



WESTPORT, CONNECTICUT

FLOOD & EROSION CONTROL BOARD

TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341 1120 www.westportct.gov

MINUTES

Flood & Erosion Control Board Meeting of April 6, 2022

Present for the Board: William S. Mazo (Chair)
Phillip Schemel
Aimee Monroy-Smith
Robert Aldrich (After 8:00 pm)

Present for Department of Public Works: Edward Gill, Engineer II

William S. Mazo, Chair, opened the meeting at 7:30 pm.

PUBLIC HEARING

1. **31 Hogan Trail / IWW-WPL-11490-22**; *Application of Kousidis Engineering, LLC on behalf of the owner, Daniel Sixsmith, to construct a single-family residence with attached garage, associated driveway, and new drainage and septic systems. The proposed activity is within the WPL area of Indian River.*

The application was presented by Jim Kousidis of Kousidis Engineering LLC, on behalf of the owner, Daniel Sixsmith.

Per the Chair's request, Edward Gill summarized the Engineering Department's review of the application. He noted that there is no FEMA flood zone mapping for Indian River in the vicinity of the subject property, but that the Town commissioned flood study completed in 2018 did map this area of Indian River. That study included a 100-year flood model that encompassed the subject property in its entirety. The profile for Indian River from that same He also stated that while it does not necessarily pertain to the Flood Board, the proposed driveway is depicted as accessing Cricket Lane, a private roadway that the property does not currently utilize. As such, prior to obtaining a Driveway Permit or Zoning Permit, the applicant will be required to demonstrate that they have legal access to that roadway.

There were questions from the Board regarding FEMA compliance and the property owner's awareness of the impacts of the proposed activity on the flooding conditions on the property.

The Chair opened the floor for public comment.

Roger Parker of 5 Cricket Lane raised concerns over the new impervious areas, possible impacts to flooding on Cricket Lane, and the possible impacts of the proposed activity on flooding. Mr. Gill noted that the proposed subsurface drainage system has been designed to reduce the peak flow rates from the proposed development to be less than that of the existing conditions, that the proposed activity does not block surface runoff from Cricket Lane, and that the Town could not necessarily require this property to address current substandard drainage on Cricket Lane.

James McKay of 3 Cricket Lane raised concerns about the proposed pool, retaining wall, and fill that were depicted south of the house would constitute filling of an area that is currently low lying and one of the first portions of the neighborhood to flood. Mr. Gill responded that while this property is not in a FEMA flood zone, Planning & Zoning has a regulation that applies in FEMA flood zones to maintain equal conveyance and compensatory storage, so new development in non-tidal floodplains requires an engineer to certify that the development will not worsen flooding. Mr. Gill suggested that if the Board found it necessary, they may request a similar analysis and certification for the proposed activity.

There were concerns raised by the Board about lack of communication with the neighboring properties.

There was a question from the Board about whether or not other Departments may require the applicant to weigh in on the flooding concerns, and if addressing them does or does not fall under the Flood Board's jurisdiction. Mr. Gill stated that the Conservation Commission would focus on environmental impacts and Planning & Zoning requirements are tied to FEMA and this is not a FEMA flood zone, so neither of those Departments would require additional flooding related analyses of this property. He also noted that it is within the Flood Board's jurisdiction to make the decision, based on the history of flooding, neighbor's concerns, and the flood studies available to the Board, to request that the applicant perform an analysis of the impact of the proposed development on flooding similar to that required for properties within FEMA flood zones by Planning & Zoning Regulation 31-11.6.

The Board agreed that it would seem appropriate to continue the application and request that additional information.

Mr. Kousidis raised a concern that this property is not in a mapped flood zone, and as such they were not technically required to follow any of the FEMA requirements, but that they have followed many of those requirements in order to appease any possible concerns already, and he noted that the flood study done by the Town was not peer reviewed or officially adopted.

Mr. Gill agreed that the flood study was not adopted and it does not hold as much weight as a FEMA flood zone, it would be within the Board's purview to determine if the analysis being discussed is necessary information for the Board. The Chair stated that he felt that it would be necessary.

The Board went into Work Session. It was agreed that the Board should continue the application to the next meeting so the applicant could submit an analysis of the impact of the proposed work on flooding in line with that Mr. Gill described.

DECISION: Proposed Project Continued, 4(Y)-0(N).

2. **6 Plover Lane / WPL-11494-22;** *Application of Kousidis Engineering, LLC, on behalf of the owner, Eva Zaeschmar, to construct a new single-family residence with attached garage, associated driveway, and new drainage system. The proposed activity is within the WPL area of the Saugatuck River.*

The application was presented by Jim Kousidis of Kousidis Engineering LLC, on behalf of the owner, Eva Zaeschmar.

Per the Chair's request, Mr. Gill summarized the Engineering Department's review of the project. He noted that the flood vent calculations did not account for the foundation wall thickness and so there would be one more flood vent required, and the times of concentration used in the drainage report would need to be revised to meet Town requirements, but that both of these items would be covered under standards conditions of approval from the Board, and that he is in favor of approval.

Thomas Pilkington of 4 Plover Lane asked if the applicant would be allowed to have a buried propane tank, as he understood the requirement in this area to be that all propane tanks must be above ground and anchored, and asked if the proposed raised deck would be enclosed underneath. Mr. Kousidis responded that the propane tank would be anchored when it was buried, which is allowable under the building code. He also noted that the deck would be open underneath so it would not prevent water from flowing through.

The Board went into Work Session. It was agreed that the following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. (Refer to appended sheet).

3. **5 Richmondville Avenue / IWW-WPL-11495-22;** *Application of Redniss & Mead, on behalf of the owners, Tracy & Randy Bach, to replace an existing entry porch, construct an addition, to construct a new covered porch, and to resurface the existing driveway with a porous paver system. The proposed activity is within the WPL area of Willow Brook.*

This application was presented by David Ginter of Redniss & Mead on behalf of the owners, Tracy & Randy Bach.

Per the Chair's request, Mr. Gill summarized the Engineering Department's review of the project. He noted that the mapped flood zone and regulatory floodway on the property were inaccurate to the point that Willow Brook did not fall inside of the mapped floodway, which was amended with a FEMA Letter of Map Revision (LOMR) to remove a portion of the property containing the house and most of the proposed activity from the flood zone and regulatory floodway. He also noted that two portions of the project do cross out of the area that was removed from the flood zone, but that those portions were designed to be structurally independent from the house and each was designed to be compliant with FEMA requirements.

There were questions from the Board regarding protections during construction, and about the history of flooding on the property. Mr. Gill noted that the applicant submitted a Sedimentation and Erosion Control Plan which detailed tree protection, a soil stockpile area on the portion of the property least likely to flood, and silt fencing downhill from all proposed activity. Mr. Ginter noted that the current homeowners have been there for three years, and they have not experienced a flood that has significantly overtopped the banks of Willow Brook on this property.

There was also a question about the nature of the LOMR from FEMA and how it may apply in the future. Mr. Ginter noted that this is a change to the current flood zone, but any future mapping coming from FEMA that contradicts this document may bring the portions of the property removed from the flood zone back into a flood zone.

The Board went into Work Session. It was agreed that the following Standard Conditions of Approval were deemed necessary: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

DISCUSSION

There was a question from the Board about the jurisdiction of the Board regarding whether the Engineering Department could obtain an opinion from the Town Attorney's office about Flood Board using a stricter standard than FEMA.

Upon the completion of the Public Hearing, the Chair opened a discussion about adopting new By-Laws for the Flood & Erosion Control Board.

Mr. Gill noted that he had received feedback from the Director of Public Works, but not from the Town Engineer or Conservation Director regarding the draft of the By-Laws he had prepared, and he had not heard from any of the Flood Board members.

The Board went through the draft and suggested some revisions for Mr. Gill to make, and agreed that the revisions should be made and some additional outside opinions should be solicited prior to a vote to adopt the By-Laws.

Mr. Gill then detailed a list of projects related to flooding in Westport that the Board should consider and prioritize for the Department of Public Works, and agreed to put the list together in written form and provide additional details relating to the flooding issues related to each.

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

William S. Mazo, Chair
Flood & Erosion Control Board

WSM/eamg

Cc: First Selectwoman, Town Attorney, Public Works Director, Planning & Zoning Director, Conservation Director, Chair of RTM Environmental Committee, Chair of RTM Public Works Committee, Applicants, minutes@westportct.gov

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