

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

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

**ATTENDANCE**

**Commission Members:**

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

**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 March 20, 2013 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Alicia Mozian  
Conservation Department Director





**4. Property Description:**

- a. Permits and Applications: WPL 8891-11 for a new single family residence and associated site improvements.
  - b. WPLO: Approximately 50% of the property is located below elevation 9.0 NGVD and therefore is within the WPLO.
  - c. Inland Wetlands and Watercourses: No inland wetlands or watercourses are located at the site.
  - d. Tidal Wetlands: Property does not contain tidal wetlands as per State of Connecticut Department of Agriculture and Natural Resources Tidal Wetland map, Sheet 4 of 5, by Goodkind & O'Dea, Inc. Consulting Engineers, Sept. 1971.
  - e. 100-Year Floodplain: The property is located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The 100-year base flood elevation range is 10 feet above mean sea level a.k.a. Zone AE.
  - f. Aquifer and Primary Recharge Area: The property is located within the Aquifer recharge area identified as coarse-grained stratified drift.
  - g. Coastal Area Management Zone: The project is located within the Coastal Area Management Zone. The coastal resources are "Coastal Flood Hazard Area".
  - h. Sewage Disposal: The property is serviced by a public sanitary sewer.
  - i. Special conditions of approval required for construction of the residence and associated site improvements have been implemented satisfactorily and inspected by the Conservation Department. The site is stable and no adverse impacts from the dock construction are outstanding. A Certificate of Compliance for the new house construction was issued on January 31, 2013.
  - j. High tide line (el. 5.1) and mean high water (el. 3.4') are coincident with the seawall.
5. 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**".

The Flood and Erosion Control Board approved the application with conditions on March 6, 2013.

6. 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 structural components of the timber anchor piles will be treated with Chromated Copper Arsenate (CCA) to restrict wood borer and ship worm infestation and ultimate failure of the piles. CCA treatment of anchor piles for piers and floats continues to be employed and the impacts are minimum.

Minor local scour or erosion around the installed piles can occur during periods of extremely high flow and resulting high bottom velocities around the piles. This impact is very localized and limited to very small, typically less than an inch or two, when the piles are placed in cohesive marine muds.

As reported in a NOAA Coastal Ocean Program of January 2003, elevated concentrations of metals from CCA- treated woods can be found in organisms living on treated pilings and in the areas near to the pilings (Wendt *et al.*, Weis and Weis, 1996) Field studies found elevated concentrations of metals in fine sediments within 1 meter of bulkheads constructed of CCA- treated materials.

Sanger and Holland (2002) reported that "it is unlikely that the bioaccumulation of dock lechates by marine biota is having an impact on living resources. Reasons given are that the leaching generally occurs only when the dock is new, that the size of the area around the dock that might be affected is small, and high rates of tidal flushing will dilute and flush accumulations in the water column.

Structures placed in moving water have the capability to disrupt the water's flow. It has been suggested that piles may cause increased flow rates immediately around the structure and may affect shellfish or wildlife habitats. Noble (1978) as reported at the NOAA workshop, found that piers "had a negligible effect" on sedimentation and erosion of adjacent shorelines.

Approximately 194 square feet is impacted by the dock structures. The water depth at the outboard face of the floating dock will be approximately 1' below mean low water. Timber float stops are installed on bottom of floating dock.

Although not specifically required under the DEEP permit, the Commission finds that the ramp and floating dock will be removed and stored at an upland location away from tidal wetlands during the winter months (November through March).

For the reasons enumerated above, the Commission finds the dock as constructed will not impact the resources as protected under the Waterway Protection Line Ordinance.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # WPL 9344-13**  
**Street Address: 157 Riverside Avenue**  
**Assessor's: Map C08 Lot 48**  
**Date of Resolution: March 20, 2013**

**Project Description:** To retain a 4' by 8' timber pier, a 2.5' by 27' aluminum ramp and a piling anchored 8' by 12.5' timber floating dock. Work is within the 25 year floodplain and the WPLO area of the Saugatuck River.

**Owner of Record:** Dean Shapiro

**Applicant:** John Hilts

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 9344-13** 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 Flood and Erosion Control Board Conditions of Approval of March 6, 2013.

#### **SPECIAL CONDITIONS OF APPROVAL**

15. Conformance to the plans entitled:
  - a. "Existing General Plan View of Proposed Landing, Ramp and Floating Dock in the Saugatuck River At: 157 Riverside Avenue, Westport, Connecticut", Application by: Able Construction LLC, Peter Greenberg, President, dated: 11/30/11, Sheet 3 of 5, prepared by John Hilts
  - b. "Proposed General Plan View of Proposed Landing, Ramp and Floating Dock in the Saugatuck River At: 157 Riverside Avenue, Westport, Connecticut", Application by: Able Construction LLC, Peter Greenberg, President, dated: 11/30/11, Sheet 4 of 5, prepared by John Hilts
  - c. "Proposed Pier Elevation of Proposed Landing, Ramp and Floating Dock in the Saugatuck River At: 157 Riverside Avenue, Westport, Connecticut", Application by: Able Construction LLC, Peter Greenberg, President, dated: 11/30/11, Sheet 5 of 5, prepared by John Hilts
  - d. "Zoning/Location Survey, Map of Property prepared for Able Construction LLC, 157 Riverside Avenue, Westport, Connecticut", Scale: 1" = 10', dated June 30, 2011 and last revised to January 9, 2013, prepared by Walter H. Skidd- Land Surveyor LLC

**This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. 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:** Washburn

**Second:** Skinner

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

**Nays:** 0

**Abstentions:** 0

**Votes:** 5:0:0

2. **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.

Kate Grange presented the application. She explained the history of how the deck was built without a permit. She stated that they had done some work on the garage and her builder had secured



The property is serviced by municipal sewer and water.

- C. Erosion/Sediment Standards:** No erosion and/or sediment issues were observed during the site inspection by staff. The site is currently stable. The Commission finds some existing stream bank erosion was noted, however, this was not due to the deck construction. Additional plantings are warranted to remedy this existing condition.
- D. Natural Habitat Standards:** As the wetland area is highly disturbed and located within a densely developed urban landscape, the Commission finds a the existing deck will not have an impact on natural habitats.
- E. Discharges/Runoff Standards:** There is currently no provisions for drainage on the site. The Commission finds a landscape plan for streamside plantings is to be submitted to the Conservation Department for review and approval. This is for a two fold solution for infiltration and treatment of stormwater runoff and to help retard or prevent additional stream bank erosion.
- F. Recreational/Public Use Standards:** The Commission finds the proposed project will not affect recreational or public uses.

**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.

**WPLO Regulatory issues:**

The existing deck will not activity cause water pollution, erosion and/or environmentally related hazards to life and property	The deck surface is permeable and no grading or vegetation removal was required.
The existing deck will not have an adverse impact on the preservation of the natural resources and ecosystems of the waterway?	The Commission finds the additional plantings will mitigate impact to canal due to the removal of any vegetation that occurred adjacent to canal.
The existing deck 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?	The Commission finds the existing deck has a permeable surface with open area beneath deck surface. Ornamental plantings surround perimeter of deck. Residence is now serviced by a municipal sewer line.
The existing deck will not have an adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	The Commission finds the habitat in the Urban setting with canal environment will not be affected.

The Commission finds the review will bring deck into compliance and will allow Conditions of Approval. No adverse impacts anticipated from deck as protected under the Waterway Protection Line Ordinance.

**Conservation Commission**  
 TOWN OF WESTPORT  
**Conditions of Approval**  
 Application # IWW,WPL 9362-13  
 Street Address: 7 Brookside Park  
 Assessor's: Map C 11 Lot 117  
 Date of Resolution: March 20, 2013



**Project Description:** Deck legalization. The work has taken place within the IWW upland review area setbacks and the WPLO.

**Owner of Record:** Kate and Dave Grange

**Applicant:** Kate and Dave Grange

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW,WPL 9362-13 with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. Conformance to the Conditions of Approval of the Flood and Erosion Control Board hearing of March 6, 2013.

#### **SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:



2. **Application Request:** Applicant is proposing to extend the existing two car garage with a single story one bay garage extension for additional storage. The construction activity for the garage is located within the IWW setbacks. All proposed activities are outside the Waterway Protection Line Ordinance jurisdictional boundary.

3. **Plans Reviewed:**

- a. "Zoning/Location Survey Map of Property Prepared for Ramesh Subramanian & Christine L. Vetter, 293 Bayberry Lane, Westport, Conn., Scale: 1"= 30' dated August 3, 2012, and last revised to January 9, 2013, prepared by Walter H. Skidd- Land Surveyor LLC
- b. Architectural Plan: "Additional and Renovations for Mr. and Mrs. Subramanian-Ramesh, 203 Bayberry Lane, Westport, Connecticut, Proposed First Floor, Sheet PL-01, dated January 31, 2013, prepared by LF Garcia Architects LLC

4. **Permits/Applications filed:**

- a. IWW/M 9189-12

5. **WPLO** – Waterway Protection Line is located 15' from the wetland boundary. The wetlands were flagged by Otto R. Theall on July 11, 2012

6. IWW Defined Resource (wetland or watercourse) – Wetlands and Watercourses occur on the subject property.

7. **Wetland and Property Description**

**Wetland soil**

**Rippowam fine sandy loam:** This soil unit consists of nearly level, poorly drained soil found on flood plains of major streams and their tributaries. About 15 percent of this map unit includes small areas of moderately well drained Pootatuck soils, very poorly drained Saco and Scarboro soils, and a few areas with a surface layer and subsoil of silt loam. This Rippowam soil is subject to frequent flooding. It has a seasonal high water table of a depth of about 6 inches from fall until late spring. The permeability of the soil is moderate or moderately rapid in the surface layer and subsoil and rapid or very rapid in the substratum. Runoff is slow or very slow, and available water capacity is moderate. The soil dries out and warms up slowly in spring. Most areas of this soil are wooded. A few areas are used for hay, pasture, and corn, and a few small scattered areas have been filled and are used for community development. The frequent flooding and the seasonal high water table are the main limitations of this soil for community development. Extensive filling is needed for on-site septic systems. Excavations are commonly inundated by water, and slopes of excavations are unstable when wet. The soil is poorly suited to trees. Wetness limits the use of equipment, and the seasonal high water table restricts rooting depth and causes the uprooting of many trees during the windy period.

- a. 100 year flood plain as designated by FEMA does occur on this property but the proposed garage addition lies outside the floodplain boundary.
- b. The 1983 report as prepared by Flaherty Giavara Associates, Inc. refers to the wetland as as being streamside to an intermittent watercourse and being part of a floodplain. The vegetation is that typical of a wooded swamp.
- c. Property does not exist within the Aquifer Protection Overlay Zone or a groundwater recharge area.
- d. Property does not exist within the Coastal Areas Management Zone.
- e. This parcel is located at the toe slope of the watershed.

8. **Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations**

**6.1 GENERAL STANDARDS**

- a) disturbance and pollution are minimized;
- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

Approximately 75% of this parcel is regulated area. The rear property boundary is the Aspetuck River. A small watercourse in the central portion is a tributary to the Aspetuck River. A large wetland swamp complex flanks the river and watercourse. There is little area on this parcel that is not regulated. An existing stone wall encircles the residence and the yard. All activity is proposed within this enclosed area.

The proposed activity is to take place within an existing lawn area. No vegetation or trees are being removed due to the proposed construction activity.

The Conservation Commission at a work session gave staff permission to issue and Administrative Approval for a gravel driveway extension within the 30' upland review area of the flagged wetland boundary. The driveway extension was requested as a safety feature for being able to turn around and safely enter Bayberry Lane. The proposed garage will abut this driveway extension.

There is no grading proposed for this addition.

#### **6.2 WATER QUALITY**

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

Current this site provides no provisions for the retention or treatment of stormwater runoff. To improve overall water quality, plantings for biofiltration is proposed adjacent to the existing stone wall in the area of the proposed garage.

The plantings will provide increased habitat area along with filtration and renovation of storm water runoff prior to entering the wetland complex. The existing stone wall is a physical and visual barrier to the large wetland complex beyond.

No vegetation is proposed to be removed north of the proposed construction area.

The Weston Westport Health District has reviewed and acknowledged that the existing septic system is adequate and the present and a potential future location of a leachfield will not be impacted by the garage bay construction. This approval was granted on February 13, 2013.

#### **6.3 EROSION AND SEDIMENT**

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

The Commission finds erosion control measures would be most effective on the northerly side of the garage. Excavation for the garage should be minimal and no grading is proposed for the project. The Commission finds excess soil from construction activity shall be removed from the site. The Commission finds standard erosion control methods will be acceptable.

#### **6.4 NATURAL HABITAT STANDARDS**

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

The garage addition is proposed within an area of existing manicured lawn. A very large wooded swamp complex adjacent to the Aspetuck River will remain in its natural state.

The Commission finds the natural habitats will not be impacted by this proposal.

#### **6.5 DISCHARGE AND RUNOFF**

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d) flooding upstream or downstream of the location site will not be significantly increased;
- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

The addition falls below the level of threshold for the requirement of subsurface drainage. The site plan has been reviewed and approved by Jim Kousidis of the Engineering Department.

#### **6.6 RECREATIONAL AND PUBLIC USES**

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

The current application will not have a significant impact on recreational and public uses.

#### ***Waterway Protection Line Ordinance***

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 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 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.

The Waterway Protection Line boundary exists 15' from the wetland limit. The Commission finds that by providing additional native plants adjacent to the existing stone wall will restore the following natural functions adjacent to a watercourse or waterbody and will help to safeguard natural resources as they are protected by the Waterway Protection Line Ordinance: 1) provides additional stormwater runoff filtration area that will improve water quality prior to discharge into a waterbody 2) reduces

construction impacts on water bodies by reducing erosion and sedimentation impacts in waterbodies  
3)reduces water velocities from stormwater runoff prior to discharge into waterbodies which allows  
vegetation to absorb some non-point pollutants such as fertilizers or herbicides that may otherwise  
discharge into wetlands/waterbodies 4) provides slower water velocities which allow more water to  
infiltrate into the soil, improving groundwater recharge functions and water quality improvement  
functions 6)provides and improves upland habitat needed for wildlife dependent on  
wetlands/watercourses.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW,WPL/E 9364-13**  
**Street Address: 293 Bayberry Lane**  
**Assessor's: Map C 11 Lot 117**  
**Date of Resolution: March 20, 2013**

**Project Description:** For the construction of a single story one bay garage addition. The work is proposed within the IWW upland review area setbacks.

**Owner of Record:** Ramesh Subramanian and Christine Vetter  
**Applicant:** Ramesh Subramanian and Christine Vetter

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**IWW,WPL/E 9364-13** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.

12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.

### **SPECIAL CONDITIONS OF APPROVAL**

15. Conformance to the plans entitled:
  - a. "Zoning/Location Survey Map of Property Prepared for Ramesh Subramanian & Christine L. Vetter, 293 Bayberry Lane, Westport, Conn., Scale: 1"= 30' dated August 3, 2012, and last revised to January 9, 2013, prepared by Walter H. Skidd- Land Surveyor LLC
  - b. Architectural Plan: "Additions and Renovations for Mr. and Mrs. Subramanian-Ramesh, 293 Bayberry Lane, Westport, Connecticut, Proposed First Floor, Sheet PL-01, dated January 31, 2013, prepared by LF Garcia Architects LLC
16. A detailed planting list for native plantings to be located in the bioswale shall be submitted to the Conservation Department for review and approval prior to the issuance of a zoning permit. Plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.
17. A silt fence or construction fence shall be installed next to the stone wall in the area of the garage addition prior to any work commencement.

**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:** Cerroni            **Second:** Washburn  
**Ayes:** Cerroni, Washburn, Skinner, Belzer, Porter  
**Nays:** 0            **Abstentions:** 0            **Vote:** 5:0:0

4. **8 Imperial Landing:** Application #WPL-9365-13 by Barr Associates, LLC on behalf of Suzanne Tager, Tr. For a proposed boat dock with an access ladder, pier, ramp, floats and piles. Work is within the 25-year floodplain and the WPLO area of the Saugatuck River.

Ms. Mozian noted this application was withdrawn.

5. **14 Stony Point Road:** Application #WPL-9366-13 by Peter Romano on behalf of Rick & Debbie Smilow to remove and reconstruct a single family residence, retain the existing swimming pool and miscellaneous site improvements. Portions of the work are within the 25-year floodplain and the WPLO area of the Saugatuck River.

Pete Romano of Land-Tech Consultants presented the application on behalf of the property owners. He stated the entire site is within the WPLO. The proposal would protect the existing vegetative buffer and the existing pool would remain. He noted a portion of the existing driveway would be removed and replaced with grass with the remainder of the driveway being permeable. They will be utilizing a raingarden, which will collect the roof runoff. The raingarden will be sized for the first 1" flush of runoff. He stated 2 to 3 feet of fill will be brought onto the site to raise the house to the new FEMA flood heights. The fill will not encroach into the V zone and is concentrated right around the house.

Ms. Krynicki and Ms. Mozian questioned the design of the raingarden and the plantings in it.





**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 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. "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
17. Notification of final location of the swimming pool fencing as required by the Building Department shall be submitted to the Conservation Department prior to the issuance of a zoning permit.
18. All excess fill must be removed off site.

