



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
NOVEMBER 17, 2021**

The November 17, 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 November 17, 2021 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Changes or Additions to the Agenda: The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian stated there were three items to add to the Work Session agenda:

- **61 Kings Highway North:** Request for bond release;
- Approval of November 10, 2021 field trip minutes;
- **59 Red Coat Road:** Request by Peter Romano of LandTech to modify Permit #IWW-11237-21 to allow installation of a drinking water well instead of connection to public water.

Motion to accept the changes to the Work Session.

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

Ms. Rycenga took a roll call on who visited the sites. All in attendance, except herself, visited the sites in preparation for the meeting.

Public Hearing: 7:00 p.m.

1. **15 Stony Point Road:** Application #WPL-11337-21 by LandTech on behalf of Encore Holding Revocable Trust & Hunter Holding Revocable Trust for a new residential dock with boat lift and jet ski lift. The proposed activity is within the WPLO area of the Saugatuck River.

Tom Ryder, wildlife biologist with LandTech, presented the application on behalf of the property owners for a new residential dock with boat lift and jet ski lift. They have submitted the application for the dock to the DEEP. The DEEP is ready to issue the permit, it is just awaiting signatures. The dock was reviewed by the Shellfish Commission. The application received Flood and Erosion Control Board approval. This application is consistent with other wooden docks in the vicinity. The boat lift is on the south side and the jet ski lift is on the north side. The tidal wetland is landward of the wall. It was mowed by the previous owners, but they are proposing to install native species and a grass paver walkway. They will be seeding with a salt tolerant mix. They will not be mowing but would like to keep this area as a meadow and have the ability to mow it once a year late in the season to prevent woody vegetation and promote healthy growth the following season.

Ms. Rycenga noted there are 14 pilings and 4 are located within the tidal wetlands.

Mr. Ryder agreed.

Mr. Lobdell asked if a riparian buffer will be established.

Mr. Ryder stated yes. They will just let the existing vegetation grow and reseed with a salt tolerant seed mix. There is no daily tidal wave action or flooding conditions in this area.

Mr. Bancroft confirmed that they would only mow once a year.

Mr. Ryder stated yes.

Mr. Kelly asked how the work would be done.

Mr. Ryder stated the work would be done by barge. He believes all the piling locations can be reached by barge but the last two may have to be installed using a small excavator.

Mr. Kelly asked for an explanation of why the Shellfish Commission asked for a limitation of the time period of when the dock could be installed.

Mr. Ryder stated this is typical. This area of the river is classified as "Prohibited" for shellfish harvest but the Shellfish Commission asked for the dock to be installed outside the spawning season.

Ms. Mozian noted that the DEEP required grass pavers as opposed to solid pavers.

Mr. Ryder agreed that the plans indicate that the plans show a grow-through paver with a honeycomb pattern that makes walking in the tidal wetland easier.

Mr. Lobdell noted that the proposed dock appears to be close to the dock to the north.

Mr. Ryder stated it is sited based on the trees and the substrate.

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

There was no public comment and the hearing was closed.

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

**CONSERVATION COMMISSION
 FINDINGS
 Waterway Protection Line**

Meeting Date 11/17/21 **LOCATION -** 15 Stony Point Road

APPLICANT - LandTech on behalf of Encore Holdings Revocable Trust & Hunter Holdings Revocable Trust

Appl. # WPL-11337-21 **Flood Zone** VE **100yr Flood Elev.** 14.0' **Floodway? (y/n)** no

Regulated Waterbody: Saugatuck River

Waterway Protection Line Ordinance:

Section 30-93 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

Proposal Description: Construct a new residential dock with a boat lift and a jet ski lift. The proposed activity is within the WPL area of the Saugatuck River. Also proposed is a 2'x 176' gravel trench behind an existing seawall with grow-through pavers. Grass paver walkway within tidal wetland.

Property Description: Single-family residence with associated site improvements.

Statement of Problem: All work occurring within the WPLO jurisdictional boundary.

Previous Applications/Permits Filed:

#WPL-11133-20: a new single family residence with in-ground pool, spa, pool fence, patios, driveway, stormwater drainage system and associated site improvements.

WPLO Regulatory issues:

Will the activity cause water pollution, erosion and/or environmentally related hazards to life and property?	No. The applicant will construct the dock utilizing a floating barge and vibratory hammer. The structure is a 4'x 55' timber pier connected to a 3' w x 32' long ramp and 10'w x 10' long
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	float. The dock will be access by a proposed wooden set of stairs from the rear yard.
Will the activity have an adverse impact on the preservation of the natural resources and ecosystems of the waterway?	No. Vibratory hammer work will install timber and only impact immediate areas of each piling. Existing tidal vegetation growth westward of seawall to remain intact, elevated pier will allow for adequate light penetration. Floating dock and boat lifts will have float stops and will not rest on submerged river bottom. Grass paver walkway will consist of stepping stones rather than a linear compacted walkway.
Will the activity 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?	No. Elevated pier and floating dock will allow for routine tidal flows to pass uninhibited. The pier has been designed to minimal size to access the river and does not extend further into the river than the adjacent existing dock. Piling installation will disturb minimal soils immediately around each installation.
Will the activity have adverse impact on habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation?	Minimal impact on habitat diversity expected. Shellfish Commission reviewed proposal and provided recommendations to conduct work between October 1 st through May 31 st any year to avoid spawning season. Additionally, recommended not to mow tidal wetland vegetation landward of the seawall

Issues applicable to all applications:

Stormwater management / Plans	None required by the Westport Engineering Department
Grading	N/A
Sedimentation and Erosion Controls	Limit site work from barge, minimal sediment disruption
FEMA Compliance	N/A
Water Quality Management	N/A

GENERAL notes and Comments:

CT DEEP Notice of Tentative Determination to Approve was submitted on September 27, 2021. CT DEEP Application#2020455822-SDF7W.

The Flood and Erosion Control Board was not able to hold a hearing on this application on October 6, 2021, due to lack of a quorum. Staff expects the application to be reviewed at the next regularly scheduled F&ECB hearing on November 3, 2021.

Conclusion: The Commission finds the proposed pier, ramp, and float do not significantly impact natural resources as they are protected by the Waterway Protection Line Ordinance as long as appropriate conditions are employed.

Conservation Commission
 TOWN OF WESTPORT
Conditions of Approval
Application # WPL-11337-21
Street Address: 15 Stony Point Road
Assessor's: Map B05, Lot 109
Date of Resolution: November 17, 2021

Project Description: Applicant is proposing to construct a new residential dock with a boat lift and a jet ski lift. The proposed activity is within the WPL area of the Saugatuck River. Also proposed is a 2'x 176' gravel trench behind an existing seawall with grow-through pavers. Grass paver walkway within tidal wetland.

Owner of Record: Encore Holdings Revocable Trust & Hunter Holdings Revocable Trust

Applicant: 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-11337-21** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least forty-eight (48) hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. All proposed decks shall be provided with a 6" gravel bed beneath.
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. Conformance to the **November 3, 2021**, Conditions of Approval of the Flood and Erosion Control Board.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a) "Site Improvements for a Proposed Dock **Site Plan** -Sam & Nancy Gault 15 Stony Point Road Westport, Connecticut" Sheet C-1, Prepared by Landtech, Dated June 3, 2021, Scale 1" =20'.
 - b) "Site Improvements for a Proposed Dock **Existing Conditions** -Sam Gault 15 Stony Point Road Westport, Connecticut" Sheet C-O, Prepared by Landtech, Dated November 2, 2020, Scale 1" =20'
17. Applicant submitted to Connecticut Department of Energy & Environmental Protection and received: "Notice of Tentative Determination to Approve Structures, Dredging & Fill and Tidal Wetlands and Intent to Waive Public Hearing Applicant: Encore Holdings Revocable Trust and Hunter Holdings Revocable Trust Application No. 202045822-SDFTW": Currently awaiting final signoff. A copy of the CT DEEP approval shall be submitted to the Conservation Department prior to issuance of a Building permit
18. Dock installation work shall be restricted to between October 1st through May 31st of any given year to avoid oyster spawning season.
19. The tidal wetland area shall be enhanced with seeding mix as proposed, prior to issuance of Conservation Certificate of Compliance and be fully established. Mowing in the tidal wetland area is restricted to once per year in late fall.
20. "No Mowing" signage to be installed prior to work commencement on house and/or dock and remain throughout construction of both.

Ms. Mozian noted there is no Health approval yet.

Mr. Reinheimer stated he does not expect any issues because the septic is located adjacent to Cross Highway.

Ms. Rycenga asked whether a cement wall will support wildlife habitat.

Ms. Mozian stated she understands why the sitting wall around the spa should be solid, but questioned whether the lower wall could be dry-laid.

Mr. Reinheimer noted the lower wall is a retaining wall and may not support the weigh of the fill.

Ms. Rycenga asked about the height of the retaining wall.

Mr. Reinheimer stated 3 feet.

Ms. Rycenga stated as a wetland commission, they need to consider providing habitat opportunities.

Mr. Kelly asked whether a compromise might be to lower the wall in some locations to allow animals to pass over.

Mr. Reinheimer stated it was possible, but they do have to meet the 4-foot pool-code for a fence.

Ms. Rycenga suggested they put some consideration into the wall design to allow passage of small wildlife.

Ms. Rycenga allowed two minutes for submission of public comment.

There was no public comment.

Ms. Mozian noted that a wall redesign may be moot because of the proposed deer fence.

Mr. Reinheimer stated the pool code requires no more than a 2-inch gap beneath a deer fence.

Mr. Kelly noted that the applicant is offering 2,500 s.f. of wetland buffer plantings in an area that is currently lawn as mitigation.

Mr. Carey noted he has a deer fence that acts as a pool fence with a 2-inch gap. There are plenty of small animals and amphibians that get through and under it.

Motion to close the Public Hearing.

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

FINDINGS

**2 Half Mile Common
Application # IWW-WPL/E-11403-21
Assessor's Map: F14 Tax Lot: 053
Public Hearing November 17, 2021**

- 1. Receipt Date:** **November 17, 2021**
- 2. Application Classification:** **Plenary**
- 3. Application Request:** The applicant proposes to install a fieldstone retaining wall, regrade rear yard, install fieldstone seat height walls around existing terrace, build deck around existing spa, deer fence, and landscaping. Portions of the work are within the upland review area setbacks.

4. **IWW and WPLO Regulated Areas:** *IWW setbacks determined for this property include a 30' review area for walls and a 20' non-disturbance buffer for the proposed grading and drainage from wetland boundaries. The proposed activity is outside the WPLO boundary set at 15' from the flagged wetland.*

5. **Plans Reviewed:**

- a) "Site Plan - Ferson Residence 2 Half Mile Common Westport, CT," Scale: 1" = 10', dated 10/11/21, prepared by BHR Landscape Architecture.
- b) "Ferson Residence Site Concept" imagery, prepared by BHR Landscape Architecture.
- c) "Ferson Residence Existing Conditions" pictures, prepared by BHR Landscape Architecture.
- d) "Zoning/Location Survey Map of Property Prepared for Richard N. Glaser & Mary Ellen Glaser 2 Half Mile Common Westport, CT", Scale 1" = 30', dated 8/24/07 and last revised to 11/21/17, prepared by Walter Skidd Land Surveyor.
- e) "Site Plan, Details & Notes Heritage Building Group 2 Half Mile Common Westport CT," Scale: 1" = 20', dated 9/5/07, prepared by Chappa & Paolini Engineers, Sheet 1 of 1.

6. **Previous Permits Issued:**

- **AA-WPL/E 8199-07:** New single-family residence
- **AA-WPL/E-10272-16:** Spa and an outdoor barbeque area.

7. **Background Information:**

The Commission finds that the map amendment was accepted for permit AA-WPL/E-10272-16: utilizing soils report provided by Aleksandra Moch, dated 5/4/16 revised to 8/7/16. **The Commission finds that the determined the flagged locations as acceptable. It describes the following wetland soils occurring on the property:

Soil Descriptions:**

13- Walpole Sandy Loam: This component occurs on outwash plain terrace, depression, and drainageway landforms. The parent material consists of sandy and gravelly glaciofluvial deposits from gniess, granite, and schist. The slope ranges from 0 to 3 percent and the runoff class is very low. The depth to a restrictive feature is greater than 60 inches. The drainage class is poorly drained. The minimum depth to a seasonal water table, when present, is about 6 inches. The maximum calcium carbonate within 40 inches is none.

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

8. **Property Description and Facts Relative to the Application:**

- The existing residence was originally built in 2008.
- The Westport Wetlands Inventory, prepared by Flaherty Giavara Associates, P.C., dated June 1983, describes this wetland as "streamside floodplain with a wooded swamp"
- Westport Weston Health District received the application submittal 10/1/21. We are awaiting final approval.
- Property does not exist within the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

9. **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 retaining wall within the 30' upland review area from wetlands and back filled with soil. Additionally, a proposed sitting wall and deck will be installed surrounding an existing rear patio and spa. Regrading existing lawn area about 3% in the rear yard is also proposed. All these activities are greater than the 30'/20' respective review area setbacks from wetlands.

The Commission finds that the site's predominant feature is manicured lawn in the upland areas with a wooded swamp wetland. This wetland lies within the Deadman's Brook watershed and lies ~825' east of the main channel of Deadman's Brook.

10. 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 applicant proposes to construct a wall in the rear yard to level the area for play. The existing area is utilized as manicured lawn and will remain so with added plantings along the edge of the proposed wall and within the 20 ft. upland review area. The applicant states the change will reduce the amount of chemicals and fertilizer used on this property. The applicant states that the planting will promote revegetation of the area between the proposed wall and existing wetland area.

It is anticipated that the existing septic system and drainage systems onsite will not be disturbed by this proposed activity. The applicant shall provide the Westport Weston Health District approval prior to the issuance of a Zoning Permit.

The Commission finds that the plans shall be revised to establish 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 and contractor would limit activities, during construction of the wall. This would protect wetland areas and assure it is left undisturbed during construction. The Commission finds that the applicant shall conduct a pre-construction meeting with the contractors and Conservation Department Staff, onsite, to define the work area and establish sediment and erosion controls.

11. 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 that the silt fence is proposed at the limit of the proposed retaining wall installation. Access to the site from Half Mile Common will be by way of an anti-mud tracking pad 12'x 30' in size. Additionally, a silt fence is proposed around a temporary stockpile location.

The Web Soil Survey classifies shallow excavation activities onsite as "very limited" based on the depth to saturated zone. The Commission finds that a note shall be added to the site plan stating: "The use of staked haybales shall be installed behind the proposed row of silt fence prior to starting the project to aid in support during wall construction." The Commission finds that the erosion and sedimentation during construction activities should not be a problem due to the limited excavation proposed but could be problematic if not maintained. The contractor should take care to keep all sediment and erosion controls in good condition (installed and maintained) throughout the project.

12. 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 Commission finds that the applicant provides a mitigation planting of native vegetation. Twenty-seven (27) native, non-invasive plants are proposed along north side of the proposed wall to create a buffer to the wetlands. Additionally, the perimeter of the back half of the yard will be planted to promote a naturalized area for wildlife species. The existing site conditions provide the opportunity for an array of habitat potential on this parcel within the wetland corridor. The applicant states they expect “no negative impacts” based on this application.

13. 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 Commission finds that the no drainage is proposed as part of this proposal. Therefore, the Engineering Department was not asked for comments regarding this proposal. The wall and fill of the rear yard will slope from the rear of the house (**elevation ~206'**) to the top of the wall (**elevation ~203.6**). The existing elevation near the proposed wall construction is **elevation ~202'**. The proposed work should not adversely impede stormwater across the rear yard.

The existing site coverage is **5,027 sq. ft. (14.70%)** and the proposed coverage is **5,576 sq. ft. (16.30%)**. This proposal places the coverage percentage within the 10-25% impervious coverage that will negatively influence water quality. However, The Commission finds that the change is 549 sq. ft. increase and anticipates minimal impacts from the increase in site runoff of this project. Still, it is common practice to place gravel beneath decking material to provide some drainage.

14. 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 11403-21
2 Half Mile Common
Assessor's Map: F14 Tax Lot: 053
Date of Resolution: November 17, 2021

Project Description: To install a fieldstone retaining wall, regrade rear yard, install fieldstone seat height walls around existing terrace, build deck around existing spa, deer fence and landscaping. Portions of the work are within the upland review area setbacks.

Owner of Record: Caroline & Daniel Ferson

Applicant: Bruce Reinheimer, BHR Landscape Architecture

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 11403-21 with the following conditions:

Completion of the regulated activity shall be within FOURTEEN (14) 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 NINETEEN (19) years.

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) “Site Plan - Ferson Residence 2 Half Mile Common Westport, CT,” Scale: 1” = 10’, dated 10/11/21, prepared by BHR Landscape Architecture.
 - b) “Ferson Residence Site Concept” imagery, prepared by BHR Landscape Architecture.
 - c) “Ferson Residence Existing Conditions” pictures, prepared by BHR Landscape Architecture.

- d) "Zoning/Location Survey Map of Property Prepared for Richard N. Glaser & Mary Ellen Glaser 2 Half Mile Common Westport, CT", Scale 1" = 30', dated 8/24/07 and last revised to 11/21/17, prepared by Walter Skidd Land Surveyor.
- e) "Site Plan, Details & Notes Heritage Building Group 2 Half Mile Common Westport CT," Scale: 1" = 20', dated 9/5/07, prepared by Chappa & Paolini Engineers, Sheet 1 of 1.

- 17. Submit Westport Weston Health District approval prior to the issuance of a Zoning Permit.
- 18. The plans shall be revised to include 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.
- 19. Haybales shall be added to the row of proposed silt fence to provide added protection during wall construction.
- 20. A pre-construction meeting shall be conducted with the site contractors and Conservation Department onsite to define the work area and establish sediment and erosion controls.
- 21. Gravel should be installed beneath the deck material for drainage.
- 22. Proposed plantings must be installed prior to issuance of a Certificate of Compliance.
- 23. A bond to cover the cost of plantings shall be submitted prior to the issuance of a Zoning Permit and will be held for one full growing season after installation.

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: Carey

Second: Lobdell

Ayes: Carey, Lobdell, Rycenga, Davis, Bancroft

Nays: 0

Abstentions: 0

Vote: 5:0:0

- 3. **5 Pebble Beach Lane:** Application #WPL-11404-21 by Bill Achilles, Achilles Architects on behalf of Jamie & Glenn Camche for additions and alterations to existing residence including lifting the structure to meet FEMA requirements and constructing a pool and patio. The proposed activity is within the WPLO area of the Saugatuck River. The pool was not approved at this time.

Bill Achilles, AIA and Rick Burke, builder, were present on behalf of the property owners.

Mr. Achilles reviewed the site plan. He explained the house is non-conforming to FEMA standards, but it is a split-level. Therefore, they are proposing to abandon the first floor and install flood openings and water resistant materials as well as filing a non-conversion agreement with Planning & Zoning, so it remains unlivable. A portion of the proposed first floor will be raised. Additions will be added to the front, the south side and a portion of the rear. The alcove area in front of the house will be closed in. A new deck with steps to grade, pool and pool patio are added. Health Department approval has not been secured yet. The pool will be 3 to 6 feet in depth. They do not expect to intercept groundwater but a pump system for drainage will go into a dirtbag if need be. An anti-mud tracking pad is proposed along the majority of the front of the house. Perimeter landscaping already exists on all 3 sides of the property and is proposed to remain. There is a new fence for the pool. He noted staff's comments regarding converting the existing driveway to a permeable driveway. He stated it is the owner's and builder's preference to retain it as an asphalt drive. They have received Flood and Erosion Control Board approval. They have ZBA approval. They are within coverage requirements.

Ms. Rycenga noted there are no structural renderings for the pool submitted with the application. She asked how deep the pool would be.

Mr. Achilles stated it would be a maximum of 6 feet deep.

Mr. Carey asked for an explanation of the entrance to the house.

Mr. Achilles reviewed the cellar plan and the flood openings, the entrance location, and the staircases. The main entrance will be on the north side.

Mr. Bancroft verified the rear patio will be pervious as recently noted on the updated plans.

Mr. Achilles stated yes.

Ms. Rycenga stated that the Commission does not normally approve plans without Health Department approval or pool structural details to verify depth.

Mr. Achilles indicated that he understood but is hoping that the Commission will allow staff to approve the design once they have Health approval.

Ms. Mozian asked what the ZBA variance was for.

Mr. Achilles stated it was for setbacks.

Mr. Kelly noted the amended plans dated November 15, 2021 did make changes in response to staff comments, but he asked about considering making the driveway permeable, especially given that it will be used for the entrance during construction. It would be an opportunity to introduce a feature that will benefit water quality. He noted that impervious cover in high density areas will impair water quality.

Mr. Achilles agreed they could make that change. He also noted the pool patio will be permeable.

Mr. Kelly stated they would need a detail.

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

There was no public comment.

Mr. Achilles stated this house design is modest compared to others in the neighborhood.

Motion to close the Public Hearing.

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

The Commission reviewed the Draft Resolution.

The Commission discussed they did want a permeable driveway. It was okay for the staff to issue a staff level permit for the pool once Health approval was obtained if the dimensions remained the same (30' X 12') and it had not greater than a 6-foot depth.

FINDINGS
Application #WPL-11404-21
5 Pebble Beach Lane
Assessor's Map: B02 Tax Lot:112
Public Hearing: November 17, 2021

1. **Application Request:** Applicant is proposing to lift the existing structure to meet FEMA requirements, add a new second story as well as two, two-story additions, a new deck, pool, patio, a/c unit and generator. The proposed activity is within the WPLO area of the Saugatuck River.
2. **Plans reviewed:**
 - a) **"Plot Plan** Prepared for Glen & Jamie Camchi 5 Pebble Beach Lane Westport, CT", prepared by Leonard Surveyors, scale 1" =10', dated 7/28/21

- b) **“Proposed Site Plan - Additions & Alterations to 5 Pebble Beach Lane Westport CT”**, prepared by Achilles Architects, dated 9/2/21, scale: 1” = 10’, Sheet S-1.
 - c) **“Proposed Drainage, S&E Plan - Additions & Alterations to 5 Pebble Beach Lane Westport CT”**, prepared by Achilles Architects, dated 10/5/21 and last revised to 11/15/21, scale: 1” = 10’, Sheet S-2.
 - d) **Architectural Plans** “Additions & Alterations to 5 Pebble Beach Lane Westport CT”, prepared by Achilles Architects, dated 9/2/21, scale: 1” = 10’, Sheets A-1 to A-7.
 - e) **“Drainage Computations** for the proposed Additions, Pool, Patio & Site Improvements at 5 Pebble Beach Lane Westport, CT”, prepared by Chappa Site Consulting, dated 10/4/21.
3. **Property Description:**
- a) **Lot area: 11,090 sq. ft. or .25 acres**
 - b) **Location of 25-year flood boundary:** 9 ft. contour interval. Property is located entirely within the WPLO boundary.
 - c) **Property is situated in Flood Zones AE (el. 13’**as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.
 - d) **Existing First Floor Elevation:** 12.4 ft. msl
 - e) **Proposed First Floor Elevation:** 16. 5 ft.
 - f) **Proposed garage floor elevation:** 8.2 ft.
 - g) **Existing Site Coverage: 19.89%** (2,206 sq. ft.)
 - h) **Proposed Site Coverage: 22.81%** (2,530 sq. ft.)
 - i) **Existing Building Coverage: 15.29%** (1,696 sq. ft.)
 - j) **Proposed Building Coverage: 14.97%** (1,660 sq. ft.)
 - k) **Sewer Line:** The existing residence is serviced by municipal sewer.
 - l) **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.
4. **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.
5. **Proposed Storm Water Treatment:** The applicant states that the storm water runoff from the proposed residence and pool is to be discharged to an onsite system comprised of five (5) precast concrete galleries. They will be place in two locations, two units near the northwest corner of the residence and three rows on the southern side of the proposed pool. The plans show roof leaders from the residence and the proposed patio slot drain directed to this system. The “Drainage Computations” state that the system has been sized to “handle the first 1.0” of rainfall from the proposed impervious patio areas...” This is known as treatment of the Water Quality Volume (WQV).

The existing driveway is asphalt, no changes are proposed. An anti-mud tracking pad is proposed within this driveway with the note “as required.” Silt fencing is proposed around the perimeter of the property. A temporary stockpile area is depicted on the plan in the southern portion of the site. A dewatering plan is depicted on the plans which requires the southern drainage galleries be installed and utilized as the temporary discharge location. This will manage the dewatering pump discharge, after it passes through a “dirtbag” filter, used during pool excavation activity.

Though no pool details were submitted with the application, Schedule D states the pool will be 6 ft. deep maximum to avoid going too far into groundwater. Mean high water elevation in the area is 3.3 ft. msl. Though no spot elevations are shown in the vicinity of the pool, we can assume because the lot is relatively flat. The average grade is similar to the grade of the existing garage floor which is 8.2 ft. msl. Therefore, the bottom of a 6ft. deep pool would be about 2.2 ft msl or about 1.1 ft into groundwater during high tide conditions. No approval for the pool from the Health District has been submitted.

The Engineering Department has stated this drainage proposal substantially complies with their drainage standards and accommodates the Water Quality Volume (WQV). No Low Impact

Development (LID) features to address water quality such as rain gardens, permeable patio or driveway and/or site landscaping are proposed.

6. Previous Permits issued:

- CAM/E-4625-92: Small deck off bedroom
- CAM/E-4735-93: Second floor renovation
- CAM/E-5035-94: Deck
- WPL/E-9501-13: Fence

The Flood and Erosion Control Board approved the application with standard conditions on November 3, 2021. The F&ECB required that additional spot elevations in the rear yard be added to the site plan prior to issuance of a zoning permit.

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

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

The Commission finds that the entire property lies within the WPLO boundary. The application proposes to make changes to the residence to be FEMA compliant. The existing house is a raised ranch design that was constructed in 1962. The proposed work will be done to conform to FEMA standards with the first habitable floor being set at el. 16.6' msl with portions of the old front entrance lifted out of the Base Flood Elevation (BFE) area. The existing garage space and lower level will remain unfinished and used for storage. The applicant has stated they intend to comply with FEMA requirements by following procedures to file a Non-Conversion Agreement on the land records. This is in accord with the Planning & Zoning Department procedures for properties within the Special Flood Hazard Area, which exempt floor area below BFE. Living area for the residence will be constructed above the 100-year base flood elevation (el. 13'). The garage is proposed at elevation 8.2', and the survey shows the surrounding existing grade at an elevation of 8.3' to 8.9'. The Commission finds that the flood openings (Smart Vent) are proposed to meet FEMA requirements and should be verified by the Engineering Department or Planning & Zoning Department.

The Commission finds that the applicant has proposed a generator above base flood elevation and a stair for access to the utility/electrical panel located on the east side of the residence.

The Commission finds that the existing front stairs/stoop will be removed and not replaced due to stair access from the interior of the house. A new deck with stair access is proposed in the rear of the house. A 10' x 17', two-story addition is proposed on the western side of the residence as well as 3' x 11'10' addition. A two-story addition to the front of the residence (north side) 15'-4" wide is proposed along with "infill" along the lower level, front of the residence. Furthermore, a complete second floor addition with an attic above will be added.

A new patio, and a 12'x 30' swimming pool are proposed on rear of the residence. The pool requires Westport Weston Health District approval. The Commission finds that Test Pit #101 shows ground water at 54" (~elevation 3.7') No structural drawings verifying the pool depth were submitted with the application but Schedule D notes it as 6 ft. maximum. The Commission finds that the applicant has provided a dewatering plan utilizing the proposed drainage system. The Commission finds that the pool approval requires Health approval and specific structural details: including that the pool depth will not exceed six (6) ft. The pool is not approved by this permit. The Commission finds that the applicant may seek administrative review for a pool in the future if provided with Health approval and specific structural details and dimensions of 30' x 12'.

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. Proposed site coverage is to be **22.81%** which is within the 10-25% cover that will impact water quality. It should be noted that building coverage onsite is proposed to be reduced from **15.29% to 14.97%** or **36 sq. ft.** The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck Shores is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. The Commission finds that the applicant has revised the plans to show proposed pervious patio and pervious driveway to address water quality concerns. A detail of both shall be provided to verify permeability.

The Commission finds that the stormwater runoff associated with the residence is directed to the two underground detention systems. The rest of the site topography of the site is relatively flat with no other concentrated stormwater runoff areas noted other than the existing driveway. Sediment and erosion controls are shown on the plan. Construction access and material stockpiles are limited due to the site size. A silt fence is depicted around the property. Frequently, due to the density of the neighborhood, contractors park wherever the opportunity allows. The Commission finds that the additional stone shall be provided for anti-mud tracking use along the portions of the property line (along the street line) used for construction access and contractor parking to reduce the likelihood of transporting soil to the storm drains located on the eastern side of Pebble Beach Lane.

The Commission finds that the Applicant provided drainage to treat the first inch of runoff from the impervious areas proposed onsite, which is considered the Water Quality Volume (WQV). A conventional asphalt driveway is proposed to remain (510 sq. ft.). Since the proposed coverage of 22.81% falls within the range that the CT DEEP Stormwater Manual finds will adversely impact water quality, The Commission finds that the applicant shall provide a replacement, pervious driveway as a Best Management Practice (BMP) to mitigate for the water quality impacted by stormwater runoff generated by the onsite impervious cover.

Additionally, The Commission finds that a patio detail is not provided. The Commission finds that the use of stone dust or concrete as the underlying material is un acceptable. As stone dust easily compacts and becomes impermeable and concrete is impermeable, The Commission finds that a patio detail be provided to show the use of sand or other pervious product to allow for water infiltration. These actions would allow an opportunity to reduce the amount of stormwater runoff from the driveway and proposed patio. The Commission finds that the that the design engineer shall witness and certify the construction of the permeable driveway and patio and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. Additionally, the permeable surfaces shall remain so in perpetuity, with this requirement recorded on the land records, to give assurance that there will be long-term effectiveness of the BMP.

No other BMPs are provided with the application to address stormwater runoff. The Commission finds that the applicant shall requires a site landscape plan due to the existence of evergreens along the perimeter of the year yard, will be maintained.

The Commission finds that the project will not adversely impact the natural resources and ecosystem of the Waterway Protection Line Ordinance.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # WPL 11404-21
Street Address: 5 Pebble Beach Lane
Assessor's: Map B02 Lot 112
Date of Resolution: November 17, 2021**

Project Description: To renovate the existing structure to meet FEMA requirements, add a new second story as well as two, two-story additions, a new deck, pool, patio, a/c unit and generator. The proposed activity is within the WPLO area of the Saugatuck River.

Owner of Record: Jamie & Glenn Camche

Applicant: Bill Achilles, Achilles Architects

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 11404-21** with the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.
2. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. The Conservation Department shall be notified at least **forty-eight (48) hours** in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
5. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
6. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
7. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
8. All plants proposed in regulated areas must be non-invasive and native to North America.
9. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
10. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
11. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
12. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
13. Any on-site dumpster shall be covered at the end of each workday to prevent debris/litter from inadvertently entering surrounding wetlands and/or watercourses.
14. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
15. Conformance to the conditions of the Flood and Erosion Control Board of **November 3, 2021**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a) "**Plot Plan** Prepared for Glen & Jamie Camchi 5 Pebble Beach Lane Westport, CT", prepared by Leonard Surveyors, scale 1" = 10', dated 7/28/21.
 - b) "**Proposed Site Plan** - Additions & Alterations to 5 Pebble Beach Lane Westport CT", prepared by Achilles Architects, dated 9/2/21, scale: 1" = 10', Sheet S-1.
 - c) "**Proposed Drainage, S&E Plan** - Additions & Alterations to 5 Pebble Beach Lane Westport CT", prepared by Achilles Architects, dated 10/5/21 and last revised to 11/15/21, scale: 1" = 10', Sheet S-2.
 - d) **Architectural Plans** "Additions & Alterations to 5 Pebble Beach Lane Westport CT", prepared by Achilles Architects, dated 9/2/21, scale: 1" = 10', Sheets A-1 to A-7.
 - e) "**Drainage Computations** for the proposed Additions, Pool, Patio & Site Improvements at 5 Pebble Beach Lane Westport, CT", prepared by Chappa Site Consulting, dated 10/4/21.

17. The proposed pool is not approved. An administrative review may be sought for approval by staff for a pool, in the future, if provided with Health approval, structural details showing pool depth not to exceed 6 ft., and dimensions of 30 ft. x 12 ft. Otherwise, the applicant can reapply to the Commission.
18. Additional stone for anti-mud tracking use shall be installed along the portions of the northern property line used for construction access and contractor parking
19. The driveway and patio must be constructed as permeable and remain so in perpetuity with this requirement placed on the land records prior to the issuance of a Conservation Certificate of Compliance.
20. The Design Engineer shall witness and certify the construction of all permeable surfaces proposed for this project (driveway, walkways and patios) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
21. Driveway and patio detail shall be submitted prior to the issuance of a Zoning Permit.

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

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

Motion: Lobdell

Second: Bancroft

Ayes: Lobdell, Bancroft, Rycenga, Davis, Carey

Nays: 0

Abstentions: 0

Vote: 5:0:0

4. **42 Burr Farms Road:** Application #IWW,WPL-11409-21 by Jake Vanderkamp of Galt Renovations on behalf of Michel & Susan Nahon to expand an existing deck and construct a two-story addition to an existing residence. Portions of the proposed activity are within the upland review area and the WPLO area of an unnamed tributary to Muddy Brook.

Jake Vanderkamp, builder, presented the application on behalf of the property owners. They are proposing a 328 s.f. 2-story addition and deck within the setbacks. They will remove the trampoline and add new buffer plantings in an area of about 41 s.f. where the trampoline was. He provided a list of native plantings that exist and those that are proposed. He noted they originally proposed having a diagonal edge to the deck to avoid the WPLO but have decided to ask for the squared off deck after conversations with staff.

Mr. Carey noted that on Schedule D it notes there **will be** an impact to the wetlands. He stated he believes that it was meant to state there will not be an impact. A revised Schedule D should be submitted.

Mr. Bancroft stated that squaring off of the deck will not be a problem to his mind.

Mr. Kelly noted this would be a raised deck so there would only be support columns in the WPLO. He asked how many columns would be in the WPLO.

Mr. Vanderkamp stated three, 12-inch sonotubes would be needed.

Ms. Mozian noted that the Flood and Erosion Control Board approved the application.

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

There were no public comments and the hearing was closed.

Motion: Rycenga

Second: Carey

Ayes: Rycenga, Carey, Bancroft, Davis, Lobdell

Nays: None

Abstentions: None

Vote: 5:0:0

The Commission reviewed the Draft Resolution.

Mr. Davis asked why condition 19 was an “and/or” situation relating to the raingarden or the gravel.

Mr. Kelly explained that the Engineering Department will oversee the excavation of the over mulching that has occurred over the in the raingarden. If excavation of the mulch cannot be achieved to allow full functioning of the raingarden, then Engineering will require more gravel under the deck to compensate from the runoff.

FINDINGS
42 Burr Farms Road
Application # IWW, WPL-11409-21
Assessor’s Map: F11 Tax Lot: 063
Public Hearing: November 17, 2021

1. **Receipt Date:** November 17, 2021
2. **Application Classification:** Plenary
3. **Application Request:** Construct a proposed 328 sq. ft. two-story addition to the existing residence and, a proposed deck extension with steps to grade. The addition and deck are within the upland review area from wetlands and portions of the deck are proposed within the WPLO.
4. ***IWW and WPLO Regulated Areas***
This property is regulated by the Inland Wetland and Watercourse Regulations and Waterway Protection Line Ordinance. The wetlands were flagged by soil scientist, Jay Fain, and includes an unnamed water course, which flows from the north to south through the site (~240 feet in length). IWW setbacks determined for this property include a 50’ review area for additions, 30’ review area for the deck extension, and a 20’ non-disturbance buffer. The addition to the residence and deck would be located within each applicable setback under these regulations.

The Waterway Protection Line Ordinance dictates that the WPL boundary be located 15’ from the wetland line. Approximately 219 sq. ft. of the deck construction is proposed within the WPL area triggering Flood & Erosion Control Board and Conservation Commission approvals.
5. **Plans reviewed:**
 - a) **“Zoning/Location Survey Map of Property prepared for Michel R. Nahon & Susan V. Nahon”**, dated 11/29/12, last revised 7/7/21, prepared by Walter H. Skidd, Land Surveyor LLC.
 - b) **Architectural Plans: Proposed Addition & Alteration for the: Nahon Residence 42 Burr Farms Road Westport, CT**”, dated 7/20/21, 6 pgs.
6. **Background Information:**
 - a) The existing house was built in 1954 and remodeled in 2013. It is served by a septic system.
 - b) The property is 0.9742 acres (42,428 sq. ft.) in size; located in Residential Zone AA.
 - c) The parcel is located within the Muddy Brook watershed, an unnamed tributary flows from the north to the south, through the property.
 - d) This property is not within a flood zone.
 - e) The property is not within the Aquifer Protection Overlay Zone.
 - f) Property does not exist within the Coastal Areas Management Zone.
 - g) The Waterway Protection Line is established 15’ from the wetland boundary onsite.
7. **Soils Description:**
Soil Report Summary- prepared by Jay Fain & Associates, LLC on November 19, 2012, describes the following wetland soils occurring on the property:
Ridgebury, Leicester and Witman 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.
8. **Previous Permits issued:**
 - **IWW-WPL/E-9299-12:** One story addition over existing stone terrace, second story addition over existing garage, new septic system
 - **IWW/M-9597-13:** Map amendment

- **AA-WPL/E-9856-14:** 20kw Generator
- **AA-WPL/E-9792-14:** Construct a rear deck
- **AA-WPL/E-10628-18:** 18'x18' Permeable patio

9. Property Description:

Lot Area: 0.9742 acres (42,428 sq. ft.)
Wetlands/Watercourse: 0.21 acres (9,280 sq. ft.)
WPLO boundary: 15' from the edge of wetlands.
Finish Floor Elevation: 182.98'.
Lower Level Floor Elevation: 178.58'
Proposed Garage Elevation: 178.43'
Average Grade Elevation: 179.15'
Existing Site Coverage: 9.1% (3,147.9 Sq. Ft.)
Proposed Site Coverage: 11.7% (4,054.9 Sq. Ft.)

10. 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

Discussion:

The Commission finds that the proposal is a request to construct a two-story addition (328 sq. ft.) located partially over portions of a previously approved deck (c. 2014). The addition will be constructed with a crawl space foundation. A deck extension (579 sq. ft.) using 9 pilings is also proposed to extend from the addition to the north and east to connect with the remaining deck. The proposed addition falls within the 50' review area setback from wetlands and the deck falls within 30' review area setback from wetlands and a portion lies within the WPLO.

The deck is proposed to have 6" thick $\frac{3}{4}$ " gravel under the deck to match the existing condition of 6" of gravel in place under the existing deck. The Commission finds that the plans for the deck show a diagonal line within the proposal. The Commission finds that the Staff directed the applicant to propose a deck extension as they and their clients would prefer (within the WPLO) and show the deck if it would comply with staying outside of the WPLO. The result of the smaller deck would consist of a ~3.5' width of deck around the proposed addition to access the existing deck from the proposed deck.

The Commission finds that the applicant has stated in the application materials their intent to keep surrounding grades at existing elevation. Sediment and erosion controls will be utilized, including silt fencing around the disturbed areas, and providing a tracking pad along the access from Burr Farms Road. Additionally, the applicant plans to excavate materials for the crawl space and direct load the soil into dump trucks for removal.

The Commission finds that the applicant has stated the size of the addition is to allow for expanding the existing kitchen to allow room to dine and provide a pantry for storage. An existing landscaping plan installed c. 2018 will be supplemented with additional plantings as part of the proposal. The Commission finds that the existing vegetation onsite shall remain and be supplemented as proposed, abutting the watercourse that flows from north to south. These plants currently provide a riparian buffer (~3,657 sq. ft.) and separates the yard from the wetlands. A detailed list of the existing plants, and photos of the plantings onsite have been included.

The Westport Weston Health District approved the plan on September 14, 2021.

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

Discussion:

The Commission finds that the stormwater runoff for the existing deck is directed to the 6" of gravel beneath. The existing house drains are to grade. The applicant states that a landscape plan was completed by a Landscape Architect in 2018. The applicant states that the plantings function as a rain garden. Conservation Department and Engineering Department staff found no depressed areas to function as a rain garden. The Flood & Erosion Control Board conducted their hearing on November 3, 2021. At this hearing, staff discussed the recommendation to excavate material from the planted beds to create a functioning raingarden with storage to meet the Town Drainage requirements. In discussions with Ted Gill, Westport Engineering Department, the applicant may choose to do this work, or they may choose to comply by providing an increase to the gravel area under the proposed deck. This gravel should be 9" thick to provide the needed required volume.

The Commission finds that the existing planted buffer along the wetland area of the yard appears healthy and an effective delineation of the manicured lawn area from the wetland area. Additionally, the applicant is proposing to remove an existing trampoline and replacing it with more plantings as part of this proposal. The Commission finds that the landscape buffer is a benefit in that it can be an effective treatment of sheet flow runoff from the manicured yard to a water course.

The gravel storage reservoir beneath the deck will manage the first inch of runoff for collection of the Water Quality Volume.

This unnamed watercourse drains to an unnamed tributary of Muddy Brook. Muddy Brook lies ~4,500' to the south of this property. The water quality classification for Muddy Brook (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), is Class A water. The Class A designation indicates that this is uncontaminated surface water, is uniformly good to excellent, natural quality.

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.

Discussion:

The Commission finds that the applicant discusses the use of sediment controls within the Schedule C documented response but is not shown on the site plan. This consists of a silt fence, 100' long, centered on the site construction, running parallel to the watercourse and wetlands. They also propose an anti-mud tracking pad to be placed along the western property line to access Burr Farms Road. This will be 10'x40' in length and consist of quarry stone process.

The Commission finds that the applicant is expecting to excavate ~44 cubic yards of fill for the work to proceed. This excavated material will not be stored onsite, as it will be direct loaded on to awaiting trucks. The general area of disturbance, as proposed, is relatively small and manageable. The

Commission finds that the proposed sediment and erosion controls should be adequate, however, the site plan should be updated to include the location of the silt fence.

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.

Discussion:

Vegetation within the stream/wetland provides shelter and habitat for wildlife. The Commission find that the buffer created by the owner is an overall benefit to the wetland habitat. The applicant has provided a list of the significant planting/buffer onsite with photos and plant identification. The applicant is also providing additional plantings within an area of a trampoline that has been removed. The vegetation within the wetlands helps shade the water and provide cover for invertebrates, fish, and terrestrial animals. Additionally, plantings provide the main source of organic detritus forming the basis of the food chain. The Commission finds that every effort should be made to preserve this buffer and allow it to mature.

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

Discussion:

As discussed in Section 6.2, The Commission finds that the applicant has proposed utilizing the existing planted buffer as a rain garden in addition to providing 6" thick layer of $\frac{3}{4}$ " gravel beneath the deck. The Engineering Department has stated that the rain garden areas must be excavated to provide storage for an effective rain garden, as a site inspection revealed the planted area may have been mulched over reducing its effectiveness for storage. An additional option would be to add additional gravel storage under the proposed deck area to meet the drainage requirement.

The Commission finds that either option proposed would provide drainage and is an improvement to the existing condition. The collection of stormwaters will allow for some type of pre-treatment of runoff compared to the existing condition. The Commission finds that the Westport Engineering Department should oversee the excavation of the rain garden areas and/or send the Conservation Department staff notice that verifies the depth of gravel beneath the deck as part of their final review for the 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.

Discussion:

The property currently does not provide public or recreational use. The proposed development will not affect recreational and public uses, navigable channels and/or small craft navigation.

16. CRITERIA TO BE CONSIDERED BY THE COMMISSION

In carrying out the purposes and policies of the IWW regulations for the Town of Westport Section 5.0 and Sections 22a-36 to 22a-45(a,) inclusive, of the Connecticut General Statutes, including matters relating to regulating, permitting and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.
- c) The relationship between the **short-term** and **long-term impacts** of the proposed regulated activity on wetland or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity **would foreclose a future ability to protect**, enhance or restore such resource and any mitigation measures which may be considered as a condition of issuing a permit for such activity
- e) The character and degree of injury to, or interference with, safety, health or reasonable use of property which is caused or threatened by the proposed regulated activity
- f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and **future activities** associated with, or reasonably related to, the proposed regulated activity **which are made inevitable** by the proposed regulated activity and which may have an impact on wetlands or watercourses.; and
- g) The degree to which the proposed activity is consistent with all applicable goals and policies set forth in Section 1.3 and 1.4 of these Regulations and Section 22a-36 of the Connecticut General Statutes, as amended.

17. Waterway Protection Line Ordinance

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

The Waterway Protection Line boundary exists 15' from the wetland line onsite. The Flood & Erosion Control Board has approved this application on November 3, 2021, with standard conditions.

The Commission supports the applicant's effort in utilizing existing plantings within the WPLO for water quality treatment of runoff.

As stated in Section 6.1, The Commission finds that the applicant proposed a deck extension as they and their clients would prefer (within the WPLO) and show the deck if it would comply with staying outside of the WPLO. The result of the smaller deck would consist of a ~3.5' width of deck around the proposed addition to access the existing deck from the proposed deck. The Commission finds that the additional work within the WPLO with four to five additional pier supports was a reasonable request. The Commission finds that the native plantings in the existing buffer are enough of a positive benefit within the WPLO to offset the limited construction of the deck.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL-11409-21
42 Burr Farms Road**

Assessor's Map: F11 Tax Lot: 063
Date of Resolution: November 17, 2021

Project Description: To construct a proposed 328 sq. ft. two-story addition to the existing residence and, a proposed deck extension with steps to grade. The addition and deck are within the upland review area from wetlands and portions of the deck are proposed within the WPLO.

Owner of Record: Michel & Susan Nahon
Applicant: Jake Vanderkamp, Galt Renovations

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-11409-21** with the following conditions:

Completion of the regulated activity shall be within FOURTEEN (14) 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 NINETEEN (19) years.

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 **November 3, 2021**.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a) **“Zoning/Location Survey Map of Property prepared for Michel R. Nahon & Susan V. Nahon”**, dated 11/29/12, last revised 7/7/21, prepared by Walter H. Skidd, Land Surveyor LLC.
 - b) **Architectural Plans: Proposed Addition & Alteration for the: Nahon Residence 42 Burr Farms Road Westport, CT**”, dated 7/20/21, Prepared by Coppa Montalbano Architects, 6 pgs.
18. A detailed planting plan shall be submitted prior to issuance of a Zoning Permit. All planting within the wetlands and 20’ from the wetland area shall be native and installed by hand. Mulching within this area shall be done with organic leaf mulch. Plantings must be installed prior to the issuance of a Certificate of Compliance. No trees along the stream bank may be removed without approval from the Conservation Department.
19. The Westport Engineering Department shall oversee the excavation of the rain garden and/or verify the gravel beneath the deck. They shall confirm adherence to the town drainage standards prior to the issuance of a Certificate of Compliance.
20. The site plan should be updated to include the location of sediment and erosion control measures including silt fence, mud-tracking, and stockpile areas.

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

Work Session:

1. Approval of October 8, 2021 field trip minutes.

The October 8, 2021 field trip minutes were approved as submitted.

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

2. Approval of October 13, 2021 minutes.

The October 13, 2021 minutes were approved as submitted.

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

3. Approval of November 10, 2021 field trip minutes.

The November 10, 2021 field trip minutes were approved as submitted.

Motion: Lobdell Second: Davis
Ayes: Lobdell, Davis, Bancroft, Carey
Nays: None Abstentions: Rycenga Vote: 4:0:0

4. Compliance Report

Ms. Mozian reviewed the Compliance Report dated November 10, 2021

1) 299 North Avenue

11/12/21 – Removal of Violation sent.

2) 13 Sprucewood Lane

9/9/21 – Sediment and erosion control inspection found no silt fence.

9/10/21 – Reinspection confirmed no silt fence and that the work exceeded the scope of the permit. Spoke to Mr. Mancusi and Mr. Iacono of Signature Pools and was promised a call back by 9/13/21.

9/16/21 – Inspection found there was still no silt fence or explanation. Met homeowner on site and explained the situation. Homeowner was surprised because they were given a different plan than what was submitted to Town Hall.

9/17/21 – Issued Notice of Violation and \$500.00 fine to Mr. Iaconi and Signature Pools.

9/29/21 – Spoke with owner about replacement trees to fulfil that part of the NOV. Also sent email.

10/05/21 – Fine paid by Signature Pools.

10/22/21 – Send reminder email that a plan was due on 10/25/21.

10/26/21 – Called and said there was 1 more day.

11/09/21 – Issued Cease and Correct Order.

11/19/21 – Scheduled date of Show Cause Hearing.

3) 13B Dogwood Lane

10/05/21 – Discovered sports court being built on property in wetlands setback and WPLO.

Issued NOV and spoke with owners about potential paths to move forward.

10/07/21 – Discovered that sports court was built within a Conservation Easement created by Conservation Commission meeting 10/06/1982 and is in the deed. Currently exploring paths forward.

10/14/21 – Owner agreed to remove sports court. A delay was allowed for Department Staff to do more research.

10/28/21 – Met with owner at Department of Health to examine locations that would be approved.

11/01/21 – Sent revised letter to homeowners detailing paths for removal of violation and possible relocation of sports court.

11/12/21 – Homeowner forward letter from surveyor stating that it would take another month.

4) 12 Bushy Ridge Road

9/15/21 – Received complaint about work being done. Inspected and discovered a significant amount of work being done on a watercourse through the property. Spoke with homeowners about the situation.

9/16/21 – Spoke with owners again and issued a violation. Currently waiting on a site plan and application.

10/01/21 – Spoke with owner about delays due to family concerns. Reiterated the need for sediment and erosion controls on stockpiled materials.

10/05/21 – Silt fence is installed.

10/20/21 – Met with owners on site to discuss restoration plans.

10/22/21 – Approved restoration plan to be inspected May 1 for Removal of Violation.

5) 28 Sue Terrace

9/23/21 – Noticed shed built within wetlands and WPLO as well as partially on neighbors' property. Investigated at office and determined that it was unpermitted.

9/27/21 – Issued NOV

10/5/21 – Met with owners and discussed various paths forward to move or legalize shed as well as plant replacement trees.

11/12/21 – Owner contacted Conservation and stated that 26 Sue terrace will grant an easement. He will finalize that and apply to the Commission.

6) 8 Indian Point Lane

9/28/21 – Received citizen complaint about a structure and woodchips in the wetlands on the property. Inspection revealed that an older structure for ziplines had been added to, there was a woodchip path with some mounds of woodchips, and the fence that was installed was not the fence that was permitted a few years earlier.

9/29/21 – Spoke with owners on the phone stating that I was going to issue an NOV.

9/30/21 – Sent NOV in email and certified mail.

10/4/21 – Spoke with owner about removing stairs and decking to the platform, raising fence bottom, and leaving woodchips, but not adding more as conditions for removing violation.

10/19/21 – Department granted extension for compliance.

7) 2 Gordon Lane

11/01/21 – Violation resolved.

8) 3 Davis Lane

9/12/20 – Ted Gill received As-Built, but it showed significant grade changes and a pipe. He notified applicants that situation would need to be fixed.

11/18/20 – Gillian Carroll wrote that the Conservation Department would support recommendations by Engineering.

7/8/2021 – Ted Gill received new As-Built and inspected. The grading changes were bad.

7/16/2021 – Colin Kelly wrote owners and their representatives that they need to rectify situation.

10/4/21 – Colin Kelly spoke with homeowner and anticipates resolution in the near future.

9) 4 Blind Brook Road South

12/16/20 – NOV about tree removal and fill added.

4/19/21 – Met with homeowners about planting.

10/08/21 – Checked in with homeowners about updates. Scheduling delays occurred due to pandemic surge.

10) 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.

6/20/21 – ZBA granted a variance for setbacks.

7/20/21 – Staff inspected site.

8/16/21 – Received planting plan from LandTech.

9/21/21 – More material submitted, but application still not complete, silt fence was reinstalled. Stop work order remains in effect.

9/29/21 – Met with Mr. Benitez to go over details of plan still needed.

10/08/21 – Approved planting plan around pond.

10/13/21 – Drainage plan not acceptable to Engineering Department, so permit issuance still delayed.

11) 8 Lone Pine Lane

1/29/20 – NOV sent for clear-cutting.

2/3/20 – Cease and Correct Hearing. 1,000 dollar fine was paid.

7/6/21 – Wrote email to owner to see about updates on planting plan. No response.

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

8/26/21 – Drove by to inspect and saw no changes. Cease and Correct order remains on the land records.

12) 179 Bayberry Lane

5/11/21 - NOV sent for dumping.

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

13) 5 Bayberry Lane

10/15/21 – Work began

14) 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.

10/15/21 – Follow-up email sent.

11/2/21 – Second follow-up email sent.

15) 24 Spriteview Ave

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

10/15/21 – Sent email follow-up. Owner responded stating that plantings have been washing away in floods and it might be spring before it's fixed.

16) 2 Snowflake Lane/6 Snowflake Lane

4/18/19 – Sent NOV for dumping on 274 North Ave and ATV use.

8/19/21 – Sent email to manager of 274 North Ave for follow-up. No word received.

5. 61 Kings Highway North: Request for release of remaining bond funds.

Ms. Mozian reviewed a request for bond release. She stated the Commission has already done a partial bond release. The applicant was required to submit 3 monitoring reports on the establishment of the wet meadow as a part of their permit. To date, staff has received only one report. The wetland meadow is fully vegetated and the monies for that area could be released. She indicated that \$1,000 of the \$3,627 could be released while retaining the remaining monies until the final monitoring reports are received.

Mr. Lobdell asked why the monitoring reports were required.

Ms. Mozian stated that monitoring reports were required because primarily seed mix was used to establish the meadow and it takes approximately three years to fully mature. The monitoring reports also implement invasive management, if necessary.

Motion to release \$1,000 and retain \$2,627.87.

Motion:	Carey	Second:	Davis
Ayes:	Carey, Davis, Bancroft, Lobdell		
Nayes:	Rycenga	Abstentions:	None
		Vote:	4:1:0

6. 59 Red Coat Road: Request by Peter Romano of LandTech to modify Permit #IWW-11237-21 to allow installation of a drinking water well instead of connection to public water.

Ms. Mozian reviewed a request to install a drinking water well instead of connecting the property to public water. She noted that during the Public Hearing the applicant did state there was public water available. After Mr. Romano consulted with Aquarion, it was realized the closest connection is 200 feet from the property and the potential buyer is finding that to be cost prohibitive to install. Mr. Kelly showed a GIS map submitted by Mr. Romano showing the required 75-foot separating distance from a septic system and the approximate location of the proposed well. Ms. Mozian noted that the proposed well does not have Health Department approval. She has spoken with Jeff Andrews at the Health Department and he has reached out the State Health Department for clarification of the separation distance of a well from the wetland based on the presence of standing water and/or high groundwater data that was collected during the hearing.

Ms. Rycenga recommended that staff reach out to Mr. Romano and have him apply for the modification to the Commission. She noted the house application required a third party reviewer and is a sensitive site. The Commission needs specific plan details. Staff will review the submission and bring it to the Commission.

Mr. Carey agreed with Ms. Rycenga's comments but noted that many houses in this neighborhood are on wells.

Mr. Bancroft noted the location of the proposed well is very close to the house. It could be a concern. Although, the fact the house was approved without a full basement is a better condition.

Mr. Davis agreed with Ms. Rycenga's comments. He stated the proposed well could disrupt the construction sequencing.

Mr. Kelly noted his conversation with Mr. Romano and that Health Department approval should be a pre-requisite for application submission. We would also need the construction methodology, the construction sequencing and the type of methodology for well installation. He noted that how they drill the well could have an impact on the wetlands with the fine silts getting into the wetland if the site is not properly managed.

It was the sense of the Commission this request would not be acted upon tonight and needs a full Commission review to determine possible impacts.

7. Other business

Ms. Rycenga noted that staff has informed her that there are no applications for the December meeting.

Ms. Mozian encouraged members to visit **13 Sprucewood Lane** in preparation for the Show Cause Hearing on Friday, November 19, 2021.

The November 17, 2021 Public Hearing of the Westport Conservation Commission adjourned at 10:08 p.m.

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