



CONSERVATION COMMISSION
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
DECEMBER 14, 2022**

The December 14, 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
Robert Corroon, Alternate

Staff Members:

Colin Kelly, Conservation Director
Andrew Hally, 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 December 14, 2022 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

Changes or Additions to the Agenda: NONE

Public Hearing: 7:00 p.m.

1. **48 Woodside Avenue:** Application #IWW/M-11638-22 by Andy Soumelidis of LandTech on behalf of Uriel & Christine Failla to amend wetland boundary map #B09.

The applicant was not present.

Mr. Kelly presented the application and showed the survey. He noted we have two soil scientists in agreement.

Mr. Hally reviewed the map amendment. Otto Theall flagged the wetland and results in a net reduction of 714 s.f. Mary Jaehnig reviewed the flagged wetland line on behalf of the Town and indicated her general agreement. Mr. Hally noted the wetland is associated with a pond on the neighboring properties.

Mr. Kelly stated that due to the agreement of the flagged wetland line by the soil scientists, staff recommends approval.

Mr. Davis noted the survey indicates the property is 46 and 48 Woodside Avenue.

Mr. Hally stated that 46 Woodside Avenue was amended in 2005. Both properties are under the same ownership and the property owner is going to be merging the lots.

Ms. Rycenga asked for public comment. There were no public comments.

Motion to close.

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

Findings
Application #IWW/M-11638-22
48 Woodside Avenue
Assessor's Map: B10 Tax Lot: 103
Public Hearing: December 14, 2022

1. **Application Request:** The applicant, Andy Soumelidis, LANDTECH, on behalf of Uriel & Christine Failla, is requesting to amend wetland map #B10 on Lot #103.
2. **Soil Scientist for Applicant:** Otto Theall, Professional Soil Scientist / Wetland Scientist
Soil Scientist for Town of Westport: Mary Jaehnig, Pfizer-Jaehnig Soils, LLC
3. **Plans Reviewed:**
 - a. **Existing Conditions, Wetland Amendment Plan**, prepared for Uriel & Christine Failla, 48 Woodside Avenue, Westport, CT, dated September 30, 2022, Scale: 1" = 20'.
 - b. **Soil Investigation Report**, 46 & 48 Woodside Avenue, Westport Connecticut, prepared by Otto Theall, dated February 22, 2022.
4. **Wetlands Description:**
Soil Investigation Report, 46 & 48 Woodside Avenue, Westport Connecticut, prepared by Otto Theall, dated February 22, 2022.

Wetland soils found on the property

Timakwa and Natchaug Soils (17):

The Timakwa series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials over sandy deposits in depressions on lake plains, outwash plains, till plains, moraines,

and flood plains. Saturated hydraulic conductivity is moderately high or high in the organic layers and high or very high in the sandy material. Slope ranges from 0 to 2 percent.

The Natchaug series consists of very deep, very poorly drained soils formed in woody and herbaceous organic materials overlying loamy deposits in depressions on lake plains, outwash plains, till plains, moraines, and flood plains. Saturated hydraulic conductivity is moderately high or high in the organic layers and moderately low to high in the loamy material.

Non-wetland soils found on the property

Canton and Charlton Soils (60): This map unit is 45 percent Canton soils, 35 percent Charlton soils. 20 percent minor components.

Canton soils unit is very deep, nearly level, well-drained soil formed in a loamy mantle underlain by sandy, loose-to-firm ablation till. Canton soils are on slopes of uplands, ground moraines, ice contact deposits, and adjacent to plains and stream terraces. It is well suited for woodland and development. Large surface and subsurface stones and boulders may hinder excavation. Erosion may be a problem during disturbance. The Canton soil unit may contain areas that consist of a slowly permeable layer that may exhibit slow percolation rates for on-site sewage disposal systems.

Charlton soils unit is a gently sloping, well-drained soil found on hills and ridges. The areas are mostly irregular in shape and range from 4 to 100 acres. Typically, the surface layer is very dark brown fine sandy loam 6 inches thick. The subsoil is strong brown and yellowish brown fine sandy loam 23 inches thick. The substratum is light olive brown gravelly sandy loam to a depth of 60 inches or more. The permeability of this Charlton soil is moderate or moderately rapid. Runoff is medium, and available water capacity is moderate. The soil dries out and warms up early in spring. It is very strongly acid to medium acid. This soil is generally suitable for community development. Quickly establishing plant cover, mulching and using siltation basins help to control erosion and sedimentation during construction.

Udorthents-Urban land complex (306):

This complex consists of moderately well drained to excessively drained soils that have been disturbed by cutting or filling, and areas that are covered by buildings and pavement. The complex is approximately 70 percent Udorthents, 20 percent Urban land, and 10 percent other soils. Udorthents are in areas that have been cut to a depth of 2 feet or more or are on areas with more than 2 feet of fill. Udorthents consist primarily of moderately coarse textured soil material and a few small areas of medium textured material.

5. Past Permits:

AA-5701-97

Legalization of sewer lateral

6. Property Description and Facts Relative to the Map Amendment Application:

- a. The existing house was built in 1920. It is served by public sanitary sewer.
- b. The property is 0.458 acres (19,968 sq. ft.) in size; located in Residential Zone AA.
- c. The parcel is located within the Stony Brook Watershed. The Stony Brook watercourse is located offsite, ~250' to the west. The wetlands onsite are associated with an offsite wetland and freshwater pond.
- d. This property is partially situated in Flood Zone AE and X as shown on F.I.R.M. Panel 09001C0394F
- 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. It is shown on the survey.
- h. The flagged wetland area is **7,415 sq. ft.** as determined by the plan by LANDTECH, dated September 30, 2022. The Town of Westport G.I.S. Map indicates wetlands measuring **~8,129 sq. ft.** The proposed amendment represents a decrease of **~714 sq. ft. of wetland area.**

7. Discussion:

The applicant submitted a soils report by Otto Theall, dated February 22, 2022. This documents Mr. Theall's investigation of the soils on the site. Wetland soils were found on the site identified as Timakwa and Natchaug soils (17).

Findings
Application #IWW/M-11652-22
33 Colony Road
Assessor's Map: F10 Tax Lot: 010
Public Hearing: December 14, 2022

1. **Application Request:** The applicant, Newtown Pools, LLC, on behalf of Jennifer Wolff, is requesting to amend wetland map #F10 on Lot #010.
2. **Soil Scientist for Applicant:** Otto Theall, Professional Soil Scientist / Wetland Scientist
Soil Scientist for Town of Westport: Aleksandra Moch, Soil and Wetland Scientist
3. **Plans Reviewed:**
 - a. **Improvement Location Map** Showing Existing Conditions at 33 Colony Road, Zone:AA, Westport, CT, prepared for Jennifer Wolff, June 16, 2022", prepared by Stalker Land Surveying, Inc., dated June 22, 2022, last revised November 09, 2022. Scale: 1" = 30'.
 - b. **Soil Investigation Report**, 33 Colony Road, Westport Connecticut, prepared by Otto Theall, dated July 17, 2014.
4. **Wetlands Description:**
Soil Investigation Report, 33 Colony Road, Westport Connecticut, prepared by Otto Theall, dated July 17, 2014.

Wetland soils found on the property

Leicester Fine Sandy Loam (4): This nearly level poorly drained soil is in drainageways and depressions. Slopes range from 0 to 5 percent. Typically, this soil has a surface layer of black fine sandy loam seven (7) inches thick. The subsoil is twenty-two (22) inches thick. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. The permeability of the soil is moderate to moderately rapid. Runoff is slow, and available water capacity is moderate. The soil dries out and warms up slowly in spring. Most areas of this soil are wooded. A few areas are used for hay and pasture, and a few scattered areas are used for community development. The seasonal high water table limits this soil for community development; sites for on-site septic systems commonly need extensive filling and require special design and installation. Where suitable outlets are available, footing drains help prevent wet basements. Using siltation basins and quickly establishing plant cover help to control erosion and sedimentation during construction. Even when drained, the soil remains wet for several days after heavy rains, restricting the use of farming equipment. Wetness makes this soil poorly suited for trees. The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

Non-wetland soils found on the property

Hollis- Chatfield Rock Complex (75): This soil unit is 35 percent Hollis soils, 30 percent Chatfield soils, 15 percent Rock Outcrop and 20 percent minor components.

Hollis soils consist of well drained and somewhat excessively drained soils formed in a thin mantle of till. They are shallow to bedrock. They are nearly level to very steep upland soils on bedrock-controlled hills and ridges. Slope ranges from 0 to 60 percent. The soils formed in a thin mantle of till derived from local bedrock of schist, granite, and gneiss. Common trees species include northern red, white, black, and chestnut oak, hickory, eastern white pine, eastern hemlock, and gray and black birch. These soils are suitable for woodland, crops, pasture, and community development.

Chatfield soils consist of well drained soils formed in loamy melt-out till. They are moderately deep to bedrock. They are nearly level to very steep soils on bedrock-controlled hills and ridges. Chatfield soils are nearly level through very steep and are on bedrock-controlled glaciated upland landscapes. The soils formed in a moderately thick mantle of melt-out till overlying granite, gneiss, or schist bedrock. Potential for surface runoff ranges from low to high. Most areas of Chatfield soils are in woodland. Common tree species include white and northern red oaks, sugar maple, beech, eastern hemlock, eastern white pine, eastern red cedar, and shagbark hickory. Chatfield soils are suitable for pasture, residential development and recreational development.

Udorthents-Urban land complex (306):

This complex consists of moderately well drained to excessively drained soils that have been disturbed by cutting or filling, and areas that are covered by buildings and pavement. The complex is approximately 70 percent Udorthents, 20 percent Urban land, and 10 percent other soils. Udorthents are in areas that have been cut to a depth of two feet or more or are on areas with more than two feet of fill. Udorthents consist primarily of moderately coarse textured soil material and a few small areas of medium textured material.

5. Property Description and Facts Relative to the Map Amendment Application:

- a. The existing house was built in 1966. It is served by public sanitary sewer.
- b. The property is 1.067 acres (46,501 sq. ft.) in size; located in Residential Zone AA.
- c. The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~4600' to the east. The wetlands onsite are associated with an intermittent watercourse.
- 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 top of bank for the watercourse. It is shown on the survey.
- h. There is no historical wetland boundary shown on the Town's GIS.
- i. The flagged wetland area is **3,170 sq. ft.** as determined by the plan by Stalker Land Surveying, dated June 22, 2022.

6. Discussion:

The applicant submitted a soils report by Otto Theall, dated July 17, 2014. This documents Mr. Theall's investigation of the soils on the site. Wetland soils were found on the site identified as Leicester Fine Sandy Loam (4).

The sketch map provided with the report from July 17, 2014, identifies the location of the wetland boundary. These locations are reflected as WF#1 through WF#18 as shown on "Improvement Location Map Showing Existing Conditions at 33 Colony Road, Zone:AA, Westport, CT, prepared for Jennifer Wolff, June 16, 2022", prepared by Stalker Land Surveying, Inc., dated June 22, 2022, last revised November 09, 2022. Scale: 1" = 30'.

The Town of Westport retained the services of Aleksandra Moch, Soil and Wetland Scientist, to review the proposed wetland boundary findings. Ms. Moch conducted an on-site investigation on November 26, 2022. Ms. Moch submitted a letter, dated November 26, 2022, confirming the findings in Mr. Theall's report.

The Commission finds that the new wetland line shall be adopted, based on the findings of the two concurring soils scientists.

**Resolution
Application #IWW/M-11652-22
33 Colony Road
Assessor's Map: F10 Tax Lot: 010
Public Hearing: December 14, 2022**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-11652-22 by Newtown Pools, LLC, on behalf of Jennifer Wolff to amend the wetland boundary on Map: #F10 Lot: 010 on the property located at 33 Colony Road with the following conditions:

1. Improvement Location Map Showing Existing Conditions at 33 Colony Road, Zone:AA, Westport, CT, prepared for Jennifer Wolff, June 16, 2022", prepared by Stalker Land Surveying, Inc., dated June 22, 2022, last revised November 09, 2022. Scale: 1" = 30'.

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.

Motion: Carey Second: Corroon
Ayes: Carey, Corroon, Rycenga, Bancroft, Davis
Nays: 0 Abstentions: 0 Votes: 5:0:0

3. **9 Green Acre Lane:** Application #IWW,WPL/E-11649-22 by Bryan Nesteriak of B&B Engineering on behalf of Jessica & Jonathan Manela for a proposed addition, deck and retaining walls. Portions of the work are within the upland review area.

Bryan Nesteriak PE presented application on behalf of the property owners. He gave the background of the property including the installation of the septic system without Conservation approval and the addition of fill. This was later given a staff approval. They are now proposing a small addition, deck additions, retaining wall, drainage and will be bringing in approximately 100 c.y. of fill to level a portion of the side yard. The plan includes 100 plantings in two locations.

The Commission discussed the application with Mr. Nesteriak. The house is serviced by propane. There was a discussion about the air pipe for the Mantis septic system that will not be disturbed and its function. They clarified the septic tank relocation. The planting plan was discussed. Members questioned why plantings were localized in the two areas and indicated they would like to see more planting along the wall next to the wetland.

Jessica Manela, property owner, stated they are working with Tate & Associates on a planting plan to increase the plantings along the wall.

The Commission indicated they would like the additional plantings along the wall for wetland enhancement to be included as part of the approval and to work with staff on the final plan.

Mr. Hally reviewed the staff report. He noted the existing drain in the driveway and questioned its outfall.

Mr. Nesteriak stated that he was unable to locate during his discovery.

Mr. Hally asked if the new drainage system will have any impact on the current drainage.

Mr. Nesteriak stated they will be capturing most of the house in the new system with only a small portion of the house going into the system in the driveway.

Mr. Kelly clarified that they intend to have the engineer certify that the drainage is installed as designed and that a bond be posted for the plantings.

Mr. Nesteriak agreed.

Ms. Rycenga noted the Commission wants additional plantings and she asked if staff would require bond for those plantings in addition to the proposed plantings prior to a Zoning Permit.

Mr. Kelly stated staff would work with the applicant to get a new planting plan and bond all plantings.

Ms. Rycenga asked for public comment. There was no public comment.

The drainage class is poorly drained. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. Most areas of this soil are wooded. The seasonal high water table limits this soil for community development; sites for on-site septic systems commonly need extensive filling and require special design and installation. Where suitable outlets are available, footing drains help prevent wet basements. Even when drained, the soil remains wet for several days after heavy rains. Wetness makes this soil poorly suited for trees. The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

Non-Wetland Soils:

Hollis-Chatfield-Rock outcrop complex (75C) - This component occurs on upland hill and ridge landforms. The parent material consists of melt-out till derived from schist, granite, and gneiss. The slope ranges from 3 to 15 percent and the runoff class is low. The depth to a restrictive feature is 10 to 20 inches to bedrock or 20 to 40 inches to bedrock. The drainage class is somewhat excessively drained to well drained. The USDA NRCS Web Soil Survey list this soil type as somewhat limited for houses due to the depth of bedrock.

8. Property Description and Facts Relative to the Application:

- a. The existing house was built in 1982 and remodeled in 2005. It is served by septic system. The septic was repaired in 2020.
- b. The property is 1.001 acres (43,605 sq. ft.) in size; located in Residential Zone AA.
- c. A perennial watercourse originates from an adjacent pond located off site to the north. The watercourse and associated wetlands run along the eastern and southern boundaries of the subject property.
- d. In 2020, a previous violation for unauthorized construction of the lower retaining wall within the regulated area and review area was legalized as part of the administrative approval permit #AA-WPL/E-10980-20 for an emergency septic repair.
- e. In its current configuration, the lower retaining wall extends slightly into the surveyed limit of wetland. The AA permit legalized the extent of the wall. The edge of lawn along the top of the wall is improved with a landscape bed planted with shrubs.
- f. The existing septic tank will be removed due to offsets from the new residential addition. A new septic tank will be installed ~26' from the surveyed wetland boundary will connect to the existing septic leaching system, built in 2020.
- g. The parcel is located within the Pussy Willow Brook Watershed. Pussy Willow Brook watercourse is located offsite, ~1,000' to the east. The wetlands onsite are associated with an unnamed tributary to the Brook.
- h. This property **is not** located within a FEMA-designated flood zone.
- i. The property **is not** within the Aquifer Protection Overlay Zone.
- j. Property **does not** exist within the Coastal Area Management Zone.
- k. The Waterway Protection Line is established 15' from the wetland boundary. It is shown on the survey.
- l. The flagged wetland area is 11,303 sq. ft. as determined by the plan by Leonard Surveyors, March 3, 2021, last revised August 1, 2022.

9. Conformance to Section 6.1 General Standards of the Inland Wetlands and Watercourses Regulations

- a. disturbance and pollution are minimized;
- b. height, width, and 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 rear portion of the existing house lies within the 50' IWW upland review area. The wetland boundary was delineated by Soil Scientist Aleksandra Moch in May 2019 and verified by Mary Jaehnig on behalf of the Town of Westport in November 2022. The Conservation Commission approved an amendment to Wetland Map D07 in November 2022. The

Commission finds that approximately a third of the addition will be within the 50' review area setback from wetlands. The proposed addition will be a cantilever addition supported by a series of posts/piles and concrete footings. The addition will be located ~45' from the wetland line at its closest point.

The proposed coverage for the addition and decks will be **943 sq. ft.** The total coverage onsite changes from **23.47% (8,057 sq. ft.)** to **24.91% (8,527 sq. ft.)**.

The Commission finds the underlayment of the decks at the ground surface will be composed of crushed stone. The deck will be able to drain stormwater to the gravel base.

The Commission finds that the stormwater management system for the addition is proposed partially within the 20' review area from wetlands and located immediately adjacent to the southeast corner of the house, downgradient from the southern limit of paved driveway. The system consists of two (2) concrete galleys, sized 4 ft by 4 ft by 20 ft, placed within a crushed stone reservoir. The stormwater detention basin is sized to 597 cubic feet (cu. ft) of water, exceeding the 502.9 cu. ft. required for the 943 sq. ft. increase in coverage. The Commission finds that the "Detention Calculations" shown on the "Site Development Plan" demonstrate that the runoff will be managed from the new addition and decks for a 25-year storm event and for the water quality volume, or first inch of runoff. The roof leader from the northern-most roof catchment will be tied into the proposed stormwater system.

In addition to the stormwater management system, the applicant proposes two areas of wetland buffer plantings downgradient from the proposed retaining wall and the southeastern limit of driveway, respectively. Within the eastern planting along the edge of driveway, 29 one-gallon, native herbaceous plants will be installed upgradient from the lower retaining wall. Two (2) native shrubs will be planted between the retaining wall and the wetland edge. The Commission believes the feature should fortify an area that currently consists of maintained lawn and landscape shrubs. This feature should aid in diffusing stormwater sheet flow coming off the driveway. The density of plants should help in trapping suspended sediment and attenuating thermal inputs into the wetlands and watercourse.

Within the southwestern planting, along the limit of the proposed upper retaining wall, the area will be densely planted with a mix of seven (7) native shrubs and 71 native herbaceous plants. The Commission finds approximately two thirds of the planting will be downgradient of both the proposed retaining wall and the existing wall. The Commission believes that the feature should improve stormwater filtration before flowing into the wetland, improve habitat and forage resources, as well as increase the diversity of native vegetation.

The Commission finds the installation of the new septic tank does not have any greater potential for adverse impacts of water pollution since it will be connected to the existing septic leaching system, constructed in 2020.

The Commission finds that the new configuration of the upper retaining wall and side yard will not have adverse impacts of pollution or disturbance of the wetland or watercourse. The expansion of the upper side yard will occur within the footprint of the existing lower rear yard. One hundred cubic yards of fill will be introduced to expand the side yard.

10. Conformance to Section 6.2 Water Quality of the Inland Wetlands and Watercourses Regulations

- 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 currently only the driveway has surface drainage features. A storm drain located in the southeast corner of the pavement collects water from the driveway. It is unknown where the driveway drain discharges. All but one of the current roof leaders discharge to grade. The roof leader that serves the north end of the residence is concealed below the driveway surface. It is unknown where this portion of roof runoff discharges. The proposed addition and decks will require new drainage to meet the Town's Drainage Standards to collect runoff to offset the new coverage. This drainage will be directed to two (2) concrete galleys within a crushed stone reservoir immediately south of the limit of driveway. The applicant provides "Detention Calculations" on the "Site Development Plan." The applicant does not provide a separate stormwater management report but demonstrates stormwater system is sized appropriately to detain stormwater runoff from the new coverage for the 25-year storm. In a memo to the Conservation Commission, the Westport Engineering Department stated the drainage design meets the Town's drainage standards.

The applicant attempts to enhance stormwater by proposing two areas of densely planted wetland buffer. The Commission finds that these plantings will help establish or enhance riparian areas that are currently maintained as lawn or landscaping. This would improve water quality within wetland and watercourse through the biofiltration of stormwater. As the water encounters the soil and the roots of the vegetation, suspended sediment and dissolved nutrients are trapped. The Commission finds that the "Planting Plan" shall be revised to show the wetland buffer extending along the entirety of the upper edge of the landscape bed at the lower retaining wall. The existing row of shrubs should be enhanced by wetland buffer plants (herbaceous and shrub) to increase the capacity of the feature to improve stormwater quality before it enters the wetland. The commission finds the applicant shall submit a revised planting plan to reflect this enhancement.

11. Conformance to Section 6.3 Erosion and Sediment of the Inland Wetlands and Watercourses Regulations

- 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: A memo submitted by the applicant to the Town's Planning and Zoning Commission states the total project includes a net of 110 cubic yards of excavation. The Town's engineering department acknowledged the grading plan substantially complies with the Town's zoning regulations for excavation and filling of land. Sedimentation and erosion control notes are described in the specifications on the "Site Development Plan". A detail of a typical silt fence with installation notes is provided on the plan, as well. The proposed controls consist of a single row of silt fencing within the maintained rear lawn along the limit of proposed disturbance and a single row to the west of the soil stockpile area and limit of retaining wall. The Commission determined silt fence will be placed approximately 13' from the limit of wetlands at the location of the proposed stormwater detention basin and approximately 20' - 25' from the limit of wetlands along the proposed addition, septic tank, and retaining wall. A construction entrance will be installed from the existing asphalt driveway into the front yard. A detail for the construction entrance is provided in the site development plan. The entrance will consist of 2" crushed stone. The travel way for the machinery will be within the yard on the western side of the house.

The Commission finds that much of the potential for adverse impacts from erosion and sedimentation will be due to the temporary conditions created during the excavation, filling and grading associated with re-constructing the upper retaining wall.

The Commission finds these S&E control measures should be adequate if maintained throughout construction.

12. Conformance to Section 6.4 Natural Habitat Standards of the Inland Wetland and Watercourses Regulations

- 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: The applicant has identified two areas to establish wetland buffer plantings. The existing riparian zone of the wetland and watercourse across the property is a mix of landscaping, maintained lawn and sparse natural vegetation. The Commission finds the plantings will be an effective measure at restoring dense riparian vegetation in targeted zones. The buffer plantings should enhance riparian value and function through biofiltration and treatment of sheet flow stormwater runoff from the yard and driveway. Additionally, the Commission feels the proposed winterberry, elderberry and sweet pepperbush will provide forage for resident and migrating bird species, while the flowering plants should provide food for pollinator species. The plantings will have limited potential in providing shading, shelter, or nesting habitat.

The Commission feels the new configuration of the upper retaining wall and side yard will not have adverse impacts of altering habitat conditions or existing indigenous flora and fauna. The expansion of the upper side yard will occur within the footprint of the existing lower rear yard. One hundred cubic yards of fill will be introduced to expand the side yard. The biggest risk to the resource is sedimentation from excavation and filling activities.

It is the opinion of the Commission that there will be no adverse impacts to the local ecosystem and biological productivity of the wetland and watercourse. Since there are no proposed developments within the wetland or watercourse, and surface water inputs will be limited, there will be no adverse impacts to aquatic wildlife, fish migration or life cycle. Forage and habitat should be somewhat improved by the proposed buffer plantings by increasing diversity of the native shrub strata.

13. Conformance to Section 6.5 Discharge and Runoff of the Inland Wetland and Watercourses Regulations

- 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: All but one of the roof leaders from the existing residence discharge at grade. One of the roof leaders at the north end of the residence is concealed below the surface of the driveway. The only site drainage that currently exists on the property serves the driveway. The surface storm drain located in the southeastern corner of the driveway drains stormwater from the driveway. The current drainage helps prevent ponding in the southern end of the driveway and washout of the existing landscape bed into the wetland. At present, it is unknown where the driveway drain or northeastern roof leader discharges.

The project proposes to install additional drainage in the form of a stormwater detention basin consisting of two stormwater galleys within a larger crushed stone reservoir. The system is designed to capture stormwater from 943 sq. ft., which represents the area of the proposed addition and decks. The water is conveyed from a single roof leader to an underground drainage pipe and into the detention basin. The system is designed to manage the first inch of stormwater runoff for the 25-year storm. The basin is sized to store 597 cu. ft. of water, which exceeds the 502.9 cu. ft. that is required

by Town stormwater standards. The Town Engineering Department has confirmed the proposed drainage plan meets the Town drainage standards.

The project proposes to reconstruct the upper retaining wall and extend the footprint of the side yard into the existing rear yard. The new upper terrace of lawn will have a similar grade change over a longer run resulting in a more gradual slope. Stormwater sheet flow should have slightly less energy while running over the maintained lawn towards the wetland.

The Commission feels the existing landscape bed along the top of the lower retaining wall is providing limited dissipation of stormwater energy coming off the existing roof leaders and maintained lawn. The landscape bed shall be enhanced with wetland buffer plantings to improve those functions. The plantings will aid in restoring the lawned and landscaped areas to naturalized riparian buffer. The enhanced riparian buffer will help slow down stormwater flow velocities coming off the front and side lawns, as well as dissipate energy from excess flow not captured by the driveway drain.

The Commission acknowledges that the proposed wetland buffer plantings and the stormwater management system will provide an overall benefit in reducing potential impacts from stormwater runoff and discharge into the wetlands. The Commission shall require a performance bond to cover the cost of the proposed buffer planting. The bond shall be held for one full growing season to ensure vitality of plants.

14. Conformance to Section 6.6 Recreational and Public Uses of the Inland Wetland and Watercourses Regulations

- 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 Commission finds the proposed application will not have a significant impact on recreational and public uses.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #IWW, WPL/E-11649-22
9 Green Acre Lane
Assessor's Map: D07 Tax Lot: 059
Public Hearing: December 14, 2022**

Project Description: To construct a 344 square foot (sq. ft.) one-story addition to the rear of the existing residence with associated decks (599 sq. ft.) and retaining wall, and to install a septic tank and subsurface stormwater management system. The proposal includes plans for two separate areas of wetland buffer plantings, upgradient from the surveyed wetlands boundary.

Owner of Record: Jessica & Jonathan Manela
Applicant: Bryan Nesteriak, B&B Engineering

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-11649-22 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. 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.

SPECIAL CONDITIONS OF APPROVAL

15. Conformance to the plans entitled:
 - a. **Plot Plan** prepared for Jessica & Jonathon Manela, #9 Green Acre Lane, Westport, Connecticut, prepared by Leonard Surveyors, LLC, dated March 3, 2021, last revised August 1, 2022, Scale: 1" = 40'.
 - b. **Site Development Plan** of 9 Green Acre Lane, Westport, Connecticut, prepared for Jessica & Jonathan Manela, prepared by B&B Engineering, dated May 5, 2022, last revised November 30, 2022, Scale: 1' = 20', Sheet 1 of 2.
 - c. **Planting Plan** of 9 Green Acre Lane, Westport, Connecticut, prepared for Jessica & Jonathan Manela, prepared by B&B Engineering, dated November 2, 2022, Scale: 1' = 10', Sheet 2 of 2.
 - d. **Architectural Plans**, Manela First floor Renovation Conceptual Plans, Design by the Jonathans, LLC, dated July 26, 2022, Scale: 1/4" = 1'-0" (12 Sheets)
 - e. **Wetland Delineation** for property located at 9 Green Acre Lane, Westport, Connecticut, prepared by Aleksandra Moch, dated May 20, 2019.
16. A revised planting plan shall be submitted to the Conservation Department to reflect the testimony of the Commission during the public hearing held on December 14, 2022. Revisions shall include the addition of wetland buffer plants along the top of the lower retaining wall in front of the existing row of shrubs. The revised plan shall be subject to approval by Conservation Staff.

17. Plants to be installed as noted on the approved "Planting Plan" prior to the issuance of Conservation Certificate of Compliance. Contact Conservation Department staff at start of planting.
18. A bond to cover the cost of erosion controls, plantings shall be submitted prior to the issuance of a Zoning Permit. The portion of the bond covering the plantings shall be held for one full growing season.
19. The final "as-built" survey shall depict all surface drainage and stormwater features.
20. The site engineer shall oversee the drainage installation and certify that it is installed correctly prior to the issuance of a Conservation Certificate of Compliance.
21. A detailed construction sequence plan shall be submitted to the Conservation Department for review and approval 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: Davis Second: Carey
Ayes: Davis, Carey, Rycenga, Bancroft , Corroon
Nays: 0 Abstentions: 0 Vote: 5:0:0

4. **34 Owenoke Park:** Application #WPL-11653-22 by William Kenny Associates LLC on behalf of Adam & Melanie Smith for a new single family residence, new driveway, inground pool and spa, accessory dwelling unit and other site improvements. The residence and ADU will be built to FEMA compliance. Work is within the WPLO area of Gray's Creek.

Bill Kenny presented the application on behalf of the property owners. He noted the Commission reviewed an application for this property in 2021 for an addition, driveway modifications and lot merger. That application was not built. The current proposal is for a new single family residence, new driveway, inground pool and spa, and accessory dwelling unit. The project has similar coverage as the 2021 approval and they are proposing pervious driveways and walkways as was required in the 2021 approval. They have preserved the mature plantings on the property by moving them from the center of the property to the northern property boundary. He indicated that they have reviewed the proposed conditions of approval in the staff report and agree with them.

Mike Burtula, PE discussed stated the drainage for the project has been reviewed and approved by the Flood and Erosion Control Board.

The Commission discussed with the applicant team the depth to groundwater. The drainage is placed above elevation 5 per the Town's standards for this area since it is a tidally influenced area. The pool mechanicals will be located on the generator platform. The proposed pool depth is 9 feet. The existing pool is a 9-foot pool. They discussed dewatering and referred to Note #9 of the Construction Sequencing on the Notes and Details Sheet. There was a discussion about the pool depth.

Mr. Hally reviewed the staff report. The site coverage will increase to 21.38%. There are proper sediment and erosion controls. He noted the plans do not show any fill and asked about the excavation and fill.

Mr. Burtula indicated that the excavation and fill should even out and be a net zero.

Mr. Hally asked what is happening with the existing stormwater detention system.

Mr. Burtula stated that it will be used as an overflow system.

- e. **Planting Plan** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut, prepared by William Kenny Associates, dated October 21, 2022, revised November 10, 2022, Scale: 1" = 20'.
 - f. **Drainage Computations** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut, prepared by The Huntington Company, LLC, dated August 8, 2022, revised November 9, 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 09001C0551G Map revised to July 8, 2013.
 - c. **Proposed First Floor Elevation of House:** 15.5 ft.
 - d. **Proposed First Floor Elevation of Accessory Dwelling Unit:** 15.4 ft.
 - e. **Proposed Garage Elevation:** 7.0 ft.
 - f. **Proposed Pool Coverage:** 810 sq. ft.
 - g. **Proposed Spa Coverage:** 59 sq. ft.
 - h. **Proposed Pool Coping/ Patio Elevation:** 8.0 ft.
 - i. **Proposed Spa Cap Elevation:** 10.0 ft.
 - j. **Existing Site Coverage:** 12.52% (5,590 sq. ft.)
 - k. **Proposed Site Coverage:** 21.38% (9,539 sq. ft.)
 - l. **Existing Building Coverage:** 8.02% (3,580 sq. ft.)
 - m. **Proposed Building Coverage:** 14.82% (6,614 sq. ft.)
 - n. **Sewer Line:** The existing residence is serviced by municipal sewer.
- 4. Aquifer:** Property underlain by Sherwood 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:** The subject property is located within the Coastal Area Management (CAM) zone. The coastal resource is identified as Coastal Flood Hazard Area. Coastal Flood Hazard Areas are defined as 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 proposed residence will be directed to discharge four (4) Cultec C100HD units at the front (south) of the property and one (1) unit at the rear (north) of the property. Excess storm water volume from the four newly installed Cultec units at the front of the property will discharge to the existing stormwater recharge chambers. Stormwater runoff from the proposed accessory dwelling unit will be directed to discharge to one (1) Cultec C100HD unit at the rear of the property. Additionally, the applicant proposes pervious driveway, entry courts, patios, and walkways.
- 7.** The "Drainage Computations" report by The Huntington Company states that the new stormwater management system will collect the stormwater runoff from the 25-year storm event and 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). In addition, the applicant proposes pervious driveway, patios, walkways, and entry courts, patios, and walkways, which will each have their own reservoir for stormwater detention.
- 8. Previous Permits issued:**
- #32 Owenoke Park:
WPL/E-6309-00: Enclose screen porch
WPL/E-6309-00: Screen porch and deck addition
WPL/E-9451-13: Generator
- #34 Owenoke Park:
WPL-9893-14: New single-family residence, pool, patio
WPL/E-10527-17: Pool

WPL/E-10789-19: Wall & fence

WPL-11373-21: Two-story addition and renovation

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 demolish the existing single-family residence and abandon and fill the existing in-ground pool. The application proposes to construct a new residence, accessory dwelling unit, and pool to be FEMA compliant with a pervious walkways, patios, driveway, and entry courts. The Commission finds the application proposes net-zero fill for site excavation and grading activities.

The Commission finds that the proposed residence will be built to conform to FEMA standards with the first habitable floor (el. 15.5') constructed above the 100-year base flood elevation (el. 13'). The “Lower Level Plan” for the proposed residence depicts the ground level developments for the garage, vestibule, and storage areas. The garage is proposed at elevation 7', and the survey shows the surrounding proposed grade as 7.6'. The plan proposes 31 flood vents throughout the developed lower level of the residence. The plan proposes four (4) flood vents throughout the lower level of the accessory dwelling unit. The Commission Finds flood vents are proposed to meet FEMA requirements and should be verified by the Engineering Department or Planning & Zoning Department.

At the December 7th meeting the Flood and Erosion Control Board approved the application for 34 Owenoke Park with no special conditions.

The footprint of the proposed residence is larger and positioned further north on the lot than the existing residence. The Commission finds that the plan for the new foundation of the house and pool would require the removal of a stormwater chamber and underground propane tank. Both are located north of the existing residence. A pervious walkway will connect the driveway to front, side, and rear entries to the residence. The proposed grade plane around the residence is 7'6 5/8". In addition, an elevator is proposed to service the residence. The Commission requires the elevator to have all essential mechanicals placed above the flood zone to meet FEMA requirements.

The “Site Development Plan” proposes to introduce a sanitary sewer pump chamber and grinder pump for both the residence and the accessory dwelling unit. The plan proposes 1 1/4" force mains from each pump chamber to connect to the existing sanitary sewer line in Stuart Lane. The plan proposes to install two (2) new underground propane tanks at the southeast corner of the property. The Commission requires the propane tanks to be installed according to FEMA regulations and be verified by the site engineer for proper anchoring. Water, sewer, and electricity/utility will be installed below grade. The plan proposes to install a generator platform to the west of the residence.

The application proposes to construct a pool, pool fence, mechanicals, and a spa. The proposed pool ranges from 3' to 9' deep. The plans note that pool equipment is to be installed on an elevated platform collocated with the proposed generator above base flood elevation. The Commission finds that the pool equipment shall be depicted on the final “as-built” survey, located on the generator platform.

The Commission finds that the average grade in the vicinity of the pool is 7'6 5/8" mean sea level (msl). A 9' excavation will be to elevation ~ -1.50' (7.5' - 9' = -1.5'). Test Pit data was not completed 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, a pool with a 9' depth may encounter groundwater. The applicant provides a note for sequence for construction in "Notes and Details", stating "Groundwater encountered during construction to be controlled by pumping into haybale dam barrier and into catch basin with silt sack protection". The Commission requires a site meeting between Conservation staff and the contractor to be held during excavation to address dewatering concerns or uncontrolled sediment movement from the site. The Commission requires pool excavation activities be limited to times within two (2) hours on either side of low tide to help minimize the need for dewatering. A pool fence is proposed to be instructed across the rear of the yard. The detail provided shows it will be FEMA compliant.

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 **21.38%** which is within the 10-25% cover that will impact water quality. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. The Commission finds the coverage exceeds the percentage in which water quality can be assumed to be impacted.

The applicant has provided a detailed planting plan for the property. The plan depicts the existing evergreen tree screening to remain. Much of the proposed planting consists of native shrubs, vines, and herbaceous plants. The plan provides additional hedgerow at the southern property boundary along the roadway. The planting plan proposes to increase the diversity of native plants across the property. The Commission finds the planting has limited potential in protecting natural resources or mitigating stormwater quality impacts.

The stormwater runoff associated with the residence is directed by roof leaders to three separate storage areas consisting of Cultec C100HD stormwater galleries to function as the underground detention systems. The driveway will be constructed of 1" stone. The patio and walkways will consist of pavers with open joints filled with 1/4" stone. The driveway, entry courts, patios and walkways will be constructed as pervious and contain their own storage reservoirs beneath the gravel layer. The Commission finds that rest of the site topography of the site is relatively flat with no concentrated stormwater runoff areas noted. Construction access will be fortified with an anti-tracking apron and will extend from the Start Lane cul-de-sac into the undeveloped, northern portion of the property. The "Site Development Plan" shows two areas for temporary soil stockpiling at the southwest and the northeast corners of the property. Sediment and erosion controls are shown on the plan surrounding the proposed work area and both stockpile locations.

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). Permeable driveway, entry courts, patios, and walkways have been proposed with this application. The "Pervious Gravel Driveway Section", "Pervious Patio Detail", and "Pervious Walkway Detail" are all included in the "Site Development Plan, Notes and Details", prepared by the Hunting Company. The Commission finds that the design of the permeable driveway parking areas patios and walkways all represent Best Management Practice (BMP) for green stormwater infrastructure onsite. These designs allow for reduction of the amount of stormwater runoff from as much impervious surfaces as practical onsite. The Commission finds that the design engineer shall witness and certify the construction of the permeable driveway, entry courts, patios and walkways; and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. The Commission requires the proposed driveway, entry court and any walkways to be constructed as permeable and remain so in perpetuity. This would ensure that the benefit provided by the permeable areas and driveway remain in the future.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11653-22
34 Owenoke Park
Assessor's Map: C03 Tax Lot: 018
Public Hearing: December 14, 2022**

Project Description: To construct a new single-family residence and attached garage, accessory dwelling unit, pool & spa, drainage structures, pervious driveway, entry courts (parking areas), patios, walkways, and associated site improvements. Work is within the WPLO area of Gray's Creek.

Owner of Record: Adam & Melanie Smith
Applicant: William Kenny Associates, LLC

In accordance with Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #**WPL-11653-22** 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 **December 7, 2022**.
16. 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

17. Conformance to the plans entitled:

- a. **"Data Accumulation Plan** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut", prepared by The Huntington Company, LLC, dated July 26, 2022, last revised November 7, 2022, Scale 1" = 20'.
- b. **"Site Development Plan** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut", prepared by The Huntington Company, LLC, dated July 26, 2022, last revised November 7, 2022, Scale 1" = 20'.
- c. **"Notes and Details** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut", prepared by The Huntington Company, LLC, dated November 7, 2022, FScale 1" = 20'.
- d. **Architectural drawings** (14 sheets) "Proposed Residence for Adam & Melanie Smith, 34 Owenoke Park, Westport, CT 06880", prepared by Mark P. Finlay Architects, AIA, dated March 16, 2022.
- e. **Planting Plan** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut, prepared by William Kenny Associates, LLC, dated October 21, 2022, revised November 10, 2022, Scale: 1" = 20'.
- f. **Drainage Computations** prepared for Adam & Melanie Smith, 34 Owenoke Park, Westport, Connecticut, prepared by The Huntington Company, LLC, dated August 8, 2022, revised November 9, 2022.

18. The final as-built survey shall depict the pool equipment located on the generator pad.

19. The proposed driveway, entry courts, patio, and walkways must be constructed as permeable. The driveway and walkway shall remain permeable in perpetuity with said restriction placed on the land records prior to 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, entry courts, walkways, and patios) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

21. The elevator shall have mechanicals placed above the flood zone to meet FEMA requirements.

22. Prior to Zoning Permit, a construction sequence plan shall be submitted to staff for review.

23. A Foundation as-built survey shall be submitted and reviewed prior to construction commencement for the rest of the residence.

24. The Conservation Department shall be contacted 48 hours prior to start of construction to inspect erosion controls.

