



**CONSERVATION COMMISSION**  
TOWN HALL – 110 MYRTLE AVENUE  
WESTPORT, CT 06880  
P 203.341.1170 F 203.341.1088

**WESTPORT™**

**DRAFT  
MINUTES  
WESTPORT CONSERVATION COMMISSION  
OCTOBER 19, 2022**

The October 19, 2022 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in the Auditorium of the Westport Town Hall.

**ATTENDANCE**

**Commission Members:**

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

**Staff Members:**

Colin Kelly, Conservation Director  
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 October 19, 2022 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Colin Kelly  
Conservation Department Director

**Public Hearing: 7:00 p.m.**

- 1. 8 Scofield Place:** Application #WPL-11604-22 by Kousidis Engineering LLC on behalf of Pamela Duckworth to construct a new inground pool and to remove the existing shed and a portion of the existing driveway. Work is within the WPLO area of the Saugatuck River.

Jim Kousidis, PE, presented the application on behalf of the property owner. He oriented the Commission to the property, which is entirely within the WPLO. They will be removing 360 s.f. of the existing gravel drive from the side of the house as part of this application as well as the shed in the backyard. The rear yard is flat. There is a Maple tree and Arborvitae that will be maintained. The pool will be approximately a third of the way into the backyard. The pool is proposed to be a 10' X 20' and will be able to handle the water quality volume.

The Commission and Mr. Kousidis discussed the stockpile area and noted that it is there only as a temporary measure for the minimal grading that will be done around the pool. Most excavated material will be removed from the site immediately. The fence shown on the plans will likely not be built as the Building Code changed on October 1, 2022 and since the pool has an autocover, the fence is no longer required.

Mr. Kelly noted that his discussion with the Building Department indicate that the pool code has not been updated, therefore the fence should remain on the plans until the code is updated.

The pool equipment will likely be located on the roof with the other utilities.

Ms. Rycenga asked for public comments. There were no public comments or e-mails submitted.

Motion to close the Public Hearing.

|                |   |                     |              |
|----------------|---|---------------------|--------------|
| <b>Motion:</b> | <b>Carey</b>  | <b>Second:</b>      | <b>Davis</b> |
| <b>Ayes:</b>   | <b>Carey, Davis, Bancroft, Lewy, Lobdell, Rycenga</b> |                     |              |
| <b>Nayes:</b>  | <b>None</b>   | <b>Abstentions:</b> | <b>None</b>  |
|                |   | <b>Vote:</b>        | <b>6:0:0</b> |

**Findings**  
**Application # WPL-11604-22**  
**8 Scofield Place**  
**Assessor's Map: B02 Tax Lot: 079**  
**Public Hearing: October 19, 2022**

- 1. Application Request:** Applicant is requesting to construct a new inground pool and to remove the existing shed and a portion of the existing driveway. Work is within the WPLO area of the Saugatuck River.
- 2. Plans reviewed:**
  - a. Plot Plan,** prepared for Pamela Duckworth, 8 Scofield Place, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated June 4, 2022, Scale: 1' = 10'.
  - b. Site Development Plan,** 8 Scofield Place, Westport, CT, prepared for Pamela Duckworth, prepared for Kousidis Engineering, LLC, dated August 11, 2022, Scale 1" = 10'.
  - c. Pool Structural,** Duckworth Residence, 8 Scofield Place, Westport, CT, prepared by Signature Pools, Inc., dated August 9, 2022, Scale: As Shown.
  - d. Drainage Considerations,** 8 Scofield Place, Westport, CT, prepared by Kousidis Engineering, dated August 11, 2022.
- 3. Property Description:**
  - **Wetlands:** There are no inland or tidal wetlands present on this site.
  - **Location of 25-year flood boundary:** 9 ft. contour interval. WPLO boundary established 15 ft. landward from the 9 ft. contour. Note the entire property is within the WPLO boundary.
  - **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.
  - **Proposed Pool Coping Elevation:** 6.5 ft.
  - **Proposed Pool Coverage:** 200 sq. ft.

- **Coverage to be removed: driveway ~ 360 sq. ft.; shed ~84 sq. ft.**
  - **Existing Site Coverage: 38.60% (2,534 sq. ft.)**
  - **Proposed Site Coverage: 34.99% (2,297 sq. ft.)**
  - **Sewer Line:** The existing residence is serviced by municipal sewer.
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
  5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal hazard areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal hazard areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential type uses.
  6. **Proposed Storm Water Treatment:** Onsite storage of the water quality volume (first inch of rainfall) from stormwater is proposed to be stored within the pool. The pool has an available 4" of storage for stormwater before overflowing to the surface.
  7. **Grading:** The grading in the vicinity of the pool will be altered minimally. The rear yard of the site is generally level at or near elevation 6.0', grading will be adjusted around the pool to meet the coping elevation of 6.5'.
  8. **Previous Permits issued:**
    - # WPL-5627-97: Legalize deck and drive; construct shed and relocate septic tank

The Flood and Erosion Control Board reviewed and approved the application on October 12, 2022. The Engineering Department stated the drainage calculations should be updated prior to a zoning permit. These updates are minimal calculation changes and staff discussions confirmed this will have little impact on the proposal. The Engineering Department staff confirmed the pool will accommodate the Water Quality Volume (WQV)

The property is served by sewer. However, the Aspetuck Health District is required to review pool filter systems. The Aspetuck Health District approval for the pool application was issued on September 8, 2022.

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

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

Commission finds that the site currently contains a residence constructed in 1934. The Conservation Commission issued a permit for the deck, drive, shed, and septic in 1997. The entire property lies within the WPLO boundary. The application proposes to construct a pool, pool fence, mechanicals, and associated site work. The pool depth is proposed as 5'6" deep. This is consistent with other pools the commission has approved in the neighborhood. The plans note that pool equipment is to be installed on the roof.

The Commission finds that the average grade in the vicinity of the pool is ~6.0' mean sea level (msl.) A 5'6" excavation will be to elevation ~0.5' (6'-5.5'=0.5'). Test pits have not been done for this proposal. However, typically we apply the standard of using the elevation of mean high water, which is 3.3 ft. msl, in the lower tidal reaches of the Saugatuck River. Therefore, this pool with a 5'6" depth would likely encounter groundwater. The Commission finds that the applicant provided a dewatering detail: "Dirtbag Sediment Removal System" for the contractor to follow, along with "Note #24" that describes the expected actions when groundwater is intercepted during excavation/construction. The Commission finds that the excavation times shall coincide with low tides to minimize the amount of water encountered during digging for the pool. The Commission finds that a site meeting shall occur with Conservation staff and the contractor at the start of excavation to help address dewatering

concerns or uncontrolled sediment movement from the site. The Commission finds that all excess excavated material shall be taken offsite.

A proposed pool fence is shown on the plans to enclose the rear yard. An existing fence is in place surrounding the rear yard and is partially located on neighboring property. There are indications from aerials that portions of this fence have been in place since at least 2005. The Commission finds that the pool fence detail shall be submitted that satisfies the Building Code and yet allows the free flow of flood waters. FEMA Technical Bulletin 5 recommends fences with generous openings to not divert/obstruct floodwaters.

The application site plan shows installation of a silt fence around the worksite and side yard. Access to the pool area will be through the anti-mud tracking pad leading from the existing driveway along the northern property line. The Commission finds that these sediment erosion controls should be adequate during construction.

The potential for the proposed project to have an adverse impact on the preservation of natural resources and the ecosystem of the adjacent waterways should focus on stormwater quality impacts and percentage of impervious area. The total impervious coverage, as depicted in the Site Development Plan, is currently **38.60% (2,534 sq. ft.)**. The Commission finds that the proposed site coverage with the pool is to be **34.99% (2,297 sq. ft.)**, which is in the above the threshold of the 10-25% impervious coverage that will negatively influence water quality, as mentioned in the 2004 Connecticut Stormwater Quality Manual. The site plan shows the existing coverage will be reduced in size by **~237 sq. ft.** This is achieved by removing a portion of the driveway and removing an existing shed near the western property line (shed from 1997 permit). The Commission finds that buffer plantings promote the removal of stormwater pollutants from runoff.

A variance from the Zoning Board of Appeals will be required for coverage as the allowable coverage in this zoning district is 25% and proposed coverage is 34.99%.

**Conservation Commission**  
**TOWN OF WESTPORT**  
**Conditions of Approval**  
**Application # WPL-11604-22**  
**8 Scofield Place**  
**Assessor's Map: B02 Tax Lot: 079**  
**Public Hearing: October 19, 2022**

**Project Description:** To construct a new inground pool and to remove the existing shed and a portion of the existing driveway. Work is within the WPLO area of the Saugatuck River.

**Owner of Record:** Pamela Duckworth  
**Applicant:** Jim Kousidis, Kousidis Engineering, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#WPL-11604-22** 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 October 12, 2022.
17. Conformance to the previously adopted "Standard Pool Conditions" for pools located near wetlands or watercourses as applicable and as enumerated below:
  - a. The pool is to be serviced by a diatomaceous earth, sand/cartridge, or some other kind of re-circulating, closed filter system.
  - b. Pool chemicals should be stored in an enclosed container in an enclosed area preferably above the 100-year flood elevation. Pool equipment should be located at or above the 100-year flood elevation.
  - c. When pools are proposed in an area that abuts a waterway or wetland, a vegetated buffer should be maintained between the pool and the waterway or wetland.
  - d. Alternative use of chlorine for sanitation should be sought from the pool company. These include: salt chlorine generators, ozonators, ionizers, or mineral purifiers.
  - e. Pools should be covered over the winter or when they will not be in use for long periods of time, i.e., three (3) or more months.
  - f. When discharging pool water at the end of the season for winterization, no direct discharge to a watercourse or wetland is allowed; a 50ft separating distance with energy dissipation at end of hose is required.
  - g. The pool water to be discharged shall have a pH between 6.5 and 8.5. The chlorine level shall be less than 0.1 mg/l and not cause foaming or discoloration of the receiving waters.

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

18. Conformance to the plans entitled:

- a) **Plot Plan**, prepared for Pamela Duckworth, 8 Scofield Place, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated June 4, 2022, Scale: 1' = 10'.
  - b) **Site Development Plan**, 8 Scofield Place, Westport, CT, prepared for Pamela Duckworth, prepared for Kousidis Engineering, LLC, dated August 11, 2022, Scale 1" = 10'.
  - c) **Pool Structural**s, Duckworth Residence, 8 Scofield Place, Westport, CT, prepared by Signature Pools, Inc., dated August 9, 2022, Scale: As Shown.
  - d) **Drainage Considerations**, 8 Scofield Place, Westport, CT, prepared by Kousidis Engineering, dated August 11, 2022.
19. Pool mechanicals shall be located on the roof of the residence. Any changes regarding pool mechanical locations shall be reviewed by Conservation Staff.
  20. A detail of the pool fence which confirms that it will allow the free flow of flood water must be submitted for review and approval by the Engineering Department prior to issuance of CCC. The applicant shall have the option to remove the fence when/if the pool fence requirement is codified.
  21. The dewatering plan shall be followed if ground water is encountered. The Conservation Department must be contacted to schedule a site meeting with the contractor prior to excavation.
  22. Pool excavation activities shall be limited to the times within the three (3) hours on either side of low tide.
  23. All excess excavated material shall be removed from the site prior to issuance of CCC.

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:** Bancroft  
**Ayes:** Carey, Bancroft, Rycenga, Davis, Carey, Lobdell, Lewi  
**Nays:** 0            **Abstentions:** 0            **Vote:** 6:0:0

2. **7 Duck Pond Road:** Application #WPL-11605-22 by Kousidis Engineering LLC on behalf of Amy Benjamin to demolish the existing structure and construct a new FEMA-compliant single family residence on the existing foundation with additions and a permeable driveway. A portion of the existing pool deck will be converted to a patio. Work is within the WPLO area of the Saugatuck River.

Jim Kousidis, PE, presented the application on behalf of the property owner. He noted the proposal is to utilize the existing foundation and build a new FEMA compliant superstructure. The first floor elevation will be 18.25, which is 4 feet about the base flood elevation. The existing tennis court and pool will remain. The driveway is currently asphalt and will be made permeable with a drainage reservoir underneath to capture the 25-year storm. He noted the two small additions that are within the existing structure. He discussed the partial removal of the deck and replacement with a patio. The patio will be impermeable but will have a trench drain that will drain into the drainage reservoir in the driveway. The patio will pitch slightly away from the pool. The walkways will be permeable and will remain permeable in perpetuity. He discussed the proposed propane tank location. He noted the existing vegetation will remain. If necessary, they will come back with a planting plan should they decide to remove any of the existing plantings on the slope to the rear of the property. He stated they have received approval from the Flood and Erosion Control Board.

The Commission and Mr. Kousidis discussed the vegetation along the waterline and confirmed it is not to be removed as part of this application. The pool fence will likely have to be replaced but will have to comply with FEMA regulations. They discussed the demolition process, staging areas and the dumpster location. The silt fence should be the limit of disturbance and the Commission suggested that the silt fence should be backed by staked haybales along the water due to the steep slope.

Mr. Kelly reviewed the staff report. The driveway and walkways should be permeable and remain so in perpetuity. The house, pool and deck are original from 1977. He would support restricting any vegetation removal without a landscaping plan. He noted the Flood and Erosion Control Board

approved the proposal. He discussed the patio and indicated that the Commission will need to make a determination as to whether they want it to be permeable.

Mr. Kousidis agreed with the staff recommendations. He asked the Commission to allow the patio as proposed. He indicated that in order to provide a permeable patio, they would have to excavate down 6 to 9 inches in order to provide the proper materials for drainage.

Ms. Rycenga asked for public comments. There were no public comments or emails submitted.

Motion to close the Public Hearing.

**Motion: Davis Second: Carey**  
**Ayes: Davis, Carey, Bancroft, Lewy, Lobdell, Rycenga**  
**Nayes: None Abstentions: None Vote: 6:0:0**

Mr. Carey stated that he would be inclined to agree to the applicant's request for the impervious patio as the trench drain provides enough drainage for area.

It was the consensus of the Commission to agree.

**Findings**  
**Application #WPL-11605-22**  
**7 Duck Pond Road**  
**Assessor's Map: A03 Tax Lot: 022**  
**Public Hearing: October 19, 2022**

1. **Application Request:** Applicant is proposing to demolish the existing structure and construct a new FEMA-compliant single-family residence on the existing foundation with additions and a permeable driveway. A portion of the existing pool deck will be converted to a patio. Work is within the WPLO area of the Saugatuck River.
2. **Plans Reviewed:**
  - a. **Improvement/Location Survey, Map of Property**, prepared for Amy Benjamin, 7 Duck Pond Road, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, Dated: June 9, 2022, Scale 1" = 20'.
  - b. **Site Overview Plan**, 7 Duck Pond Road, Westport, CT, prepared for Amy Benjamin, prepared for Kousidis Engineering, LLC, dated August 11, 2022, Scale: 1" = 20'.
  - c. **Site Development Plan**, 7 Duck Pond Road, Westport, CT, prepared for Amy Benjamin, prepared for Kousidis Engineering, LLC, dated August 11, 2022, Scale: 1" = 20'.
  - d. **Architecturals - Proposed Residence for: Alan & Amy Benjamin, 7 Duck Pond Road, Westport, CT 06880**, prepared by Vita Design Group, dated August 11, 2022, Scale: As Noted.
    - i. Lower Level Plan Sheet A-100
    - ii. First Floor Plan Sheet A-101
    - iii. Second Floor Plan Sheet A-102
    - iv. Roof Plan Sheet A-103
    - v. Exterior Elevations Sheet A-200
    - vi. Exterior Elevations Sheet A-201
    - vii. Building Sections Sheet A-300
  - e. **Wetland Delineation** for the property located at 7 Duck Pond Road, Westport, Connecticut, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated April 11, 2022.
  - f. **Drainage Analysis**, located at 7 Duck Pond Road, Westport, Connecticut, prepared for Amy Benjamin, prepared by Kousidis Engineering, dated August 11, 2022.
3. **Property Description:**
  - a. **Location of 25-year flood boundary:** 9 ft. contour interval. Property is located entirely within the Waterway Protection Line Ordinance (WPLO) boundary.
  - b. **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0532G Map revised to July 8, 2013.
  - c. **Proposed First Floor Elevation:** 18.25 ft.

- d. **Proposed Lower Floor Elevation:** 9.0 ft.
  - e. **Existing Site Coverage:** 37.44% (10,224.7 sq. ft.)
  - f. **Proposed Site Coverage:** 33.84% (8,615 sq. ft.)
  - g. **Existing Building Coverage:** 12.7% (3,484 sq. ft.)
  - h. **Proposed Building Coverage:** 9.06% (2,475 sq. ft.)
  - i. **Sewer Line:** The existing residence is serviced by municipal sewer
  - j. **Existing residence pool and tennis court built in 1977.**
4. **Aquifer:** Property underlain by Canfield Island Aquifer which is a coarse-grained stratified drift aquifer. The property is NOT within the Town's wellfield protection zone.
  5. **Coastal Area Management:** Property located within CAM zone. The coastal resource identified is coastal hazard area. Coastal Hazard Areas are defined as those land areas inundated during coastal storm events. A-zones are subject to still-water flooding during "100-year" flood events. Coastal Hazard Areas serve as flood storage areas. They are, by their nature, hazardous areas for structural development, especially residential-type uses.
  6. **Proposed Storm Water Treatment:** The stormwater runoff from the residence and pool area will be directed to discharge to an onsite reservoir beneath the proposed permeable driveway onsite. There will be no increase to runoff from the 25-year storm event, and the permeable driveway will be able to store the first inch of runoff from the impervious areas of the site. The proposed drainage size exceeds the volume of water necessary to accommodate the Water Quality Volume (WQV).
  7. **Previous Permits issued:** None.
  8. The Flood and Erosion Control Board reviewed and approved this application on October 12, 2022. The drainage proposal is acceptable to the Engineering Department with minor changes required by staff before the issuance of a Zoning Permit.
  9. **Discussion:**

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

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

The Commission finds that the entire property lies within the WPLO boundary. The application proposes to construct a new residence to be FEMA compliant, walkway, patio, driveway, pool patio, and an underground propane tank. The existing pool, pool deck, and tennis court will remain. The drainage will be within the proposed driveway. The residence and driveway will be located in the same general location as the existing features.

The wetlands onsite were reviewed by Aleksandra Moch, Soil & Wetland Scientist on April 11, 2022, and field located by Walter Skidd on June 7, 2022. The tidal wetland boundary lies along the eastern property line, which abuts the Saugatuck Harbor Yacht Club waters, as indicated on the plans.

The Commission finds that the house will be built to conform to FEMA standards with the first habitable floor (el. 18.25') constructed above the 100-year base flood elevation (el. 13'). Grade level of the proposed residence includes a garage, areas of storage, and a vestibule for a proposed elevator and stairs. The garage is proposed at elevation 8.75', and the survey shows the surrounding existing average grade as 8.62'. Flood openings are proposed to meet FEMA requirements and should be verified by the Engineering Department or Planning & Zoning Department.

The Commission finds that the existing foundation will be utilized and added to, to accommodate the proposed overhangs and decks. In addition, an elevator is proposed to service the residence. The Commission finds that the elevator shall have all essential mechanicals placed above the flood zone to meet FEMA requirements. The elevator may require additional excavation to accommodate the design below the lower floor elevation of 9.0'. The Commission does not anticipate encountering



groundwater and does not think dewatering for the relatively small excavation will be a problem. A 1,000-gallon propane tank is proposed to be buried onsite in the southwestern corner of the lot. Anchoring should be provided to meet the FEMA standards for installation within the floodplain. Test Pit #1 indicated no ground water, therefore, excavation for the tank should not require dewatering. The Commission finds that there shall be no direct discharge of ground water from the site to the tidal wetland.

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 **33.84%** which is above the 10-25% cover that will impact water quality. It should be noted that total coverage onsite is proposed to be decreased by **3.6%** or **1,609 sq. ft.** (**Please note the existing deck is counted in coverage and the proposed 975 sq. ft. pool patio is not counted in coverage.**) The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Saugatuck River Watershed/Saugatuck Shores is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted. The existing vegetation along the tidal slope and other portions of the yard are not proposed for removal.

The Commission finds that the stormwater runoff associated with the residence and patio are directed by roof leaders and a 4" pipe to the storage area within the underground detention systems or driveway. The rest of the site topography of the site is relatively flat with no concentrated stormwater runoff areas noted. Sediment and erosion controls are shown on the plan surrounding the proposed work area. Construction access will be through the existing driveway and material stockpile is proposed in the southwestern corner of the site. The existing tennis court and yard to the north are not proposed to change.

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 permeable driveway has been proposed with this application. A porous asphalt detail is included on the "Site Development Plan." An existing walkway behind the residence is proposed to be re-laid. The Commission finds that the driveway, patio and walkway shall be a permeable design. A patio is proposed to replace portions of the existing deck around the swimming pool onsite. These along with the permeable driveway are considered a Best Management Practice (BMP) when dealing with impervious coverage onsite. This would allow for an opportunity to reduce the amount of stormwater runoff from as much impervious surfaces as practical. The Commission finds that the design engineer shall witness and certify the construction of the permeable driveway, patio, and walkway; and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. The Commission finds that the proposed patio, driveway, and any walkways to be constructed as permeable and remain so in perpetuity. This would ensure that the benefit provided by the permeable patio and driveway remain in the future.

**Conservation Commission  
TOWN OF WESTPORT  
Conditions of Approval  
Application #WPL-11605-22  
7 Duck Pond Road  
Assessor's Map: A03 Tax Lot: 022  
Public Hearing: October 19, 2022**

**Project Description:** To demolish the existing structure and construct a new FEMA-compliant single-family residence on the existing foundation with additions and a permeable driveway. A portion of the existing pool deck will be converted to a patio. Work is within the WPLO area of the Saugatuck River.

**Owner of Record:** Amy Benjamin

**Applicant:** Jim Kousidis, Kousidis Engineering, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL-11605-22** 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 **October 12, 2022**.

**SPECIAL CONDITIONS OF APPROVAL**

16. Conformance to the plans entitled:

- a) **Improvement/Location Survey, Map of Property**, prepared for Amy Benjamin, 7 Duck Pond Road, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, Dated: June 9, 2022, Scale 1" = 20'.
- b) **Site Overview Plan**, 7 Duck Pond Road, Westport, CT, prepared for Amy Benjamin, prepared for Kousidis Engineering, LLC, dated August 11, 2022, Scale: 1" = 20'.
- c) **Site Development Plan**, 7 Duck Pond Road, Westport, CT, prepared for Amy Benjamin, prepared for Kousidis Engineering, LLC, dated August 11, 2022, Scale: 1" = 20'.
- d) **Architecturals** - Proposed Residence for: Alan & Amy Benjamin, 7 Duck Pond Road, Westport, CT 06880, prepared by Vita Design Group, dated August 11, 2022, Scale: As Noted.
  - a. Lower Level Plan Sheet A-100
  - b. First Floor Plan Sheet A-101
  - c. Second Floor Plan Sheet A-102
  - d. Roof Plan Sheet A-103





**Findings**  
**Application # IWW-WPL 11612-22**  
**33 High Point Road**  
**Assessor's Map: G11, Tax Lot: 065**  
**Public Hearing: October 19, 2022**

1. **Receipt Date:** **September 14, 2022**
2. **Application Classification:** **Plenary**
3. **Application Request:** Applicant is requesting to construct a new single-family residence, patio, driveway, septic system, and restoration of wetland buffer. Portions of the work are within the upland review area and the WPLO area of an unnamed tributary to Muddy Brook.
4. **Plans and Reports Reviewed:**
  - a) **Zoning Map of Property**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by Dennis A Deilus, Land Surveyors, dated July 7, 2021, Scale: 1" = 20'.
  - b) **Site Plan, Site Improvements for a Proposed Single-Family Residence, Site Plan**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by LandTech, dated August 18, 2022, Scale: 1' = 20', Sheet C-1.
  - c) **Site Plan, Site Improvements for a Proposed Single-Family Residence, SESC & Planting Plan**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by LandTech, dated August 18, 2022, Scale: 1' = 20', Sheet C-2.
  - d) **Site Plan, Site Improvements for a Proposed Single-Family Residence, Notes & Details**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by LandTech, dated August 18, 2022, Scale: 1' = 20', Sheet C-3.
  - e) **Architecturals**, Powers Residence, Westport, Connecticut, Prepared by Tomasetti Architects LLC, submitted September 8, 2022, Scale: 1/4" – 1'-0".
    - i. **Basement Level Plan** **Sheet A100**
    - ii. **Ground Floor Level Plan** **Sheet A101**
    - iii. **Second Floor Level Plan** **Sheet A102**
    - iv. **Attic Level** **Sheet A103**
    - v. **Roof Plan** **Sheet A104**
    - vi. **East Elevation** **Sheet A201**
    - vii. **South Elevation** **Sheet A202**
    - viii. **West Elevation** **Sheet A203**
    - ix. **North Elevation** **Sheet A204**
5. **Permits/Applications filed:**
  - a) **IWW/M-11557-22:** Amend wetland map #G11
  - b) **IWW-6369-00:** Pond dredging
  - c) **AA, WPL/E-4226-91:** Addition
  - d) **AA-2545-88:** Hot tub
  - e) **AA-1813-86:** Clean algae in pond
  - f) **AA-1536-85:** Greenhouse addition and enclose porch
6. **IWW and WPLO Regulated Areas**

The WPLO boundary is located 15' from the delineated wetlands boundary. A portion of the proposed residence (~38 sq. ft.) and a portion of the new driveway are proposed within the WPLO; however, they are proposed generally where the existing residence and the existing driveway access are located respectively.

An intermittent watercourse and pond occur on the subject property. The wetland/watercourse system is situated on the northern and eastern side of the lot. The Inland Wetland and Watercourse Regulations (IWW) setbacks determined for this property include a 50' upland review area for a new single-family residence and septic system, a 30' upland review area for driveway, and a 20' upland review area for the proposed grading and drainage from the wetland boundaries. The proposed house is located within the 50 ft. upland review area from the wetlands. The proposed driveway would be within the 30 ft upland review area but within portions of the existing driveway.

The intermittent watercourse onsite originates from an unmarked wetland area on the property to the north. Onsite, the watercourse includes portions of a stone lined man-made channel created to direct water flow around the house into the pond onsite. The pond area (~2,300 sq. ft.) consists of shallow open water with water meal (*Wolffia*) and duckweed (*Lemnoideae*) covering most of the area. The vegetation surrounding the pond consist of a mixture of pachysandra (*Pachysandra terminalis*), Japanese stilt grass (*Microstegium vimineum*), mugwort (*Artemisia vulgaris*), ferns, and other typical landscape plants.

**Wetland Soils:**

**Aquents (Aq):** This soil type generally has less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.

**Upland Soils:**

**Canton Charlton fine sandy loam (60):** This component occurs on upland hill landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is well drained

**7. Property Description and Relative Facts:**

- a) The existing house was built in 1963. It is served by septic system.
- b) The property is 1.001 acres (43,606 sq. ft.) in size; located in Residential Zone AA.
- c) The parcel is located within Muddy Brook Watershed. The main channel of Muddy Brook is approximately 325 feet to the east of the property.
- d) This property **is not located 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 Ordinance boundary is established 15' from the wetland line.
- h) The flagged wetland area is **7,986 sq. ft.** as determined by the survey by Deilus, 7/7/21.
- i) **Lot Area: 1.001** acres (43,606 sq. ft.)
- j) Proposed Basement Elevation: **122.0'**
- k) Proposed Garage Elevation: **129.5'**
- l) Proposed First Floor Elevation: **132.0'**
- m) Proposed Walkout Patio: **131.0'**
- n) Existing Building Coverage: **8.47%** (3,154 sq. ft.)
- o) Proposed Building Coverage: **11.9%** (4,444 sq. ft.)
- p) Existing Site Coverage: **15.4%** (5,745 sq. ft.)
- q) Proposed Site Coverage: **24.5%** (9,104 sq. ft.)

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

**8. 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 existing residence is a one-story wood frame construction with a basement. The Commission notes a basement sump pump is currently in operation and discharges directly into the pond onsite. Test holes conducted for the proposed application indicate groundwater present at levels that may intercept the proposed basement of the new residence. The basement is proposed at elevation **122.0'**. Groundwater near test hole DTH-1 is located ~2.25' below grade or at elevation **~124.25'**. Groundwater near test hole DTH-5 is located ~2.50' below grade or at elevation **~123.5'**. Groundwater near test hole DTH-6 is located ~1.75' below grade or at elevation **~122.85'**.

The applicant provides a sump pump to collect the groundwater entering footing drains and proposes to discharge to the drainage system onsite, within the parking court. The drainage report states the system has been sized to manage the expected volume of water.

The Commission finds that the proposed 5-bedroom residence will be located **9.6'** from the closest wetland line on the northern side of the property and **~ 37'** from the closest wetland line on the eastern side of the property. The Commission finds that this plan partially utilizes the same foundation location of the existing residence for a portion of the new residence (the garage and mudroom). The proposal will not encroach closer than the distance of the existing residence and will be reconstructed in the same area of the existing structure. Nearly **1,500 sq. ft.** of the proposed residence is located within the 50' upland review area. Most of the area within the review area will be constructed on slab, to accommodate the garage. The rest of the basement level will be set to elevation 122.0'.

The application includes a proposed asphalt driveway, partially within the 30' upland review area. This property is currently utilizing a gravel driveway in the same general location, to access High Point Road. The driveway leads to a proposed parking court in front of the entry to the residence and garage. The Commission finds that the parking court size is **~ 45' x 50'** in size and is proposed as conventional asphalt. The parking court area is proposed to be utilized as the main location for all drainage on site. A detail is provided to show the proper storage is available to act as a reservoir for stormwater.

The house will be serviced by an onsite septic system. The septic tank and pump chamber will be located off of the rear patio with a septic field located in the western portion of the property.

#### **9. 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 site plan indicates collection of stormwaters from the roof leaders and conventional asphalt driveway. This stormwater is directed to a reservoir area beneath the parking court sized to manage a 25-year storm event, the Water Quality Volume (WQV), and the discharge from the footing drain sump pump. This drainage design utilizing infiltration of stormwater from impervious surfaces would not be considered a Low Impact Development (LID) feature.

The proposed drainage system is located in the area of the existing septic system and portions of the existing residence. It functions as the primary area for stormwater capture onsite. The Commission finds that the site plans include details that direct the installer to remove all fill material and to scarify the underlying existing soils to ensure infiltration. The proposed detail includes the required material types (aggregate stone) recommended for installation. The Commission finds that the site engineer shall witness the driveway, drainage construction, and level spreader and certify the construction and functionality prior to the issuance of a Conservation Certificate of Compliance.

The applicant provides a buffer planting plan along the wetlands southern edge that includes various shrubs, ferns, and a conservation seed mix to improve and filter any sheet flow stormwater runoff from the yard. This buffer is a water quality feature that provides treatment to the pollutants found in stormwater runoff prior to entering the regulated area including the intermittent watercourse and pond onsite. The Commission finds that this buffer would be an improvement over the current condition of unmanaged plants and be beneficial to water quality versus a maintained yard or lawn.

The water quality classification for Muddy Brook (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located offsite to the east, is Class A water for Inland Surface Water Class. The Class A designation indicates that the water is suitable habitat for fish other aquatic life and wildlife and recreation.

#### 10. 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 has provided sediment and erosion controls on the "SESC & Planting Plan" which incorporates the use of perimeter silt-fencing, staked hay bales, and an anti-mud tracking pad at the driveway entrance. The eastern and northern portions of the yard are proposed with a double row of silt fence backed by haybales. A proposed stockpile area is noted on the plan along the southern boundary. Proper installation and continued maintenance of these features should be adequate to control sediments onsite.

The applicant discussed the sequence of construction activities onsite from the initiation of installation of the sediment & erosion controls on the "SESC & Planting Plan" and the maintenance required throughout the project. The Commission finds that the applicant shall provide a written detailed construction sequence to show construction access to the site and how activities shall be conducted in proper order. The contractor shall follow this sequence.

#### 11. 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 adjacent to wetlands and watercourse provide shelter and habitat for wildlife. The Commission finds that the applicant has provided a restoration planting plan on Sheet C-2 adjacent to the wetland area, to function as a buffer. The proposed buffer width ranges generally from 10' to 15' along ~240 linear feet of the wetland's edge. The Commission notes, the buffer reduces to ~5' wide near the northeast corner of the proposed residence. The planting plan calls for forty-nine (49) various shrubs and seventy-two (72) ferns to be placed along the wetland boundary as well as a New England Conservation/Wildlife seed mix. The Commission finds that an invasive plant type is found onsite, Japanese stilt grass, *Microstegium vimineum*. As well as mugwort (*Artemisia vulgaris*), which has invasive traits. These are found near the proposed plantings location. The Commission finds that the applicant shall prepare an Invasive Plant Management plan (IPM) that proposes to control any unwanted growth within the buffer until the preferred plants noted in the planting plan are able to mature. The Commission finds that vegetation within the wetlands helps shade the water and provide cover for both fish and terrestrial animals. Additionally, plantings provide the main source of organic detritus forming the basis of the food chain.

The Commission finds that all plantings proposed in the "SESC & Planting Plan", within the wetland buffer area, shall be installed by hand. Mulching within this area shall be done with organic leaf mulch. The Commission finds that the plantings shall be installed prior to the issuance of a



Conservation Certificate of Compliance. Additionally, the Commission finds that the applicant shall post a bond to ensure the plants vitality and three years of monitoring for invasive plants identified in the recommended Invasive Plant Management plan (IPM).

#### **12. 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:**

The proposed drainage area beneath the parking court is sized to handle the first inch of runoff for WQV as well as meeting the Town of Westport Drainage Standards for a 25-year storm event. The Westport Engineering Department has reviewed the plans and the volume of stormwater runoff proposed. The Engineering Department provided a note regarding the separation distance of the basement and the drainage area (beneath the driveway). The recommendation is to increase the separation distance to 10' or otherwise resolve the issue and provide updated plans prior to obtaining a Zoning Permit. The Commission finds that the plans shall be revised to meet this Engineering recommendation and submit those to Conservation staff prior to issuance of a Zoning Permit.

The Commission finds that the drainage in the parking court is the primary drainage facility provided for this house design. The Commission finds that the Site Engineer shall certify the installation and functionality of the entire drainage system, including the level spreader, as designed, prior to the issuance of a Conservation Certificate of Compliance.

The Flood and Erosion Control Board approved the application at its October 12, 2022 meeting with this recommendation.

#### **13. 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:**

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

#### **14. Waterway Protection Line Ordinance (WPLO)**

*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 WPLO boundary is located 15' from the delineated wetlands boundary onsite. The portion of the residence and driveway located within the WPLO are proposed generally where the existing features are located.

The Existing Site Coverage is 15.4% (5,745 sq. ft.) and the Proposed Site Coverage is 24.5% (9,104 sq. ft.). The Commission finds that the potential for most projects 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. In keeping with this premise, The Commission would typically request the applicant consider a pervious surface be utilized for the

driveway and walkways in addition to the proposed buffer. Pervious driveways are considered an additional Low Impact Development and Best Management Practice (LID-BMP) and could represent the effective reduction of runoff onsite. The Commission discussed the use of pervious surfaces with the applicant in detail. The Commissioners stated they were satisfied with the evidence discussed at the hearing and determined that the proposed driveway shall be asphalt. The Flood & Erosion Control Board approved the project at the October 12, 2022 meeting.

**Conservation Commission**  
TOWN OF WESTPORT  
**Conditions of Approval**  
**Application # IWW-WPL 11612-22**  
**33 High Point Road**  
**Assessor's Map: G11, Tax Lot: 065**  
**Public Hearing: October 19, 2022**

**Project Description:** To construct a new single-family residence, patio, driveway, septic system, and restoration of wetland buffer. Portions of the work are within the upland review area and the WPLO area of an unnamed tributary to Muddy Brook.

**Owner of Record: Christopher Powers & Victoria Pospisil**  
**Applicant: Andy Soumelidis, Landtech**

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-11612-22** 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 October 12, 2022.

### SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
  - a) **Zoning Map of Property**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by Dennis A Deilus, Land Surveyors, dated July 7, 2021, Scale: 1" = 20'.
  - b) **Site Plan, Site Improvements for a Proposed Single-Family Residence, Site Plan**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by LandTech, dated August 18, 2022, Scale: 1' = 20', Sheet C-1.
  - c) **Site Plan, Site Improvements for a Proposed Single-Family Residence, SESC & Planting Plan**, prepared for Christopher Powers & Victoria Pospisil, 33 High Point Road, Westport, CT, prepared by LandTech, dated August 18, 2022, Scale: 1' = 20', Sheet C-2.
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    - a) **Basement Level Plan**                      **Sheet A100**
    - b) **Ground Floor Level Plan**                **Sheet A101**
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    - f) **East Elevation**                                **Sheet A201**
    - g) **South Elevation**                              **Sheet A202**
    - h) **West Elevation**                                **Sheet A203**
    - i) **North Elevation**                               **Sheet A204**
18. The site engineer shall witness the driveway, drainage construction, and level spreader; and certify the construction and functionality prior to the issuance of a Conservation Certificate of Compliance.
19. An Invasive Plant Management Plan (IPM) shall be prepared and submitted to the Conservation Department prior to the issuance of a Zoning Permit. A bond shall be submitted to cover the cost of plants and three years of monitoring, prior to the issuance of a Zoning Permit.
20. All plantings proposed in the "SESC & Planting Plan" shall be installed by hand. Mulching within this area shall be done with organic leaf mulch. the plantings shall be installed prior to the issuance of a Conservation Certificate of Compliance.
21. The proposed drainage plans shall be revised to meet the Engineering Department recommendations for separation distance of the basement prior to the issuance of a Zoning Permit.
22. A detailed construction sequence plan shall be submitted to the Conservation Department for review and approval prior to the issuance of a Zoning Permit.
23. A "Foundation As-built" survey shall be submitted and approved prior to any vertical construction.
24. Submit Aspetuck Health District approval prior to issuance of a Zoning Permit.



