grading, streetscape and landscaping. Portions of the work are within the WPLO area of the Saugatuck River.
2. **Plan and Supporting Data Reviewed:**
 - a. "ALTA/ACSM Land Title Survey for Bedford Square Associates, LLC, Town of Westport", dated March 26, 2007 and last revised to February 24, 2012, Scale: 1" = 20', prepared by Langan Engineering & Environmental Services
 - b. "Bedford Square, Grading and Drainage Plan Schematic Design", Scale: 1" = 20', dated August 12, 2012, prepared by Langan Engineering & Environmental Services
 - c. "Bedford Square, Sediment and Erosion Control Plan", Scale: 1" = 20', dated September 15, 2012, prepared by Langan Engineering & Environmental Services
 - d. "Bedford Square, Existing Watershed Map", Scale: 1" = 20', dated September 15, 2012, prepared by Langan Engineering & Environmental Services
 - e. "Bedford Square, Proposed Watershed Map", Scale: 1" = 20', dated September 15, 2012, prepared by Langan Engineering & Environmental Services
 - f. Stormwater Management Report for Redevelopment of Bedford Square, Church Lane and Elm Street, Westport, CT, prepared for Bedford Square Associates, LLC, dated October 2012 and revised to December 2012
 - g. Geotechnical Engineering Study for Bedford Square, Westport, CT, prepared for Centerbrook Architects and Planners, LLC, prepared by Langan Engineering & Environmental Services, Inc., dated July 13, 2012 and revised to November 29, 2012
3. **WPLO and FEMA Designation** – Portions of the site lie within the 100 Year Flood Zone boundary identified as AE and within the Waterway Protection Line Boundary identified as 15' from the 9' contour.
4. **Facts Relative to the Application:**
 - a. Permits and Applications: No permits have been issued for these parcels.
 - b. Site is outside the Aquifer Protection Area.
 - c. Coastal Area Management Zone: A portion of the property occurs within the Coastal Area Management Zone. Specifically the coastal areas identified include: Coastal Flood Hazard Area. Coastal hazard areas are defined as those lands inundated during coastal storm events or subject to erosion by such events. A-zones are subject to still-water flooding during 100 year storm events.
 - d. The USGS Surficial Materials Map of Connecticut indicates the soils in the vicinity of the site consist of sand and gravel. The USGS Bedrock Geological Map of Connecticut indicates the site is underlain by granitic gneiss bedrock.

Whereas staff has submitted to the Commission two written reports with questions and project concerns. The first report was dated November 5, 2012 and the second was dated December 5, 2012.

Whereas staff received written response to initial project questions of a preliminary staff report of November 5, 2012 and verbal discussions on these questions followed at the initial hearing held on November 14, 2012. Numerous sediment and erosion control measures and dewatering designs

were discussed specifically to address concerns during a storm event by the engineering firm. These design options followed the initial staff report dated November 5, 2012 to address the concerns of both staff and the Commission. Response to the concerns as outlined in the second staff report, dated December 5, 2012 included those from the review of the Geotechnical Engineering Study dated July 13, 2012 and revised to November 29, 2012. These were discussed and explained by the applicant and the engineer to the satisfaction of the Commission at the second public hearing held on December 12, 2012. The Commission finds the dewatering and excavation stabilization methods as described and presented by Kyle Bogardus, P.E. of Langan Engineering will assure excavation and construction will not cause an adverse impact to the groundwater and the outlet into the Saugatuck River from the discharge water generated during excavation. The Commission finds these methods were further explained and photos submitted to accompany the latest revised storm water report received by the Conservation Department on December 26, 2012.

The Commission finds extensive discussions and explanations have taken place during the two previous public hearings as referenced above to describe the dewatering process necessary during construction, the erosion and sediment controls and the excavation support system that will be employed to assure stabilization.

The Commission finds Dirt bags for dewatering as well as an emergency method of creating a "closed loop" system during storm events are required to assure water discharged is filtered and the existing town storm water system is not overburdened.

In an e mail from Town Engineer, Peter Ratkiewich, dated January 11, 2013, he states the existing Town storm drain has lots of issues. The main one is the state system into which our system drains has a tide gate at the outlet. When the tide gate closes due to a high tide in the river, it doesn't matter the size of the pipe since nothing can flow through any part of the system until the tide recedes and the gate opens. There can be no outlet flow until the tide recedes.

The proposed site drainage design provides for no increase in runoff into the existing Town pipe. The Commission finds the runoff that ultimately leaves the developed Bedford Square site will not aggravate existing flooding conditions.

Kyle Bogardus, P.E. of Langan Engineering states that the interaction of the groundwater will take place mostly in a sandy gravel layer, so sediment laden water is not anticipated. In the event that groundwater is observed to be sediment laden, the contractor will be required to filter the discharge at the surface prior to discharging to the town system. Dirt bags will be employed to assure sediment removal from the discharge water. The Commission finds the control of sediment is a key component to assure sediment laden discharge water is not deposited in the Saugatuck River.

The Geotechnical Study of Matthew Meyer, P.E. of Langan Engineering indicates some of the on-site fill materials (up to 17' in depth) have significant amounts of fines and a three foot thick layer of silt and clay was encountered some of which will be located within the groundwater table. Therefore the Commission finds the discharge water has the potential to be sediment laden and proper filtering prior to discharge is required.

The Commission finds controlling the groundwater will be critical to allow for subgrade and foundation construction. Groundwater was encountered throughout the site and observed to fluctuate between el. -0.1 and + 4.7. A dewatering system will be operated continuously to control the groundwater. An overflow measure has been designed for storm events when the municipal storm water system will not provide enough volume capacity for the Bedford Square project. It will form a closed loop system which will direct run off back into the excavated area.

Kyle Bogardus, P.E. of Langan Engineering stated that active flood proofing at the time of the storm event would be installed at the doors and windows.

Kyle Bogardus, P.E. stated groundwater elevations temporarily lowered for the construction activity will return to its pre-construction elevation adjacent to the building. The Geotechnical Engineering Study states the below grade structures will be subject to significant hydrostatic uplift pressures during a flood event and recommends a permanent groundwater central design solution.

In a letter from Gilsanz, Murray, Steicek, LLP, Structural Engineers & Building Envelope Consultants dated September 6, 2012 it is stated that the subgrade structure will need to be designed to resist hydrostatic uplift forces due to normal water level as well as 100 year flood levels. A waterproofed pressure slab held down by gravity loads in the columns as well as intermittent tie-down anchors will be installed to avoid continuous dewatering after construction. The Commission finds the required force capacity at each tie down anchor for every 200 square feet of slab will assure the slab will resist groundwater buoyancy.

The Commission finds the foundation design will provide vertical subsurface waterproofing of the foundation from the basement level to the sidewalk level with any below grade space to be included.

The Geotechnical Engineering Study dated July 13, 2012 stated the Contractor should take appropriate measures to stabilize the area and prevent lateral movements of the adjacent streets, buildings and utilities during excavation work. A design for a temporary excavation support system appeared to be complex and coupled with dewatering and underpinning required on this project, site monitoring appears to be an essential component of this project.

The Commission finds the details for the excavation stabilization have been satisfactorily provided in the latest Stormwater Management Report revised to December 2012 and have been reviewed and approved by the Flood and Erosion Control Board at the hearing on January 9, 2013. The Commission finds a qualified site monitor is required.

Gary Steficek, PE of Gilanz Murray Steficek LLP in a letter dated September 6, 2012, stated the proposed slab for the garage will be subject to hydrostatic uplift forces due to 4 feet of water head.

According to Section 30-93, the purpose of a review utilizing the Waterway Protection Line Ordinance of the Town of Westport is to assure protection of all waterways from activities that would cause hazards to life and property and/or activities having an adverse impact upon the flood-carrying and water-storage capacity of the waterways and floodplains, the flood heights and the natural resources and ecosystems of the Town of Westport, including but not limited to ground-and surface water, animal, plant and aquatic life, nutrient exchange and energy flow. The definition of "waterways" as defined in the Ordinance includes any contiguous 25 year floodplain. A portion of this property falls within the 25 year floodplain of the Saugatuck River and discharge of groundwater is proposed directly into the Saugatuck River.

It is the finding of the Commission that the potential adverse impact would be during the dewatering and excavation phase of this project.

The Commission finds the key components have been provided for protection of the resource with the construction of this project as is designated by the Waterway Protection Line Ordinance. They include: 1. the dewatering operation during excavation of the foundations is filtered for excess sediment, 2. assurance through engineering design that the dewatering operation is properly engineered for rerouting the discharge during storm events and 3. A permanent and easily sustainable ground water removal solution that is properly engineered and maintained once the project has been completed.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9301-12
Street Address: 59 Post Road East and 35 Church Lane

Assessor's: Map C 09 Lots 140 and 144
Date of Resolution: February 20, 2013

Project Description: For the redevelopment of the properties to include the repurposing of historical portions of 59 Post Road East, demolitions of portions of the non-historic additions of 59 Post Road East, removal of wood frame structures on 35 Church Lane and the construction of below-grade parking, the replacement and addition to 59 Post Road East and new construction on 35 Church Lane with associated site improvements including utilities, drainage, grading, streetscape and landscaping. Portions of the work are within the WPLO area of the Saugatuck River.

Owner of Record: YMCA of Westport/Weston and Bedford Square Associates LLC

Applicant: Karen Johnson AICP for Bedford Square Associates 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 9301-12** 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 and anytime thereafter.
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 Flood and Erosion Control Board Conditions of Approval of the meeting of January 9, 2013.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:

- a. "ALTA/ACSM Land Title Survey for Bedford Square Associates, LLC, Town of Westport", dated March 26, 2007 and last revised to February 24, 2012, Scale: 1" = 20', prepared by Langan Engineering & Environmental Services
 - b. "Bedford Square, Grading and Drainage Plan Schematic Design", Scale: 1" = 20', dated August 12, 2012, prepared by Langan Engineering & Environmental Services
 - c. "Bedford Square, Sediment and Erosion Control Plan", Scale: 1" = 20', dated September 15, 2012, prepared by Langan Engineering & Environmental Services
 - d. "Bedford Square, Existing Watershed Map", Scale: 1" = 20', dated September 15, 2012, prepared by Langan Engineering & Environmental Services
 - e. "Bedford Square, Proposed Watershed Map", Scale: 1" = 20', dated September 15, 2012, prepared by Langan Engineering & Environmental Services
 - f. Stormwater Management Report for Redevelopment of Bedford Square, Church Lane and Elm Street, Westport, CT, prepared for Bedford Square Associates, LLC, dated October 2012 and revised to December 2012
 - g. Geotechnical Engineering Study for Bedford Square, Westport, CT, prepared for Centerbrook Architects and Planners, LLC, prepared by Langan Engineering & Environmental Services, Inc., dated July 13, 2012 and revised to November 29, 2012
 - h. Architectural plan entitled: "Bedford Square Basement Floor Proposed Plan, ZBA Submission September 24, 2012" prepared by Centerbrook Architects and Planners LLC, received by the Conservation Department on October 19, 2012.
16. A deed restriction shall be recorded on the land records prior to the issuance of a Conservation Certificate of Compliance to acknowledge that the operation and maintenance of active floodproofing measures for the proposed project is the obligation of the owner and the Town of Westport is to be held harmless for any flood damage incurred. Damage due to flooding can occur without proper operation and maintenance.
17. A site monitor, experienced with dewatering and excavation in urban settings, shall be on-site during the excavation for the proposed foundation and parking garage and as needed during construction for assurance that discharge water leaving the site is properly filtered and excess sediment does not discharge from the site to the adjacent waterways. The Conservation Department shall be notified of the person responsible for the monitoring with their credentials and contact information submitted prior to the issuance of a zoning permit. The Conservation Department shall receive a report from the monitor weekly and immediately after a storm event of over 1" of precipitation until such time as the excavation and dewatering operation ceases.
18. Final review and approval by the Engineering Department of the Construction Phasing Plan (Appendix L of the Storm water Management Report revised to December 2012) outlining the sequence and procedures for the proposed activities shall be submitted to the Conservation Department prior to work commencement.
19. Final review and approval by the Engineering Department of the Stormwater Maintenance Plan (Appendix K of the Stormwater Management Report revised to December 2012) shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
20. Architectural design and/or engineering changes that affect the footprint or basement elevation and floodproofing for the approved building and activities including the excavation stabilization and dewatering in conjunction with the parking garage construction shall require additional review and approval from the Conservation Commission prior to commencement of these activities.

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: Porter

Second: Belzer

Ayes: Porter, Belzer, Porter, Washburn, Field, Skinner

Nays: 0

Abstentions: 0

Vote: 5:0:0

Tidal wetlands were delineated along the Saugatuck River, on the east side of the property, by Christopher Allan of Land-Tech Consultants, Inc. using the criteria established by Section 22a-29 of the Connecticut in 2007.

All proposed activity is greater than 25 feet from an existing stone retaining wall and therefore outside the 25' tidal wetland setback.

2. Plans reviewed:

- a. "Final As-Built Zoning Location Survey-Existing prepared for Ann E. Sheffer & William L. Scheffler, 17 Stony Point Road, Westport, CT", Scale 1"= 20', dated January 25, 2013, Sheet 1 of 1, prepared by DYMAR
- b. Site Plan entitled: "Grading, Drainage, and Soil Erosion & Sedimentation Control Plan prepared for Ann E. Sheffer & William L. Scheffler, 17 Stony Point Road, Westport, CT", Scale: 1" = 20', dated December 12, 2012 and last revised to January 25, 2013, prepared by DYMAR
- c. Landscape plans entitled: "Sheffer-Scheffler Residence, 17 Stony Point Road, Westport, Connecticut, (5 sheets), dated January 29, 2013, prepared by Eckerson Design Associates, LLC

3. Property Description:

- **Property is served by public sewer and water**
- **The property measures:** 1.108 acres or 48, 329 sq.ft. Proposed coverage is 24.95%.
- **Location of 25 year flood boundary:** 10 ft. contour interval.
- **Location of WPLO boundary:** is 15ft from the 9ft contour
- **Flood boundary zones** are identified as Zone AE and Zone VE (el. 13).
- **Proposed patio elevation:** 15.00'
- **Aquifer:** The property is NOT within either a groundwater recharge area or an aquifer protection area.
- **Coastal Area Management:** Property located within CAM zone. The coastal resources are identified as: Coastal Hazard Area, Shorelands and Tidal Wetlands.

According to the DEP CAM Manual dated 2000 these resources are described as follows:

- **Coastal Flood Hazard** area is defined by the DEP as "those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act and all erosion hazards as determined by the Commissioner [Connecticut General Statutes (CGS) section 22a-93-(7) (H)]. In general, coastal flood hazard areas include all areas designated as within A-zone and V-zones by the Federal Emergency Management Agency (FEMA). A zones are subject to still-water flooding during so called "100 year" flood events. During 100 year flood events, V zones are subject to direct action by waves three feet or more in height. **Coastal flood hazard areas encompass most other important coastal resources, can serve as flood storage areas**, and provide numerous open space and recreational opportunities. **They are, by their nature, hazardous areas for structural development, especially residential-type uses"**.
- **Tidal wetlands** are "those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marshes, swamps, meadows, flats, or other low lands subject to tidal action, including those areas as now or formerly connected to tidal water, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of [a list of plant species see Connecticut Statutes] In general, tidal wetlands form in "low energy" environments protected from direct wave action. They are flooded by tidal waters twice a day and support a diverse ecosystem of vegetation and wildlife.

Tidal wetlands are areas of high nutrient and biological productivity that provide detrital products forming the base of the food web in Long Island Sound. Tidal wetlands provide habitat, nesting, feeding and refuge areas for shorebirds; serve as a nursery ground for larval and juvenile forms of many of the organisms of Long Island Sound and of many estuarine-dependent oceanic species; and provide significant habitat for shellfish. Tidal wetlands also improve water quality by trapping sediments, reducing turbidity, restricting the passage of toxics and heavy metals,

decreasing biological oxygen demand (BOD), trapping nutrients, and buffering storm and wave energy. Tidal wetland vegetation stabilizes shorelines and buffers erosion.

- **Shorelands** are those land areas within the coastal boundary exclusive of coastal hazard areas which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills, and drumlins. Shorelands function as immediate sources of upland runoff contributing to coastal drainage, serve as immediate sources of upland sediments, provide scenic vistas, and have high development and redevelopment potential.
- **Existing Vegetation:** The previous application approval required a rain garden in the center of the driveway, plantings along the existing seawall and landscaping along the house foundation was installed. A line of mature pines forms a border along the southwest property line.
- **Proposed Vegetation:** Additional native plantings adjacent to the pool are proposed.
- The Flood and Erosion Control Board approved the application with conditions on February 6, 2013.

4. 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 determination on 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 proper use and storage of pool chemicals in close proximity to a salt water environment and for all proposed hardscape to receive biofiltration for treatment of the storm water runoff and allow infiltration.

The Commission finds all pool chemicals kept on site should be stored above the 100 year flood elevation.

Previously, under Application #WPL 8074-07, a permeable driveway was installed.

Sediment and erosion controls are proposed as a silt fence around the perimeter of the proposed construction area. The Commission finds this should provide adequate protection. The proposed staging area and potential soil stockpile area are adequate.

The application proposes to construct the small pool patio to be impervious. Storm water runoff will be directed to native planting beds on both the west and the east. The pool will be constructed at grade (elevation 9.0') due to the FEMA V zone requirements as a portion of the pool lies within this zone.

Retaining walls limit the amount of fill required for this project. The Westport Weston Health District has reviewed and approved the pool plans on December 13, 2012, including the filter and backwash.

A native buffer planting along the existing seawall and a rain garden in the vicinity of the driveway were required as part of the approval of the house reconstruction project approved in 2007.

The Commission finds the FEMA requirements for pool construction and chemical storage within a flood zone are being satisfactorily met and fencing for the pool will be appropriately designed for the FEMA Flood Zone location and will meet all building code requirements.

The Commission finds that the existing site conditions implemented as a result of previous projects are satisfactory to accomplish the water quality goals as protected by the WPLO.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9300-12
Street Address: 17 Stony Point Road
Assessor's: Map B5 Lot 110
Date of Resolution: February 20, 2013

Project Description: For the construction of a pool, patio, fence and mechanicals and surrounding retaining walls. Portions of the work are within the WPLO area of the Saugatuck River.

Owner of Record: Ann Sheffer

Applicant: Eckerson Design Associates, 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 9300-12** 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 and any ledge encountered.
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 Flood and Erosion Control Board Conditions of Approval of February 6, 2013.
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 recirculating, closed filter system.
 - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100 year flood elevation.

property is being replaced with permeable materials. He stated no trees would be removed for this project. The trees would be protected with tree protection fencing.

Ms. Mozian stated more plantings were needed by the water to improve water quality.

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

Motion: Washburn **Second:** Field
Ayes: Washburn, Field, Belzer, Cerroni, Skinner, Porter
Nays: None **Abstentions:** None **Vote:** 6:0:0

Findings
For 42 Owenoke Park
#WPL 9319-13

1. Application Request: The Applicant is requesting to retain the existing single family dwelling and enlarge the garage, reduce the area of and relocate the driveway and to construct an inground pool with an attached patio and sitting wall.

The site lies within the jurisdictional boundary of the WPLO. The site lies within the 100 year floodplain of Zone AE (Elev. 11.0')

The property is served by municipal water and sewer.

Based on the submitted calculations, the Applicant is proposing to increase the total lot coverage from 32.31% to 32.93%. Finished surface of the proposed driveway and patio are to be pervious. Total lot area is 27,087 sq. ft.

2. Plans reviewed:

- a. *Proposed Conditions Zoning/Location Survey Map of Property*; Prepared for Daniel A. Levinson, 42 Owenoke Park, Westport, Connecticut, Scale: 1"=20'-0", dated April 19, 2012 and last revised to January 23, 2013, prepared by Walter H. Skidd- Land Surveyor LLC.

3. Facts Relative to this application:

a. Permits and Applications:

- o WPL/E 7423-04 Pool, spa, patio and fence
- o WPL/E 7808-06 Second floor addition

b. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.

c. Physical and Chemical Properties of the Soil: The on-site soils are identified as Hinckley gravelly sandy loam. At a depth of 10" and greater, the permeability is very rapid. Permeability is the rate at which water can pass through a soil horizon. This soil type is unstable, thus limiting excavations. Quickly establishing plant cover, mulching and using siltation basins can help to control erosion.

d. Aquifer Protection Zone: The property is not located within the Aquifer Protection Zone, but is located within the aquifer recharge area defined as fine-grained stratified drift.

e. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area" and "Tidal Wetlands".

f. Zoning District: The property is located within zoning district "A" (minimum lot size 0.5 acre).

g. Sewage Disposal: The property is serviced by a public sanitary sewer.

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 subject property is located on the north easterly side of Owenoke Park. The north westerly boundary of the property is Gray's Creek. A tidal wetland boundary is indicated on the Applicant's plans along this westerly border of the property line.

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 primarily is limited to nutrient loading and storm water quality impacts.

Adjacent to the property is Grey's Creek (a tidal watercourse and wetland) and a flanking tidal wetland area. Based on the topographical aspects of this parcel, storm water runoff from the proposed project will flow in a northerly direction towards this tidal wetland area and Grey's Creek.

The majority of the 25' tidal wetland setback, as regulated by the Planning and Zoning Department, in the rear of the proposed development site is manicured lawn. Although drainage follows the path towards this tidal wetland area, all proposed activity is landward of the 25' tidal wetland setback.

The site soils have formed primarily in glacial meltwater sediments of sand and gravel and have extremely rapid permeability. This combined with a very shallow subsoil contribute to a limited potential for pollution renovation.

The majority of the storm water runoff will be naturally directed in a northerly direction. The Commission finds it would prove most beneficial to direct the focus of attention to nutrient removal and renovation at the northern property boundary. File research indicates this was also a condition of previous permit conditions but to date has not been implemented.

The National Atmospheric Deposition Program (NADP Brochure 2000-01b revised) reports that nitrogen deposition through precipitation due to the introduction of nitrogen oxide emissions (Automobile exhaust) into the atmosphere is extremely high in the northeast United States. The ecosystems associated with the East Coast estuaries are very sensitive to the added nitrogen.

Nitrogen is introduced from the atmosphere through precipitation (rainfall) as abundantly as it is through human activities such as landscape fertilizer application.

High levels of nutrients in surface waters degrade the rapid growth of algae in rivers, lakes and estuaries. The presence of large quantities of algae reduces the amount of light which penetrates beneath the water surface potentially causing the death of aquatic plants which are essential to fish communities for breeding habitat, cover and as a food source. When the algae begin to decompose, dissolved oxygen which is critical for the survival of aquatic fauna is depleted from the water.

Buffer zones have the potential to stop this destructive cycle from occurring by preventing the primary nutrients (nitrogen and phosphorus) causing the algal growth from ever entering surface waters. The two main mechanism of nitrogen retention by buffer zones is vegetative uptake and bacterial denitrification.

Nutrient removal is well documented during the summer months, however, dormant or dead plants provide less uptake of water and nutrients during the winter months and conditions are less favorable to denitrification. Nitrogen is of most concern for this project as this is the limiting nutrient in a salt water environment.

Although vegetation has a limited role in nutrient uptake in the winter, an above ground vegetative biomass can contribute carbon to the soil microbiological community that is primarily responsible for nitrate renovation from the soil in the non-growing season. The greater the surface biomass, the greater the available carbon source. (Haycock and Pinay 1993).

Taking these factors into consideration, the Commission finds a planting buffer of native plants (mowed only several times per year) to allow for infiltration and nutrient removal to occur. The majority of the planting buffer will take place outside and westerly of a stockade fence.

A perimeter silt fence is proposed for use during construction and should provide adequate protection if it is properly maintained.

Subsurface infiltration structures connected to a catch basin in the driveway are proposed to mitigate potential stormwater quality impacts. According to Jim Kousidis, of the Engineering Department, he will supervise groundwater and soil testing as well as installation of these structures during construction. These structures will be sized to capture and infiltrate one inch of runoff. The one-inch sizing criteria is appropriate and in accordance with the Connecticut Stormwater Quality Manual (2004).

All patio and driveway surfaces are recommended to be pervious as to allow infiltration of storm water from the more frequent smaller storm events. The Commission finds a deed restriction placed on the land records is required to assure the permeability is adhered to in perpetuity.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9319-13
Street Address: 42 Owenoke Park
Assessor's: Map C3 Lot 014
Date of Resolution: February 20, 2013

Project Description: To enlarge the existing patio, install a new in-ground swimming pool, add a garage bay and relocate and enlarge the driveway. The work is within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Daniel A. Levinson

Applicant: John T. Fifield

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 9319-13** 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.

- 3. 139 Harbor Road:** Application #WPL-9333-13 by Barr Associates, LLC on behalf of Joseph & Tracy Troy to replace the existing fire and flood damaged house with a new residence on the existing foundation with new terrace entries and existing rear patio. Portions of the work are within the 25-year floodplain and the WPLO area of the Saugatuck River.

Mel Barr, Planning Consultant, presented the application to replace an existing fire and flood damaged house with a new residence on the existing foundation with new terrace entries and existing rear patio on behalf of the property owners. He noted the existing house has experienced a fire and two floods in the last two years. The application proposes to demolish the existing structure and rebuild with 1-foot of free-board. The property has no drainage system now. They are proposing a buffer strip of planting at the rear of the property with this proposal along with gravel infiltration trenches on both sides of the house. Stockpiling of materials will be limited to the driveway unless the owners can receive permission from the Cedar Point Yacht Club for temporary use. They will be removing the existing oil tank and replacing it with propane. The propane tank will be buried and anchored. Use of the existing driveway will need to be augmented by use of a mud tracking pad. The Flood & Erosion Control Board approved the application on February 6, 2013 with the condition that the trenches along either side of the house need to be appropriately sized. Additional drainage will go under the rear patio. Mr. Barr stated Geo-thermal is not on the plans and is not proposed.

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

Motion:	Belzer	Second:	Field
Ayes:	Belzer, Field, Cerroni, Porter, Skinner, Washburn		
Nays:	None	Abstentions:	None
		Vote:	6:0:0

Findings
139 Harbor Road
#WPL 9333-13

- 1. Application Request:** Applicant is requesting to rebuild an existing fire and flood damaged house on the existing foundation with new front and rear entries to accommodate an existing rear flagstone patio. The property is wholly within the Waterway Protection Line Ordinance boundary.
- 2. Plans reviewed:**
 - b.** "Existing Conditions Zoning/Location Survey Map of Property prepared for Joseph A. Troy III and Tracey L. Troy, 139 Harbor Road, Westport, Connecticut", Scale: 1"=20', dated January 4, 2013, prepared by Walter H. Skidd- Land Surveyor LLC
 - c.** "Proposed Conditions Zoning/Location Survey Map of Property prepared for Joseph A. Troy III and Tracey L. Troy, 139 Harbor Road, Westport, Connecticut", Scale: 1"=20', dated January 4, 2013, prepared by Walter H. Skidd- Land Surveyor LLC
 - d.** Architectural Plans "Alterations and Additions to the Troy Residence, 139 Harbor Road, Westport, Connecticut" dated January 8, 2013, revised to January 24, 2013 prepared by Daniel Conlon Architects
- 3. Permits issued on this property**
 - a.** WPL 1754-86 New single family residence
 - b.** WPL 6085-99 Dock
 - c.** AA 2537-88 Modification to septic design
- 4. Facts Relative to this application:**
 - a.** Property is outside aquifer protection zones.
 - b.** Property is located within groundwater recharge zones. Soils are characterized as coarse grained stratified drift.
 - c.** Property is located within the Coastal Area Management zones. Natural resources are identified as "coastal flood hazard area".
 - d.** No inland wetlands occur on this property.
 - e.** The property is located in Flood Zone VE (El. 13) and Flood Zone AE (El. 11).

5. 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 lot has been filled to Elevation 10.0' and that fill is retained. Due to the lower elevation immediately outside the retaining walls, the 15' offset dictates that a large portion of the site is within the Waterway Protection Line jurisdiction.

The Flood & Erosion Control Board approved this application on February 6, 2013.

Land use changes effect the floodplain water balance as infiltration and evapotranspiration are modified. The majority of this lot will not be subject to a 25 year storm event flooding as it has been filled to above elevation 9.0' in the vicinity of the residence. The retaining walls as exist on this lot have the capability to retain water from the smaller storm events and direct some of that water in a southerly direction towards Harbor Road. A small walkway will allow storm water to leave from the rear of the parcel to the property on the southern property line.

The Commission finds provisions for drainage be made on this property to collect and treat the storm water runoff from the impervious surfaces including the roof of the proposed residence.

All proposed pervious surfaces should be designed for maximum infiltration.

The building as it is sited on this parcel lies wholly within Flood Zone AE.

When determining the finish floor elevation, the requirements are that the lowest floor of a building be no lower than the mapped 1% chance flood's water surface elevation.

This proposal indicates the first floor elevation to be at 14.0' which is allowing for 2 feet of free board from the current FEMA elevation requirement and 1' from the proposed FEMA elevations.

The Commission finds that the open land on Saugatuck Shores not only provides flood space during flood events but is a floodplain of the Saugatuck River.

Floodplains provide a natural function of water quality improvement. Areas where water floods during flood events also filters through the soil and into groundwater.

Four negative effects that are most likely to result somewhere in the watershed when development activity takes place on flood prone land:

1. increased flood stages
2. increased velocities
3. increased flows
4. increased erosion and sedimentation

These are the problems that must be managed, mitigated or prevented in order to achieve a no adverse impact floodplain or watershed.

Three sides of this parcel contain existing walls so that storm water runoff from the smaller storms will be impeded from general lateral sheet flow off and onto the site and may be concentrated in areas of open stairwells.

The purpose of this project is to have the house become FEMA compliant with repairs from flood and fire damage. Within the WPLO, deposition of fill is a regulated activity that must have a public

hearing. The addition of a front and rear entry terrace fulfills this definition and thus this permit cannot be issued administratively.

A planting bed 3' in width is proposed at the rear of the property. The Commission finds this planting will provide biofiltration of stormwater runoff in the rear patio area.

The Commission finds that this planting bed as designed shall be implemented and that staff and applicant assess plantings at the front of the property at a lower elevation and in the direction of the storm water runoff and add additional plantings if warranted.

The Commission finds the underground oil tank shall be removed and the source of heating fuel will be propane gas.

The driveway is an existing stone driveway. The permeability of the pervious surfaces proposed for this site is important as porous surfaces detain storm water and allows it to slowly infiltrate it into the subgrade. This mechanism mimics the natural water cycle and allows for groundwater recharge. The design should incorporate 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.

Sediment and erosion controls should focus on stormwater runoff in a westerly direction. An anti-tracking bed should be provided in the location of the existing drive adjacent to Harbor Road. Construction access appears limited and soil stockpile areas are not shown.

The propane tank is shown as being located subsurface at the front of the residence. The air conditioner units are also located in the front of the residence at Elevation 13.0'. Due to the location of the property within a flood zone, details for the air conditioner installation should meet all FEMA and building code requirements.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9333-13
Street Address: 139 Harbor Road
Assessor's: Map C 02 Lot 003
Date of Resolution: February 20, 2013

Project Description: To replace the existing fire and flood damaged house with a new FEMA compliant residence on the existing foundation with new terraces and retaining the existing rear patio. Portions of the work is within the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Joseph and Tracey Troy

Applicant: Barr Associates 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 #**9333-13** 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 February 6, 2013.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Existing Conditions Zoning/Location Survey Map of Property prepared for Joseph A. Troy III and Tracey L. Troy, 139 Harbor Road, Westport, Connecticut", Scale: 1"=20', dated January 4, 2013, prepared by Walter H. Skidd- Land Surveyor LLC
 - b. "Proposed Conditions Zoning/Location Survey Map of Property prepared for Joseph A. Troy III and Tracey L. Troy, 139 Harbor Road, Westport, Connecticut", Scale: 1"=20', dated January 4, 2013, prepared by Walter H. Skidd- Land Surveyor LLC
 - c. Architectural Plans "Alterations and Additions to the Troy Residence, 139 Harbor Road, Westport, Connecticut" dated January 8, 2013, prepared by Daniel Conlon Architects
16. Driveway, walkways and terraces shall remain pervious in perpetuity with said restriction placed on the Land Records prior to the issuance of Conservation Certificate of Compliance.
17. The proposed propane tank and air conditioner platform shall be installed in conformance with all floodplain regulations and state building code requirements.

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: Skinner

Second: Belzer

Ayes: Skinner, Belzer, Porter, Field, Washburn, Cerroni

Nays: 0

Abstentions: 0

Vote: 6:0:0

and/or environmentally related hazards to life and property?	
The Commission finds the activity will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway?	Project is located 300' from Saugatuck River. No direct surface runoff will occur. Level site will promote infiltration of storm water of smaller storm events. No impact to or removal of any vegetation.
The Commission finds the activity will not have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition?	Fill to be retained for the front entry will be green space and planted. Increase in house footprint is for pervious porch and terrace structures only . Stone driveway to remain. Residence is now serviced by a municipal sewer line.
The Commission finds the activity will not have adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	Property is level and no grading is proposed. Fill being retained for front entryway. No excavation is required. No impact on habitat diversity.

Issues applicable to all applications:

Stormwater management / Plans	N/A
Grading	N/A
Sedimentation and Erosion Controls	Perimeter silt fence recommended
FEMA Compliance	To meet Flood Zone A6 El. 12' requirements FF to be raised 7.0
Water Quality Management	No additional requirements

The Commission finds the project will bring residence into FEMA compliance. No adverse impacts anticipated from front entry or proposed house renovations as protected under the Waterway Protection Line Ordinance.

Conservation Commission
 TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9334-13
Street Address: 10 Island Way
Assessor's: Map B2 Lot 168
Date of Resolution: February 20, 2013

Project Description: To raise the house to meet FEMA requirements, add a front raised planter with steps and a retaining wall for the front entrance. Portions of the work are within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Olga and William Adler

Applicant: David Verespy, Rock Spring Design Group

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 9334-13** 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 February 6, 2013.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. "Adler Residence, Site Plan, 10 Island Way, Westport, Connecticut", Scale: 1/8" = 1', dated December 6, 2012, prepared by Rock Spring Design Group
 - b. "Proposed Conditions Zoning/Location Survey, Map of Property prepared for William K. Adler & Olga M. Adler, 10 Island Way, Westport, Connecticut", Scale: 1"=20', dated November 6, 2012 and last revised to January 16, 2013, prepared by Walter H. Skidd- Land Surveyor LLC.
 - c. "Adler Residence, Site Plan & Details, 10 Island Way, Westport, Connecticut", (2 sheets) Scale: 1/8" = 1', dated December 6, 2012 and last revised to January 14, 2013, prepared by Rock Spring Design Group Architectural Plans
16. Propane tanks, oil tanks generator, air conditioner and proposed pool equipment must be installed in conformance with floodplain regulations and the state building code as required.
17. Existing driveway and proposed front raised patio shall remain pervious with said restriction placed on the Land Records prior to the issuance of 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: Field

Second: Belzer

Ayes: Washburn, Belzer, Porter, Skinner, Field, Cerroni

Nays: 0

Abstentions: 0

Vote: 6:0:0

5. **9 Island Way:** Application #WPL-9335-13 by Daniela Mahr to raise house to meet FEMA requirements, add a master bedroom over the carport, add a front porch/ entryway and retaining wall for the front entrance. Portions of the work are within the 25-year floodplain and the WPLO area of the Saugatuck River.

Daniela Mahr, property owner, presented the application to raise the house to meet FEMA requirements, add a master bedroom over the carport, add a front porch/entryway and a retaining wall for the front entrance. She stated they propose to raise the house 6.5 feet in order for the first floor to be above the base flood elevation. The oil tank will be replaced with two above-ground propane tanks. The project was approved by the Flood and Erosion Control Board on February 6, 2013.

Ms. Krynicky noted the carport will remain on the lower level. The raised first floor will include a bedroom addition over the carport. The property owner is adding a new front entryway and rear deck with steps to grade with a surrounding wall. There will be no change to the grade. The driveway will remain gravel. Ms. Mozian noted that Planning & Zoning submitted information earlier in the day that the proposed plans reflect an error in the vertical datum and the proposed first floor elevation. Staff recommends the Commission require a revised survey reflecting the correct information as a condition of approval.

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

Motion: Washburn **Second:** Cerroni
Ayes: Washburn, Cerroni, Belzer, Field, Porter, Skinner
Nays: None **Abstentions:** None **Vote:** 6:0:0

Findings

LOCATION - _____ 9 Island Way _____

APPLICANT - _____ Daniela Mahr _____

Appl. # WPL 9335-13 **Flood Zone** A6 **100yr Flood Elev.** 12.0" **Floodway? (y/n)** no

Regulated Waterbody: _____ Saugatuck River _____

Waterway Protection Line Ordinance

Section 30-93 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.

1. **Proposal Description:** Elevate house to bring into FEMA compliance, add master bedroom over carport, construction of a front porch/entryway with retaining walls to be utilized as planting beds and for aesthetics due to the 6.5' elevation of the structure. Crawl space to be filled to existing grade.
2. **Property Description:** Developed as a single family residence with associated site improvements. House was originally constructed in 1965.
3. **Statement of Problem:** Recent storm policy for WPLO Administrative Approvals for repair of storm damage does not include the deposition of fill which is required for the construction of the proposed front entryway.
4. **Previous Applications/Permits Filed:** No applications on file.
5. **WPLO Regulatory issues:**

The Commission finds the activity will not cause water pollution, erosion and/or environmentally related hazards to life and property?	The applicant is bringing the structure into FEMA compliance. The fill is to be retained so as to not cause erosion or water pollution.
The Commission finds the activity will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway?	Project is located 300' from Saugatuck River. No direct surface runoff will occur. Level site will promote infiltration of storm water of smaller storm events. No impact to or removal of any vegetation.
The Commission finds the activity will not have an adverse impact on ground and surface waters, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and/or decomposition?	Total lot coverage is reduced as driveway coverage is reduced. Fill to be retained for the front entry will be green space and planted. Increase in house footprint is for porch roof only (243 s.f.). Gravel driveway to remain. Residence is now serviced by a municipal sewer line. Flood vents are to be installed at grade to comply with FEMA.
The Commission finds the activity will not have an adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	Property is level and no grading is proposed. Fill being retained for front entryway. No excavation is required. No impact on habitat diversity.

Issues applicable to all applications:

Stormwater management / Plans	N/A
Grading	N/A
Sedimentation and Erosion Controls	Perimeter silt fence recommended
FEMA Compliance	To meet Flood Zone A6 El. 12' requirements FF to be raised 6.5'
Water Quality Management	No additional requirements

The Commission finds the project will bring residence into FEMA compliance. No adverse impacts anticipated from front entry or proposed house renovations as protected under the Waterway Protection Line Ordinance.

Conservation Commission
 TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9335-13
Street Address: 9 Island Way
Assessor's: Map B2 Lot 163
Date of Resolution: February 20, 2013

Project Description: To raise the house to meet FEMA requirements, add a master bedroom over the carport, add a front porch/entryway and a retaining wall for the front entrance. Portions of the work are within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Daniella Mahr
Applicant: Daniella Mahr

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 9335-13** 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 February 6, 2013.

SPECIAL CONDITIONS OF APPROVAL

15. Revisions to the plans entitled:
 - a. "Plot Plan Prepared for Daniela Mahr, 9 Island Way, Westport, Connecticut", Scale: 1"=20', dated December 15, 2009, prepared by Nutmeg Land Surveying Services, Inc. to show corrected vertical datum and proposed first floor elevations to be submitted to the Conservation Department prior to the issuance of a zoning permit.
16. Conformance to the plans entitled:
 - a. "Plot Plan Prepared for Daniela Mahr, 9 Island Way, Westport, Connecticut", Scale: 1"=20', dated December 15, 2009 and last revised to January 10, 2013, prepared by Nutmeg Land Surveying Services, Inc.
 - b. Architectural Plans "Mahr Residence, 9 Island Way, Westport, CT", (6 sheets) dated January 7, 2013 and revised to January 8, 2013, received by the Conservation Department on January 17, 2013.
17. Propane tanks must be installed in conformance with floodplain regulations and state building code as required.
18. Existing driveway and patio shall remain pervious with said restriction placed on the Land Records prior to the issuance of 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

- d. **Coastal Area Management:** Property located within CAM zone. The coastal resources are identified as: Near Shore Waters, Shellfish Area and Coastal Flood Hazard Area.

According to the DEP CAM Manual dated 2000 these resources are described as follows:

- e. **Coastal Flood Hazard** area is defined by the DEP as “those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act and all erosion hazards as determined by the Commissioner [Connecticut General Statutes (CGS) section 22a-93-(7) (H)]. In general, coastal flood hazard areas include all areas designated as within A-zone and V-zones by the Federal Emergency Management Agency (FEMA). A zones are subject to still-water flooding during so called “100 year” flood events. During 100 year flood events, V zones are subject to direct action by waves three feet or more in height. **Coastal flood hazard areas encompass most other important coastal resources, can serve as flood storage areas**, and provide numerous open space and recreational opportunities. **They are, by their nature, hazardous areas for structural development, especially residential-type uses”.**

4. According to the DEP CAM Manual dated 2000 these resources are described as follows:

Coastal Flood Hazard area is defined by the DEP as “those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act and all erosion hazards as determined by the Commissioner [Connecticut General Statutes (CGS) section 22a-93-(7) (H)]. In general, coastal flood hazard areas include all areas designated as within A-zone and V-zones by the Federal Emergency Management Agency (FEMA). A zones are subject to still-water flooding during so called “100 year” flood events. During 100 year flood events, V zones are subject to direct action by waves three feet or more in height. **Coastal flood hazard areas encompass most other important coastal resources, can serve as flood storage areas**, and provide numerous open space and recreational opportunities. **They are, by their nature, hazardous areas for structural development, especially residential-type uses”.**

Shellfish Concentration Area areas support an important source of food, provide recreational shellfishing opportunities, provide economic opportunities for the shellfish industry, and provide employment through the shellfish industry.

Nearshore Waters are those waters and their substrates lying between mean high water and a depth approximately by the ten meter contour.

5. 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 Flood and Erosion Control Board approved the application at its February 6, 2013 hearing.

Staff submitted a missing information letter to the applicant on January 31, 2013 following a site visit. The applicant responded to the comments with a revised site plan drawn by the applicant dated January 25, 2013. There are two main environmental components for biofiltration that the Commission finds could be added to the plan proposal.

The Commission finds the area adjacent to the seawall where the existing concrete patio has been removed is where biofiltration and/or infiltration is to be implemented. The existing seawall contains weep holes which would allow the filtered storm water to pass through a permeable surface or a

vegetated buffer before it leaves the site. The existing patio area is impermeable concrete. The Commission finds there is an opportunity to provide pervious area adjacent to the seawall. The Commission finds these site plan revisions for biofiltration and or infiltration are required to meet the intent of the WPLO Ordinance.

The method of entry and accessway is from the neighboring lot to the north.

The proposed dirt bag discharge area is adjacent to the stone retaining walls along the property boundary. The Commission finds this will provide filtration for the dewatering of the pool during excavation.

The Commission finds the proposed pool equipment location is to be located above the 100 year flood elevation and meet the building code requirements.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9337-13
Street Address: 107 Harbor Road
Assessor's: Map B2 Lot 141
Date of Resolution: February 20, 2013

Project Description: To replace a 9' x 20' pool damaged by Storm Sandy with a 12' x 36' pool. The work is within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Liz Milwe and Peter Wormser

Applicant: Liz Milwe and Peter Wormser

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 9337-13** 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 February 6, 2013.
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. "Existing Conditions Zoning/ Location Survey, Map of Property Prepared for Elizabeth Milwe & Peter Wormser, 107 Harbor Road, Westport, CT, dated: December 11, 2012, Scale: 1" = 20', prepared by Walter H. Skidd- Land Surveyor LLC
 - b. "Proposed Conditions Zoning/ Location Survey, Map of Property Prepared for Elizabeth Milwe & Peter Wormser, 107 Harbor Road, Westport, CT, dated: December 11, 2012, Scale: 1" = 20', prepared by Walter H. Skidd- Land Surveyor LLC
 - c. "107 Harbor Road, Westport, CT, R.I. Pools, Inc.", dated: January 17, 2013, prepared by A. DiRocco
 - d. "Site Plan, 107 Harbor Road, Westport, CT", dated: January 25, 2013, prepared by Wormser & Associates, Architects
17. Revision to the plan to include on the easterly property boundary adjacent to the seawall in the area of the concrete patio that has been removed due to storm damage to be replaced with a pervious material to reduce impervious area and aid in nutrient uptake, storm water retention and infiltration. Said plan revisions shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
18. Revision to the site plan to show corrected tidal wetland line easterly of the existing seawall 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.

b. The subject property exists within the Coastal Areas Management Zone, specifically identified as "coastal flood hazard area, near shore waters, and intertidal flats". A CAM Site Plan approval from the Planning and Zoning Commission will be required for this project.

9. Consistency with Waterway Protection Line Ordinance

The Flood & Erosion Control Board (F&ECB) reviewed and approved this application on February 6, 2013 with conditions. Flooding and erosion impacts are not anticipated to affect adjacent neighbors or this property owner. Gazebo will be in FEMA compliance.

Section 148-9 of the WPLO ordinance states the following: An applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and other 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 waters, 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.

Discussion

The subject property is located on the east side of Bluff Point and bordering Long Island Sound. There are no tidal wetlands on the site.

The gazebo will be placed in the location of the residence as previously existed on the site.

The applicant has proposed to retain the lot as a view corridor and to utilize the gazebo for enjoyment. A large remaining portion of the parcel will be planted with native species. The westerly portion of the parcel will contain a split rail fence and westerly of the fence will remain an area populated with native plantings and the natural beach as is existing.

The floor of the gazebo will be above the 100 year floodplain and will be built on pilings. A small on grade patio will be built adjacent to the gazebo stairs. No plumbing will be installed or electric service is required.

The Commission finds the proposed gazebo in combination with the extensive planting plan will not cause 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.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 9338-13
Street Address: 6 Bluff Point
Assessor's: Map C1 Lot 002
Date of Resolution: February 20, 2013

Project Description: To construct a gazebo and on-grade patio. The work is within the boundary of the Waterway Protection Line Ordinance and the 25 year floodplain of the Saugatuck River.

Owner of Record: Arthur Tauck

Applicant: Peter Romano of LandTech Inc.

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 9338-13** 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 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.
5. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
6. All plants proposed in regulated areas must be non-invasive and native to North America.
7. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
8. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts which develop.
9. Conformance to the conditions of the Flood and Erosion Control Board of February 6, 2013.

SPECIAL CONDITIONS OF APPROVAL

10. Conformance to the following:
 - a. "Proposed Site Improvement Plan Proposed Timber Gazebo and Landscape Wall prepared for Arthur Tauck, 6 Bluff Point, Westport, CT", Scale 1"=20', dated October 11, 2012 and last revised to December 10, 2012, prepared by Land-Tech Consultants, Inc.
 - b. Architectural Plans entitled: "Tauck Covered Deck Structure, 6 Bluff Point, Westport, CT, Permit and Construction Issue (4 sheets), dated October 1, 2012", prepared by Kevin Quinlan Architecture LLC
 - c. "Tauck Residence, 6 Bluff Point, Westport, Connecticut", Scale: 1"= 20', dated February 11, 2013, prepared by The Laurelrock Company, Dickson DeMarche, Landscape Architects

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: Porter **Second:** Washburn
Ayes: Washburn, Belzer, Porter, Field, Skinner, Cerroni
Nayes: 0 **Abstentions:** 0 **Vote:** 6:0:0

Motion to close the Public Hearing and move in Work Session II.

Motion: **Belzer** **Second:** **Porter**
Ayes: **Belzer, Porter, Cerroni, Field, Skinner, Washburn**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

Work Session II:

1. Approval of January 14, 2013 field trip minutes

The January 14, 2013 field trip minutes were approved as written.

Motion: **Skinner** **Second:** **Belzer**
Ayes: **Skinner, Belzer, Cerroni, Field, Porter, Washburn**
Nayes: **None** **Abstentions:** **None** **Vote:** **6:0:0**

