



CONSERVATION COMMISSION
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WESTPORT™

**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
MARCH 15, 2023**

The March 15, 2023 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Tom Carey, Chair
Paul Davis, Vice-Chair
Don Bancroft, Secretary
Josh Lewi
Patrick Ryll

Staff Members:

Colin Kelly, Conservation Director
Andrew Hally, Conservation Analyst
Susan Voris, Admin. Asst. II
Nick Bamonte, Esq., Town Attorney's Office

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the March 15, 2023 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

Rory Murphy, a potential Commission member, was in attendance to observe the meeting.

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

Mr. Kelly stated there were two items to add to item 2 of the Work Session:

- Approval of January 25, 2023 Show Cause Hearing minutes
- Approval of February 10, 2023 Field Trip minutes

Motion to add minutes to Work Session.

Motion:	Carey	Second:	Lewi
Ayes:	Carey, Lewi, Bancroft, Davis, Ryll		
Nayes:	None	Abstentions:	None
			Vote: 5:0:0

Public Hearing: 7:00 p.m.

Visited sites PR, PD, DB, TC, JL

1. **50 Roseville Road:** Application #IWW/M-11676-23 by Aleksandra Moch on behalf of Stan Pinkus to amend wetland boundary map F09.

Aleksandra Moch, soil and wetland scientist, presented the application for a wetland boundary amendment on behalf of the property owner. She stated the access area is shown as wetlands on the Town's wetland maps. Soil scientist, Jim McManus studied the site and determined the accessway is not wetlands. This finding was confirmed by Jay Fain, the soil scientist retained by the Town.

Mr. Kelly confirmed that Mr. Fain reviewed the site and agreed with Mr. McManus's findings. There is a net reduction in wetlands of 1,140 s.f.

Mr. Ryll asked if there are no wetlands due to the development and fill on the adjoining lot in 1994.

Jim McManus stated that during his investigation he found no poorly drained soils in the crossing. He acknowledged there was fill, but noted the fill was over upland soils. There are wetlands in close proximity to the accessway.

Mr. Kelly noted the official Town wetland maps are based on aerial photos. He read a letter submitted by Jay Fain noting his findings and he agreed with Mr. McManus' delineation. Mr. Kelly stated staff recommends adopting the revised wetland line as submitted.

Mr. McManus clarified that the accessway does not meet the CT definition of a wetland.

Mr. Carey asked for public comment. There was none.

Motion to close the Public Hearing.

Motion:	Carey	Second:	Lewi
Ayes:	Carey, Lewi, Bancroft, Davis, Ryll		
Nayes:	None	Abstentions:	None
			Vote: 5:0:0

Findings
Application #IWW/M-11676-23
50 Roseville Road
Assessor's Map: F09 Tax Lot: 116
Public Hearing: March 15, 2023

1. **Application Request:** The applicant, Stan Pinkus is requesting to amend wetland map #F09 on Lot #116.

2. **Soil Scientist for Applicant:** James M. McManus, MS, CPSS, JMM Wetland Consulting Services, LLC
Soil Scientist for Town of Westport: Jay Fain, Professional Soil Scientist, Jay Fain & Associates, LLC

Plans Reviewed:

“**Zoning Location Survey**, prepared for Stanley & Natalia Pinkus 50 Roseville Road, Westport, CT”, dated November 1, 2022 and last revised January 12, 2022, Scale: 1” = 20’.

“**Biological Evaluation of the Wetland Area** at 50 Roseville Road, Westport Connecticut”, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated January 10, 2023.

3. **Wetlands Description:**

“**Site Investigation**, 50 Roseville Road, Westport Connecticut”, prepared by JMM Wetland Consulting Services, LLC, dated January 12, 2023.

Wetland soils found on the property: **None**

Non-wetland soils found on the property:

Charlton-Chatfield complex, fine sandy loam (73) - This component occurs on upland hill landforms. The parent material consists of till derived from schist, granite, and gneiss. The depth to a restrictive feature is 20 to 40 inches or greater than 60 inches. The drainage class is moderately, well drained.

Sutton fine sandy loam (50) - This soil unit consists of gently sloping, moderately well drained soil found in slight depressions and on the sides of hills and ridges. This Sutton soil has seasonal high water table at a depth of about 20 inches from late fall until mid-spring. Many areas of this soil type are used for community development, with limitations caused by the high water table.

Udorthernt, smoothed (308) – This component occurs on leveled land and fill landforms.

4. **Past Permits:**

- **IWW-WPL- 4173-90** Reduction of wall height and length and adjustment of grades (52 Roseville Road reference previous IWW- 3065-89 + WPL-3067-89)
- **IWW- 3065-89 + WPL-3067-89:** Road crossing over wetlands single family residence with related appurtenances on each of two (2) lots.
- **IWW-2553-88:** subdivide 48 Roseville Road (denied)
- **IWW/M-2622-88:** map amendment 48 Roseville Road
- **IWW/M-2374-88:** map amendment -withdrawn - 48 Roseville Road

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

- The property is undeveloped.
- The property is 0.806 ac. (35,095 sq. ft.) in size; exclusive of accessway per the “Zoning Location Survey”. The accessway that is cross hatched measures ~706 sq. ft.
- Located in Residential Zone A.
- The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~3,000’ to the east.
- This property **is not** within a flood zone.
- The property **is not** within the Aquifer Protection Overlay Zone.
- Property **does not** exist within the Coastal Areas Management Zone.
- There is wetland boundary shown on the Town’s GIS that crosses the property line between #48 and #52 Roseville Road. (~1,140 sq. ft. per GIS) This amendment represents a decrease of ~1,140 sq. ft. of wetlands onsite.
- A Conservation Restriction Area is indicated on eastern portion of the property in the area of steep slope up to elevation 100’.

6. **Discussion:**

The applicant submitted a soils report by James M. McManus, MS, CPSS, JMM Wetland Consulting Services, LLC, dated January 12, 2023. This documents McManus’ investigation of the soils on the site from January 12, 2023. This report states that the property is “primarily undisturbed; however,

disturbed soils were noted mainly adjacent to (south) of a paved driveway located off-site to the north.” The report stated that no wetland soils were located on the site but noted “regulated wetlands were observed within 100-feet of the northwestern property line.”

The “Biological Evaluation of the Wetland Area at 50 Roseville Road, Westport Connecticut”, prepared by Aleksandra Moch, Soil & Wetland Scientist, dated January 10, 2023, references the wetland designation by the Official Town of Westport Wetland Map available on the Town of Westport GIS and wetland flagging completed by Chris P. Allan on September 2, 2020.

The Town of Westport retained the services of Jay Fain, Professional Soil Scientist, of Jay Fain & Associates, LLC, to review the proposed wetland boundary findings. Mr. Fain conducted an on-site investigation on March 7, 2023, with town staff in attendance. The site accessway had been staked by the applicant’s surveyor. Mr. Fain noted the accessway, (to the south of the driveway of #52 Roseville Road), was a disturbed area with fill material deposited sometime in the past. He noted that no wetlands were found within the staked areas as Mr. McManus concluded. Mr. Fain agreed that wetland resources were located offsite to the north and south of accessway. Mr. Fain submitted a letter, received March 15, 2023, agreeing that the area of investigation is not a regulated wetland.

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-11676-23
50 Roseville Road
Assessor’s Map: F09 Tax Lot: 116
Public Hearing: March 15, 2023

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-11676-23 by Aleksandra Moch, on behalf of Stan Pinkus to amend the wetland boundary on Map: #F09 Lot: 116 on the property located at 50 Roseville Road with the following conditions:

1. “Zoning Location Survey, prepared for Stanley & Natalia Pinkus 50 Roseville Road, Westport, CT”, dated November 1, 2022 and last revised January 12, 2022, Scale: 1” = 20’.

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: Bancroft Second: Davis
Ayes: Bancroft, Davis, Carey, Lewi, Ryll
Nays: 0 Abstentions: 0 Votes: 5:0:0

2. **3 Richmondville Avenue:** Application #IWW/M-11696-23 by 3 Richmondville Westport LLC to amend wetland boundary map #C11.

Jim Kousidis, PE, presented the application to amend the wetland boundary map on behalf of the property owners. Originally there were no wetlands shown on the property. Staff found that there was a flagged wetland on the neighboring property when the Town was doing a stream improvement project and that necessitated a wetland boundary on this parcel. Aleksandra Moch flagged the wetlands.

Mr. Hally stated Otto Theall was hired by the Town to review the wetland boundary mapping. He agreed with findings by Aleksandra Moch. There was a 580 s.f. increase in wetlands. He stated staff recommends adoption of the revised wetland line.

Mr. Carey asked for public comment. There were no public comments.

Motion to close the Public Hearing.

Motion:	Bancroft	Second:	Lewi
Ayes:	Bancroft, Lewi, Carey, Davis, Ryll		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

Findings

**Application #IWW/M-11696-23
3 Richmondville Avenue
Assessor's Map: C11 Tax Lot: 099
Public Hearing: March 15, 2023**

- 1. Application Request:** The applicant and owner, 3 Richmondville Westport LLC, is requesting to amend wetland map #C11 on Lot #099.
- 2. Soil Scientist for Applicant:** Aleksandra Moch, Soil & Wetland Scientist
Soil Scientist for Town of Westport: Otto Theall, Professional Soil Scientist / Wetland Scientist
- 3. Plans Reviewed:**
 - a. Improvement/Location Survey Map of Property**, prepared for Richmondville Westport LLC, 3 Richmondville Avenue, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, dated May 17, 2022, Scale: 1" = 10'.
 - b. Wetland Delineation**, for the property located at 3 Richmondville Avenue, Westport, Connecticut, prepared by Aleksandra Moch, dated February 25, 2023.
- 4. Wetlands Description:**

Wetland Delineation, for the property located at 3 Richmondville Avenue, Westport, Connecticut, prepared by Aleksandra Moch, dated February 25, 2023.

Soil Investigation Report, 3 Richmondville Avenue, Westport, Connecticut, prepared by Otto Theall, Professional Soil Scientist / Wetland Scientist, dated February 27, 2023.

Wetland soils found on the property

Raypol silt loam (12): This soil type is nearly level, poorly drained soil found in depressions, on plains and terraces. Included in this unit are small areas of moderately well drained Ninigret soils, poorly drained Walpole soils, and very poorly drained Saco and Scarboro soils. The seasonal high water table and rapid permeability in the substratum limit this soil for community development. Excavations in the soil area commonly filled with water, and many areas do not have drainage outlets. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction. The soil is poorly suited for trees due to the high water table which restricts root growth. As a result, many trees are uprooted during windy periods.

Non-wetland soils found on the property

Ninigret-Urban land complex (221A):

This map unit is 40 percent Ninigret soils, 35 percent Urban Land. 25 percent minor components.

Ninigret soils: This nearly level to gently sloping, moderately well drained soil is found on plains and terraces in stream valleys. This soil has a seasonal high water table at a depth of about 20 inches from late fall until mid-spring. The seasonal high water table is the main limitation of this soil for community development. The water table makes special design and installation of on-site septic systems necessary. Slopes of excavations are commonly unstable. Where outlets are available, footing drains help prevent wet basements. Quickly establishing plant cover, mulching, and using siltation basins help to control erosion and sedimentation during construction.

Urban Land: Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas.

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:

- The existing house was built in 1963. It is served by public sanitary sewer.
- The property is 0.33 acres (14,741 sq. ft.) in size; located in Residential Zone A.
- The parcel is located within the Saugatuck River Watershed. The Saugatuck River watercourse is located offsite, ~50' to the west. The wetland onsite is an isolated depressional wetland.
- Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
- The property is within the Canal Street Aquifer Protection Overlay Zone.
- Property is within the Coastal Area Management Zone.
- The Waterway Protection Line is established 15' from the 25-year flood line within the north and northeast corners of the property. The WPL is established 15' from the limit of wetland in the southwest corner of the property. The WPLO boundaries are shown on the survey.
- There is no historical wetland boundary shown on the Town's GIS.
- The flagged wetland area is **580 sq. ft.** as determined by the plan by the Improvement / Location Survey Map of Property, prepared by Walter H. Skidd, Land Surveyor, LCC, dated May 17, 2022, revised February 27, 2023.

6. Discussion:

The applicant submitted a wetland delineation report by Aleksandra Moch, dated February 25, 2023. This documents Ms. Moch's investigation of the soils on the site. Wetland soils were found on the site identified as Raypol silt loam (12).

The sketch map provided with the report from February 25, 2023, identifies the location of the wetland boundary. These locations are reflected as W.L. #1 through W.L. #3 as shown on "Improvement/Location Survey Map of Property", prepared for Richmondville Westport LLC, 3 Richmondville Avenue, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, dated May 17, 2022, Scale: 1" = 10'.

The Town of Westport retained the services of Otto Theall, Professional Soil Scientist / Wetland Scientist, to review the proposed wetland boundary findings. Mr. Theall conducted an on-site investigation on February 27, 2023. Mr. Theall submitted a letter, dated February 27, 2023, confirming the wetland boundary as delineated by Aleksandra Moch. Mr. Theall called out an additional soil type around the existing residence, Udorthents-Urban land complex (306).

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-11696-23
3 Richmondville Avenue
Assessor's Map: C11 Tax Lot: 099
Public Hearing: March 15, 2023

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-11696-23 by 3 Richmondville Westport LLC to amend the wetland boundary on Map: #C11 Lot: 099 on the property located at 3 Richmondville Avenue with the following conditions:

- 1. Improvement/Location Survey Map of Property**, prepared for Richmondville Westport LLC, 3 Richmondville Avenue, Westport, Connecticut, prepared by Walter H Skidd, Land Surveyor, LLC, dated May 17, 2022, Scale: 1" = 10'.

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: Ryll Second: Carey
Ayes: Ryll, Carey, Davis, Bancroft, Lewi
Nays: 0 Abstentions: 0 Votes: 5:0:0

3. **17 Grove Point Road:** Application #IWW/M-11688-23 by Kousidis Engineering on behalf of Benjamin Joseloff to amend wetland boundary map #E06.

Jim Kousidis, PE, presented the application on behalf of the property owner. He noted there is a slight increase in wetlands from the Town wetland map. REMA Ecological Services flagged the site.

Mr. Kelly stated Otto Theall was retained to review the wetlands boundary and he confirmed the flagging by REMA Ecological Services. There is a 4,785 s.f. increase in wetlands. The Town's wetland map show there is an area of tidal wetlands but as that was done by aerial photo and this flagging was testing in the field, it was found to be all inland wetlands.

Mr. Carey asked for public comments. There were no public comments.

Motion to close the Public Hearing.

Motion: Carey Second: Ryll
Ayes: Carey, Ryll, Bancroft, Davis, Lewi
Nays: None Abstentions: None Vote: 5:0:0

Findings
Application #IWW/M-11688-23
17 Grove Point Road
Assessor's Map: E06 Tax Lot: 022
Public Hearing: March 15, 2023

1. **Application Request:** The applicant Jim Kousidis, Kousidis Engineering, LLC. On behalf of Benjamin Joseloff, is requesting to amend wetland map #E06 on Lot #022.
2. **Soil Scientist for Applicant:** George T. Logan, MS, PWS, CSE, Rema Ecological Services, LLC
Soil Scientist for Town of Westport: Otto Theall, Professional Soil Scientist / Wetland Scientist
3. **Plans Reviewed:**
Limited Property/Boundary Survey, Zoning Location Survey Land of Benjamin G Joseloff & Taryn M. Allen, #17 Grove Point Road, Westport, Connecticut, prepared by Juliano Associates, dated June 28, 2021 and revised to January 10, 2023, Scale: 1" = 20'.
4. **Wetlands Description:**
On-Site Soil Investigation & Wetland Delineation Report, 17 Grove Point, Westport, CT, prepared by Rema Ecological Services, LLC, dated May 21, 2021.

Soil Investigation Report, 17 Grove Point Road, Westport, Connecticut, prepared by Otto Theall, Professional Soil Scientist / Wetland Scientist, dated February 18, 2023.

Wetland soils found on the property

Aquents (308w): 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.

Non-wetland soils found on the property

Udorthents, smoothed (308): This component occurs on altered, leveled, cut, and/or fill landforms.

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

- The existing house was built in 1948. It is served by public sanitary sewer.
- The property is 0.64 acres (27,707 sq. ft.) in size; located in Residential Zone A.
- The parcel is shown as located within the Pussy Willow Brook Watershed. However, the hydrological connection onsite is to the Sherwood Mill Pond located offsite, ~375' to the south. The ponds onsite are man-made, likely developed several years ago on an inland wetland soils.
- Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
- The property **is not** within the Aquifer Protection Overlay Zone.
- Property **is** within the Coastal Area Management Zone.
- The Waterway Protection Line is established 15' from the 25-year flood line, for this property this will be established 15' landward of elevation 9.0' onsite. The WPLO boundaries are not shown on the survey.
- The historical wetland boundary shown on the Town's GIS includes both tidal and inland resources onsite.
- The flagged wetland area is ~**11,985 sq. ft.**, when measured on the Limited Property/Boundary Survey. The Town of Westport GIS indicates ~**7,200 sq. ft.** of combined tidal and inland wetland demarcations. This represents an increase of ~**4,785 sq. ft.** of wetlands

6. Discussion:

The applicant submitted a wetland delineation report by Rema Ecological Services, LLC, dated May 21, 2021. This documents Mr. Logan's investigation of the soils on the site. Wetland soils were found on the site, identified as Aquents (308w).

The sketch map provided with the report from May 21, 2021, identifies the location of the wetland boundary. These locations are reflected as RES-A-1 to RES-A-9 and RES-B-1 to RES-B-14. The "Limited Property/Boundary Survey, Zoning Location Survey Land of Benjamin G Joseloff & Taryn M Allen, #17 Grove Point Road, Westport, Connecticut", prepared by Juliano Associates, dated June 28, 2021 and revised to January 10, 2023, Scale: 1" = 20'; indicates these wetland areas as WLF 1A to WLF 9A and WLF 1B to WLF 14B.

The Town of Westport retained the services of Otto Theall, Professional Soil Scientist/Wetland Scientist, to review the proposed wetland boundary findings. Mr. Theall conducted an on-site investigation on February 18, 2023. Mr. Theall submitted a letter, dated February 18, 2023, confirming the wetland boundary as delineated by George Logan

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-11688-23
17 Grove Point Road
Assessor's Map: E06 Tax Lot: 022
Public Hearing: March 15, 2023

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-11688-23** by Kousidis Engineering, on behalf of Benjamin Joseloff to amend the wetland boundary on Map: #E06 Lot: 022 on the property located at 17 Grove Point Road with the following conditions:

1. "**Limited Property/Boundary Survey, Zoning Location Survey** Land of Benjamin G Joseloff & Taryn M. Allen, #17 Grove Point Road, Westport, Connecticut, prepared by Juliano Associates, dated June 28, 2021 and revised to January 10, 2023, Scale: 1" = 20'.

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: Davis Second: Lewi
Ayes: Davis, Lewi, Carey, Bancroft, Ryll
Nays: 0 Abstentions: 0 Votes: 5:0:0

4. **23 High Point Road:** Application #IWW/M-11619-23 by Curt Lowenstein of LandTech on behalf of 23 High Point Road LLC to amend wetland boundary map #G11.

Curt Lowenstein, PE, presented the application on behalf of the property owners. He noted the Town's wetlands maps do not show any wetlands. Anthony Zaremba, soil scientist, flagged the site and shows 3 wetland pockets. This adds 7,000 s.f. of wetlands.

Mr. Kelly stated Otto Theall was retained by the Town to verify the wetlands onsite and indicated he concurred with the flagging. Staff recommends approval of the revised wetland boundary.

Mr. Carey asked for public comment. There was no public comment.

Motion to close the Public Hearing.

Motion: Carey Second: Bancroft
Ayes: Carey, Bancroft, Davis, Lewi, Ryll
Nayes: None Abstentions: None Vote: 5:0:0

Findings
Application #IWW/M-11619-23
23 High Point Road
Assessor's Map: G11 Tax Lot: 062
Public Hearing: March 15, 2023

1. **Application Request:** The applicant, Curt Lowenstein of Landtech, on behalf of 23 High Point Road, LLC., is requesting to amend wetland map #G11 on Lot #062.
2. **Soil Scientist for Applicant:** Anthony Zemba, Certified Ecologist/Soil Scientist, Landtech
Soil Scientist for Town of Westport: Otto Theall, Professional Soil Scientist / Wetland Scientist
3. **Plans Reviewed:**
Zoning Location & Topographic Survey, prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, dated January 13, 2023 last revised February 28, 2023, Scale: 1" = 20'.
4. **Wetlands Description:**
"Soil Scientist Report, Inland Wetland Delineation, 23 High Point Road, Westport Connecticut", prepared by Landtech, dated February 28, 2023, (revised).

Wetland soils found on the property:

Wetland Resource Area 1: Pounded area (Flags #WF-1 thru #WF-15)

PUB E/Hx: System Palustrine (P): The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class Unconsolidated Bottom (UB) : Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

Water Regime: Seasonally Flooded/Permanently Flooded (E/H): Water covers the substrate throughout the year in all years.

Special Modifier Excavated (x): This Modifier is used to identify wetland basins or channels that were excavated by humans.

Wetland Resource Area 2 (Flags #WF-16 thru #WF-21)

Leicester fine sandy loam (4): This soil occurs on upland drainageways and depression landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. 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.

Wetland Resource Area 3 (Flags #WF-22 thru #WF-29)

Ridgebury fine sandy loam (2): This soil unit consists of nearly level to gently sloping, poorly drained soil found in low areas and drainageways on drumlins and hills. This Ridgebury soil has a high water table at a depth of about 6 inches from fall until late spring. The seasonal high water table and the slow or very slow permeability in the substratum limit this soil for community development, especially for on-site septic systems. Slopes of excavations are unstable when wet, and lawns are frequently soggy. Quickly establishing plant cover and using siltation basins help to control erosion and sedimentation during construction. The high water restricts the root growth of trees, and many trees are uprooted during windy periods.

Non-wetland soils found on the property:

Agawam fine sandy loam (29): This component occurs on valley and outwash plain terrace landforms. The parent material consists of eolian deposits over glaciofluvial deposits derived from schist, granite, and gneiss. The slope ranges from 3 to 8 percent and the runoff class is low. The drainage class is well drained. The flooding frequency for this component is none. The minimum depth to a seasonal water table, when present, is greater than 6 feet.

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.

Ninigret fine sandy loam (701): The Ninigret series consists of very deep, moderately well drained soils that are eolian deposits over sandy and gravelly glacial outwash. The Ninigret soils are nearly level to strongly sloping soils on glaciofluvial landforms, typically in slight depressions and broad drainage ways.

5. Past Permits:

- **AA-5132-94** New front steps
- **AA,WPL/E-6033-99** Repair existing septic tank
- **AA-6240-99** Enclose screened porch

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

- The existing house was built in 1956. It is served by onsite septic system.
- The property is 1.266 acres (55,144 sq. ft.) in size; located in Residential Zone AA.
- The parcel is located within the Muddy Brook Watershed. The Muddy Brook watercourse is located offsite, ~300' to the east. The wetlands onsite are fed by groundwater and deposition or collection of stormwaters.
- This property **is not** within a flood zone.
- The property **is not** within the Aquifer Protection Overlay Zone.
- Property **does not** exist within the Coastal Areas Management Zone.
- The Waterway Protection Line (WPL) will only be applied to the ponded resource located within wetland flags #WF-1 through #WF-15. It is located 15' from the edge of wetland flagging. The two other areas designated as wetlands onsite will not have a WPL designation.
- There is no historical wetland boundary shown on the Town's GIS.

- The flagged wetland area is **7,055 sq. ft.** as determined by the plan by Landtech, dated January 13, 2023 last revised February 28, 2023.

7. Discussion:

The applicant submitted a soils report by Anthony Zemba, Certified Ecologist/Soil Scientist, Landtech, dated February 28, 2023 (revised). This documents Mr. Zemba's investigation of the soils on the site from January 21, 2023. This was a re-delineation of a previous visit by Landtech dated January 21, 2021. Three distinct Wetland Resource Areas were noted on the site, which are:

Wetland Resource Area 1: Ponded area (#WF-1 thru #WF-15) PUB E/Hx

Wetland Resource Area 2 (Flags #WF-16 thru #WF-21) Leicester fine sandy loam (4)

Wetland Resource Area 3 (Flags #WF-22 thru #WF-29) Ridgebury fine sandy loam

The sketch map provided with the report from January 11, 2023 and January 21, 2021, identifies the location of the wetland boundaries. These locations are reflected as WF#1 through WF#29 as shown on "Zoning Location & Topographic Survey, prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, dated January 13, 2023 and revised to February 28, 2023, Scale: 1" = 20'.

The Town of Westport retained the services of Otto Theall, Professional Soil Scientist / Wetland Scientist, to review the proposed wetland boundary findings. Mr. Theall conducted an on-site investigation on February 18, 2023. Mr. Theall submitted a letter, dated February 18, 2023, confirming the findings in Mr. Zemba's report. Mr. Theall was asked to comment on the revised plans submitted and had no issues with the updated plan and 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-11619-23
23 High Point Road
Assessor's Map: G11 Tax Lot: 062
Public Hearing: March 15, 2023

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-11619-23 by Kurt Lowenstein of LandTech, on behalf of 23 High point Road LLC to amend the wetland boundary on Map: #G11 Lot: 062 on the property located at 23 High Point Road with the following conditions:

1. **"Zoning Location & Topographic Survey", prepared for 23 High Point Road LLC, 23 High Point Road, Westport, CT, dated January 13, 2023 last revised February 28, 2023, Scale: 1" = 20'.**

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: Davis
Ayes: Carey, Davis, Bancroft, Lewi, Ryll
Nays: 0 Abstentions: 0 Votes: 5:0:0

5. **29 Owenoke Park:** Application #WPL-11677-23 by Bryan Nesteriak on behalf of David & Betsey Lebow to construct a new single family residence, driveway, pool, retaining walls, utility pad, patios, walkways, steps and associated site improvements. Work is partially within the WPLO area of the Saugatuck River.

Bryan Nesteriak, PE, presented the application on behalf of the property owners. He stated a portion of the property is below elevation 9 and the entire property is within the 100 year FEMA floodplain. They are proposing a new FEMA compliant single family residence, pool, patio, and wall. The proposal reduces the coverage from 41% to 39%. He noted Zoning Board of Appeals has denied the application since they wanted Conservation comments and for coverage. He indicated the coverage

will like have to be reduces further and a substantial change to the plans would likely have to come back to the Commission. The driveway is proposed be granite pavers surrounded by wide strips of grass and will have a trench drain.

Mr. Carey asked if there is any landscaping proposed for Long Island Sound side of the pool.

Mr. Nesteriak stated there is a planting plan and submitted a copy. He described the plantings as being installed along the existing seawall and eastern property line. The existing seawall is to remain with no proposed work on it.

Mr. Lewi asked about the pool depth.

Mr. Nesteriak stated it would be no more than 5-feet deep.

The Commission and Mr. Nesteriak had a discussion for clarification about the stone reservoir, the propane tank location, what is an Eco-lawn and the importance of not using fertilizer on this site due to its proximity to Long Island Sound. There were some concerns about the sink holes along the seawall that should be addressed as part of the development and planting.

Mr. Hally noted the staff report recommended a planting plan with salt tolerant plantings. He indicated that any changes to the planting plan could be handled administratively.

Mr. Carey stated a bond would be recommended for the planting plan.

Mr. Hally stated his staff report suggests that a dewatering plan be clearly detailed on the plans. There needs to be a bond for the buffer plantings. Mr. Nesteriak noted the rear patio will be tied into the drainage system. He suggested that this detail be shown more clearly on the plans. The site engineer should certify the permeable surfaces are installed as specified. He asked about the amount of cut and fill.

Mr. Nesteriak stated the elevator will be built in accordance with FEMA standards. He noted they will work with staff on the buffer plantings as needed. They will provide a better detail of patio drainage. He noted the existing house has a basement. The proposed fill package is about 200 c.y.

Mr. Davis stated they need to show the location of the propane tank on the plans.

Mr. Kelly clarified that the rear patio pervious or impervious.

Mr. Nesteriak stated the covered patio and rear patio are both proposed as impervious. The covered patio will be collected with the roof leaders and the rear patio will be collected by a slot drain. There is also a grass area within the stairs that is permeable.

Mr. Kelly noted that the proposed plantings look non-native and ornamental.

Mr. Nesteriak indicated that the property owners are willing to work with staff to find a compromise that works.

Mr. Carey stated there appears to be native alternatives.

Mr. Kelly stated the Flood and Erosion Control Board approved the project with standard conditions.

Mr. Carey asked for public comments. There were no public comments.

Motion to close the Public Hearing.

Motion:	Carey	Second:	Davis
Ayes:	Carey, Davis, Bancroft, Lewi, Ryll		
Nays:	None	Abstentions:	None
			Vote: 5:0:0

The Commission and staff discussed what happens if the ZBA approves with changes. Staff stated it could be approved by staff if they were de minimis changes. The plan in front of the Commission is the maximum that the property owner can get. Any changes to the plan would be a reduction. Staff would have to evaluate those changes and determine whether the Commission needs to review them or if the changes are in keeping with the Commission's decision.

Findings
Application #WPL-11677-23
29 Owenoke Park
Assessor's Map: C03 Tax Lot: 005
Public Hearing: March 15, 2023

1. **Application Request:** Applicant is proposing to construct a new single-family residence, a driveway, a pool, a utility pad, patio, retaining walls, walkways, and steps. The proposed work is occurring partially within the WPLO (elevation 9') area of Grays Creek.
2. **Plans Reviewed:**
 - a. **Property Survey** of 29 Owenoke Park, Westport, Connecticut, prepared for David & Betsy Lebow, prepared by Accurate Land Surveying, LLC, dated July 12, 2022 and revised to July 19, 2022, Scale: 1" = 10'.
 - b. **Proposed Site Development Plan** of 29 Owenoke Park, Westport, Connecticut, prepared for David & Betsy Lebow, prepared by B&B Engineering, dated October 19, 2022 and revised to December 2, 2022, Scale: 1" = 10', Sheet 1 of 2.
 - c. **Construction Notes and Details** of 29 Owenoke Park, Westport, Connecticut, prepared for David & Betsy Lebow, prepared by B&B Engineering, dated October 19, 2022 and revised to December 2, 2022, Scale: As Noted, Sheet 2 of 2.
 - d. **Planting Plan**, Lebow Residence, 29 Owenoke Park, Westport, CT, prepared by DMSsitedesignllc, dated October, 13, 2022.
 - e. **Architectural Drawings**, Proposed Residence for: David & Betsey Lebow, 29 Owenoke Park, Westport, CT 06880 prepared by Vita Design Group, dated October 19, 2022
 - i. Lower Level Plan Sheet A-100
 - ii. First Floor Plan Sheet A-101
 - iii. Second Floor Plan Sheet A-102
 - iv. Attic Floor Plan Sheet A-103
 - v. Roof Plan Sheet A-104
 - vi. Exterior Elevations Sheet A-200
 - vii. Exterior Elevations Sheet A-201
 - viii. Exterior Elevations Sheet A-202
 - ix. Exterior Elevations Sheet A-203
 - x. Equipment Shed Plans and Exterior Elevations Sheet A-204
 - xi. Building Sections Sheet A-300
 - xii. Building Sections Sheet A-301
3. **Previous Permits Issued:**

An **As of Right** approval dated **3/10/21** for Dock Repair (Maintenance)
4. **Property Description:**

Location of 25-year flood boundary: 9 ft. contour interval. A portion of the property is within the Waterway Protection Line Ordinance (WPLO) boundary.
Property is situated in Flood Zones AE (el. 13') as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
Proposed First Floor Elevation of House: 16 ft.
Proposed Garage Floor Elevation: 7.0 ft.
Proposed Top of Retaining Wall Elevation: ~14 ft.
Proposed Equipment Platform Elevation: 14 ft.
Proposed Pool Patio Elevation: 16 ft.
Proposed Pool Coping Elevation: 13 ft.

Lot Size: 0.242 acres (10, 53 sq. ft.)
Existing Site Coverage: 41.3.% (4,367.3 sq. ft.)

Proposed Site Coverage: 40.0% (4,224 sq. ft.)

Existing Building Coverage: 25.7% (2,722.5 sq. ft.)

Proposed Building Coverage: 23.5% (2,481 sq. ft.)

Sewer Line: The existing residence is serviced by municipal sewer.

Existing Residence: The existing residence was constructed in 1905.

5. **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.
6. **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.
7. **Proposed Storm Water Treatment:** The applicant proposes a drainage system for which the primary storage feature is a crushed stone reservoir beneath the proposed driveway. Surface drainage features include a permeable driveway surface, a driveway trench drain, two (2) yard drains, and two (2) slot drains.
8. **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."

Most of the property lies within the WPLO boundary (elevation 9') of Grays Creek. The property is situated on a peninsula between Grays Creek and the mouth of the Saugatuck River. The subject property is situated on the southern side of the Owneoke Park travel way. The mean high water line of the Saugatuck River is established at elevation 3.3' (NAVD88) on the south side of the property. Isolated to the north of the property is Grays Creek, a tidal watercourse featuring tidal wetlands and mudflats. The subject property is ~250' away at its closest point. Based on the topography of the property, stormwater runoff flows across the site in a northerly direction towards the Owneoke Park roadway and Grays Creek. The Commission finds the southern third of the property is within flood zone VE, and the grade gradually slopes from the rear of the existing residence at elev. ~12' towards the concrete seawall at elev. 10.2'. At the bottom of the seawall is the intertidal zone of the mouth of the Saugatuck River, where it empties into Long Island Sound.

The application proposes to demolish the existing two-story, single-family residence and construct a FEMA-compliant, two-story, single-family residence with a first-floor elevation of 16.0' and garage floor elevation of 7.0'. The proposed location of the house and covered patio is substantively within the footprint of the existing house, but the proposed footprint is about 25% larger. The existing driveway surface and walkways in the front of the property will be removed and pervious grass and stone paver driveway will be installed in their place.

The proposed residence will be built to conform to FEMA standards with the first habitable floor (el. 16.0') constructed above the 100-year base flood elevation (el. 13'). The garage is proposed at elevation 7.0'. In addition, an elevator is proposed to service the residence. The footprint for the elevator is shown on the "Lower Level Plan". The Commission requires the elevator shall have all essential mechanicals placed above the flood zone to meet FEMA requirements. The site plan demonstrates the flood vents are within one foot of the adjacent grade. The architectural drawings show the surrounding proposed grade around the residence is 9.9'. The lower level will include a two-car garage, storage rooms, and an entryway that includes a staircase and elevator. The plan proposes 19 flood vents along the exterior wall of lower level of the residence. Each of the flood vents is sized to account for 220 sq. ft. of coverage. The "Flood Vent Information" provided on the "Lower Level Plan" demonstrates the 19 flood vents proposed exceed the eleven (11) vents that would be

required for FEMA compliance. During the Flood and Erosion Control Board meeting held on March 1, 2023, Town Engineering staff stated the flood vents shown on the architectural drawings would have to be shown in the correct locations. The application was approved by the Board with no special conditions.

Though the footprint of the proposed residence is larger than the existing residence, it is substantively within the same location of the existing house. Water, sewer, gas and electricity utilities are shown below grade. The plan proposes to install a sewer force main and a sewer pump chamber. The detail and notes for the specifications of the sewer pump chamber are shown on "Construction Notes and Details". The plan proposes to install an equipment platform along the eastern side of the proposed driveway. The proposed equipment platform is shown at an elevation of 14.0', which is above base flood elevation.

The plan proposes to install an underground propane tank. A detail for the specifications of the UST is shown on the "Construction Notes and Details". The detail demonstrates that the tank will be anchored to a 12"-thick concrete counterweight, consistent with the FEMA guidance for installing underground tanks, "***Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems***".

The "Proposed Site Development Plan" demonstrates that groundwater was encountered at 65" below grade in Test Pit #1 on the north end of the property. TP one is located at elev. ~6', which would result in ground water elevation of 0.5'. The groundwater level across the site is expected to fluctuate with the movement of the tides within Grays Creek and the Saugatuck River. The Conservation Commission applies 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, the excavation for the storage tank and the pump chamber may encounter groundwater if the depth exceeds 3'. The excavation for the pool may encounter groundwater if the depth exceeds 9'. The applicant does not provide a pool cross section with the site plans or architectural renderings of the proposed development. The applicant does not indicate the proposed depth of the pool. If the pool should be installed at a depth greater than mean highwater, the Commission will require the applicant to specify the utilization of a hydrostatic relief valve.

The applicant does not provide a dewatering plan. Number 12 of the "Sedimentation & Soil Erosion Specifications" provided in the "Construction Notes and Details" mentions that construction will adhere to general dewatering guidelines, but it does not reference a specific plan. Since the site excavations may encounter groundwater and/or become filled with stormwater, the Commission requires the applicant to revise the site plan notes and details to include a specific dewatering plan and provide the necessary equipment, location, methods, and protections for the dewatering process.

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 project proposes a 1.3% reduction in coverage. Proposed site coverage is to be **40.0%**, which is greater than the 10-25% cover that is expected to impact water quality. The project proposes a 1.3% reduction in coverage. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Grays Creek/ Saugatuck River watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

Sediment release from loose soil is one of the most significant potential impacts from soil stockpiling. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. The site plan depicts one layer of perimeter silt fence. A detail for standard silt fence installation provided with the "Construction Notes and Details". Soil stockpiling will occur at the front (north) of the property. The site plan does not depict erosion and sediment controls around the soil stockpile area. A construction entrance will be installed at the apron of the existing driveway. It will be constructed of 2" crushed stone. A detail for the construction entrance is provided on the "Construction Notes and Details".

The Commission finds the grade in front two thirds ($\frac{2}{3}$) of the property will remain the same. The grade is pitched from the rear of the proposed dwelling towards the roadway. Stormwater sheet flow will run along the ground surface and either be collected in the two yard drains and conveyed to the stormwater reservoir underneath the driveway or collected at the driveway surface itself. Stormwater from the house, covered patio, and pool patio will be conveyed through drainage pipes towards underground 6" PVC pipes that convey the water to the stormwater reservoir. Stormwater runoff from the driveway will be collected at the trench drain along the driveway apron.

Minor grading and installation of the retaining walls at the rear third of the property will maintain the condition of the grade pitched towards the seawall. The project proposes an in-ground pool (29' x 10.5') installed with the pool coping at elev. 13'. The Commission finds the pool will overflow towards the seawall and eventually to the intertidal zone of the Saugatuck River.

Without any physical feature to collect or dissipate stormwater before the seawall, the Commission feels a planted buffer of native, salt-tolerant plants should be implemented to help protect the coastal resource from stormwater runoff from the southern portion of the property. The site plan calls out two mature trees to be removed. The planting of shrubs and trees will have potential to restore some of the stormwater absorption, storage and transpiration that will be lost with the proposed removal of the existing trees. During the Conservation Commission Public Hearing on March 15, 2023, the applicant submitted to the record a landscape plan to the titled "Planting Plan", dated October 13, 2022. The Commission finds that the planting plan design mostly matches common planting conditions, and any changes to the plan could be approved at a Staff level. The plan showed a buffer planting along the top of the sea wall and a number of landscape plants along the western and eastern property boundaries in the north end of the lot. The Commission finds the proposed plants shall be salt-tolerant and North American native.

During the Commission site visit on March 10, 2023, the Commission noted that there was a sinkhole along the top edge of the sea wall. At the Public Hearing held on March 15, 2023, the Commission requested that erosional issues along at the wall should be addressed during preparation of the ground area for the buffer planting. The Commission be requested the Department be contacted prior to the work occurring. If the sea wall should need structural maintenance, the Commission finds that the Department be contacted to ensure the required approvals have been obtained prior to the initiation of the activity.

Stormwater calculations are provided on the "Construction Notes and Details" under "Detention Calculations". The calculations demonstrate 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 driveway stormwater reservoir has a retention volume of 434 cu. ft., which is greater than the 417 cu. ft. required by Town drainage standards. 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). The Commission requires that the design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

Grass and paver driveways are a pervious surface when first installed, but over time compaction, settlement, and grass overgrowth can affect the surface's ability to infiltrate water. The Commission feels that pervious driveways that have open joints between the pavers better facilitate infiltration. The Commission finds that the driveway trench drain along the driveway apron before the roadway will be the primary means of collecting surface water. The Commission requires that the design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

Although the Commission does not anticipate temporary or long-term impacts to water quality, the Commission feels the extensive redevelopment of the site prioritizes maintaining the same amount of site coverage over exploring opportunities to enhance and protect the coastal ecology along the property. The Commission feels the targeted implementation of native plantings can aid in stormwater filtration and diffusion, while providing habitat and forage adjacent to the resource.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11677-23
29 Owenoke Park
Assessor's Map: C03 Tax Lot: 005
Public Hearing: March 15, 2023**

Project Description: to construct a new single-family residence, a driveway, a pool, a utility pad, patio, retaining walls, walkways, and steps. The proposed work is occurring partially within the WPLO (elevation 9') area of Grays Creek.

Owner of Record: David & Betsey Lebow
Applicant: Bryan Nesteriak of B&B Engineering

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-11677-23** 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 **March 1, 2023**.
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) Property Survey** of 29 Owenoke Park, Westport, Connecticut, prepared for David & Betsy Lebow, prepared by Accurate Land Surveying, LLC, dated July 12, 2022 and revised to July 19, 2022, Scale: 1" = 10'.
- b) Proposed Site Development Plan** of 29 Owenoke Park, Westport, Connecticut, prepared for David & Betsy Lebow, prepared by B&B Engineering, dated October 19, 2022 and revised to December 2, 2022, Scale: 1" = 10', Sheet 1 of 2.
- c) Construction Notes and Details** of 29 Owenoke Park, Westport, Connecticut, prepared for David & Betsy Lebow, prepared by B&B Engineering, dated October 19, 2022 and revised to December 2, 2022, Scale: As Noted, Sheet 2 of 2.
- d) Architectural Drawings**, Proposed Residence for: David & Betsy Lebow, 29 Owenoke Park, Westport, CT 06880 prepared by Vita Design Group, dated October 19, 2022

- 18.** The proposed driveway 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.
- 19.** The Design Engineer shall witness and certify the construction of all permeable surfaces proposed for this project (driveway) and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.
- 20.** The elevator shall have mechanicals placed above the flood zone to meet FEMA requirements.
- 21.** Prior to the issuance of a Zoning Permit, a dewatering plan shall be submitted to Conservation staff for review. The plan shall specify methods and equipment for dewatering.
- 22.** The Conservation Department shall be contacted 48 hours prior to start of construction to inspect erosion controls.
- 23.** The Conservation Department shall be contacted during excavation of the pool to review and inspect dewatering procedures.
- 24.** Prior to the issuance of a Zoning Permit, the site plan shall be revised to include a pool cross section depicting the proposed depth of the pool. If the pool should be installed at a depth that it is expected to encounter groundwater, the pool detail shall include a hydrostatic relief valve.
- 25.** Prior to the issuance of a Zoning Permit, the site plan shall be revised to included total estimated cut and fill values.
- 26.** Health Department approval for the pool shall be submitted to and final review of the pool plans by the Conservation Department shall be conducted prior to issuance of a Zoning Permit.
- 27.** Pool mechanicals shall be located above the base flood elevation.

28. A pool form as-built shall be submitted to the Conservation Department prior to the pouring of concrete. Pool depth shall be verified prior to the issuance of the Conservation Certificate of Compliance.
29. Proposed propane tank shall be installed in conformance with floodplain regulations and state building code as required by applicable departments. The proposed location of the underground propane tank shall be depicted on the revised site plan.
30. Prior to the issuance of a Zoning Permit, the applicant shall submit a planting plan, subject to approval by Conservation Staff. The entirety of the planting plan shall consist of North American native, salt tolerant vegetation. Restoration of soil behind seawall shall be completed prior planting.
31. A bond to cover the cost of erosion controls and 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.
32. Additional details regarding drains shall be submitted.

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: Lewi
Ayes: Carey, Lewi, Bancroft, Davis, Lewi
Nays: None Abstentions: None Vote: 5:0:0

6. **215 Hillspoint Road:** Application #WPL-11683-23 by Force Engineering LLC on behalf of Carole E Alexander for a proposed FEMA compliant single family residence, driveway and raingarden. Work is within the WPLO area of Sherwood Mill Pond.

Justin Giorlando, PE, presented the application on behalf of the property owner. This is a 6,400 s.f. property. There is 6 feet of frontage onto Sherwood Mill Pond. The property is entirely within the floodplain. The proposal is to demolish the existing property and remove the existing asphalt from the property and the Town's right of way. They will construct a new FEMA-compliant single family residence, driveway and raingarden. The raingarden will be in the northern portion of the property and will collect 150% of the runoff. The driveway will have an asphalt apron off Old Mill Road, be gravel construction and then have a small concrete apron at the garage as a transition and to protect the trench drain. There are standard sediment and erosion control. They have indicated a dewatering bag and a check dam for protection during construction. He showed a plan with the existing and proposed conditions.

The Commission and Mr. Giorlando had a discussion about extending the silt fence along the northern property boundary and clarified the drainage along Hillspoint Road.

Mr. Hally stated that the applicant has given a planting detail but not a specific planting plan. Staff recommends the planting plan be submitted as the raingarden is the main drainage feature and the number of species is integral to its functioning. A bond should be required for the plantings within the raingarden. The Flood and Erosion Control Board reviewed and approved the application with standard conditions.

Mr. Carey asked for public comments. There were no public comments.

Motion: Carey Second: Davis
Ayes: Carey, Davis, Bancroft, Lewi, Ryll
Nays: None Abstentions: None Vote: 5:0:0

Findings
Application #WPL-11683-23
215 Hillspoint Road
Assessor's Map: E04 Tax Lot: 053
Public Hearing: March 15, 2023

1. **Application Request:** Applicant is proposing to construct a new single-family residence, a driveway, and a rain garden. The entirety of the proposed work is WPLO area of Sherwood Millpond.
2. **Plans Reviewed:**
 - a. **Zoning Location Survey, Proposed House**, prepared for Carol E Alexander, 215 Hillspoint Road, Westport, Connecticut, prepared by Civil 1, dated September 28, 2021, and last revised to March 30, 2022, Scale: 1" = 10'.
 - b. **CAM Site Plan for New Home Construction**, prepared for Carol Alexander, 215 Hillspoint Road, Westport, Connecticut, prepared by Force Engineering LLC, dated May 6, 2022, and last revised to November 17, 2022, Scale: 1" = 10'.
 - c. **Architecturals, Residence 215 Hillspoint Road, Wspt, CT**, prepared by A. D. Ialeggio Assoc., dated November 11, 2022, Scale: 1/4" = 1'-0"
 - i. Ground Level Sheet A-1
 - ii. Main Level Sheet A-2
 - iii. Upper Level Sheet A-3
 - iv. Attic Roof Deck Sheet A-4
 - v. Elevation Sheet A-5 Revised November 22, 2022
 - vi. Elevations Sheet A-6 Revised November 22, 2022
 - vii. Elevation Sheet A-7
3. **Previous Permits Issued:** No previous permits issued for 215 Hillspoint Rd.
4. **Property Description:**
 - **Location of 25-year flood boundary:** 9 ft. contour interval. Property is located entirely within the Waterway Protection Line Ordinance (WPLO) boundary.
 - **Property is situated in Flood Zones AE (el. 13')** as shown on F.I.R.M. Panel 09001C0551G Map revised to July 8, 2013.
 - **Proposed First Floor Elevation of House:** 14.5 ft.
 - **Proposed Garage Floor Elevation:** 6.7 ft.
 - **Proposed Top of Retaining Wall Elevation:** 8.7 ft.
 - **Proposed A.C. and Generator Pads Elevation:** 14 ft.
 - **Existing Site Coverage: 59.7%** (3,821 sq. ft.)
 - **Proposed Site Coverage: 34.7%** (2,291 sq. ft.)
 - **Existing Building Coverage: 14.4.%** (921 sq. ft.)
 - **Proposed Building Coverage: 19.2%** (1,231sq. ft.)
 - **Sewer Line:** The existing residence is serviced by municipal sewer.
5. **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.
6. **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.
7. **Coastal Resources:** The coastal resources onsite include the coastal hazard area, coastal waters, estuarine embayments, nearshore waters, offshore waters, and tidal wetlands. Sherwood Millpond is an estuarine embayment, which is connected to near shore and offshore waters. The rear of the property abuts the intertidal zone of Sherwood Millpond. Sherwood Millpond contains tidal wetlands.
8. **Proposed Storm Water Treatment:** The applicant proposes a drainage system that is composed of a driveway trench drain, underground PVC piping, a crushed stone level spreader, and a planted rain garden. This proposed location of this feature is down gradient of the proposed residence and upgradient from Sherwood Millpond.

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 two-story, single-family residence and construct a FEMA-compliant, three-story, single-family residence with a first-floor elevation of 14.5' and garage elevation of 6.7'. The proposed location of the house is substantively within the footprint of the existing house.

All existing pavement and bituminous concrete on site will be removed and established with a minimum of six inches of topsoil and salt-tolerant grass. The proposed driveway will be constructed of gravel. The current configuration of the property maintaining town right-of-way property as part of the subject property. A significant effort of the proposed work is re-establishing the correct property boundary and restoring the Town ROW along Hillspoint Road. Part of the restoration will be to remove the existing pavement, concrete, fence, tree and hedgerow from the ROW and installing topsoil and salt-tolerant grass. The Town's Engineering department has reviewed and approved the plan to restore the ROW.

The proposed residence will be built to conform to FEMA standards with the first habitable floor (el. 14.5') constructed above the 100-year base flood elevation (el. 13'). The garage is proposed at elevation 6.7'. The site plan demonstrates the flood vents are within one foot of the adjacent grade. The architectural drawings show the surrounding proposed grade around the residence is 7.5'. The plan proposes a minimum of six (6) flood vents along the exterior wall of garage level of the residence. Each of the flood vents is sized to account for 200 sq. ft. of coverage. The plan states interior flood vents will be installed as needed. The site plan depicts flood vents along the raised garden bed. The Commission finds that the flood vents would be more effective if the vents were placed somewhere other than at the raised garden bed. During the Flood and Erosion Control Board meeting held on March 1, 2023, Town Engineering staff stated the flood vent openings shall have to be revised on the architectural drawings and on the site plan prior to obtaining a Zoning permit. The application was approved by the Board with no special conditions.

Though the footprint of the proposed residence is larger than the existing residence, it is substantively within the same location of the existing house. Water, sewer, gas and electricity utilities are shown below grade. The plan proposes to install a generator and air conditioning unit(s) on pads along the eastern side of the proposed residence. The proposed generator & AC pads are proposed at an elevation of 14.0', which is above base flood elevation.

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 **34.7%** which is greater than the 10-25% cover that is expected to impact water quality.

The project proposes a 25% reduction in coverage across the lot by restoring much of the existing concrete and pavement across the property to lawn. The 2004 Connecticut Stormwater Manual provides research that water quality experiences degradation when coverage in a watershed exceeds 10%. As the Sherwood Millpond/ Muddy Brook Watershed is densely developed, the coverage exceeds the percentage in which water quality can be assumed to be impacted.

Sediment release from loose soil is one of the most significant potential impacts from soil stockpiling. Sediment releases during storm or flood events can result in temporary and long-term impacts to water quality. The applicant provides proposed quantities of cut and fill in note #6 of the "Excavation

and Fill Notes” provided on the “CAM Site Plan”. The plan provides estimates of 53.7 cu. yd. of proposed cut and 47.9 cu. yd. of proposed fill. Soil stockpiling will occur at the rear (north) of the property. The “CAM Site Plan” does not depict erosion and sediment controls around the soil stockpile area.

Site excavations may encounter groundwater and/or become filled with stormwater. Note #5 of “Erosion and Sediment Control Notes” provided on the site plan describes the site dewatering plan. All dewatering will be directed to a ACF DB55 Dirtbag. The 4” discharge hose will be sewn into the bag. The dirtbag will be underlain by aggregate or straw. The proposed dewatering area is located in the northeastern finger of the property within the existing lawn, ~85’ from the resource, Sherwood Millpond. Down-gradient of the dewatering area will be one layer of the perimeter silt fence, and further down-gradient will be a silt fence check dam. The dirtbag will discharge to the surface of the underlayment and will infiltrate or sheet flow towards the two layers of silt fence. The dirtbag detail and proposed dewatering area are both provided on the site plan. In addition, the project proposes to install temporary filter bags in the catch basins located in the roadway, as outlined in E&S control note #4. The Commission finds that the dewatering plan is sufficient at controlling stormwater and suspended sediment from being transported into Sherwood Millpond and the tidal wetlands. The Commission requires that the contractor shall contact the Conservation Department for an inspection of the dewatering system prior to the commencement of construction activity.

E&S control note #6 specifies that the construction entrance will be installed prior to any earthwork. The entrance will extend from the driveway apron at the edge of the road and extend into the existing driveway. The construction sequence detail on the site plan specifies that the entrance will be a minimum of 50” wide and will be composed of 1.5” crushed stone installed to a minimum depth of 6”.

The proposed rain garden spans the width of the property east to west across the rear (north) of the proposed house. The rain garden (526 sq. ft.) is ~60’ in length with an average width of 8’. The rain garden planting/ drainage medium will be composed of 2’ layer of soil with a 4” layer of shredded hardwood mulch at the surface. The containment of the soil and mulch will be achieved by establishing a perimeter curb of landscape stone or brick along the interior toe of slope.

The stormwater runoff from the entirety of the property, except for the strip of lawn immediate upgradient from the Millpond and down gradient of the rain garden (~1170 sq. ft.) will be directed to the north towards the proposed rain garden. The strip of lawn will be maintained in its current condition. A 20’- long, crushed stone level spreader is proposed immediately upgradient of the raingarden bed substrate. The crushed stone will be installed 18” deep and 18 inches wide, within which will be placed a 6”-diameter perforated PVC pipe. This feature is designed dissipate and collect stormwater sheet flow to minimize erosion within the raingarden.

The finished grade along the front (south) half of the proposed residence will be pitched towards a proposed trench drain (~30 linear feet) between the front concrete apron and the gravel driveway. The driveway will be pitched so stormwater will drain towards the trench drain. The finished grade along the rear half of the house (north) will be pitched towards the rain garden. The rain garden will receive stormwater sheet flow from the rear of the property. All roof leaders, the raised garden bed, and the trench drain will be directed through subsurface 6” PVC pipe into the level spreader before the raingarden.

Stormwater calculations are provided on the “CAM Site Plan”. The calculations demonstrate 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 rain garden has a retention volume of 350 cu. ft., which is greater than the 206 cu. ft. required by Town drainage standards. 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). The Commission requires that the design engineer shall witness and certify all site drainage and submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance. A gravel driveway can be a pervious surface when first installed, but over time, compaction of the material as well as migration of fines can render the driveway impervious. While gravel driveways should not be considered the best technology available for low-impact development,

the Commission finds that the driveway trench drain along the limit of the concrete walkway provides sufficient drainage for the driveway surface. The Commission requires a detail for the proposed driveway. In addition, The Commission requires the driveway to remain pervious in perpetuity with said restriction recorded on the Town's land records.

The applicant has provided a planting detail for the property, shown on the site plan. The site plan depicts the rain garden as being planted with seven (7) shrubs and three (3) trees. The detail depicts the ground surface between the trees and shrubs to be planted with grasses and herbaceous perennials. The rain garden detail provides candidate native wetland species of trees, shrubs and herbaceous vegetation. The applicant does not provide a planting plan with specific numbers, species, and density of plants to be planted. The rain garden detail provides notes that all plants will be Connecticut-native, suited for wet soil, and tolerant of salt and drought conditions. The notes outline a rough maintenance plan. The Commission finds the rain garden and proposed plants are sufficient for retention and biofiltration of stormwater runoff. The Commission finds the feature is an adequate measure to protect the coastal resources that exist down-gradient from the development. The stormwater runoff associated with the residence is directed by roof leaders through subsurface pipes to the level spreader before the rain garden. Since the rain garden is proposed to be the primary water quality treatment feature through the process of biofiltration, the Commission finds a planting performance bond shall be required to ensure the success of rain garden plants over the first growing season.

The applicant proposes a wooden fence along the property boundary at the rear of the property. The fence will be 8' tall along the northern property boundary and 4' tall along the western boundary of the northern finger. The Commission finds the configuration of the proposed fence will not hinder flow of stormwater sheet flow or receding floodwater from the site to the millpond.

The Commission does not anticipate temporary or long-term impacts to water quality or the ecological quality of the coastal resources resulting from the proposed activity. The project aims to restore pervious surface and better control stormwater across the site. The Commission finds the proposed development represents a general improvement to the site's potential to enhance local water quality and protect the coastal resources.

**Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application #WPL-11683-23
215 Hillspoint Road
Assessor's Map: E04 Tax Lot: 053
Public Hearing: March 15, 2023**

Project Description: To construct a new single-family residence, a driveway, and a rain garden. The entirety of the proposed work is within the WPLO area of Sherwood Millpond.

Owner of Record: Carole E. Alexander
Applicant: Force 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-11683-23** 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 **March 1, 2023**.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - Zoning Location Survey, Proposed House**, prepared for Carol E Alexander, 215 Hillspoint Road, Westport, Connecticut, prepared by Civil 1, dated September 28, 2021, and last revised to March 30, 2022, Scale: 1" = 10'.
 - CAM Site Plan for New Home Construction**, prepared for Carol Alexander, 215 Hillspoint Road, Westport, Connecticut, prepared by Force Engineering LLC, dated May 6, 2022, and last revised to November 17, 2022, Scale: 1" = 10'.
 - Architecturals, Residence 215 Hillspoint Road, Wspt, CT**, prepared by A. D. Ialeggio Assoc., dated November 11, 2022, Scale: 1/4" = 1'-0"
 - a. Ground Level Sheet A-1
 - b. Main Level Sheet A-2
 - c. Upper Level Sheet A-3
 - d. Attic Roof Deck Sheet A-4
 - e. Elevation Sheet A-5
 - f. Elevations Sheet A-6
 - g. Elevation Sheet A-7
17. The proposed driveway shall be constructed as permeable. A detail for the walkways shall be submitted to the Conservation Department prior to issuance of a Zoning Permit.
18. The driveway shall remain permeable in perpetuity with said restriction placed on the land records prior to issuance of a Conservation Certificate of Compliance.
19. Design Engineer shall witness and certify the construction of all permeable surfaces proposed for this project submit said certification to the Conservation Department prior to the issuance of a Conservation Certificate of Compliance.

20. Design Engineer shall witness and certify all site drainage features prior to the issuance to the Conservation Certificate of Compliance
21. The contractor shall notify the Conservation Department prior to construction activities to visually inspect the dewatering system. If necessary, staff may require other dewatering controls and/or adjust the usage onsite.
22. A planting plan specifying the species, number and size of the plants should be submitted to the Conservation Department for Staff approval prior to issuance of a Zoning Permit. The plants shall be native to North America and salt-tolerant.
23. 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.
24. The planting plan shall be fully implemented prior to the issuance of a Conservation Certificate of Compliance.

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: Lewi Second: Carey
Ayes: Lewi, Carey Bancroft, Davis, Ryll
Nays: None Abstentions: None Vote: 5:0:0

7. **16 Fresenius Road, Lot B:** Application #IWW,WPL/E-11691-23 by Bryan Nesteriak on behalf of Paul Richter to construct a new single family residence, driveway, porch, deck and retaining walls. Portions of the work are within the upland review area.

Bryan Nesteriak, PE, presented the application on behalf of the property owner. He stated this is a raw lot that was part of subdivision the Commission approved in 2018. There are no wetlands on the lot but there are off-site wetlands and 75-foot upland review areas on the lot. This lot will have a shared driveway. The proposed coverage for the project is 15%. He noted there is lots of ledge. The proposal is for a new single family residence, driveway, porch, deck, retaining walls and drainage.

The Commission and Mr. Nesteriak discussed the cut and fill, the steep slope easement, and the drainage system along Fresenius Road.

Mr. Hally noted there is a big difference in plans the Commission received in their packets and the one submitted on March 13, 2023. The recent submission included a pool, which he did not make comments on and has no other information on.

Mr. Nesteriak stated there will likely be a pool in the future. They can come back to the Commission or staff in the future for approval.

Mr. Carey stated at this time, the Commission does not have enough information. The Commission can continue the hearing to allow for submission of more information or pretend that the pool does not exist and continue with the original application.

Mr. Nesteriak indicated they would come back with a pool at a later time.

Mr. Bancroft asked about the purpose of the yard drain.

Mr. Nesteriak stated that it is an overflow drain. It would only overflow during a 25-year storm or greater and the output would flow in direction it would normally flow.

Mr. Ryll noted there are a lot of trees that are coming down. He asked about replanting.

Mr. Nesteriak stated a landscape architect has not been hired yet but he believes it is the intent of the owner to install landscaping on this property.

Mr. Kelly noted the rock wall along the driveway may not be installed if they hit ledge. It would become a rock-face wall. This would be a situation where it would be a field adjustment based on site conditions.

Mr. Carey asked for public comment. There were no public comments.

Motion to close the Public Hearing.

Motion:	Davis	Second:	Ryll
Ayes:	Davis, Ryll, Bancroft, Carey, Lewi		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

Findings
Application # IWW, WPL/E 11691-23
16 Fresenius Road, Lot B,
Assessor's Map: F09, Tax Lot: 098
Public Hearing: March 15, 2023

1. **Receipt Date:** *February 15, 2023*
2. **Application Classification:** **Plenary**
3. **Application Request:** Applicant is requesting to construct a new single family residence, driveway, porch, deck, and retaining walls.
3. **Plans Reviewed:**
 - a. **Improvement Location Survey** prepared for Patricia Colgan Davis, 16 Fresenius Road, Westport, Connecticut, Prepared by Land Surveying Services LLC, dated February 19, 2021 and amended September 21, 2021, Scale: 1" = 40'.
 - b. **Proposed Site Development Plan** of 16 Fresenius Road, Lot B, Westport, CT, prepared for Paul Richter, prepared by B&B Engineering, dated February 3, 2023, revised March 13, 2023, Scale: 1" = 20', Sheet 1 of 2.
 - c. **Construction Notes and Details** of 16 Fresenius Road, Lot B, Westport, CT, prepared for Paul Richter, prepared by B&B Engineering, dated February 3, 2023, revised March 13, 2023, Scale: As Noted, Sheet 2 of 2.
 - d. **Storm Water Management Analysis** for 16 Fresenius Road (Lot B) Westport, Connecticut, prepared for Paul Richter, prepared by B&B Engineering, dated February 3, 2023.
 - e. **Architecturals**, Drawings Prepared for Lot B Fresenius LLC, c/o Paul Richter, 16 Fresenius Rd, Lot B, Westport, CT., Scale ¼" = 1'-0"
 - i. **Proposed Elevations** Sheet A-101 1 of 4
 - ii. **First Floor Plan** Sheet A-102 2 of 4
 - iii. **Second Floor Plan** Sheet A-103 3 of 4
 - iv. **Foundation Plan** Sheet A-104 4 of 4
4. **Past Permits:**
 - **AA,WPL/E-10637-18** 3 lot subdivision

 - 15-16 Fresenius**
 - **IWW/M-10071-15** Map Amendment
 - **IWW,WPL/E-10073-15** 4 Lot subdivision with 2 reconfigured existing lots and 2 new proposed lots with and open space parcel.
5. **Background Information:**

The applicant was required to reapply for a Conservation Commission application pursuant to Special Condition # 14 of the Resolution of Approval for the subdivision Permit #AA,WPL/E-10637-18.

The special condition reads:

“14. Applications for individual house developments on each lot: A, B and C requires Conservation Commission Approval.”

The applicant proposes to develop a single-family residence and construct a driveway deck, porch, retaining walls, and stormwater management system on the undeveloped lot. The property will be serviced by public water and sewer. The driveway entrance from the roadway shown outside the property boundary. The driveway is shown to fork at the northern property corner, indicating the driveway will service a future residence at Lot C. During the Public Hearing held on March 15, 2023, the Commission found that the pool shown on the “Proposed Site Development Plan”, dated March 13, 2023, was not part of this application. The applicant shall seek a separate approval from Conservation Staff or the Commission prior to the construction of the pool.

6. WPLO

The WPLO boundary is offsite to the north and the south, located 15’ from the delineated wetland boundaries.

7. Wetlands / Watercourses:

Inland wetlands and watercourses **do not** occur on the subject property. The nearest wetland is located ~15’ from the south corner of the subject property. This system is supported by several springs emerging from the slopes. The southern section of this system holds water during the wet season. This area is a typical Red Maple swamp supported by natural buffers. A report was submitted during the Subdivision Application #IWW, WPL/E-10637-18, titled “Environmental Assessment of Potential Vernal Pools located at and near 15 & 16 Fresenius Road Westport, CT” prepared by Alexandra Moch Soil & Wetland Scientist, dated July 30, 2017.

Condition 13 of Resolution #AA,WPL/E-10637-18 required a 75 ft upland review area for each lot based on the presence of steep slopes on the property. Only the proposed driveway, retaining wall, and the level spreader for the stormwater management system are within the 75’ review area from the boundary surveyed boundary of the offsite wetlands. The construction of the driveway will occur as close as 40 from the limit of the offsite forested wetland to the north. Grading to support a retaining wall are approximately will occur between 60’ to 70’ from the wetland boundary. The drainage gallery will be located approximately 85’ from the wetland boundary. The proposed dwelling is located 125’ from the wetland boundary.

8. Property Description and Relative Facts:

- The property is not located within a 100-year floodplain boundary as determined by FEMA.
- Property does not exist within the Aquifer Protection Overlay Zone nor the groundwater recharge area.
- Property will be serviced by public water and public sewer.
- The property 0.71 acres (30,808 sq. ft.) in size; located in Residential Zone A.
- The parcel is located within the Muddy Brook Watershed. The nearest offsite wetland drains to an unnamed tributary of Muddy Brook. Muddy Brook is located ~2,500’ east of the subject property.
- This property lies within Flood Zone X as shown on F.I.R.M. Panel 09001C0414G, effective July 7, 2013.
- The property **is within** the Aquifer Protection Overlay Zone.
- Property does not exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is established 15’ from the nearest wetland boundary. The WPL is located at the south corner of the property.
- **Lot Area: 0.71** acres (30,808 sq. ft.)
- Proposed Basement Elevation: **104.0’**
- Proposed Garage Elevation: **114.0’**
- Proposed First Floor Elevation: **110.0’**
- Proposed Site Coverage: 15.7% (4,842 sq. ft.)
- Proposed Building Coverage: 9.8% (3,016 sq. ft.)

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

9. 6.1 General Standards

- a) disturbance and pollution are minimized;

- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

Discussion:

The property measures 0.71 acres in size and is undeveloped. Upon review of the existing survey which shows trees 8" caliper of greater and comparing this to the proposed site plan it appears that the proposal will require the removal of approximately 50 trees or more to allow for a driveway, house, and drainage system to be developed on the property. A steep slope will be directly impacted a driveway on this property.

The Commission finds that test pit depth data indicates ledge is located at approximately 60" depth. The project proposes grading across the front of the property. The existing average grade within a 10ft radius from the extent of the proposed dwelling is 103.9. The proposed grade will be 99.9. As a result, it can be expected that the development of this parcel will require areas of ledge removal. Due to the difficulty with steep slopes and extensive shallow ledge, it is imperative that the Sediment & Soil Erosion Specifications be followed as shown on the plan to minimize soil movement from the working areas. Portions of this development require retaining walls to be built due to the presence of steep slopes.

The NRCS Web Soil Survey classifies the on-site soil conditions as very limited for house construction with basements. Road construction is classified as somewhat limited. Conservation Commission, Permit #IWW, WPL/E-10637-18, required Special Condition of Approval:

"18. To the extent practicable, rock removal shall be performed via mechanical means such as ripping or a hoe-ram, rather than blasting."

The Commission finds that this condition shall apply to manage site construction activities. This shall limit disturbance to the immediate area for house construction and driveway installation.

10. 6.2 WATER QUALITY

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

Discussion:

The surface water quality classification for the stream CT7000-16-trib_01 (Connecticut Environmental Conditions Online, <http://www.cteco.uconn.edu/>), located west subject property, 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.

UConn's CLEAR Local Watershed Assessment Tool was referenced. The subject property is located within the Muddy Brook local watershed basin. The local watershed basin (local basin # 7000-16) for Muddy Brook has a combined condition index (CCI) score of 0.19. A CCI score of less than 0.43 indicates the watershed basin may be significantly impaired. The Tool defines Stony Brook's Recovery Status as "Mitigation", identifying that watershed condition can be improved with mitigation efforts such as restoring riparian zones and restoring tree canopy along watercourses.

As part of the subdivision approval process, under permit application #AA-WPL/E-10073-15 a hydrogeologic study was completed for the associated properties. An outside hydrogeology firm, Leggette, Brashears & Graham (LBG), provided a report to analyze how proposed ledge removal would impact groundwater and the adjacent wetlands. The Town hired HRP Associates (HRP) to conduct a peer-review of the report and determine what impacts would occur on the groundwater flow onsite and any impacts to the wetlands and the watershed. The LBG report dated June 15, 2017, summarized the site conditions and concluded that the proposed road cut and basement elevation are above the high groundwater elevation and that there will be no discernable impacts to the adjacent wetland features or the underlying aquifer. Even if the structures intersect the water table there would be no discernable impact to the wetland considering it would only result in a minor change in groundwater flow toward the wetland feature.

The Commission's consultant, HRP, report dated August 21, 2017, reviewed LBG's report of June 15, 2017, and concurred with their findings. They concluded that "based on the data collected and the proposed development there does not appear to be a significant likelihood that groundwater will be impacted by proposed site drainage."

Drainage associated with the house construction and the driveway are proposed generally in the same location of the property as the previously approved subdivision plan. However, the drainage has been changed to meet specific site design sizing and location. The site grading, driveway access, and house location generally matches with the approved subdivision plan with minor changes to the perimeter site grading near the northwest corner of the lot.

11. 6.3 EROSION AND SEDIMENT

- a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
- b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
- c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
- d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
- e) applicable state, federal and local guidelines shall be met.

Discussion: The applicant has provided sediment and erosion controls on the "Proposed Site Development Plan" which incorporates the use of a double row of silt fence north of the proposed driveway, a double row of silt fence, the width of the property, south of the proposed disturbance and a crushed stone construction entrance at driveway entrance. A soil stockpile area is noted on the plan, north of the proposed dwelling. The plan does not depict silt fence around the soil stockpile area. The applicant does not provide an estimate for the amount of cut and fill expected with the proposed site grading. The Westport Engineering Department issued a memo **dated March 13, 2023**, stating "The proposed grading as depicted on the plans substantially complies with the town of Westport Zoning Regulations, Sec. 32-8: Excavation and Filling of Land", and "the project substantially complies with Sedimentation and Erosion Control requirements."

Staff notes, Per the Subdivision approval, Application #AA, WPL/E-10637-18 condition #17 states:

"17. A licensed Land Surveyor shall delineate all Slope Easement Areas in the field prior to work commencement. Easement area shall be demarcated in the field with the use of posts with easement signs placed along the western edge of the easement at 50' intervals."

The Commission requires this condition be applied to this permit.

In addition, the Planning and Zoning Commission required that a site monitor be retained to oversee installation and maintenance of erosion and sediment controls, house foundation activity, retaining wall activity and installation of subsurface drainage systems. Said monitor shall prepare weekly reports to the P&Z Department throughout the construction process unless said timetable is adjusted by P&Z staff and after 1" rainfall events.

12. 6.4 NATURAL HABITAT STANDARDS

- a) critical habitats areas,
- b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
- c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
- d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
- e) periods of seasonal fish runs and bird migrations shall not be impeded;
- f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:

CT ECO map viewer shows there are no critical habitats or Natural Diversity Database areas on or adjacent to the subject property. There is a ~5.17-acre palustrine forested wetland north of the proposed driveway. There is a ~0.95-acre palustrine forested wetland on the abutting lot to the west. The wetland drains to an unnamed tributary to Muddy Brook. The wetland boundary is approximately 15' down-gradient from the south corner of the subject property. The wetland appears mostly undisturbed and is dominated by mature trees. A forested wetland should be considered high quality habitat. Since there are no wetlands on the subject property, the focus of this application should be maintaining a wide vegetated upland buffer along the slopes upgradient from the offsite wetland boundary. The limit of disturbance is ~60' from the offsite wetland boundary.

The Commission requires a landscape plan be implemented as a mitigation measure for the removal of mature trees. The landscape plan shall include reestablishment of a vegetated buffer along sloped areas of the property and within the upland review area but outside the slope easement. Encouraging vegetation within these areas will enhance the habitat available to wildlife present on the site. The Environmental Assessment reports by Aleksandra Moch (provided during the subdivision review, Permit #IWW, WPL/E-10637-18), noted the site provides habitat for common suburban species of small mammals, large mammals, amphibians, and birds that one would expect to find locally in a developed area such as this. The list of species includes mice, voles, shrews, squirrels, chipmunks, otters, mink, wild turkey, white-tailed deer, raccoons, frogs, snapping turtle, owl, ruffed grouse, grosbeak, and finches.

13. 6.5 DISCHARGE AND RUNOFF

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d) flooding upstream or downstream of the location site will not be significantly increased;
- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion: The applicant proposes to meet the Town's requirement for zero increase in runoff by collecting the runoff from the proposed roof and driveway surfaces. The Commission finds the site plan provides a stormwater detention system composed of 128 linear feet of concrete a galleys installed within a crushed stone reservoir. The Westport Engineering Department's memo stated, "The storm water drainage system as depicted on the plans substantially complies with the Town of Westport Engineering Department Drainage Standards."

The subsurface soil testing was observed by the Engineering Department in preparation for the former application. Test pit data compiled in 2014 is shown on Sheet 2of 2 of the Site Plan and indicates a relatively shallow depth to ledge on the parcel in some areas.

Grading of the parcel for the individual home construction will be extensive and is compounded by the shallow depth to ledge in some locations. A proposed cut of approximately eight feet (~8') is shown along the northeast corner of the lot. Additional grading occurs on Lot C as part of the subdivision approval under permit #AA, WPL/E-10637-18. Additional information will be provided for Lot C when the applicant seeks a separate approval for the development of that lot. The Westport Engineering

Department's memo stated "The proposed grading as depicted on the plans substantially complies with the town of Westport Zoning Regulations, Sec. 32-8: Excavation and Filling of Land."

To protect a wetland system from adverse impacts, pollutants need to be controlled at their source to the maximum extent feasible. Staff recommends the use of the maximum percentage of pervious surfaces and the encouragement of surface sheet flow for maximum biofiltration and infiltration opportunity in keeping with Low Impact Development design concepts and the natural hydrologic cycle of the parcel and also due to the shallow depth to ledge. Currently all drainage proposals utilize subsurface infiltration.

The proposed driveway is assumed to be of conventional asphalt construction. Given that the driveway is sloped, it may not be wise to utilize a pervious design.

Permit #IWW, WPL/E-10637-18, listed the following Special Condition of Approval:

"20. The "Site Development Plan" Sheet 2 of 2 dated 11/12/18 by Richard Bennett & Associates, LLC shall be amended to show a bioswale for the driveway serving Lot A."

A bioswale is depicted on the plan along the proposed southern limit of driveway. The swale runs along the entire width of the northern property boundary. A detail for the proposed bioswale is provided on the "Construction Notes and Details". The swale will be constructed with a 4' width and 6" depth. The ground surface of the swale will be reinforced with erosion control blanketing. The driveway will have a 2% pitch towards the bioswale to drain stormwater runoff. The southern side of the bioswale will be fortified with a retaining wall with a height of 6'. The Commission will require that the bioswale be implemented as shown on the site plan.

14. 6.6 RECREATIONAL AND PUBLIC USES

- a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
- b) navigable channels and or small craft navigation will not be obstructed;
- c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
- d) wetlands and watercourses held in public trust will not be adversely affected.

The Commission finds the proposed activities will not significantly impact recreational and public uses.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL/E 11691-23
16 Fresenius Road, Lot B
Assessor's Map: F09, Tax Lot: 098
Date of Resolution: March 15, 2023

Project Description: To construct a new single family residence, driveway, porch, deck, and retaining walls. Portions of the work are within the upland review area setbacks.

Owner of Record: Paul Richter

Applicant: Bryan Nesteriak of 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-11691-23** 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.

SPECIAL CONDITIONS OF APPROVAL

16. Conformance to the plans entitled:
 - a. **Improvement Location Survey** prepared for Patricia Colgan Davis, 16 Fresenius Road, Westport, Connecticut, Prepared by Land Surveying Services LLC, dated February 19, 2021 and amended September 21, 2021, Scale: 1" = 40'.
 - b. **Proposed Site Development Plan** of 16 Fresenius Road, Lot B, Westport, CT, prepared for Paul Richter, prepared by B&B Engineering, dated February 3, 2023, revised March 13, 2023, Scale: 1" = 20', Sheet 1 of 2.
 - c. **Construction Notes and Details** of 16 Fresenius Road, Lot B, Westport, CT, prepared for Paul Richter, prepared by B&B Engineering, dated February 3, 2023, revised March 13, 2023, Scale: As Noted, Sheet 2 of 2.
 - d. **Architecturals**, Drawings Prepared for Lot B Fresenius LLC, c/o Paul Richter, 16 Fresenius Rd, Lot B, Westport, CT., Scale ¼" = 1'-0"
 - i. **Proposed Elevations** Sheet A-101 1 of 4
 - ii. **First Floor Plan** Sheet A-102 2 of 4
 - iii. **Second Floor Plan** Sheet A-103 3 of 4
 - iv. **Foundation Plan** Sheet A-104 4 of 4

