



CONSERVATION COMMISSION
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
JULY 21, 2021**

The July 21, 2021 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair
Paul Davis, Vice-Chair
Tom Carey, Secretary
Donald Bancroft
Paul Lobdell

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst
Susan Voris, Admin. Asst. II

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the July 21, 2021 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Public Hearing: 7:00 p.m.

- 1. 15 Island Way:** Application #WPL-11314-21 by Pete Romano of LandTech on behalf of Vadim Kolontnikov for a pool and pool fence. Work is within the WPLO area of the Saugatuck River.

Curt Lowenstein, PE of LandTech presented the application on behalf of the property owner, Vadim Kolontnikov, who was also present on the call. The property is a ¼ acre in size and is in the AE elevation 13 Flood Zone. Health Department approval was secured but was not given to Conservation Department yet. The Flood and Erosion Control Board approved the application with conditions. 400 s.f. of the existing patio will be removed to accommodate a portion of the proposed pool. The elevated utility platform will be rebuilt to raise all mechanicals 1-foot above the base flood elevation. New fencing will be added to comply with the Building Code and meet FEMA requirements.

Mr. Carey asked about the flood vents of the house and if they will be blocked by the proposed pool location.

Mr. Lowenstein stated the flood vents will not be covered by the pool.

Mr. Carey asked what happens if the pool and crawlspace are full to capacity. What will happen with the water and hydrostatic pressure

Mr. Lowenstein stated it will be the same as if the area were grass. When they are full, the water will migrate in the same way.

Mr. Carey noted that the flood openings on the garage side of the house were blocked.

Mr. Lowenstein was unaware of that.

Ms. Rycenga asked about the size of the pool coping.

Mr. Lowenstein stated he believes it will be 8 inches.

Ms. Mozian noted that the pool detail has not been submitted. This maybe because no contractor has been selected. The pool detail will have to be submitted prior to issuance of a Zoning Permit.

Ms. Rycenga asked what type of pool this would be.

Vadim Kolontnikov stated he was not sure.

Ms. Rycenga asked about the depth of the pool.

Mr. Lowenstein stated they are looking for a pool depth of 7 feet but would be okay with 6 feet. He noted that staff suggested 5 feet in their staff report.

Ms. Rycenga asked if there would be an autocover for the pool.

Mr. Lowenstein stated he did not think an autocover would work in this proposed design.

Ms. Rycenga asked if there will be an emergency overflow installed.

Mr. Lowenstein stated "no" because the area is tidally influenced.

Mr. Bancroft asked Mr. Lowenstein to confirm that the pool coping will be below the flood vent.

Mr. Lowenstein stated yes.

Mr. Bancroft questioned the pool depth. He indicated the maximum should be 6 feet. He noted that in the process of digging, they would have to excavate an extra foot and will hit groundwater.

Mr. Lowenstein stated the timing of the excavation will have to be scheduled during low tide and they will have to have a dewatering system in place to filter sediment before leaving the site.

Mr. Davis noted the staff reports says groundwater is at 2' 6". He asked if there will be a safety valve included in the design.

Mr. Lowenstein stated he is not sure as he is not a pool expert.

Ms. Mozian stated that most pools in flood zones have a valve to deal with hydrostatic pressure.

Mr. Lobdell asked why there is a concern with overflow in one part of town and not another.

Mr. Lowenstein stated that in tidally influenced areas of town where water elevations rise up and down with the tide, displacement of water will not cause elevation of water enough to cause flooding on another's property.

Mr. Carey confirmed this project will need ZBA approval since Text Amendment 793 was denied.

Mr. Lowenstein concurred.

Ms. Rycenga asked for a pool foundation as-built. She asked if a spa is anticipated.

Mr. Lowenstein stated "no," a spa is not anticipated.

Ms. Rycenga noted that coverage is not calculated.

Mr. Lowenstein stated the existing coverage is 28.33% and the proposed is 34%.

Mr. Lobdell asked for clarification of pool depth. Is it the water depth or depth of concrete?

Mr. Lowenstein stated it is water depth.

Mr. Kelly asked if the large tree in the southwest corner of the front yard will be removed to access the pool site.

Mr. Lowenstein indicated that it can be saved if a smaller machine is used.

Mr. Kelly stated the raingarden in the front yard must be left undisturbed as it was a requirement of the house construction.

Ms. Mozian highlighted concerns of the pool design against the house, which she was concerned could compromise the foundation and footing drains around the house. She discussed this with the Building Department, who indicated that because the house has a crawlspace, it should not be an issue. She noted that a previous ZBA variance for a pool submitted by a former owner was denied due to lack of hardship.

Ms. Rycenga reiterated the importance of protecting the raingarden. She feels the tree in the front yard should be saved and liked the idea of using a smaller machine for construction.

Mr. Kelly noted test pits show sand and gravel layer with water at 40 inches. The deeper you get in the excavation, the more water there will be in the hole. If they are scheduling around the tides; they will be pumping constantly.

Mr. Lowenstein stated that the difference in constructing a 6 and 7 foot depth pool is not a big deal but the difference between a 5 and 6 foot depth pool for this family as far as usability goes is significant because of their height. He noted that many pools are constructed in this area without an adverse impact to the neighbors.

Ms. Rycenga appreciates that the owners are tall but indicated that the Commission cannot take this into consideration. Instead, each site must be considered on its merits.

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

There were no public comments via e-mail or onscreen and the hearing was closed.

Motion:	Carey	Second:	Lobdell
Ayes:	Carey, Lobdell, Bancroft, Davis, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

FINDINGS
Application # WPL 11314-21
15 Island Way
Public Hearing: July 21, 2021

1. **Application Request:** Applicant is requesting to construct a 597 sq. ft. inground swimming pool, pool fence, mechanicals, and associated site work. Work is within the WPLO area of the Saugatuck River.
2. **Plans reviewed:**
 - a. "Site Improvements for a Proposed Pool Site Plan, 15 Island Way Westport, CT prepared for VK2017 Family Trust", Sheet 1 of 1, Scale: 1" = 10', dated May 12, 2021, prepared by Landtech, Sheet C-0, C-1, C-2.
 - b. "Stormwater Management Report for 15 Island Way Westport, CT", dated May 12, 2021, prepared by Landtech.
3. **Property Description:**
 - a) **Wetlands:** There are no inland or tidal wetlands present on this site.
 - b) **Location of 25-year flood boundary:** 9 ft. contour interval. WPLO boundary established 15 ft. landward from the 9 ft. contour. Note the entire property is within the WPLO boundary.
 - c) **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C05551G Map revised to July 8, 2013.
 - d) **Proposed Pool Coping Elevation:** 6.0 ft.
 - e) **Proposed Pool Coverage:** 597 sq. ft.
 - f) **Patio Coverage to be removed:** ~ 380 sq. ft.
 - g) **Existing Site Coverage:** 28.33% (2,833 sq. ft.)
 - h) **Proposed Site Coverage:** ~34.10% (~3,410 sq. ft.)** not including the patio (~247 sq. ft.)
**approximate measurement determined by staff
 - i) **Sewer Line:** The existing residence is serviced by municipal sewer.
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
6. **Proposed Storm Water Treatment:** Onsite storage of the water quality volume (first inch of rainfall) from stormwater is proposed to be stored within the pool. The pool has an available 4" of storage for stormwater before overflowing to the surface.
7. **Grading:** The grading in the vicinity of the pool will be altered minimally. The site is/will be generally level at or near elevation 5.9'-6.2'.
8. **Previous Permits issued:**
 - #WPL/E-8954-11: partial demolition and reconstruction of a single family residence, the addition of a 2-car garage and the removal of a shed.
9. The Flood and Erosion Control Board approved the application on June 2, 2021, with standard conditions. However, it was noted by Engineering Department staff that because of the proximity of the pool coping to existing flood vents of the house, the elevation of the pool coping cannot encroach on the flood vents, or they will need to be moved to maintain FEMA compliance for the house.

The Engineering Department does not require any storm water drainage. The Engineering staff asked for the mechanicals to be set at elevation 14 to comply with Town of Westport Standards (B.F.E. +1')

The property is served by sewer but the filter system still needs approval from the Westport-Weston Health District. At the time of this writing, we have not received approval.

10. Discussion: The WPL Ordinance requires that the Conservation Commission consider the following when reviewing an application:

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

The commission finds that the site currently contains a residence constructed in 2012. The whole property lies within the WPLO boundary. The application proposes to construct a pool, pool fence, mechanicals, and associated site work. The pool depth is undetermined at this time. The commission finds that the pool depth shall be limited to **6' deep**. This is consistent with other pools the commission has approved in the neighborhood. The Commission finds that the applicant shall submit a pool construction detail to show a pool depth of 6'.

The average grade in the vicinity of the pool is 6.2' mean sea level (msl.) A 6' excavation will be to elevation ~0.0' (6'-6'=0.0'). Test Pit data shows water to be at elevation ~2.6'. However, typically we apply the standard of using the elevation of mean high water, which is 3.3 ft. msl, in the lower, tidal reaches of the Saugatuck River.

The Commission finds that the applicant shall provide a dewatering detail for the contractor to follow when groundwater is intercepted during excavation/construction. The Commission finds that the excavation times shall be limited to coincide with low tides to minimize the amount of water encountered during digging for the pool. A site meeting with the contractor during excavation will help to address dewatering concerns or uncontrolled sediment movement from the site.

A proposed fence is shown on the plans to enclose the yard by connecting to the existing fence. The Commission finds that the pool fence detail shall be submitted that satisfies the Building Code and yet allows the free flow of flood waters. FEMA Technical Bulletin 5 recommends fences with generous openings to not divert/obstruct floodwaters.

The application site plan shows installation of a silt fence around the worksite and side yard. Access to the pool area will be through the anti-mudtracking pad leading from the western property line. These sediment erosion controls should be adequate during construction. The Commission finds that the care for the silt fence and soil should be taken to avoid impacting the rain garden along the front of the property line. This rain garden is providing water quality treatment for the residence and was installed as a feature for the #WPL/E-8954-11 permit for the house. The applicant shall additionally protect the tree along the southwest 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 should focus on stormwater quality impacts and percentage of impervious area. The total impervious coverage, as depicted in the Landtech plan, is currently **28.33% (2,833 sq. ft.) (without patios)**. Proposed site coverage with the pool is to be **~34.10% (~3,410 sq. ft.) (without patios)**, which is in the above the threshold of the 10-25% impervious coverage that will negatively influence water quality. The site plan shows the existing patio will be reduced in size by **~247 sq. ft.**

A variance from the Zoning Board of Appeals will be required for coverage as the allowable coverage in this zoning district is 25% and proposed coverage is 34.1%. Note that in 2014, an 18' x 38' pool

was proposed in the rear yard. The owner at the time applied for a variance for setbacks and coverage and was denied due to lack of hardship. Proposed coverage at that time was 35.17%. by the previous owner.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL-11314-21
15 Island Way
Assessor's Map: C01 Tax Lot: 002
Date of Resolution: July 21, 2021

Project Description: To construct a 597 sq. ft. inground swimming pool, pool fence, mechanicals, and associated site work. Work is within the WPLO area of the Saugatuck River.

Owner of Record: Vadim Kolotnikov
Applicant: Pete Romano, Landtech

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-11314-21** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

16. Conformance to the conditions of the Flood and Erosion Control Board of **June 2, 2021**.
17. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
 - 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. Pool equipment should be located at or above the 100 year flood elevation.
 - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should 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 long periods of time, i.e 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

18. Conformance to the plans entitled:
 - a. "**Site Improvements for a Proposed Pool Site Plan**, 15 Island Way Westport, CT prepared for VK2017 Family Trust", Sheet 1 of 1, Scale: 1" = 10', dated May 12, 2021, prepared by Landtech, Sheet C-0, C-1, C-2.
 - b. "**Stormwater Management Report** for 15 Island Way Westport, CT", dated May 12, 2021, prepared by Landtech.
19. A pool construction detail shall be submitted to show a pool depth of 6' prior to the issuance of a Zoning Permit.
20. The Westport Weston Health Department approval shall be submitted prior to the issuance of a Zoning Permit.
21. A dewatering plan must be submitted to the Conservation Department prior to issuance of a zoning permit.
22. Pool excavation activities for a six foot (6') deep pool shall be limited to the times within the three (3) hours on either side of low tide.
23. The Conservation Department must be contacted to schedule a site meeting with the contractor prior to start of excavation. Staff will direct any dewatering needs or address uncontrolled sediment movement from the site.
24. Pool mechanicals must be located at Base Flood Elevation of 14 ft. msl.
25. A detail of the pool fence which confirms that it will allow the free-flow of flood water must be submitted for review and approval by the Engineering Department prior to issuance of CCC.
26. All excess excavated material shall be removed from the site prior to issuance of CCC.
27. Final Engineering Department approval required before issuance of CCC to confirm compliance with FEMA requirements for flood openings.
28. Final Inspection required by Conservation Department staff.
29. Construction access to be installed to avoid disturbance of the raingarden and large tree in southwest corner near the property line.
30. A pool form as-built shall be submitted to the Conservation Department prior to the pouring of concrete.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review. This

approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

Motion: Lobdell Second: Bancroft
Ayes: Lobdell, Bancroft, Rycenga, Davis, Carey
Nays: 0 Abstentions: 0 Vote: 5:0:0

2. **3 Northgate:** Application #IWW,WPL/E-11341-21 by Tomas Botero on behalf of Carlos Botero & Lina Ochoa to demolish the existing structure to the foundation, construct a new single family residence and replace the septic system. Portions of the work are within the upland review area setbacks.

Tomas Botero presented the application on behalf of the property owners. The existing two-bedroom house has already been demolished to the foundation. The plan is to rebuild on the foundation with a small addition and install a new septic system.

Mr. Bancroft questioned the location of the proposed leaching fields as there are some very large trees that will need to be removed to accommodate the septic.

Ms. Mozian and Mr. Kelly noted that the trees protect and stabilize the slope.

Mr. Botero indicated based on the test pits the high ground is the best possible location for the leaching fields. He believes they can place the pipe from the septic tank to avoid many of the large trees.

Mr. Carey noted the septic pump should have a back-up power.

Mr. Botero stated they are looking into a generator.

Mr. Lobdell asked where the existing septic is located and why that area cannot be used.

Mr. Botero stated the tank is going in the same location. The leaching field is currently at the highest point of the yard.

Ms. Mozian noted her concern that clear cutting could destabilize the slope, which in turn would impact the wetland.

Mr. Kelly noted that the application to install the septic has not yet been secured from the Health Department as they have not gotten a licensed contractor. However, the house and septic design have been approved. There is a wetland flagging by Stephen Danzer, PhD that was deemed to be accurate and staff deemed there was no need for a map amendment.

Ms. Mozian stated the applicant asked for an administrative approval since only a small portion of the proposed work is within the upland review area, but she did not feel comfortable given the steep slopes. She noted that the Commission can impose a 100-foot upland review area on properties with steep slopes.

Mr. Kelly stated there was a Wildlife Inventory by Dr. Danzer done which shows typical suburban species. He noted that the area of the house within the Commission's review area is relatively small. All other work is proposed to be outside the review areas. Most of the concerns are due to the steep slopes on the site. The applicant has proposed only a silt fence for sediment and erosion controls. He stated this needs to be enhanced with haybales and extended to include all excavated areas. He added that coverage on this site is minimal. He commended the applicant for keeping the design minimal.

Ms. Mozian added the at Engineering did review the plan and indicated their approval. She asked if the retaining wall for the septic system would be built first and then the septic system installed.

Mr. Botero confirmed.

Mr. Lobdell asked if the septic installer could give serious consideration to avoid removal of the 36" and 32" trees.

Ms. Rycenga gave two minutes to allow for public comment.

There was not public comment from e-mail or onscreen.

Mr. Botero expressed that he knows that the owners chose a wooded lot, and they want to minimize clearing. Otherwise, they would have proposed something different. They will take the Commission's comments into consideration.

The hearing was closed.

Motion:	Lobdell	Second:	Davis
Ayes:	Lobdell, Davis, Bancroft, Carey, Rycenga		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

FINDINGS

**Application # IWW/WPL/E-11341-21
3 Northgate
Assessor's Map: E11 Tax Lot: 045
Public Hearing July 21, 2021**

1. **Date Received:** *July 21, 2021*
2. **Application Classification:** **Plenary**
3. **Application Request:** The applicant proposes to demolish the existing structure to the foundation, construct a new, 2-bedroom, single-family residence and small addition and replace the septic system with associated grading and 24-inch boulder wall and drainage. Portions of the work are within the 50 ft. upland review area.
4. **IWW and WPLO Regulated Areas:** *IWW setbacks determined for this property include a 50' review area for the new house and septic. A 30' review area for walls and a 20' non-disturbance buffer for the proposed grading and drainage from wetland boundaries. Only a portion of the house lies within the 50' review area setback. The proposed activity is outside the WPLO boundary set at 15' from the flagged wetland.*
5. **Plans Reviewed:**
 - a. "Subsurface Sewage Disposal System Installation Plan for Lina Ochoa and Carlos Botero 3 Northgate, Westport, CT," Scale: 1"= 20', dated May 1, 2021 revised to June 15, 2021, prepared by Peak Engineers, LLC, 2 sheets.
 - b. "Site Plan, Ochoa Residence 3 Northgate, Westport, CT," Scale: 1/16" = 1'-0", dated October 1, 2020 revised to June 14, 2021, prepared by Botero Building Design, Sheet S1.0.
 - c. Building Plans "Ochoa Residence 3 Northgate, Westport, CT," Scale: 1/16" = 1'-0", dated October 1, 2020 revised to June 14, 2021, prepared by Botero Building Design, Sheet A1.0-A3.0 (4 pgs).
 - d. "Zoning Location Survey 3 Northgate, Westport, CT, Prepared for Thomas Botero" Scale: 1/16" = 1'-0", dated October 1, 2020 revised to June 14, 2021, prepared by Botero Building Design, Sheet S1.0.
 - e. "Soil Report, 3 Northgate, Westport, CT" dated September 21, 2020, prepared by Steven Danzer, PhD & Associates
 - f. "Vegetation & Wildlife Inventory, 3 Northgate, Westport, CT" dated June 13, 2021, prepared by Steven Danzer, PhD & Associates
6. **Previous Permits Issued for this Property:**
 - a. **AA, WPL/E 4910-93:** Screened Porch
7. **Background Information:**

Soil Descriptions**:

Soil Report - prepared by Steven Danzer PhD. on September 21, 2020, describes the following wetland soils occurring on the property:

3- Ridgebury, Leicester and Whitman extremely stony fine sandy loam non-wetland soils as:

73C- Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky:

***Staff determined the flagged locations as acceptable without the need for a formal map amendment, as the lines are relatively similar.*

Descriptions:

3- Ridgebury, Leicester and Whitman extremely stony fine sandy loam: This mapping unit consists of poorly drained soils. These soils are very stony to extremely stony on the surface and throughout the soils profile. The stones and boulders may cover from 3 to 15 percent or more of the soil surface. These soils have either a perched water table or a groundwater table at or near the surface from fall to spring and after heavy rains or long periods of rainfall in summer. The predominant soil in this mapping unit is the Ridgebury, which has a dark gray to black surface soil and a gray mottled subsoil. The topsoil ranges from silt loam to fine sandy loam and the subsoil texture is a fine sandy loam and is moderately permeable. The underlying substratum is a gray to grayish brown dense compact till consisting of fine sandy loam. It has a slow to very slow permeability. The dense compact substratum ranges from 20 to 30 inches below the surface. These soils normally occur in till deposits and drumlins. The Leicester soils are more common in areas of bedrock and near outwash deposits. The Leicester soils have a dark gray to black fine sandy loam surface soil and mottled gray fine sandy loam ranging to sandy loam and is also moderately permeable to depths of 40 inches and more. Any compact substratum is below 40 inches. These soils may also be underlain by sand and gravel deposits in places. All of these soils may have a coarse silt loam surface in places due to sedimentation.

73C- Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky: The Chatfield series consists of moderately deep, well drained, and somewhat excessively drained soils formed in till. They are nearly level to very steep soils on glaciated plains, hills, and ridges.

8. WPLO

Waterway Protection Line is located 15' from the flagged wetland boundary.

9. Property Description and Facts Relative to the Application:

- a. The existing one-bedroom residence was originally built in 1839 according to the Tax Assessors records. The super-structure was removed in May, 2021, leaving the foundation.
- b. The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June, 1983, describes this wetland as "streamside floodplain with a wooded swamp"
- c. The Westport Weston Health District approved an application for a 2-bedroom residence.
- d. The existing septic system will be abandoned with oversight provided by the Westport-Weston Health District. A new 1,000 gal tank and 500 gal pump chamber is proposed outside the 50 ft. upland review area.
- e. Property does not exist within the Aquifer Protection Overlay Zone.
- f. Property does not exist within the Coastal Areas Management Zone.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

10. 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

The Commission finds that the proposed activities include construction of a single-family residence within the 50' review area from wetlands over the existing foundation. This new house construction

will utilize a portion of the previous residence foundation and add additional 13' x 12' foundation to the eastern side of the residence with steps to grade. Additional site activities include constructing a septic system and stormwater drainage system. These features will lie beyond their respective wetland review areas. The Commission finds that the site's predominant feature is ledge and rock outcroppings along with a steep slope down to the wetland area. This wetland discharges to Deadman's Brook found along the southern property line which flows from north to south.

The Commission finds that the proposed septic system consists of three rows of Geomatrix S-Box units, a 1,000 gallon septic tank, and a pump chamber. A small retaining wall will be constructed to allow for required grading around this system. The wall will be constructed prior to commencement of grade changes. An existing septic system and the associated components will be abandoned.

Additionally, a propane tank is proposed along the southeastern end of the residence.

11. 6.2 WATER QUALITY

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

The Commission finds that the applicant proposes to construct a new house over the existing foundation and add a new foundation with crawl space under the proposed addition in the location of the former covered porch. The applicant provides two (2) concrete galleries to manage the new runoff from the roof leaders. The existing gravel driveway will remain in the same location.

The existing septic system is proposed to be abandoned and a new septic tank, pump chamber and septic fields will be installed. The septic field location (Geomatrix S-Box units) will be upland from the 50' review area setback and located uphill from the steep slopes of the eastern portion of the site. The location of the system will require site work to excavate for the tanks, pump line and septic field that will necessitate the removal of shrubs (predominately *Euonymus alatus* - burning bush or winged euonymus) and some mature trees.

Additionally, the proposed retaining wall downslope of the septic field will require additional vegetation removal to allow for adequate soil coverage and grading for the system. The Commission finds that the vegetation removal and grading would potentially be eligible for an Administrative Approval on its own if it were an independent project.

The Commission finds that the applicant shall add a note to the plans that establishes a limit of disturbance to the site, set at the area of the required silt fencing or erosion control means. This would provide an assurance that the applicant would limit activities, during construction of the septic area. This would protect the remaining steep slope areas and assure it is left undisturbed during installation. The Commission finds that the limit of disturbance shall be set at the location of the silt fence and the applicant shall limit any site work on other steep slopes for this permit.

12. 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.

Silt fence is proposed at the limit of proposed septic field and retaining wall installation. The Commission finds that the applicant shall add additional erosion controls to the plans to surround the site disturbance associated with the proposed foundation excavation on site. This site may require the use of staked hay bales in addition to silt fencing, to adequately stop erosion onsite. The overall ground conditions may prove difficult for manual trenching to properly install silt fencing. The Web Soil Survey classifies excavation activities as "somewhat limited" based on the depth to hard bedrock. The Commission finds that the applicant shall add a note to the site plan stating the use of staked haybales shall be added to the proposed row of silt fence for the project.

The predominate landscape attribute of the site being a side-slope, increases the likelihood of erosion problems when the landscape is disturbed. This erosion would be amplified in areas of steep slope. The Commission finds that the erosion and sedimentation during construction activities should not be problem due to the limited excavation proposed but could be problematic to the extent that the contractor should take care to keep all sediment and erosion controls in good condition (installed and maintained) throughout the project.

The Engineering Department was asked for comments regarding this proposal. They reviewed the materials and stated "...the proposed silt fence shall be extended around all proposed work..."

13. 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

The applicant provided a "Vegetation & Wildlife Inventory" by Steven Danzer, PhD. & Associates. The Commission finds that the vegetation and wildlife species provided in this inventory are typical of what one would expect within the residential areas of Westport. The existing site conditions provide the opportunity for an array of habitat potential on this parcel within the wetland corridor flanking the watercourse as Steven Danzer PhD. points out. The applicant states they expect "*no negative impact[s]*" based on this application.

The Commission finds that the work for the house construction and septic tanks will be in areas of the existing house foundation or cleared areas. The septic field work and associated disturbance will be located beyond most of the steep slopes onsite. The rest of the existing site is well protected by mature vegetation and will continue to function as a natural buffer. This will limit intrusion into the wetland areas onsite.

14. 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 Engineering Department was asked for comments regarding this proposal's drainage. They reviewed the materials and stated that the proposal complies with the Town drainage standards. The proposed stormwater system will accommodate the additional runoff for this project by being directed

into two concrete galleries that have a depth of two feet. The Commission finds that the existing site coverage is **876 sq. ft. (3.53%)** and the proposed coverage is **1,052 sq. ft. (4.23%)**. This proposal places the coverage percentage below the 10-25% impervious coverage that will negatively influence water quality. The Commission finds that they do not anticipate impacts from the site runoff of this project.

15. 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 have no significant impact on recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL/E 11341-21
3 Northgate
Assessor's Map: E11 Tax Lot: 045
Date of Resolution: July 21, 2021

Project Description: To demolish the existing structure to the foundation, construct a new, 2-bedroom, single-family residence and small addition and replace the septic system with associated grading and 24 inch boulder wall and drainage. Portions of the work are within the 50 ft. upland review area.

Owner of Record: Carlos Botero & Lina Ochoa
Applicant: Tomas Botero

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 11341-21** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. Permits are not transferable without the prior written consent of the Conservation Commission.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
9. All plants proposed in regulated areas must be non-invasive and native to North America.
10. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
11. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
12. 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.
13. 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.
14. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
15. **A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.**

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a) "Subsurface Sewage Disposal System Installation Plan for Lina Ochoa and Carlos Botero 3 Northgate, Westport, CT," Scale: 1"= 20', dated May 1, 2021 revised to June 15, 2021, prepared by Peak Engineers, LLC, 2 sheets.
 - b) "Site Plan, Ochoa Residence 3 Northgate, Westport, CT," Scale: 1/16" = 1'-0", dated October 1, 2020 revised to June 14, 2021, prepared by Botero Building Design, Sheet S1.0.
 - c) Building Plans "Ochoa Residence 3 Northgate, Westport, CT," Scale: 1/16" = 1'-0", dated October 1, 2020 revised to June 14, 2021, prepared by Botero Building Design, Sheet A1.0-A3.0 (4 pgs).
 - d) "Zoning Location Survey 3 Northgate, Westport, CT, Prepared for Thomas Botero" Scale: 1/16" = 1'-0", dated October 1, 2020 revised to June 14, 2021, prepared by Botero Building Design, Sheet S1.0.
 - e) "Soil Report, 3 Northgate, Westport, CT" dated September 21, 2020, prepared by Steven Danzer, PhD & Associates
 - f) "Vegetation & Wildlife Inventory, 3 Northgate, Westport, CT" dated June 13, 2021, prepared by Steven Danzer, PhD & Associates
17. The applicant shall add additional erosion controls to the plans to surround the site disturbance associated with the proposed foundation excavation prior to the issuance of a Zoning Permit. In addition, the use of staked hay bales shall be added to the silt fencing on site around the house excavation and septic areas.
18. The applicant shall add a note to the plans that establishes a limit of disturbance to the site to the area of the required silt fencing and hay bales or erosion control means prior to the issuance of a Zoning Permit. No other work on other steep slopes is approved for this permit.
19. The septic system "as built" shall be submitted to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
20. The septic system pump chamber shall have a back-up power source in case of power failure.
21. Westport-Weston Health District approval of the septic installer shall be submitted prior to issuance of a Zoning Permit.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval, or has secured this application through inaccurate information.

1 Charcoal Hill Road

12/3/20 – NOV sent for major site work, house additions, new structures, septic, clearing, and grading without permits and within wetland setbacks.

2/8/21 – Application received but incomplete.

6/2021 – ZBA granted a variance for setbacks.
Staff is now working with the applicant toward permit issuance.

61 Richmondville Avenue

6/16/21 – On Conservation Commission work session agenda.

6/24/21 – Permit issued to legalize stone dock and wall.

8 Lone Pine Lane

Planting planned for the Spring 2021 Season – no notice of completion yet.

43 Hermit Lane

2/16/2021 – Complaint received about dumping by 43 Hermit Lane across the street onto 4 Larch Tree.

3/25/2021 – Inspected, but nothing significant noted. Plans to re-inspect when CCC inspection happens.

7/13/2021 – Inspection shows significant dumping at location of complaint and close to wetlands. Spoke to owner about removing within two weeks.

179 Bayberry Lane

5/11/21 - NOV sent for dumping.

5/28/21 – Second NOV sent out for not removing debris.

5 Bayberry Lane

5/11/21 – NOV sent for clearing, digging, and adding drainage.

5/17/21 – Cease and Correct order sent.

5/26/21 – Show Cause Hearing.

6/7/21 – Owners contracted Jeri Barrett, JK Barrett & Associates, and N Hartshorne spoke with Jeri Barrett preparing about a restoration plan.

6/18/21 – Spoke with one owner who was unsure about the necessity of spreading seed and confirmed that it was necessary and required, so owner spread seed by hand.

7/9/21 – Due to the high estimated cost, owners are still trying to find a restoration specialist.

7 Woody Lane

5/13/21 - Sent NOV for dumping and creating a pond.

5/20/21 – Spoke with owner about approving a patio and bridge on condition of removing pond and woody debris.

299 North Avenue

5/25/21 – Shut down tree clearing and sent NOV. Allowed already-cut debris to be removed pending silt fence, which was installed 5/26/21.

4 Fraser Lane

5/25/21 – Shut down tree clearing and sent NOV. Allowed already-cut debris to be removed pending silt fence, which was installed 5/26/21.

3 Bayberry Lane

5/27/21 – Sent NOV for pipe outlet into wetlands.

6/1/21 – Spoke with owners on phone about situation and looking into the volume of drainage there is.

6/24/2021 – Spoke with homeowner on site about issue. Owner will place more rocks around the outlet of the pipe to help break any discharge

24 Spriteview Ave

6/2/21 – Sent NOV for rain garden removal, which was a special condition of approval. Spoke with owner.

Dumping at 240 Saugatuck, 7, 10, 15, and 16 White Woods Lane, and 3 Black Birch Road. Spoke to everyone except 16 White Woods.

3. **1141 Post Road East:** Request for bond release being held for plantings as required by Permits #IWW-10542-18 and #WPL-10543-18.

Ms. Mozian reviewed a request for bond release. The Commission has allowed a partial bond release a year ago. The planting has been in for a full growing season and 99% have survived. The bond does cover additional site monitoring. She had hoped to receive another monitoring report prior to this meeting. She recommended releasing \$57,966.97 and retaining \$5,687.00.

Mr. Kelly noted the site is very well managed.

Ms. Mozian added that the applicant heard from the property owners of 1171 Post Road East that they did not experience flooding during the recent 6.1 inch rainstorm.

Motion to release \$57,966.97.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Carey, Lobdell		
Nayes:	None	Abstentions:	None
			Vote: 5:0:0

4. Review of Commission By-laws.

Ms. Mozian highlighted the changes made to the By-laws.

Mr. Lobdell said some grammatical changes were necessary and he would submit them.

Motion to approve the amended By-laws with an effective date of July 31, 2021.

Motion:	Rycenga	Second:	Lobdell
Ayes:	Rycenga, Lobdell, Bancroft, Carey, Davis		
Nayes:	None	Abstentions:	None
			Vote: 5:0:0

5. Discussion of future Commission meeting location.

Ms. Rycenga noted she shared an e-mail from the First Selectman's office with the Commission regarding the FOIA rules for public meeting effective July 1, 2021 to April 30, 2022.

The Commission and staff discussed the option of continuing to meet via Zoom or to return to in-person meetings.

It was the consensus of the Commission to continue with meetings via Zoom.

6. Other business

- a. 305 Saugatuck Avenue:** Request for bond release being held for plantings held as a condition of Permit #WPL-10067-15.

Mr. Kelly reviewed a request for bond release being held for plantings held as a condition of Permit #WPL-10067-15. He stated he conducted an inspection. The plantings are in and thriving. He is issuing a Conservation Certificate of Compliance. He recommended release of the bond.

Motion to release the bond.

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Carey, Bancroft, Davis, Lobdell		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

The July 21, 2021 Public Hearing of the Westport Conservation Commission adjourned at 9:37 p.m.

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Davis, Bancroft, Carey, Lobdell,		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0